

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



please ask for Helen Bell
direct line 0300 300 4040
date 9 June 2011

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 22 June 2011 2.00 p.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

Cllrs A Shadbolt (Chairman), P F Vickers (Vice-Chairman), P N Aldis, A R Bastable, R D Berry, D Bowater, A D Brown, Mrs C F Chapman MBE, Mrs S Clark, I Dalgarno, Mrs R J Drinkwater, Mrs R B Gammons, K Janes, D Jones, Ms C Maudlin, T Nicols, I Shingler and J N Young

[Named Substitutes:

L Birt, P A Duckett, C C Gomm, R W Johnstone, K C Matthews, J Murray, B Saunders, B J Spurr and P Williams]

All other Members of the Council - on request

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

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 25 May 2011

(previously circulated)

4. **Members' Interests**

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

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

5. **Petitions**

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

6. **Disclosure of Exempt Information**

To consider proposals, if any, to deal with any item likely to involve disclosure of exempt information as defined in the relevant paragraph(s) of Part I of Schedule 12A of the Local Government Act 1972 prior to the exclusion of the press and public.

REPORT

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

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

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal

Item	Subject	Page Nos.
8	Planning Application No.CB/11/00235/FULL	* 15 - 28

Address: The Grove, Barton Road, Pulloxhill

Erection of marquee for weddings and corporate events.

Applicant: Mr Nazir

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
9	Planning Application No. CB/11/01301/FULL	* 29 - 46

Address: Plots 2, 2A, 3 Woodside Caravan park, Hatch, Sandy

Change of use of land to use as a small private gypsy site for 3 families comprising of 10 caravans and associated ancillary development.

Applicant: Mr J Smith

Schedule C - Any Other Applications
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Item	Subject	Page Nos.
14	<p>Planning Application No. CB/10/04491/FULL</p> <p>Address: Land to the rear of 1 and 2 Church Walk, Marston Moretaine.</p> <p style="padding-left: 40px;">Proposed development of 2 detached bungalows. Re- submission CB/10/02840/FULL.</p> <p>Applicant: Mr Rossiter</p>	* 103 - 116
15	<p>Planning Application No. CB/11/01430</p> <p>Address: The Paddocks, Springfield Road, Eaton Bray, Dunstable</p> <p style="padding-left: 40px;">Change of use from builders yard to all weather riding arena and construction of stables.</p> <p>Applicant: Mr K Janes</p>	* 117 - 128
16	<p>Planning Application No. CB/11/01147/FULL</p> <p>Address: 23 Eisenhower Road, Shefford</p> <p style="padding-left: 40px;">Side double storey extension.</p> <p>Applicant: Mr Joel Peyton</p>	* 129 - 134
17	<p>Site Inspection Appointment(s)</p> <p>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 20 July 2011 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.</p> <p>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.</p>	

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Agenda Item: 7

Meeting: Development Management Committee

Date: 22nd June 2011

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

Report of: Director of Sustainable Communities

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

Contact Officer: Sue Cawthra (Tel: 0300 300 4369)

Public/Exempt: Public

Wards Affected: All

Function of: Council

RECOMMENDATIONS:

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken**

Background

- (a)** This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
- (b)** The list briefly describes the breach of planning control, dates of action and further action proposed.
- (c)** Members will be automatically notified by e-mail of planning enforcement cases within their Wards when a new case is opened and when a breach of planning control is confirmed. For further details of particular cases please contact Sue Cawthra on 0300 300 4369.

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing enforcement action.

Financial:

None

Legal:

None

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

Appendices:

Appendix A – (Planning Enforcement Formal Action Spreadsheet)

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

Planning Enforcement formal action (DM Committee 22nd June 2011)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1 CB/ENC/09/1015 Case closed	Land south of Pond Farmhouse, 7 High Street, Pulloxhill	Enforcement Notice - unauthorised carrying out of engineering operations and works consisting of excavation of site.	30-Nov-09	11-Jan-10	10-Feb-10	Appeal dismissed	27-Feb-11	Complied	
2 CB/ENC/09/1304	Land To The Rear Of 153, Biggleswade Road, Upper Caldecote	Unauthorised buildings and structures on agricultural land.	13-Apr-10	11-May-10	varied			Part complied , Buildings removed	Planning application for paddock use & stables granted CB/10/03390/full. Assess whether further action required
3 CB/ENC/09/1355	2 Blackbird Street, Potton	Enforcement Notice, extension & alteration to roof & wall	13-Sep-10	11-Oct-10	12-Dec-10			Not complied	Discuss with Legal for further action
4 CB/ENC/09/1378	Long Yard, Dunstable Road, Studham	Enforcement Notice - Residential use of barn	4-Jan-10	1-Feb-10	2-May-10				Planning application received, CB/10/00783. Await decision. S106 being negotiated
5 CB/ENC/10/0068	Land at The Haven, Castle Hill Road, Totterhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal dismissed	3-May-11	Part complied , container moved	Assess for further action
6 CB/ENC/10/0236	Land and buildings at 27 Maulden Road, Flitwick MK45 5BL	Enforcement Notice - change of use of the land from residential to mixed use for residential and business purposes	04-Feb-11	04-Mar-11	01-Apr-11	Appeal received 21/2/11			Await outcome of appeal.
7 CB/ENC/10/0382	Land at St Marys House, Everton Road Sandy.SG192YQ	Enforcement Notice, change of use to mixed use for residential and business use for swimming lessons to persons not resident on the land.	13-Dec-10	10-Jan-11	14-Feb-11				Informed that use will cease after 30/7/11. Check compliance after July 2011
8 CB/ENC/10/0398	The Wheatsheaf, Aspley Guise	Enforcement Notice - Change of use of the Land from a Public House to a mixed use as a Public House and caravan and camp site.	16-Mar-11	13-Apr-11	11-May-11			Complied	Case to be closed

Planning Enforcement formal action (DM Committee 22nd June 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	CB/ENC/10/0582	A5 roundabout, Woburn Road, Heath and Reach Case closed	Unauthorised advertisement						Eventually removed 21/4/11	Prosecution and fine. Breach now resolved
10	CB/ENC/10/0657	Land at 24 London Road, Sandy. SG19 1EX	Enforcement Notice - the erection of a timber climbing frame with raised platform	21-Jan-11	18-Feb-11	18-Mar-11			Not complied	Raised platform to be removed by 19/6/11
11	CB/ENC/11/0060	Land at Oak Barn, Little Park Farm, Station Road, Ampthill, Bedford MK45 2RE	Enforcement Notice - construction of a detached building and an area of hardstanding	10-Mar-11	07-Apr-11	Various - up to 7/10/11	Appeal received 7-April-11			Await outcome of appeal.
12	MB/ENC/05/0178	Land at Maulden Garden Centre, Water End, Maulden	Enforcement Notice - change of use from nursery to garden centre, construction of 6 buildings, siting of mobile home.	9-Apr-09	9-May-09	9-Nov-09	Appeal received 7-May-09		Some details approved, further details received.	Appeal decision received. Enforcement Notice varied & part upheld. Planning permission granted (part) with conditions. Conditions being monitored
13	MB/ENC/06/0078	Tythe Barn, Wood End, Tingrith	Change of use of land to retail sales & 2 timber showrooms	19-May-08	19-Jun-08	20-May-09	Appeal withdrawn, compliance period extended		Part complied	1 cabin removed, 2nd cabin moved but remains on site. Assess for further action
14	MB/ENC/07/0085-	Woodview Nurseries, Shefford Rd, Meppershall	Mobile home & conservatory	21-Jan-08	19-Feb-08	19-Aug-08	Appeal dismissed, Notice upheld	3-May-10	Not complied. Court Hearing March 2011 - prosecution and fine	Further action for non compliance
15	MB/ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Not complied	Offender did not attend Court. Hearing adjourned
16	MB/ENC/08/0372	Dingley Dell, Toddington Road, Westoning, Bedford	Enforcement Notice. Unauthorised restaurant building and farm shop building	16-Jul-10	13-Aug-10	8-Oct-10			Planning permission granted	Check compliance with conditions

Planning Enforcement formal action (DM Committee 22nd June 2011)

17	MB/ENC/09/0034	Land at Whitsundales Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Jan-10	various up to 17-Apr-10	Appeal received 12/01/2010	To be agreed	Hearing held jointly with planning appeals 10th to 11th August 2010	Appeal decision 27/8/10. Appeals dismissed, Enforcement Notices upheld, compliance periods to be monitored up to Oct 2011
	ENFORCEMENT CASE NO.	LOCATION	BREACH	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	SB/ENC/07/0012	Land rear of Packhorse Place, Watling Street, Kensworth	Change of use of land for the parking of vehicles	5-Dec-07	01 Jan 2008 & 26 Feb 2008	21-Jan-08	28 Jul 2009 & 28 Sep 2009	Appeal dismissed but compliance periods extended.	No further action at present.
19	SB/ENF/04/0002 SB/ENF/04/0003 SB/ENF/04/0004 SB/ENF/04/0005	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes, & hardcore & fencing.	10-Feb-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - Subject to Legal challenge to be heard July 2011
20	SB/ENF/04/0007 SB/ENF/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of building for residential purposes, laying of hardcore, mobile home & storage of materials	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & S106 Agreement approved, 2 years for compliance.	New planning applications withdrawn. Discuss with Legal re S106 agreement.
21	SB/ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld. Not complied	Further information to Legal to commence prosecution after further site visit.
22	SB/ENF/05/0007	Long Yard, Dunstable Road, Studham	Unauthorised stationing of mobile home for residential use	1-Sep-05	1-Dec-05	28-Sep-05	28-Dec-05	Appeal dismissed & enforcement notice upheld	Planning application received, CB/10/00783. Await decision. S106 being negotiated
23	SB/ENF/07/0006 SB/ENF/07/0007 SB/ENF/07/0008	Dunedin, Harlington Road, Toddington	Change of use to bedsit accommodation, erection of building & extensions, non compliance with Condition 2 of SB/TP/98/0838	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed, compliance extended to 9/1/09. Not complied	Further evidence sent to Legal April 2011 to commence prosecution. 1st Court Hearing June 2011
24	CB/ENC/10/0449	Land at Dunedin, Harlington Road, Toddington	Enforcement Notice, change of use of land to the stationing of mobile homes, touring caravans and trailer tent	7-Sep-10	2-Nov-10			Not complied	Further evidence sent to Legal April 2011 to commence prosecution. 1st Court Hearing June 2011
25	SB/ENF/08/0003	Bury Spinney, Thorn Road, Houghton Regis	Use of offices for residential purposes	4-Apr-08	2-May-09	7-May-08	22-Jul-09	Appeal dismissed but compliance period extended to 6 months. Not complied	Further prosecution April 2011. Check compliance

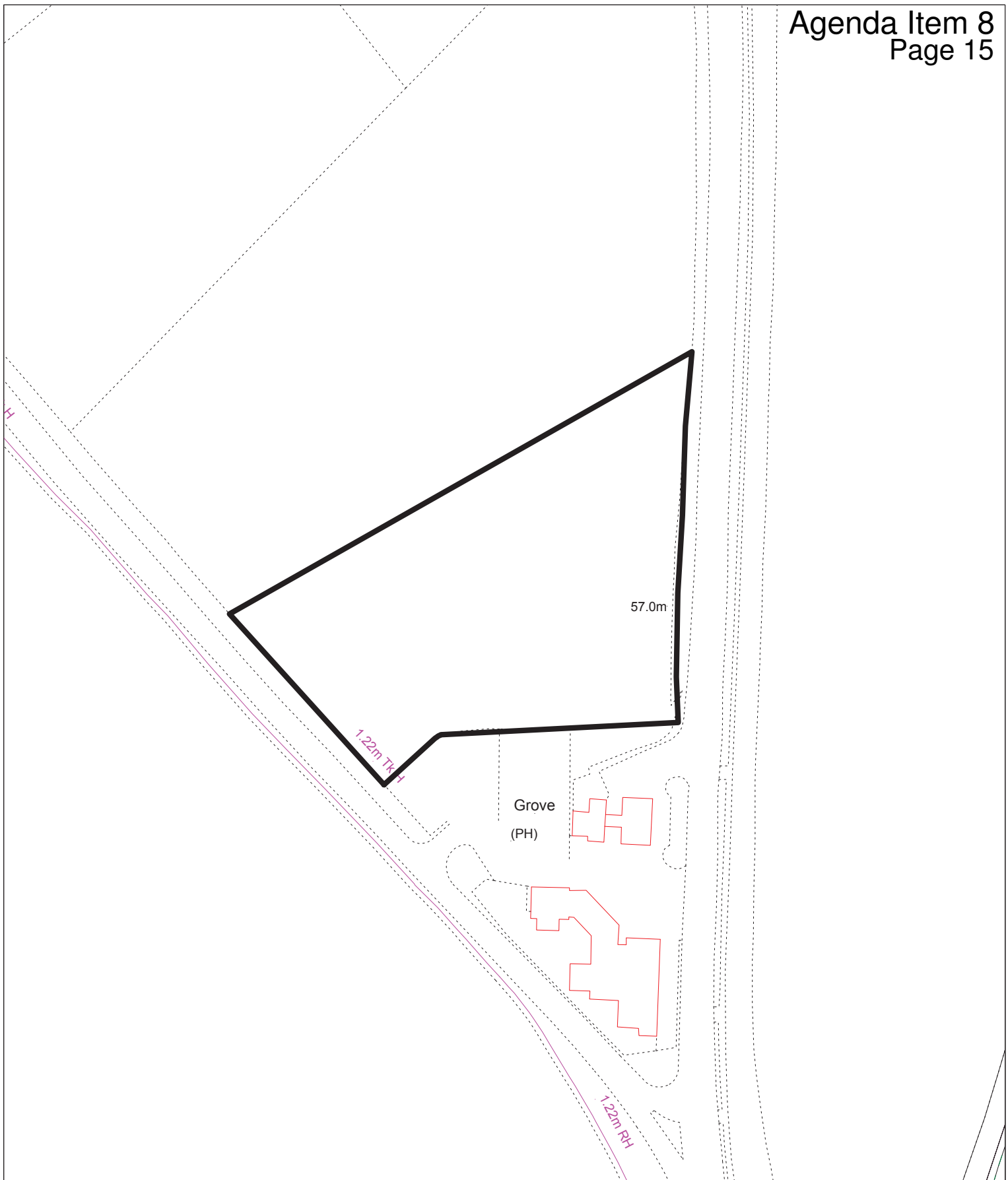
Planning Enforcement formal action (DM Committee 22nd June 2011)

	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	4-Sep-09	Appeal part dismissed. Not complied.	Further Court Hearing August 2011
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
26										
27	SB/PCN/08/0011	Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton	2 Enforcement Notices - construction of hardstanding & change of use to airport parking & business use.	30-Nov-09	11-Jan-10	Varied	Appeal dismissed	31-Dec-10	Appeal dismissed, Enforcement Notice upheld. Part complied	To be assessed for further action
28	CB/ENC/10/0644	Land adjoining Woodside Farm and Wild Fowl Park, Mancroft Road, Aley Green, Luton. LU1 4DG	Enforcement Notice - change of use of land from residential garden to use as a car park for non-residential purposes.	18-Jan-11	15-Feb-11	22/02/11 and 22/03/11			Not complied	To be assessed for further action
29	CB/ENC/10/0126 Case closed	Land adjoining Woodside Farm and Wild Fowl Park, Mancroft Road, Aley Green, Luton. LU1 4DG	Unauthorised advertisements						Adverts removed	

Planning Enforcement formal action (DM Committee 22nd June 2011)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	Former Fullers Earth Quarry, Clophill	Enforcement Notice - Failure to provide various parts of the approved restoration scheme(itemised a) - l)) (including unimpeded use of part of land as public amenity by the public) and complete within the prescribed timeframe	2-Feb-11	17-Mar-11	Depends on requirement of each item Varies 3 - 8 months	YES Public Inquiry 25 Oct 2011			The new Enforcement Notice was supported by detailed plan of lake as built and comprehensive Annex setting out the nature and scale of the required works. The appeal is on the grounds(a) (b)(c)(f) and (g) The Statements of Case have been exchanged. The date for the inquiry by PINS is 25 October 2011. It is timetabled to last 3 days.

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/11/00235/Full
	Date: 07:June:2011	
	Map Sheet No	

Scale: 1:1250	The Grove, Barton Road, Pulloxhill
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Item No. 8

APPLICATION NUMBER	CB/11/00235/FULL
LOCATION	The Grove, Barton Road, Pulloxhill, Bedford, MK45 5HR
PROPOSAL	Full: Erection of marquee for Weddings and Corporate Events
PARISH	Pulloxhill
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Vicki Davies
DATE REGISTERED	28 January 2011
EXPIRY DATE	25 March 2011
APPLICANT	Mr Nazir
AGENT	ATK Designs
REASON FOR COMMITTEE TO DETERMINE	Public Interest
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site is located to the rear of The Grove Public House, previously known as Speed the Plough, on the western side of the A6. The site is within the Parish of Pulloxhill but is only 650 metres from the northern edge of Barton-le-Clay. The application site consists of an area of unused land to the rear of the pub.

The site is outside any settlement envelope and therefore is in the open countryside for the purposes of planning. The site is outside of the Green Belt however the land on the opposite side of Barton Road is within the Green Belt.

The Application:

The application seeks consent for the erection of a marquee for weddings and corporate events. The application sets out that the marquee would only be erected between April and October each year. The marquee would also be taken down when there is a gap between events. The marquee would measure 12m by 18m and would be 5.5 metres at its highest point. The pub would be used to provide catering for the marquee as well as additional space. The application sets out that the pub would be closed to the public when the marquee was being used for events. The proposal includes an additional 17 car parking spaces adjacent to the marquee.

RELEVANT POLICIES:

National Policies (PPM & PPS)

- PPS1: Delivering Sustainable Development
- PPS4: Planning for Sustainable Economic Growth
- PPS7: Sustainable Development in Rural Areas

PPG13: Transport
PPG24: Planning and Noise

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

ENV7: Quality in the Built Environment

Bedford shire Structure Plan 2011

No relevant policies

**Central Bedford shire Council (North) Core Strategy and Development
Management Policies**

CS11: Rural Economy and Tourism
CS14: High Quality Development
DM3: High Quality Development
DM4: Development within and beyond Settlement Envelopes

Supplementary Planning Guidance

Design in Central Bedford shire: A Guide for Development

Planning History

CB/09/06223/FULL	Erection of 2m high earth bank (part retrospective). Approved 2/12/09
CB/09/00936/FULL	Change of Use of land to overspill car parking for The Grove Public House and formation of 2m high earth bank (part retrospective) Refused 27/8/09
MB/07/02083/FULL	Two storey and single storey extensions and internal alterations to provide public house with restaurant facilities, childrens play areas, formation of additional car parking and alterations to vehicular access. Approved 17/4/08

**Representations:
(Parish & Neighbours)**

Pulloxhill P C	No objections in principle to this application. However, the Council does have a number of concerns that it would wish addressed and possible conditions to be attached to the development. <ol style="list-style-type: none">1. That there should be no additional access from Barton Road to the site. These premises already cause a danger to traffic by loading and unloading close to the junction, and further access would only make this problem worse.2. That there should be more planting and landscaping around the site to hide the erection from general view.3. That the permission should be explicitly for temporary erection and clearly specify the periods and durations for which erection is allowed.
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4. It is noted that there is no request for additional outside lighting as part of the application, although late night use may occur.
Any such application or installation should take affects on traffic into account.
5. It is not clear how 17 new parking spaces will accommodate 200 additional clients. Any permission should consider parking restrictions and the dangers of parking on either Barton Road or the A6, both of which are only subject to national speed restrictions and carry fast moving traffic.

Barton P C

Objection on the following grounds.

- Traffic to and from the site - concern that people will ignore the no right turn into Barton Road travelling from the north, the junction is already hazardous, queuing traffic on Barton Road, highway safety issues
- Site Parking - insufficient level of parking on the site would lead to on-street parking causing hazards and traffic flow problems
- Noise - events would lead to disturbance for residents of Barton by reason of music and additional traffic leaving the venue
- Existing Venues in the Area - Barton already has three halls which could accommodate corporate events and weddings, plus licensed premises. Wrest Park, Silsoe is nearby and has up-market facilities.
- Green Belt and Rural Location - the site is immediately adjacent to the Green Belt and it is considered that a large marquee would be detrimental to the Green Belt and wider rural location.

The Parish Council expand on the above points in detail and suggest conditions if the Council is minded to approve restricting the consent to 2 years, the number of people which can be accommodated in the marquee, visibility splays, access between car park and forecourt should be stopped up, grass area should remain as such, no wedding ceremonies or religious ceremonies should be permitted, the use should be limited to 2 events per week between April and October, hours of use should be limited to 10.00-23.00 and licensing arrangements should be clarified.

Neighbours

One petition has been received against the application containing 462 signatures objecting to the building of an Islamic wedding facility/mosque at the Grove public house. A further petition against the proposal has been received containing 99 signatures objecting to the proposal on the grounds of highway safety.

One petition has been received in favour of the application containing 117 signatures.

58 individual letters of objection have been received and 3 letters making comments on the application.

The objections received are on the following basis:

Highways & Parking

- the junction is already dangerous and additional traffic would make it worse
- there have been a number of accidents at the Barton Road/A6 junction
- concern that parking would be insufficient
- events would cause traffic congestion
- traffic passing through Barton would increase
- insufficient parking within the site would lead to on-street parking
- queuing traffic on A6 due to the car wash
- people driving hired super cars in a dangerous manner

Pollution

- noise from functions would impact on residents
- sleep disturbance due to noise
- health impacts of noise
- impact of noise of wildlife
- noise level in the area is already only just bearable
- litter

Other Issues

- the venue does not have a license to sell alcohol
- the venue does not have a license to host weddings
- there are already venues within Barton which would be suitable
- the venue would not serve the people of Barton
- no need for an additional venue
- previous planning permissions have been refused on the site
- impact on the Green Belt
- impact on the countryside
- loss of wildlife habitat
- precedent for future development
- Barton already has to put up with enough and there are two additional gypsy sites proposed
- lack of public consultation

A number of objections also raised the issue that people believe that the marquee will be used as a mosque or could be used as a mosque in the future.

Consultations/Publicity responses

Tree and Landscape Officer An important landscape feature consisting of a native hedgerow runs along the eastern boundary of the application site which should be safeguarded. The marquee and associated pathways appear to be close to the hedgerow which would encroach on the hedgerow and reduce its effectiveness as a screen. The officer is also concerned about soil bunds constructed along the hedgerow and the potential loss of trees. The officer

concludes that an objection should be made to the application on the basis that the hedgerow should be maintained in an undisturbed state with sufficient space allowed for remediation works and planting.

Public Protection

No objection - the applicant will need to apply for a public entertainment licence before any events are held in the venue

Highways Development Control

The officer has assessed the proposal very carefully and there are some issues regarding not only the proposal but also the site. Some of these issues can be addressed with the inclusion of a condition if planning permission is to be issued, some need to be addressed by other means. In no particular order:

- The submitted red line plan does not correspond with the submitted layout plan (drawing no. atk/11/NN/tp1).
- The applicant has stated that the access taken from the A6 will be closed/not used. The adjacent garage has a right of way across this access and as such closure at the highway/site boundary will not be possible. However the access can be closed mid-way into the site, where the extent of the right of way ceases. This closure would have to be a permanent fixture (a painted no entry sign will not be acceptable as existing) for which details would need to be submitted and approved by the Local Planning Authority.
- The applicant states there are 41 existing parking spaces, although this amount is not indicated on the submitted plan. A correct plan will be required showing the existing 41 spaces, the proposed 17 parking spaces and an overflow (grasscrete) parking area. This can be dealt with by a condition.
- Parking and turning should be provided within the site for a stretched vehicle. This area should be kept free of all obstruction at all times. A drawing showing the tracking diagram of this type of vehicle, using the turning area should be submitted and approved by the Local Planning Authority. This can be dealt with by a condition.
- The site should have, under a previous planning permission, cycle parking provision. This can be dealt with by enforcement action.
- The location of the refuse collection point differs from that agreed in a previous permission. The original location allowed the refuse vehicle to enter the site, make the collection and leave the site in forward gear. The 'new' location means the refuse vehicle has to stop in the highway to make the collection, which is not acceptable close to the junction and considering provision was made originally for the refuse vehicle within the site.

- The boundary fence along Barton Road is within the public highway and obscures visibility from the access. This can be dealt with by a condition.
- The blue line plan is incorrect and there are multiple encroachments into the highway, including part of the existing building. The area of highway where the building exists will be required to be 'stopped up' the remaining encroachments will be required to be removed under the provision of the Highways Act 1980. The encroachments include the sign at the junction, planters along the A6 and fencing and other objects along Barton Road.

As submitted the officer sets out that she can not accurately assess the proposal as the submitted plan is incorrect.

Archaeology

The proposed development lies in an area of surviving ridge and furrow earthworks, it is an archaeologically sensitive area and a locally identified heritage asset.

Ridge and furrow earthworks are the characteristic remains of medieval; open field agriculture in Bedfordshire. In this case the ridge and furrow belongs to the open fields of Pulloxhill. Such earthworks were once a common feature of the Bedfordshire landscape but agricultural practices since the 1940's have severely eroded the county's stock of this class of monument to the point that less than 4% of the original total survives.

Unfortunately, although ridge and furrow earthworks survive on the land immediately to the north, the earthworks have been destroyed by ground levelling within the application site. Therefore, the proposed development is unlikely to have a serious impact on archaeological remains or the significance of the heritage asset. Consequently, the officer has no objection to this application on archaeological grounds.

Highways Agency

Do not wish to comment

Environment Agency

Stated that their Standing Advice should be consulted

Minerals and Waste
Section

No response received

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Impact on the Amenities of Surrounding Residents
4. Highways and Parking
5. Other Issues

Considerations

1. Principle of Development

The boundary of the Green Belt in this area is demarcated by Barton Road and the application site is therefore outside of the Green Belt.

The site is outside of any settlement envelope and is therefore for planning purposes in the open countryside. PPS4 sets out that the countryside should be protected for the benefit of all. The PPS continues stating that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. It also states that in rural areas, local planning authorities should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans.

The supporting text to Core Strategy DM4 sets out that, outside settlements where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance.

A previous planning application to extend the car park for the public house was refused on the basis that it would extend into the countryside and would adversely effect the character of the area.

A marquee could be erected under permitted development rights for a period of 28 days in any one calendar year without the need for planning permission. The application seeks consent for the marquee to be erected for significantly longer than 28 days and includes additional car parking.

Overall it is considered that the proposal would be contrary to countryside policies set out in PPS4 and Core Strategy policy DM4. The development would extend beyond the existing developed area and into the countryside.

2. Impact on the Character and Appearance of the Area

Core Strategy policy DM3 sets out that new development should be appropriate in terms of scale and design to their setting and contribute positively to creating a sense of place and respect local distinctiveness.

The marquee would be fairly large but next to the existing public house and hand car wash would not be out of scale to the existing development. It is however considered that the proposal would have any adverse impact on the openness of the countryside contrary to policy DM3. The marquee would alter the appearance of a currently open area to the detriment of the character of the area. The application site is distinctive due to its openness and countryside character which would be lost, albeit for only part of a year.

The Tree and Landscape Officer considers that the application should be refused due to the potential impact it would have on the native hedgerow along the A6 and the adverse effect this would have on the appearance of the area. It is considered that further planting to strengthen and reinforce the hedgerow could be undertaken however the loss of the hedgerow would have a significant adverse impact on the area.

A previous planning application for car parking on the application site was refused on the basis that the proposed change of use of agricultural land to overspill staff parking would result in an unjustifiable over provision of parking and unacceptable loss of open countryside which should be protected for its own sake. The proposed change of use by nature of its location in the open countryside, would have an unacceptable impact on the character and appearance of this rural area where restrictive planning policies apply. It is not considered that the policy framework has changed since this decision was made and therefore the current application would be equally contrary to countryside policies.

Overall it is considered that the proposal would be contrary to Core Strategy policy DM3.

3. Impact on the Amenities of Surrounding Residents

The application proposes a marquee for weddings and corporate events. The site is located outside of any built up area. The closest residents would be over 500 metres away to the north. The closest dwellings in Barton would be over 650m away to the south.

Core Strategy policy DM3 states that the amenities of nearby residents should be respected. There are no residential properties close enough to be adversely effected by the marquee in terms of privacy, overlooking or overbearing. A large number of residents raised concerns that noise from events in the marquee would adversely effect their amenities, ability to sleep and their health.

The applicant has advised that no amplified music or other entertainment would take place in the marquee. All amplified music would be accommodated within the public house. It is considered on this basis that the amenities of the nearby residents would be protected from unreasonable levels of noise. This matter could be controlled by condition.

Some residents raised that issue of increased traffic through Barton causing unacceptable disturbance. The main roads through Barton are well trafficked although a large amount of traffic uses the A6 which bypasses the centre of Barton. It is not considered that the proposal would give rise to a significant noticeable increase in traffic at a level to disturb residents.

Some concern has been raised that external lighting connected with the proposal would have an adverse impact on residential amenity and the local wildlife. A condition could be added to any planning permission granted requiring details of external lighting to be submitted and approved before it is installed, this would ensure that there was no adverse effects.

Overall it is not considered that the proposal would have a significant adverse impact on the amenities of nearby residents and therefore accords with the relevant part of Core Strategy policy DM3.

4. Highways and Parking

The application sets out that the access to the marquee would be via the existing site access on Barton Road. The proposal includes the provision of 17 additional car parking spaces. The marquee would be able to accommodate

200 people seated. The pub would not be available for public use when a function is being held as the function would use the marquee, public house and grounds.

Significant concerns have been raised by residents that the level of parking to be provided would be insufficient for the proposed functions and that this would lead to on-street parking. The highways officer raises concern that the submitted plans do not reflect the current level of car parking which was consented by the 2007 application. The highways officer advises that there should be 41 existing parking spaces. The application proposes an additional 17 spaces and the highways officer sets out that an additional area of reinforced grass for overflow parking would be required. These issues could be dealt with by conditions on any planning permission granted. The parking shown in the planning application is not considered sufficient however the grassed area near the marquee could be used for overflow parking when necessary. The use of the grassed area would mean there would be a satisfactory level of parking within the site and no on-street parking should occur.

The highways officer also considers that parking provision for a stretched vehicle, such as a limousine, should be provided within the site. Turning space for such a vehicle would also be required. Both these issues can be dealt with by condition.

A large number of objectors have set out that the increased use of the junction of Barton Road with the A6 would be hazardous. Objectors consider that the junction is already dangerous and increasing the traffic using it would only make the situation worse. A number of responses also raise concern that due to the level of traffic on the A6 cars will have to wait to pull out of Barton Road which would lead to queuing traffic and congestion. The highways officer has advised that the additional traffic which would use the junction would not cause an unacceptable level of congestion or hazard. The junction as it stands has sufficient capacity to cope with additional traffic.

The highways officer sets out that the application states that the access to the pub site from the A6 would be closed. In a previous application the closure of this access was required, markings have been painted on the hard surface stating no access, however this is not sufficient. The adjacent garage has a right of way across the access and as such closure at the highway/site boundary would not be possible. The access could however be closed mid-way into the site, where the extent of the right of way ceases. The closure would have to be a permanent fixture for which details would need to be submitted and approved. A number of objectors raised concern regarding the access off the A6 and the congestion with the hand car wash. The closure of the access off the A6 could be dealt with by condition. Issues surrounding the hand car wash are outside of the control of this application and will need to be considered by highways or planning enforcement as relevant.

Cycle parking should have been provided following a previous grant of consent but has not been. This issue could either be dealt with by a condition on any consent granted for this application or via enforcement action.

Refuse collection has previously taken place within the site however the application sets out that the refuse vehicle would stop on the road with the

proposed arrangement. This again is an issue which could be dealt with by attaching a condition to any planning permission granted.

The required visibility splays for the access onto Barton Road are not currently achievable as an existing boundary fence restricts views. This can be overcome by relocating the fence and can be controlled by condition.

There are wider issues which cause concern to the highways development control officer as a number of the structures and fences on the site along Barton Road and the A6 are within highway land. None of the application proposals fall within highway land and this is therefore an issue to be addressed outside of the planning application process.

The highways officer concludes that she is unable to make a proper assessment of the proposal as the location plan and site layout plan do not correspond. There does appear to be a small discrepancy between the plans but not so significant to cause a problem. If planning permission is granted a condition requiring a plan to be submitted showing the exact location of the marquee would be required before the development commenced. The marquee would be a temporary structure and could therefore be moved by a small amount if necessary.

Overall there do not appear to be any overriding highway issues which would warrant refusing planning permission. There would however be a high number of conditions which would need to be attached to any planning permission granted in order that the development could be considered acceptable.

5. Other Issues

The site is within an area of archaeological interest however the archaeologist is satisfied that any remains on the site have been destroyed by ground levelling. The proposed development is therefore unlikely to have a serious impact on archaeological remains or the significance of the heritage asset.

A number of objections have been received on the basis that the application is for a mosque or that the marquee will be turned into a mosque without the need for further consent. These concerns appear to have resulted from rumours circulating in the area. The applicant has written to the Authority, the local Parish Councils and police setting out that he has no intention of holding any kind of Islamic religious ceremonies in the marquee and certainly not for it to become a mosque. The applicant also suggests that a condition could be added to any planning permission granted stating that the marquee may only be used in conjunction with the use of the public house and not as a mosque or religious centre.

A number of letters received raise the issue that there are already a number of venues within Barton and other villages and there is therefore no need for the proposed marquee venue. Other people also suggest that the venue would not serve the people of Barton and should therefore be erected elsewhere. The applicant considers that there is sufficient need for the proposed venue and whether there is any need is not a relevant planning consideration in this situation.

Recommendation

That Planning Permission be refused subject to the following:

- 1 The proposed development would result in an unacceptable loss of open countryside which should be protected for its own sake. The proposed marquee and associated development by nature of its location in the open countryside, 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 Planning Policy Statement 4, and Core Strategy policies DM3 and DM4.

Reasons for Refusal

The proposal would not have any significant adverse impact on the amenities of nearby residents and would therefore comply with the relevant part of Core Strategy policy DM3. There are no highway safety or parking issues that cannot be resolved by conditions. The proposal complies in general terms with PPS1, PPG13 and PPG24. The proposed development would however result in an unacceptable loss of open countryside which should be protected for its own sake. The principle of the proposal is therefore unacceptable. The proposed marquee and associated development by nature of its location in the open countryside, 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 Planning Policy Statement 4, Planning Policy Statement 7 and Core Strategy policies DM3 and DM4.

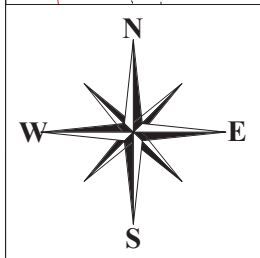
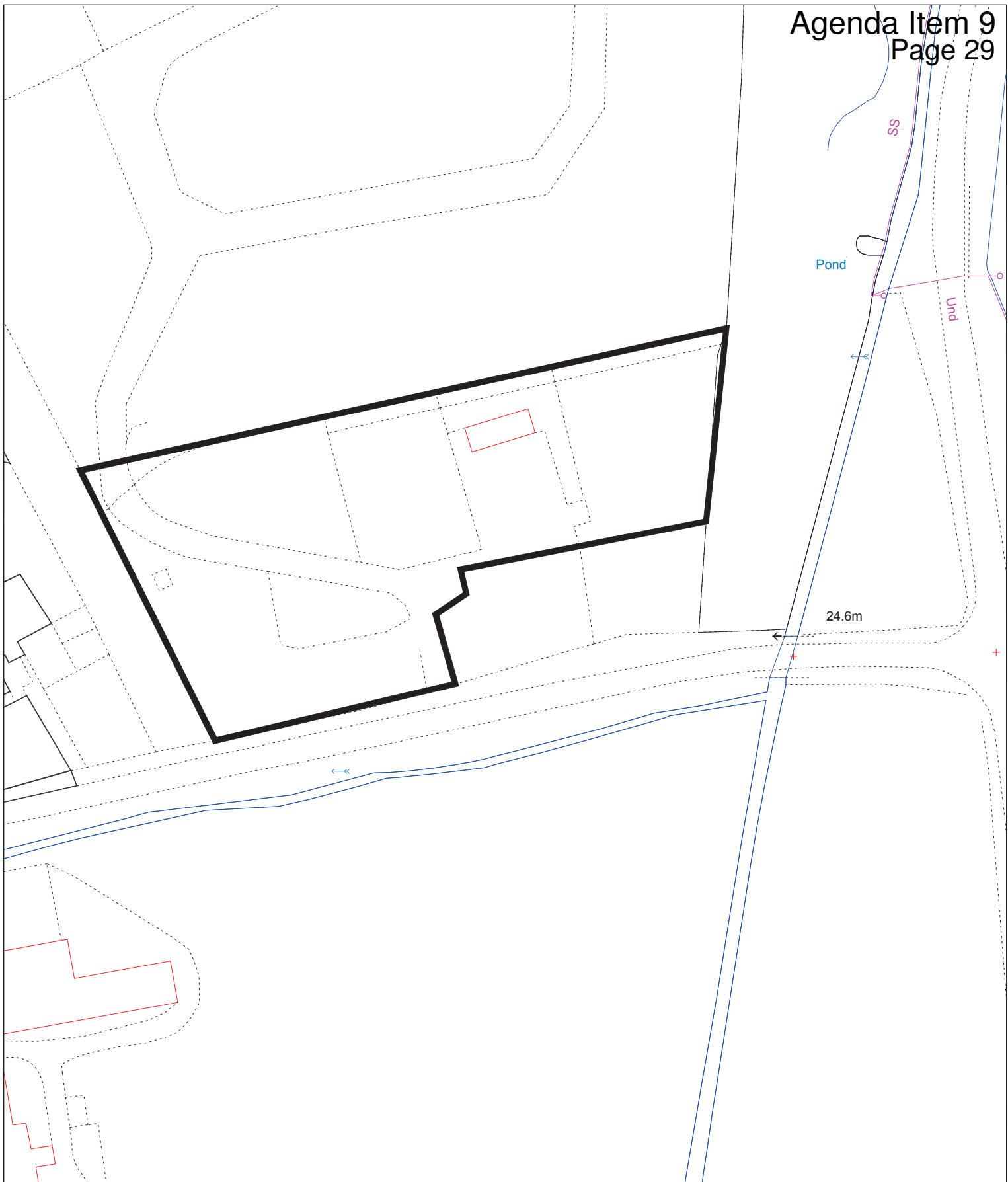
Notes to Applicant

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 07:June:2011
Grid Reference: 515880, 248037

Application No.
CB/11/01301/FULL

Scale: 1:1250

Plots 2, 2A, 3 Woodside Caravan Park, Hatch, Sandy, Beds SG19 1PT

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Item No. 9

APPLICATION NUMBER	CB/11/01301/FULL
LOCATION	Plots 2, 2A, 3 Woodside Caravan Park, Hatch, Sandy, Beds SG19 1PT
PROPOSAL	Change of use of land to use as a small private gypsy site for 3 families comprising of 10 caravans and associated ancillary development
PARISH	Northill
WARD	Northill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Vicki Davies
DATE REGISTERED	05 April 2011
EXPIRY DATE	31 May 2011
APPLICANT	Mr J Smith
AGENT	Southwest Law Ltd
REASON FOR COMMITTEE TO DETERMINE	At the request of the Ward Councillor due to the considerable public interest in the site and its use
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is located on the edge of the hamlet of Hatch, approximately 1.4 miles from Sandy, 1.3 miles from Northill and around 2 miles from Upper Caldecote and Thornecote Green. The site is located on the northern side of Thornecote Road. The site is outside of any settlement envelope and is therefore, for planning purposes, in the open countryside.

The Application:

The application seeks consent for the change of use of land to use as a small private gypsy site for 3 families comprising of 10 caravans and associated ancillary development. The site is already in use and accommodates 10 caravans for one extended family group. The site benefits from a temporary consent for use as a gypsy site for 10 caravans which expires in November 2011.

RELEVANT POLICIES:

National Policies (PPM & PPS)

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS4: Planning for Sustainable Economic Growth
- PPS7: Sustainable Development in Rural Areas
- PPS25: Development and Flood Risk

Circular 01/2006 - Planning for Gypsy and Traveller Sites

Draft Planning Policy Statement - Planning for Traveller Sites (currently out for consultation)

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

SS1 Achieving Sustainable Development
H3 Provision for Gypsies and Travellers
ENV7 Quality in the Built Environment

Bedford shire Structure Plan 2011

No relevant policies

**Central Bedford shire Council (North Area) Core Strategy and Development
Management Policies 2009**

CS1 Settlement Hierarchy
CS14 High Quality Development
DM3 High Quality Development
DM4 Development Within and Beyond Settlement Envelopes.

Mid Beds Local Plan First Review Adopted December 2005 - Saved Policies

HO12 Gypsies

Supplementary Planning Guidance

Design in Central Bedford shire: A Guide for Development

Draft Submission Gypsy and Traveller DPD

Planning History

The application site and land to the north have a long and complex planning history which is set out below. Following are those previous planning applications which are directly relevant to the application site and its occupiers.

The most recent appeal decision is appended to this report.

MB/00/00163/FULL	Retention of gypsy caravan site (retrospective) - Temporary consent granted 6 November 2006 by the Secretary of State following refusal by the Council and a dismissed appeal by the Planning Inspector which was quashed by the Court of Appeal
MB/98/00562/FULL	Residential development of 4 dwellings, garages and access and change of use to paddock. Refused 14/7/98

**Representations:
(Parish & Neighbours)**

Northill Parish Council Object - as the site was only ever a temporary one and

Sandy Town Council
Neighbours

under the DPD spaces may become available at the Magpie Farm site at Upper Caldecote. It was also felt that further pitches in this area would be out of proportion to the settled community

No comment

7 letters of objection have been received in response to the application. The objections raised as set out below:

- none of the circumstances have changed since the last appeal was determined
- development is excessive in relation to the size of the village of Hatch
- there are newly available pitches on other local sites and the application site is therefore surplus to requirements
- a lot of money has already been spend on appeals in relation to this site and the matter should be closed for good
- structures have been erected on the site to the north
- if planning permission is granted other gypsies will occupy the site
- the site is in an unsuitable location
- the application is a delaying tactic
- the site is not in the DPD as it is unsuitable and planning permission should be refused
- if planning permission is granted the site will become a mobile home park with many more residents than set out in the application
- the character of Hatch has been changed by the development
- the occupants have not made any efforts to look for an alternative site
- the development of the site has continued despite the occupiers knowing they only had temporary consent
- no planning permission has been sought for ancillary buildings or street lighting
- only one plot is occupied permanently by the owner and others are occupied by a number of other family members

Consultations/Publicity responses

Highways Development
Control

The highway issues to be considered are the site's access and on site parking and turning areas. These issues were previously considered under planning submission reference 2001/0382 when, in support of the application, a proposal indicating the access, re-grading of the ditch, on site parking and turning areas was submitted on Wormald Burrows Partnership drawing No E1425/1.

Consideration on the proposal was based on the details shown on this drawing and support give to the proposal subject to the provision of the said works.

The inspector's decision on appeal Ref

APP/J0215/A03/1113088 and noted no condition for the highway works was included. However, whilst in principle the proposal is considered acceptable, the officer has visited the site and noted the access is in need of resurfacing and therefore requests conditions to deal with this issue.

Public Protection	No comments
Community Safety	Ensure community safety issues are considered and that unauthorised pitches cannot develop alongside this site
Tree and Landscape Officer	Proposals are acceptable
Environment Agency	The site falls within Flood Risk Zone 3 but is within the operational area of the Internal Drainage Board. The IDB should therefore be consulted. The Environment Agency will seek to support the IDB in their response.
Internal Drainage Board	No objection as although the site is within Flood Risk Zone 3 the land has previously been raised to take it out of Flood Risk Zone 3 and flood compensation measures put in place.
Police Architectural Liaison Officer	No response received

Determining Issues

The main considerations of the application are;

1. Background
2. Principle of Development
3. Impact on the character and appearance of the area
4. Impact on the amenities of nearby residents
5. Highways and Flood Risk
6. Personal Circumstances and Need
7. Conclusion

Considerations

1. Background

HISTORY OF THE APPLICATION SITE

The application site was once part of a much larger piece of land. In 1990 planning permission was granted for the change of use from agricultural land to a touring caravan park subject to a number of conditions. In 1995 the Council advised the owner that they considered that the development had been commenced and that there was no need to apply to renew the consent.

In 1997 some 40 gypsy caravans occupied the site but were removed through negotiation. In 1998 Counsel advised that the 1990 consent had not been lawfully implemented as a pre-commencement condition for landscaping had not been met. The Council could not however take any enforcement action due to the advice that they had already given that the development had commenced. In the same year the new landowner made a planning application for 4 dwellings, which was withdrawn before a decision was made. Gypsy caravans

were then brought onto the application site and the larger area of land to the north. Around 27 plots were laid out despite the Council serving both Enforcement and Stop Notices. An appeal against the Enforcement Notices was dismissed.

A planning application was made in 2000 for 27 pitches which was refused and an appeal relating to 22 of the pitches was dismissed. In 2001 an application for the 3 pitches which are the subject of this application and a pitch on Plot 1 was submitted. Later in the year applications to retain 11 plots on the land to the north of the application site were refused. In 2002 appeals against the refusal of the applications for the 11 pitches were refused. An Injunction was granted at the High Court in 2002 to remove all occupants of both the application site and land to the north.

A stay was granted in relation to the application site which was pending the outcome of a planning application. The application was refused in 2003 and an enquiry was held and the appeal dismissed. The decision was later quashed by order of the Court of Appeal. A further appeal was held and consent granted for 10 caravans on 3 plots for a temporary period of 5 years pending the preparation of a Gypsy and Traveller Site Allocations document.

The appeal was allowed on the basis that the Secretary of State considered there was a general need for gypsy sites and the occupiers clearly needed a site. The Secretary of State did give consideration to whether a personal permission relating only to those occupants who were in the greatest need should be granted but determined that the degree of inter-dependence was such that it would be untenable. The Secretary of State determined that until a site allocations document for gypsy and traveller sites had been prepared it was not possible to identify a suitable alternative site for the occupants.

The current planning permission for the site expires on 6th November 2011 and the occupiers of the site will therefore be required to leave.

GYPSY & TRAVELLER SITE ALLOCATIONS DPD

A Development Plan Document (DPD) setting out the location of new pitches for Gypsies and Travellers in the north area (old Mid Beds District) has been in preparation for some years. The DPD has now been submitted to the Secretary of State and will be the subject of an examination in public to be held later this year (depending on the Planning Inspectorates timetable). The DPD includes 23 additional pitches, some by the expansion of existing sites and some by providing new sites.

The northern area of Central Bedfordshire needs to provide 20 pitches between 2006 and 2011, a further 10 pitches need to be provided 2011 to 2016 (using the 3% compound growth rate). A total of 30 pitches therefore needs to be provided by 2016. Three pitches have recently been granted consent, leaving 27 pitches to be provided.

The DPD only includes 23 pitches which leaves 4 pitches still to be provided in order for the target to be met. There is no suggestion in the DPD as to where the additional 4 pitches would be provided. The additional pitches will therefore need to be provided through planning applications such as this one.

The current temporary consent was granted in order that the Authority had time to prepare the DPD and identify where the existing residents of the application site could move to. The DPD identifies 2 sites which could provide 3 plots on the same site which is important to the family grouping of the applicants.

The DPD as submitted does not include the application site as an allocation however it was considered for inclusion and the process surrounding this matter is as follows.

December 2006 – Mid Bedford shire District Council invited landowners and Gypsies and Travellers to submit potential new Gypsy and Traveller sites for consideration. Those wishing to submit land had six weeks in which to complete a submission form. All three residents on each pitch on Woodside Caravan Park, Hatch (Plot numbers 2, 2a & 3) submitted their site for consideration. These three pitches were collated as one, and referred to as Plots 2, 2a and 3 Woodside Caravan Park, Hatch.

March 2007 – The Issues and Options document was published for consultation, providing the opportunity to comment on 20 sites. Plots 2, 2a and 3 Woodside Caravan Park, Hatch was included in this document.

October 2007 – The Second Issues and Options document was published for consultation. During the first round of Issues and Options a number of sites that had initially been submitted to the Council for consideration were withdrawn by the promoters. As a result a second Issues and Options consultation took place.

May 2008 - At LDF Task Force on 8 May 2008, Officers recommended in their report that Plots 2, 2a & 3 of Woodside Caravan Park, Hatch should be allocated. Reasons included the realistic likelihood that the site can be delivered, little or no resources will be needed to deliver, immediately contribute 3 pitches towards the total need, prevent the displacement and consequential social/educational upheaval of 3 existing families, shops in Northill 1.3 miles away. However Members did not support the Officer recommendation. The Members decision was minuted as:

Members Decision –

Site 7: Plot 2, 2a & 3, Woodside Caravan Park, Hatch: Whilst the Planning Services Portfolio Holder supported Officers' recommendation to allocate these pitches permanently, Members determined to not take these pitches forward considering them to be an unsustainable location for continued G & T use. Members considered officers' concerns regarding the displacement of existing families to a new location but did not feel that this should override their conclusion that the location was unsustainable. Members also considered that to accept officers' recommendation would go against the Council's consistent opposition to G & T use of this site and be contrary to previous decisions where a great deal of public money had been spent defending the Council's position.

November 2008 – Preferred Options consultation. Plots 2, 2a & 3, Woodside Caravan Park, Hatch was not shortlisted and therefore was not included in this consultation.

February 2009 – The DPD process was put on hold by Members to await the outcome of the East of England Single Issue Review EIP and for a further site search undertaken.

December 2009 – Members of Task Force and subsequent Overview and Scrutiny Committee shortlisted sites for the Preferred Sites consultation. The LDF Task Force debated Plots 2, 2a & 3, Woodside Caravan Park, Hatch.

The comments of the Task Force were mixed but they overall decided that Hatch should be allocated. Their comments were:

- Long history at Hatch, including enforcement action.
- Concerns raised about flood risk. Officers reported that the flood risk has been addressed to the satisfaction of the Environment Agency.
- Close proximity to two other large sites.
- Hatch is a very small Hamlet cannot support more pitches.
- Site is well run by present owner but concerns were raised about what would happen if he leaves.
- The Planning Inspector in his assessment of a planning application said site was not suitable.
- Concerns were about consistency of scoring system.
- Other Members stated they thought the scoring system superb and should be used countrywide
- Benefits in terms of delivery of authorising suitable existing sites rather than finding new sites.

January 2010 - At Overview and Scrutiny Members considered the sites shortlisted by Task Force and resolved to remove Hatch from the shortlist.

Following further comment by Members the Committee considered the possible elimination of any of the shortlisted sites having regard to additional information supplied by Members, officers and members of the public. Members were of the opinion that the proposed site at Woodside Caravan Park, Hatch, Sandy should be removed from the shortlist of recommended sites but, in the absence of further questions or comments from members of the Committee, the remainder should be recommended to the Portfolio Holder for Sustainable Development for adoption. RESOLVED that the following be deleted from the shortlist of possible sites for Gypsy and Traveller accommodation, as submitted by the Development Strategy Task Force, for the reasons given:

a) Woodside Caravan Park, Hatch, Sandy

A number of planning applications for this site have been refused previously by the planning inspectorate, which has ruled on a number of occasions that permanent planning permission for a Gypsy and Traveller site in this location is not appropriate. Temporary planning permission was granted by the Secretary of State on the basis that it does not set a precedent and is based on the personal circumstances of the site owner. The Sustainable Communities Overview and Scrutiny Committee therefore, did not feel it was appropriate to recommend a site which, on these occasions, had quite clearly been identified by the planning inspectorate as inappropriate for a Gypsy and Traveller site.

February 2010 - The Head of Development Planning and Housing Strategy drew the following Overview and Scrutiny Committee's attention to two letters received from South West Law (dated 20 January and 5 February 2010), copies of which had been circulated to all Members of the Committee. The Chairman referred to a request by the letters' author for the Committee to reconsider the allocation of Woodside Caravan Park, Hatch, Sandy. At the suggestion of the Head of Development Planning and Housing Strategy Members reconsidered their previous decision and, following discussion, resolved to reaffirm that the proposed permanent site at Woodside Caravan Park, Hatch, Sandy be rejected for the reasons given in the resolution below:

Resolved that the Committee reaffirms its decision to reject the proposed permanent site at Woodside Caravan Park, Hatch, Sandy in light of former Planning Inspectors' previous decisions and the availability of more suitable sites elsewhere.

December 2010 to February 2011 - Draft Submission consultation undertaken.

There is a significant difference between the matters considered by the LDF team when assessing potential sites for allocation and those considered when determining a planning application. When assessing sites for allocation officers and members need to ensure that the site accords with the relevant national and local policies only. When determining a planning application officers and members need to not only consider policy but other material considerations including those of need for sites and personal circumstances. The determination of a planning application is also informed by consultation responses.

2. Principle of Development

The application site is within the open countryside where development should be restricted in order to protect the countryside for its own sake. Circular 01/2006 states that rural settings, where not subject to special planning constraints, are acceptable in principle. The draft Planning Policy Statement for Gypsies and Travellers, which is currently out for consultation, reiterates that some rural areas may be acceptable for some forms of traveller sites. The Secretary of State in determining the most recent appeal set out that she accepted that three previous Inspectors had considered that a small scale gypsy site would be acceptable in this location.

The officers report on the last planning application in 2001 stated "*it is a matter of fact however that two appeal Inspectors and more recently the Secretary of State have not accepted these arguments. These are significant material considerations and in giving them due weight it is felt the principle of a site cannot now be opposed.*"

The Inspector in determining the most recent appeal gave weight to the personal circumstances of the occupiers of the site which contributed to the decision to grant a temporary consent. The issue of personal circumstances is discussed further below.

Mid Beds Local Plan policy HO12 is a saved policy that remains in place until the Gypsy and Traveller DPD is adopted. Policy HO12 sets out criteria against

which new gypsy sites should be judged against.

Core Strategy policy DM3 sets out the criteria new development should meet which would also include gypsy sites.

As addressed above the Gypsy and Traveller DPD has a short fall of allocated sites and there is an outstanding need for sites which cannot be met through the DPD. The need for sites therefore reflects that in principle further provision is required.

The recent Court of Appeal judgment in the CALA Homes case the judge set out that whilst the Government's aim to abolish RSSs could be a consideration in determining planning applications, development plan documents should be in general compliance with the RSS. The Gypsy and Traveller DPD has a slightly lower level of pitch allocations than proposed by the RSS. However as it is recommended that this application is approved to provide additional pitches to meet an identified need it is not considered that the proposal conflicts with the RSS.

The principle of a gypsy site in this location is considered to be acceptable providing that it meets the required criteria of the relevant policies.

Circular 01/2006 sets out that issues of sustainability are important and should not only be considered in terms of transport mode and distance from services. Such consideration should include:

- a) the promotion of peaceful and integrated co-existence between the site and the local community
- b) wider benefits of easier access to GP and other health services
- c) children attending school on a regular basis
- d) provision of a settled base that reduces the need for long-distance travelling and damage caused by unauthorised encampment; and,
- e) not locating sites in areas at high risk of flooding.

The site is within easy access of facilities, the occupiers of the site are all registered with local GPs, the children are attending school regularly and provides a settled base. The history of the site means it has not promoted a peaceful co-existence between the site and local community however none of the letters of objection make any mention of any issue with the current occupiers of the site. The application documents include letters from local residents supporting the application and setting out how the occupiers of the site integrate into the local community. One of the occupiers is employed locally demonstrating the desire to be part of the local community. The issue of flood risk is dealt with below.

The application site has been in existence for some years now and is established within the landscape as well as the local community. Although there are objections to the application none of the concerns raised relate to the integration of the site or its occupants.

3. Impact on the character and appearance of the area

Mid Beds Local Plan policy HO12 states that proposals for gypsy sites should not be detrimental to the character and appearance of the surrounding countryside and that adequate landscaping measures to mitigate any adverse

visual impact of the proposed use are capable of being carried out.

Over the years different Inspectors have taken different views on whether the application site has an adverse visual impact. Three Inspectors have taken the view that the area is capable of accommodating a small scale gypsy site without any adverse impact on the character and appearance of the area. In dealing with the most recent appeal however the Inspector and Secretary of State both took the view that the proposal has an adverse visual impact. The Inspector set out that the previous use of the land contributed to the openness of the countryside and the retention of the caravans due their colour and materials would be conspicuous within the local landscape. This he considered would have an adverse impact on the character and appearance of the countryside, appearing as an isolated, incongruous, intrusive development in the open countryside. The Secretary of State concluded that whilst the landscaping proposals would go some way to mitigating against the visual impact of the development, it would not fully achieve this and the proposal would therefore be contrary to policy HO12 (i).

Core Strategy policy DM3 states that new development should be of a scale and design appropriate to its setting and contribute positively to creating a sense of place and local distinctiveness. It is considered that 3 plots accommodating 10 caravans is appropriate in scale to the size of the site. The site is spacious and has generous areas for access, amenity land and parking.

The Council's Tree and Landscape Officer in response to the planning application submitted in 2001 stated that the proposed 10m wide landscaping belt would take a minimum of 5 years to form an effective screen. Conditions relating to landscaping on the temporary consent granted for the site were discharged in June 2007 and it is understood that it was planted soon after this and has therefore been in place for around 4 years. It is considered that the landscaping belt due to the length of time it has been in place for forms an effective screen and reduces the visual impact of the site. In addition the applicant has advised that he is willing to undertake further landscaping to the boundaries of the whole site and of the individual plots within the site.

The tops of some of the caravans, particularly the mobile homes, are visible outside of the application site. Views of the caravans are limited to some viewpoints on Thornecote Road, in particular along the access track. There are not however any viewpoints from which large areas of the site are clearly visible. It is considered that although there is some visual impact its not adverse to justify refusing planning permission.

4. Impact on the amenities of nearby residents

Core Strategy policy DM3 requires that development respects the amenities of surrounding residents.

Due to the location and siting of the caravans in relation to neighbouring properties there is no adverse impact on surrounding residents or those of the occupiers of the application site by reason of overlooking or loss of privacy.

The site has its own access and is fenced on all sides and has large areas of landscaping. The caravans are single storey and although the site has been raised to address issues of flood risk there is no adverse impact on residential

amenity.

Nor is it considered that nearby residents would be adversely effected in terms of disturbance from a residential site. Previous applications and appeals have dealt with the question of fear of crime and its impact on the amenities of local residents. None of the response to consultation received in response to this application raise the issue of fear of crime. In determining the last appeal both the Inspector and Secretary of State determined that the proposal whilst having some impact on amenity did not have a significantly adverse impact to warrant a refusal on that basis. None of the circumstances have changed with regard to residential amenity.

Some objectors raise concern that if planning permission is granted other gypsies would move onto the site. The site is owned by the applicant who makes significant efforts to ensure that the land to the north of the site is not re-occupied by other gypsies. Whilst with the current occupiers the site is well-run and secured this cannot be guaranteed if other gypsies were to live on the site. This issue suggests that if any consent is granted it should be a personal consent.

Other objectors raise concern that the number of caravans and occupiers would increase if permission were to be granted. The number of caravans could be controlled by condition, as it is by the current temporary approval, as could those people permitted to occupy the site by reason of a personal permission.

Overall it is considered that the proposal accords with the relevant part of Core Strategy policy DM3.

5. Highways & Flood Risk

The highway issues to be considered are the site's access and on site parking and turning areas. These issues were previously considered under planning submission reference MB/01/0382/FULL when in support of the application a proposal indicating the access, re-grading of the ditch, on site parking and turning areas was submitted on Wormald Burrows Partnership drawing No E1425/1.

Consideration on the proposal was based on the details shown on this drawing and support given to the proposal subject to the provision of the said works. The application was subsequently refused and the inspector's decision on appeal Ref APP/J0215/A03/1113088 did not include a condition for the highway works. Therefore whilst the proposal is considered acceptable, the highways officer has visited the site and noted the access is in need of resurfacing and therefore requests conditions to deal with this issue.

The application site falls within Flood Risk Zone 3. PPS25 sets out that highly vulnerable development, which gypsy sites are defined in PPS25 as being, should not be permitted in Flood Risk Zone 3. The last application dealt with this issue by raising the caravans and pitches so they were out of the flood risk zone and providing floodplain compensation. The Internal Drainage Board who are the responsible body for flooding in this location have stated that the required works have been undertaken and they have no objection to the proposal. Although the site technically sits within Flood Risk Zone 3 parts of the site have been raised in order that they are above the predicted flood level. The

IDB provide expert advice on flooding matters and the Authority relies on its expertise.

6. Personal Circumstances and Need

The occupants of Plot 2a are Mr Smith and Mrs Smith and their 4 children. Three of Mr & Mrs Smiths 4 children are married and have children of their own who also live on Plot 2a.

Mr Smith has a number of health issues which he visits the doctor for regularly. He is also awaiting hospital appointments for some of his health conditions.

Mrs Smith has very serious health problems and regularly attends Bedford Hospital Chest Clinic and is registered with the local doctor. She is unable to breath on her own and needs to use a nebuliser. She takes regular medication and requires constant care. Mrs Smith frequently uses a wheelchair and is unable to undertake every tasks and is helped by her daughter and daughter in laws.

One of the children who lives on Plot 3 has cerebral palsy, his walking and balance are affected and he can only walk for short distances unaided. He requires regular medical care and as a result of his condition has educational needs.

Many of the other occupiers of the site also have medical conditions which require treatment. All the occupiers are registered with local doctors practices.

All of the school age children on the site are in education. Some of the children attend local schools, others are home tutored. Home tutoring has dramatically improved the educational attainment of the children. The family are committed to ensuring the children are well educated in order that they can find employment. When the families travel the children are provided with work to do whilst they are travelling.

If planning permission were refused and the occupiers were not settled on an alternative site the education of the children would be significantly adversely effected. The provision of a settled base in order to allow children to be properly educated is a material consideration. It is accepted that not all of the children on the site attend local schools and there are not children on all of the plots. Although not all the children attend local schools they are all in education with some supported by home tutoring in conjunction with the Local Education Authority. Home tutoring cannot continue if they do not have a settled base.

Planning permission could be granted to those families with children in education to remain due to their educational needs. It is however recognised that a previous Inspector set out that it was not possible to separate the families due to the high level of interdependence.

The health needs of Mrs Smith are very serious and she is provided with significant monitoring and support from her local GPs practice and hospital. There is a significant risk to Mrs Smith's health if she had no settled base and was unable to access regular health care.

Planning permission could be granted to allow Mr and Mrs Smith to remain on

Plot 2A purely on the basis of her serious health needs. It is however recognised that she received significant help from the other family members who live on the site and a previous Inspector set out that it was not possible to separate the family due to the high level of interdependence.

The principle of considering personal need when determining planning applications for gypsy and traveller sites was set down in a legal ruling in 2001 (Basildon V SSETR). Consideration to the personal health and educational needs of site occupiers is also included in the draft PPS.

7. Conclusion

There is a long and complex history connected with the application site. Officers recommended that the site should be allocated within the DPD due to the realistic likelihood that the site can be delivered, that little or no resources will be needed to deliver, it would immediately contribute 3 pitches towards the total need and would prevent the displacement and consequential social/educational upheaval of 3 existing families. Members decided that due to the history of the site it should not be included in the DPD.

The DPD falls short of the required number of additional pitches by 4 and planning permission will need to be granted for sites which are not allocated within the DPD to address this shortfall. When assessing the site against the sustainability criteria set out in Circular 01/2006 the comments of the Members with regard to the suitability of the site are taken into account however it is the opinion of Officers that the site is sustainable and demonstrates compliance with the criteria.

The visual impact of the site has been mitigated by the landscaping belt that has been in place for around 4 years and has matured to screen the site. There remains the fact that there is some visual impact from the site as it is possible to gain some views of the caravans on the site. Nevertheless the impact is not considered to be sufficiently adverse as to warrant refusing planning permission. There is no significant adverse impact on the amenities of residential amenities. Nor are there any highways or flood risk issues which cannot be resolved by conditions.

The educational and health needs of the occupants of the site are a material consideration and both are likely to suffer significantly if planning permission is refused. It is not possible to only grant consent for those occupiers which have significant needs as other family members provide support in practical and emotional ways. It is impossible to separate the interdependence of the families and therefore consent must be granted for all the current occupiers to remain on the site due to the overriding educational and health needs.

In light of all of the material planning considerations set out above it is judged that a personal planning permission should be granted due to the sustainability of the site, compliance, at least in part, with relevant policies and the significant educational and health needs of the occupiers.

Recommendation

That Planning Permission be granted subject to the following:

- 1 This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: To limit the use of the site to gypsies and travellers.

- 2 The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants, namely: Abraham Howard (born 11/9/56), Pamela Howard (born 10/4/58), Donna Marie Howard (born 14/2/78), Leonard Smith (born 24/10/80), Marie Smith (born 12/08/85), Lennie Smith (born 1/7/47), Lydia Smith (born 16/7/44), Lucy Smith (born 5/3/86), Ellen Louise Smith (born 14/3/86), Joseph Smith (born 12/1/82), James Smith (born 26/2/76) and Corilina Smith (born 1/1/78), Billy Price (born 15/10/71) and Laura Price (born 14/12/74).

Reasons: Consent is granted on the basis of personal need and therefore the occupants of the site should be limited.

- 3 No more than 10 caravans (of which no more than 3 shall be static caravans) shall be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be stationed on Plot 2A, and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be stationed on each of Plots 2 and 3. No caravans or vehicles shall be stationed, parked or stored on Plot 1.

Reason: To control the level of development in the interests of visual and residential amenity.

- 4 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site

Reason: In order to protect the amenities of local residents

- 5 No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to protect the amenities of local residents

- 6 No additional external lighting to be installed on the site unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority, the scheme shall include the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, the lighting shall then be installed and operated in accordance with the approved scheme.

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

- 7 Within three months of planning permission being granted, the vehicular access serving the proposal shall be constructed and surfaced in a durable material to be approved in writing by the Local Planning Authority for a distance of 8.0m into the site, measured from the near side edge of the carriageway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 8 All on site parking and turning areas shown on drawing E1425/1/E shall for the duration of the development be retained for such purposes.

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

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers E1425/1/E & WCP/002/05.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would not have a significant detrimental impact upon the character and appearance of the area nor would there be any significant adverse impact on the amenities of neighbouring residents. The site occupiers have gypsy status and there is a identified need for additional pitches which cannot be met through the Gypsy and Traveller DPD. There are no highway or flood risk issues that cannot be dealt with by condition. The health and education needs of the occupiers are such that they require a settled base, this is a material consideration. The proposal therefore, by reason of its site, design, layout, location and other material considerations, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), Planning Policy Statement 4 (2009), Planning Policy Statement PPS7 (2004) and Planning Policy Statement PPS25 (2010), Mid Beds Local Plan First Review 2005 Saved Policy HO12 and Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with Circular 01/2006, Planning for Gypsy and Traveller Sites.

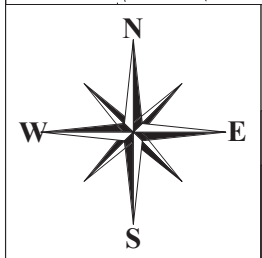
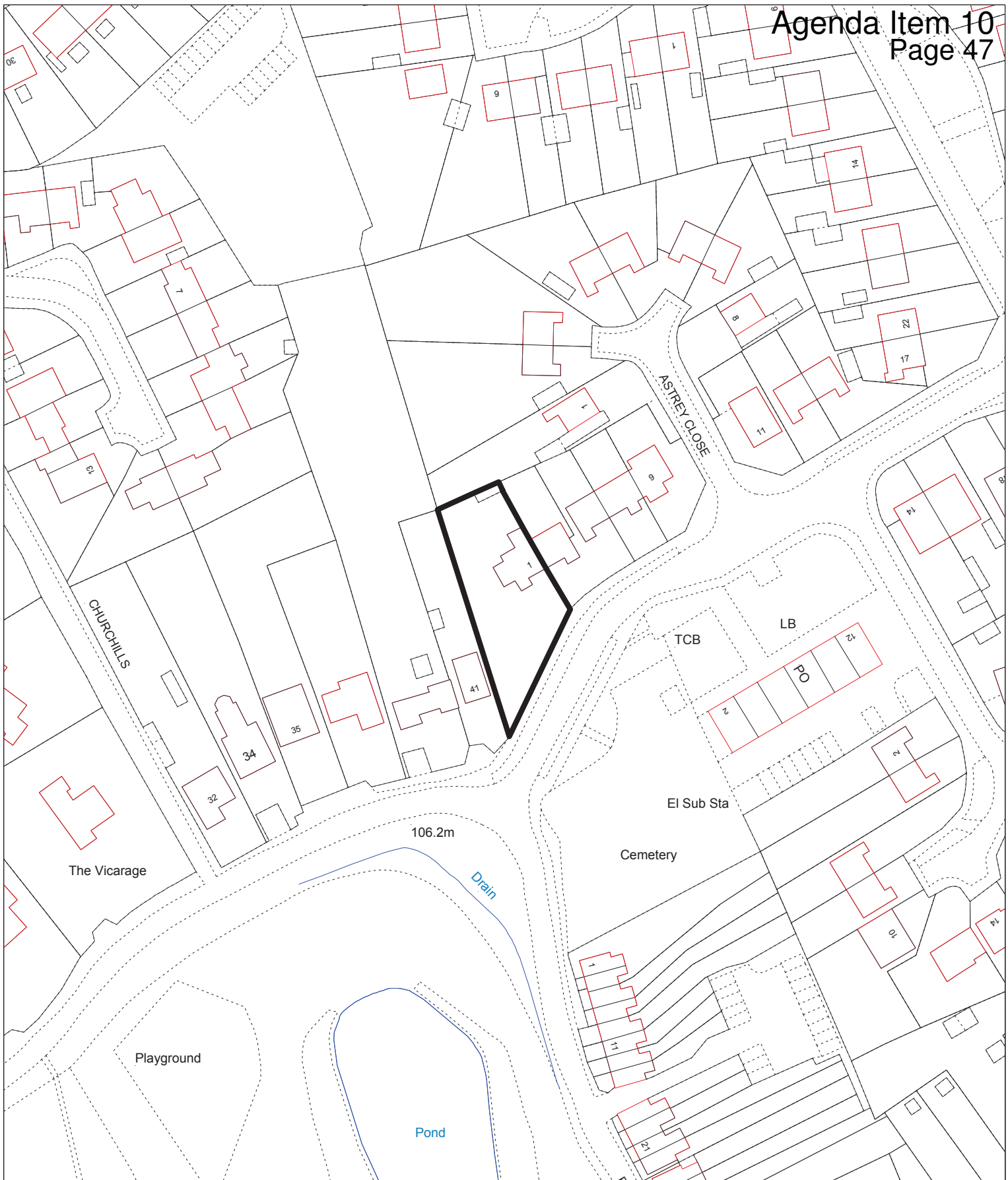
Notes to Applicant

1. The applicant is advised that no works associated with the re-surfacing of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedford shire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedford shire Council's, Technology House, 239 Ampthill Road, Bedford, MK42 9BD 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 re-surfacing 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.

DECISION

.....
.....



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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 10:May:2011
Grid Reference: 503897; 230697

Application No.
CB/11/01305/FULL

Scale: 1:1250

1 Lincoln Way, Harlington, Dunstable, LU5 6NB

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Item No. 10

APPLICATION NUMBER CB/11/01305/FULL
LOCATION 1 Lincoln Way, Harlington, Dunstable, LU5 6NB
PROPOSAL Single storey rear extension and new dwelling within garden.
PARISH Harlington
WARD Toddington
WARD COUNCILLORS Cllrs Costin & Nicols
CASE OFFICER Mary Collins
DATE REGISTERED 07 April 2011
EXPIRY DATE 02 June 2011
APPLICANT Mr T Culverhouse
AGENT Paul Lambert Associates Ltd
REASON FOR COMMITTEE TO DETERMINE Previous refusal at Development Management Committee

RECOMMENDED DECISION Full Application - Granted

Site Location:

The application site is at 1 Lincoln Way, Harlington. 1 Lincoln Way is a semi-detached property with a flat roofed porch to the front and flat roofed extensions to the side and rear.

The application site has a side garden situated to the west of the property and to the east of a bungalow in Church Road. Lincoln Way is characterised by residential properties of the same age and similar styles and sizes.

The Application:

Planning permission is sought for the erection of a single storey rear extension to 1 Lincoln Way and the erection of new dwelling within the garden.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 Delivering Sustainable Development
PPS 3 Housing

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

CS1 - Large Village
CS2- Developer Contributions
DM4 - Settlement Envelopes
DM3 - Protection of Amenity
DM13 - Heritage in Development
DM15 - Biodiversity

CS2, CS3 - Open Space for New Dwellings
CS1, CS5 - Location of new Residential Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development, Adopted January 2010
Design Supplement 1: New Residential Development
Design Supplement 4: Residential Alterations and Extensions
Planning Obligations Strategy 2008

Planning History

CB/09/01015 Full: Erection of a new dwelling in the side garden and single storey rear extension to existing property.
Refused: 27/08/09 Appeal dismissed: 30/03/10
CB/10/01732 Full: Single storey rear extension to existing property and erection of a new dwelling within the garden. Withdrawn

Representations: (Parish & Neighbours)

Harlington PC Harlington Parish Council objects to this application, as it is felt that nothing has substantially or materially changed in this application to those received previously, even with the reduced ridge line it is not felt to be suitable for a rural situation on the following grounds:

1. The street scene will be adversely affected adjacent and opposite to the Harlington Conservation Area.
2. The resulting property will be unreasonably massive relative to its curtilage and that of the adjacent properties.
3. The entrance/exit from the property will be placed on the bend of a road at a road junction carrying substantial local traffic.
4. The site is unsuitable by virtue of the underground water flow and culverting that is crucially important to the quality of the Conservation Area and its wildlife.

Adj. Occupiers Two letters of objection received:

Loss of amenity and privacy from turning area.

Noise and disturbance, exhaust fumes from cars using turning area, doors slamming, music, revving and deep exhausting effort on the slope incline. Will bring vehicles up to 1.5 metres of dwelling wall - vibration and fumes directly penetrating dwelling wall.

Visual disturbance, loss of privacy vehicles arriving towards kitchen window intimidating outlook from a greater land height, blindingly invasive headlights, parked cars will obscure outlook.

Additional vehicular entrance to serve the proposed

dwelling dangerously close to junction between Lincoln Way and Church Road which is main route through village. Page 51

Loss of amenity and privacy to the rear and side of property from the new dwelling from use of the side of the dwelling to access the rear garden.

Levels details are not accurate.

Consultations/Publicity responses

Harlington Society

The Harlington Society objects to this application: Believe that construction of a dwelling on the site of the streambed over the existing culvert will cause potential problems for water flow from the adjacent sub-aquifer. The sub-aquifer supplies springs that feed and maintain a county wildlife site and other important nearby locations.

Highways

The proposal is for a three bedroom dwelling with two parking spaces and replacement parking of two spaces and access for the existing dwelling. Noted on visiting the site that the existing property has two transit vans and a car parked within the site. If this is the usual parking arrangement for this dwelling then the indicated proposed parking for the existing dwelling will not be sufficient as it is too short for transit vans and there will be the displacement of vehicles onto the highway which did not exist previously.

The accesses are not taken from a classified road and as such the turning area for the new dwelling is optional however it is required more as a manoeuvring area so that vehicles using the site can access/exit the parking bays.

Wildlife Trust

Environment Agency

Any comment to be reported at the meeting. We were not consulted on this application as the proposal is less than 1 hectare in Flood Zone 1, there are no records of any main river or ordinary watercourses, no sewers or other pipes, on our mapping system, and issues of flooding from ordinary watercourses are the responsibility of your Council. However, it has been brought to our attention that previous flooding has occurred on the site of the proposal and adjacent sites, due to a culvert blockage.

It has been noted by the planning officer in their report, that contrary to the information in the planning application, the proposal is in fact within 20 metres of a watercourse.

Believe that the foundations are to be piled, therefore it is likely that the base of the building will either be very close adjacently, or resting on top of the culvert, but supported

	by the piles, rather than the full weight of the house resting on the culvert.
IDB	Response to be reported on Late Sheet to Committee
Building Control	Response to be reported on Late Sheet to Committee
Application advertised 29/04/11	No response received
Site Notice Posted 19/04/11	No response received

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact upon character and appearance of surrounding area and impact on the adjacent Conservation Area
3. Impact on neighbouring amenities
4. Highway and parking issues
5. Drainage issues
6. Biodiversity
7. Other issues
8. Unilateral Undertaking

Considerations

1. Principle of Development and background

Planning permission has been previously refused for a two storey dwelling and a subsequent appeal was dismissed.

Since the previous refusal Planning Policy Statement 3: Housing was revised on 10th June 2010. The amended policy document sets out the Secretary of State's policy on previously developed land and housing density and removes private residential gardens from the definition of previously developed land in Annex B.

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

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

The application site lies within the settlement envelope for Harlington wherein the principle of residential development is generally acceptable subject to certain detailed considerations. Harlington is classified as a large village under in the Core Strategy and Development Management Policies Development Plan

Document (DPD) where policies CS1 and CS5 are applicable.

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

Planning permission was dismissed on appeal on 30/03/10. The Inspector concluded that the proposal would seriously and unacceptably harm the outlook from No 41 and thus the living conditions at that property.

This application differs from the previous refusal in the following ways:

- The dwelling has been reduced in height from two storey to one and a half storey.
- The position of the dwelling has also been amended with the dwelling sited further forward in the site.
- The one and a half section of the dwelling is also further away from the boundary.
- The parking spaces have been relocated away from the boundary with 41 Church Road.
- The existing conifer hedge is to be removed.

2. Impact upon character and appearance of surrounding area and impact on the adjacent Conservation Area.

The application site is situated in Lincoln Way at its junction with Church Road. It is proposed to construct a dwelling between 1 Lincoln Way and 41 Church Road, Harlington.

The application site represents a transition between Church Road and what is locally known as the Model Village to the east. The application site is on higher ground to Church Road and is thought to be made up ground. As a result the application site when viewed from the rear gardens of adjoining properties is seen as a promontory of land higher than the adjoining land to the rear and to the west in Church Road.

The new dwelling is to be constructed to the west of 1 Lincoln Way, a distance of approximately one metre will be retained between the existing property and the new property and this will allow access to the rear of both properties as well as provide visual spacing between the two. A terracing effect will not occur as a result of the development.

The dwelling is set back from the front elevation of the bungalow at 41 Church Road but is set forward of the front elevation of the adjacent pair of semi-detached dwellings (1 and 3 Lincoln Way).

The dwelling is not considered to have a detrimental impact on the street scene. There is a graduation in height from the pair of semi-detached properties at 1 and 3 Lincoln Way to the new dwelling which is set down by approximately 1.4 metres from this property and this helps to form a further graduation in the

building heights from two storey to the single storey bungalow at 41 Church Road.

The gable design is not considered to be out of keeping with the character of the area. Although houses on this section of Lincoln Way are semi-detached pairs with pitched roofs, properties in Lincoln Way flanking either side of the entrance to Astrey Close present two storey front gable elevations to Lincoln Way and both the bungalow at 41 Church Road and its neighbour at 39 Church Road present gables to the street.

Although the application site is higher than land to the side and rear of it, the prominence of the dwelling is not considered to be detrimental to the wider surrounding area, the views of the dwelling being restricted to the rear gardens of adjoining properties. Views of the side elevation of the dwelling from the street will be restricted and recessive and partially obscured by the line of 4 metre high conifer trees.

Parking areas will inevitably be at the front of the property. Due to the siting of the dwelling to the rear of the plot and the bungalow at 41 Church Road, the parking of cars to the front of the property are not considered to have a detrimental visual impact on the street scene.

The application site is next to the Harlington Conservation Area with a small corner of the front of the site being included within the conservation area. The properties at 39 and 41 Church Road front the conservation area but are excluded from it. Although there will be views of the property from within the conservation area, the properties on either side of the proposed dwelling are relatively modern and the proposal is not considered to detract from the appearance of the conservation area.

Amenity space:

The proposed dwelling has a rear garden depth of 14 metres and is 9 metres wide tapering down to 6.5 metres wide. The garden depth is considered acceptable. The existing property will be left after development with a garden depth of 10.5 metres and width of 8.5 metres. An existing garden shed is sited in the rear corner of the site. Although the siting of the shed will foreshorten the depth of the available rear garden, it is considered that this is acceptable given that single storey outbuildings are permitted development as long as they do not exceed more than 50% of the curtilage. This property also will have amenity space to the front.

Extension to existing dwelling:

A single storey extension to the rear of the existing dwelling is also proposed. The extension will project by 3.9 metres from the rear elevation of the property and will continue the existing flat roofed extension to the rear. The extension is to the rear and will not be seen in the wider area and is considered acceptable.

3. Impact on neighbouring amenities

3 Lincoln Way

The attached property at 3 Lincoln Way is not detrimentally affected by the single storey rear extension to the existing property as it is obscured from view by the existing flat roofed extension to the rear. It is not considered to be affected by the proposed dwelling.

1 Lincoln Way

Although the new dwelling is to be positioned forward of the front elevation of the existing dwelling at 1 Lincoln Way, due to the spacing between the dwellings the window to the front elevation of this dwelling will not be detrimentally affected by a loss of light. As the roof slopes away from the boundary and the dwelling is only single storey, it is considered that the dwelling is not overbearing on this proposed boundary with 1 Lincoln Way. The position of the proposed dwelling set forward of the existing dwelling will create a degree of privacy between the front gardens to the dwellings.

The new dwelling will not have a detrimental impact on the rear of the existing dwelling at 1 Lincoln Way.

Other adjoining properties

There are two other residential properties adjoining the application site. 41 Church Road is a detached bungalow and adjoins immediately to the west. The rear garden of 39 Church Road wraps around the rear garden of 41 Church Road and a corner of its garden meets the rear corner of the application site.

39 Church Road

The application site is on a promontory and the new dwelling will be visible from the neighbouring property at 39 Church Road, however due to the separation between the two properties, a detrimental loss of amenities through loss of light privacy or overbearing should not occur as a result of the application.

41 Church Road

Loss of light

The new dwelling is to be positioned marginally forward of the rear wall of the bungalow adjacent at 41 Church Road. The majority of the bungalow at 41 Church Road will be set forward of the proposed dwelling. The bungalow is at a lower ground level with the front garden of the application site sloping downwards towards the boundary.

There will be some loss of morning sun as a result of the proposal being sited to the east of this property, however due to the spacing between the two properties at this point of 5 metres there will be late morning sun to the rear of the property.

Light reaching windows to the side of the bungalow serving a kitchen will not be detrimentally affected by the proposed dwelling.

The window and door serving a lounge to the rear elevation are not considered to be detrimentally affected by a loss of light.

Privacy

Roof lights are proposed in the roof slope of the proposed dwelling facing the bungalow at 41 Church Road. There will be no views out of these roof lights as they will provide light via tunnels to the ground floor hallway and to the staircase. At ground floor level there are only a pair of doors to the dining room to the rear which face the side boundary but these doors are inset from the boundary by approximately 5 metres. Views out of these windows towards 41 Church Road will be screened by boundary treatment. A bedroom window in the gable end at first floor rear elevation of the rear elevation of the dwelling will overlook the far end of neighbouring gardens but the inset from the boundary will mean that a detrimental loss of privacy will not result.

Windows to the front of the proposed dwelling serving a bedroom, shower room and dining room are not considered to have a direct view into the side windows of the bungalow although in close proximity each other due to the orientation of the dwellings in relation to each other.

It is considered that there will be little potential for overlooking into the rear garden of 41 Church Road from the main entrance door to the proposed property due to screening from intervening boundary treatment and a privacy screen to the side of the dwelling. The use of the area between the boundary and the side of the dwelling to access the rear garden is not considered to result in a detrimental loss of privacy. Again this area will be screened by boundary treatment which can be constructed up to two metres high in this location measured above ground level of the application site

Windows to the side of the bungalow serve a kitchen, bedroom and bathroom. The bungalow is at a lower ground level with the front garden of the application site sloping downwards towards the boundary. The proposed turning area the front of the proposed dwelling is in front of the kitchen window.

6.08 of the Design Supplement 1: New Residential Development states that "In no circumstances should parked vehicles (whether allocated to the property or not) be less than 2 metres from the windows of a habitable room." In this instance the proposed turning area will be inset approximately 1.5 metres from the boundary. There will be a separation of over two metres from the window to the back edge of the turning area. The Council's Highway Officer considers that the turning area for the new dwelling is optional as the vehicle accesses are not taken from a classified road and that it is required more as a manoeuvring area so that vehicles using the site can access/exit the parking bays. As such it is considered that it is unlikely that this area would be used as a parking space and would be kept free and available, although it is acknowledged that there will be potential for this area as well as the driveway to be used for the parking of cars.

A detrimental loss of outlook or loss of light is not considered to arise in any event as the parking of cars is not a permanent feature. Any noise caused by vehicles would be likely to be short term only, and in any event the existing dwelling could utilise the front garden in this fashion without planning permission being necessary.

A detrimental loss of privacy is not considered to occur as a result of the position of the turning area. The windows in the bungalow currently overlook the front

garden of 1 Lincoln Way and with this relationship to the boundary with the neighbouring property there is potential for loss of privacy to this window to occur under the existing circumstances.

The neighbour has requested that if permission is granted a condition is attached requiring the erection of a two metre high acoustic retention wooden fence to be installed along the site's western boundary from the northerly tip of the proposed dwelling to the most southerly tip of the bungalow at 41 Church Road whilst construction work is underway. The latter section of which could be replaced by a 1.8 metre high brick wall constructed alongside the dwelling to absorb noise and disturbance from the adjacent turning space.

The erection of acoustic fencing and a brick wall is considered to mitigate the impact of vehicle noise and fumes. Acoustic fencing is close boarded fencing with vertical slats of wood and it is considered that this could form the boundary treatment to the western and northern boundary of the application site.

A condition will therefore be imposed to require that the acoustic fencing and a 1.8 metre high brick wall are erected prior to the commencement of works on the construction of the dwelling.

Overbearing

The Inspector concluded that the previous proposal would seriously and unacceptably harm the outlook from 41 Church Road and thus the living conditions at this property.

The rear garden of the bungalow has an upper terrace which is approximately 0.5 metres lower than the application site and a lower garden area which is lower than the application site by approximately one and a half metres.

The proposed dwelling is inset from the boundary by approximately 2.4 metres at its nearest point increasing to 4.5 metres. The two storey element of the dwelling is sited further away from the boundary with a small single storey section occupying part of the footprint of the refused dwelling. The height of the eaves at this point is approximately 2.5 metres and the roof slopes away from the boundary at a pitch of 45 degrees. The sides of the dwelling will be predominately screened by two metre high intervening boundary treatment.

As the eaves level and ridge level have also been reduced, the impact of the proposal on the boundary is considered to be lessened.

In addition the proposed dwelling is set further forward than the previous refused scheme and therefore less of the rear boundary, where there is a distinct change in levels between the two gardens will be affected by the proposed dwelling.

The bungalow lies to the west of the application site and it is not considered to be detrimentally affected by loss of light to its rear garden.

Due to the constraints of the site and the relationship of the dwelling with neighbouring residential properties, a condition will be attached removing permitted development rights from the property. This means that any future alterations or extensions to the dwelling, the erection of outbuildings, laying of

hard standings and the erection of chimneys and flues etc would require the specific grant of planning permission to ensure the impact of the proposed alterations is assessed.

4. Highway and parking issues

The proposal is for a three bedroom dwelling with two parking spaces and replacement parking of two spaces and access for the existing dwelling. The accesses are not taken from a classified road and as such the turning area for the new dwelling is optional however it is required more as a manoeuvring area so that vehicles using the site can access/exit the parking bays.

5. Drainage issues

Concern has been raised that the culverted watercourse of the village pond runs along the westerly boundary of the application site where the level of the land changes from the Old Cemetery opposite 1 Lincoln Way down to the pond in Wingate Road. Blockages in the past have led to flooding and there is concern that the watercourse could be blocked by foundation and construction work required. The IDB raised no objection to the previous proposal. This detailed drainage issue is a matter also for consideration under the Building Regulations.

In the appeal decision the Inspector considered the potential effect of the proposal on surface water drainage. As the Council's technical consultant on this matter had not raised an objection, the Inspector saw no reason to depart from this position.

Harlington Society point out that the geology map for this area of the British Geological Survey confirms the existence of a 50m thick continuous layer of Oxford clay on which Harlington sits. The highest part of the village, including the land opposite the application site, consists of a "lens" of gravel, sand and some chalk forming an aquifer which feeds various springs and in particular those to the award winning village pond. The nearby Spinney which is in the Area of Outstanding Natural Beauty (AONB) has winterbournes whose source is the sub-aquifer. The application site like the houses around it, are essentially on the "spring line" of the sub-aquifer i.e. the edge of the "lens" where it thinnest.

Water from the sub-aquifer can only flow horizontally since the clay layer acts as an impenetrable barrier. Past development in Harlington has reduced the opportunity for flow to watercourses on the northern and western edges of the village. Harlington Society say that the application site is the last substantial flow path for this water to the north and west. It originally consisted of a streambed with a wide track leading through land lying behind the application site to a watercourse alongside the present Goswell End Rd. The streambed was culverted by Pearce & Barker, the developers of Harlington Model Village, but water flow from the spring line is not limited to the culvert itself. Water also flows in the western direction from springs along the front edge of the old cemetery opposite the site. The application site was considered by Pearce & Barker as unsuitable for building partly for this reason and left vacant.

The applicant is aware that in the past, there was an open ditch that ran along the site boundary from Lincoln Way down and through the fields to the rear. This ditch was piped and back filled so that the surface water could flow

unencumbered through to wherever it was intended. As this was not an open ditch and running water course as such, it was considered a surface drain for the purpose of the application.

The applicant has confirmed that the proposed house is well clear of the pipe run and would be constructed on an augered pile and ground beam foundation such as to avoid any disturbance or damage to the pipe. Such details would of course be part and parcel of the construction drawings that would follow once planning has been approved. The use of augered piling would be selected to avoid any vibration to the surrounding sub-soil which may or may not have an affect on the pipe and bedding. Due care will be taken during the construction process and a protective fence put up to avoid any encroachment by the piling rig over the pipe run and ensure the pipe remains undamaged by the piling installation vehicles/equipment.

It is the belief of Environment Agency that the foundations are to be piled, therefore it is likely that the base of the building will either be very close adjacently, or resting on top of the culvert, but supported by the piles, rather than the full weight of the house resting on the culvert. This watercourse had already been culverted, so any proposed development, adjacent or over it would not require a further Flood Defence Consent. If the developer wishes to divert or infill the watercourse, they will need to contact Environment Agency. If the applicant wishes to do any further works to the watercourse that may involve impedence to or restriction of flow (for example, diversion, realignment, infilling, or any other such works), then they should discuss this with Environment Agency.

It is considered that the building work proposed would not detrimentally affect the flow of water through the site via the culvert and as long as the culvert was not blocked or damaged by building work and that resultant flooding of the village pond to the south of the site should not result.

Harlington Society state that any build on this site risks seriously affecting water flow across the site and that this water flow represents the only remaining path for spring water from the main springs feeding the village pond and then flowing away to watercourses to the north and west. Altering the water flow risks substantial changes to the Conservation Area by flooding the village green.

Planning permission would not be required for the erection of extensions or the erection of outbuildings to the side and rear of the property which could be constructed under permitted development rights and these building operations could potentially affect the flow of surface water through the site. The surfacing of the driveway could be carried out in a permeable material to ensure that the water drains away without causing off site flooding problems and would allow the water to soak into the site.

6. Biodiversity

It has been brought to the attention of the Council that the two dwellings in Church Road to the west of the above and 1 Lincoln Way are on a migratory route, for amphibians between nature reserve at the rear of properties in Daubeny Close and the village pond. If the route is disturbed it will have a detrimental effect on amphibians such as Common Frog, the odd Toad, Common Newt and Great Crested Newt. The Great Crested Newt is a protected

species.

The water entering the culvert flows from the County Wildlife Site opposite, and is crucially important to the maintenance of the diversity of the pond. There are nationally rare species of *ranunculus* and amphibians of various sorts including great crested newts. Altering the flow of water risks affecting the biodiversity of the Conservation Area and woodland within the AONB.

Comments are awaited from the Wildlife Trust and the Council's Biodiversity Officer on this issue and will be reported on the Late Sheet to Committee.

7. Other issues

The occupier of the neighbouring property requests that the working hours for construction are restricted to the hours of 8am to 5.30 pm Monday to Friday with no Saturdays, Sundays or public holidays.

The Council has specific powers under the Control of Pollution Act 1974 and the Environmental Protection Act 1990 and this is carried out by the Public Protection Team. It is expected that construction works shall not take place outside the following hours; 08:00 to 18:00 hours Monday to Friday 08:00 to 13:00 hours on Saturdays and no working on Sundays or Public Holidays.

As such it is considered that a condition regarding hours of construction is not necessary.

The Authority cannot impose conditions regarding the liability of the applicant for any damage to the neighbouring property as a result of the site development. This is a civil matter.

8. Unilateral Undertaking

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by Mid Bedfordshire District Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Central Bedfordshire area.

The SPD is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

A Unilateral Undertaking has not been signed and completed at this stage. The

status of the agreement will be updated to the committee through the Late Sheet. The Committee is requested that if the Section 106 agreement has not been completed by the committee date that Members delegate the decision to Officers pending the completion of the agreement.

Conclusion

In light of the above considerations application is recommended for approval.

- 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 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.

- 3 **Prior to the commencement of the development hereby permitted, acoustic fencing shall be erected along the western and northern boundaries to the rear of the application site. A 1.8 metre high brick wall shall be erected on the boundary between the side of the dwelling at 41 Church Road and the front garden of the dwelling hereby approved. The brick wall shall be retained in place at all times unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to provide an acceptable noise environment and level of amenity for future occupants of the development.

- 4 **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.

- 5 **Before development begins, a scheme for the secure and covered parking of cycles on the site for the new dwelling (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully**

implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

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

- 6 **No work shall commence on site until details of all the 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.

- 7 Development of the new dwelling shall not begin until the junction of the proposed vehicular access with the highway and the on site parking for the existing dwelling has been surfaced and constructed in accordance with the approved details.

Reason: To order to replace the existing on site parking and access for the existing dwelling.

- 8 The accesses shall have a minimum width of 2.75m.

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

- 9 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access 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 accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 10 Before the new premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 11 Before the new dwelling is occupied any lengths of the existing access that are surplus to requirements 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 site.

- 12 Details of bin collection point located at the site frontage shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

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

- 13 The turning/manoeuvring space for vehicles illustrated on the approved Drawing No 2505-02 shall be constructed before the development is first brought into use.

Reason: To enable vehicles to manoeuvre and park outside the highway limits.

- 14 Notwithstanding Schedule 2, Part 1, Classes A, B, C, D, E, F, and G of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension or material alteration of the buildings hereby permitted or the erection of any building/ structure within the curtilage of the dwelling hereby approved until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

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

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [2505-02, 2505-02, CBC/001 (Location Plan), CBC/002 (Site Plan)].

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access for the existing dwelling should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access for the existing dwelling affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.)

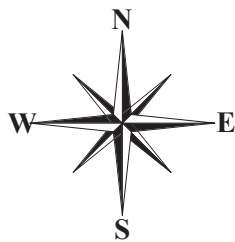
then the applicant will be required to bear the cost of such removal or alteration.

- 2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
- 3. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
- 4. The applicant is advised that the closure of any surplus lengths of the 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 Customer Contact Centre on 0300 300 8308. 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.
- 5. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
- 6. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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Date: 07:June:2011

Grid reference 522245, 236434

Application No.
CB/11/01562/FULL

Scale: 1:1250

Land to the rear of 20 Baldock Road, Stotfold SG5 4PB

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Item No. 11

APPLICATION NUMBER	CB/11/01562/FULL
LOCATION	Land to the rear of 20 Baldock Road, Stotfold, Hitchin, SG5 4PB
PROPOSAL	Erection of two detached dwellings
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Vicki Davies
DATE REGISTERED	28 April 2011
EXPIRY DATE	23 June 2011
APPLICANT	Ms Drury
AGENT	Robert Lombardelli Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Request of Ward Councillor on the basis of impact of proposal on residential amenity, impact on streescene, overdevelopment of the site and lack of need for houses in Stotfold
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is located on the northern side of Baldock Road close to the junction with Norton Road. To the west of the site is an established industrial premises. To the east, north and south is residential development. Immediately to the north of the site is open space and a children's play area. The site is within the settlement envelope for Stotfold and is not subject to any planning constraints.

The Application:

The application seeks consent for the erection of two detached dwellings. The dwellings are proposed to be erected to the rear of 20 Baldock Road in the large garden. The proposal is for one 3 bedroom dwelling and one 2 bedroom bungalow. The access to the new dwellings would be gained by the demolition of the existing garage to 20 Baldock Road. Each of the dwellings would be provided with 2 car parking spaces, one visitor's car parking space would also be provided. Three car parking spaces and a turning area would be provided in the front garden of the existing property to replace the garage to be demolished.

RELEVANT POLICIES:

National Policies (PPM & PPS)

PPS1: Delivering Sustainable Development
PPS3: Housing

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

Bedford shire Structure Plan 2011

No relevant policies

Central Bedford shire Council (North) Core Strategy and Development Management Policies 2009

CS1: Development Strategy
 CS2: Developer Contributions
 CS14: High Quality Development
 DM3: High Quality Development

Supplementary Planning Guidance

Design in Central Bedford shire: A Guide for Development
 Design Supplement 1: New Residential Development

Planning History

MB/04/00264/FULL Two storey rear extension and detached garage with playroom over. Refused 29/4/04

**Representations:
(Parish & Neighbours)**

Stotfold Town Council	Object on the following grounds: the proposal by reason of its size and siting would constitute overdevelopment of the site, such that it would have an adverse impact on the character of the street scene, the proposed dwellings would constitute an unacceptable impact on neighbouring residential properties by reason of overbearing impact, loss of privacy and loss of outlook to houses. Garden land should not automatically be considered a brownfield site.
Neighbours	12 letters of objection have been received. The letters are in a standard letter format which have been signed and submitted by different residents. The issues raised in the letter are set out below:

Traffic noise and noise pollution

- peaceful evenings will be lost due to the additional parking spaces proposed
- the wall of the industrial building will reflect and amplify all noise from the cars
- car noise and fumes would exist on all four sides of number 20
- the acoustic survey only sets out that not a lot of noise was detected in the week of the survey

Access

- visibility onto Baldock Road would be restricted at the proposed driveway entrances

- the long shared drive is inappropriate for traffic use
- during the winter the driveways off Baldock Road are often unusable and more parking would take place on the highway
- increased parking on Baldock Road would increase congestion causing a highway safety issue
- risk of damage to the walls to the west side of number 20 due to cars manoeuvring and passing close to this boundary
- the access would be widened and an additional access created increasing risk to pedestrians and children

Density of Development

- the properties on Baldock Road have large gardens, the application would oppressively increase the density of development
- the application would represent overdevelopment with a new view of "layers" of roofs
- the proposal would change the character of the area by reducing the rear gardens

Privacy and Amenity

- the occupants of the proposed dwellings would have views across neighbouring gardens and into houses
- the exit of cars from the site would adversely effect the privacy of houses in The Coppins and would be effected by the lights from the cars
- car headlights would shine into neighbouring properties
- lights from the proposed dwellings and external lighting on the site would compromise the privacy of number 20 and 22

Design

- the development is out of character with the Edwardian and Victorian houses around it
- the proposed materials would be out of keeping
- the dwellings would be part of Baldock Road not Mill Meadow

Trees and Wildlife

- lighting would have an adverse impact on wildlife
- there is a Mulberry tree on the site which would be effected and should be protected

Consultations/Publicity responses

Public Protection

Noise

The Sound Solution noise assessment indicates that the site falls within PPM 24 Planning and Noise NEC B for both day and night as a result of a combination of road traffic noise from the A507 and A1M and Industrial Noise from Ironcraft Industrial Estate at 18 Baldock Road with

road traffic noise being dominant during rush hours and Industrial noise during the mid morning and afternoon periods. It also indicates that the industrial noise is daytime only. NEC B states "Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise"

The report concludes that BS8233: 1999 good internal standards can be achieved by the use of appropriate acoustic standard glazing and ventilation in the dwellings. It does not discuss external standards but the officer is mindful of the fact that the proposed site is already a residential garden and therefore the proposal intensifies the number of noise receptors rather than introducing a receptor where there currently is none.

Although the proposed dwellings may suffer some detriment to amenity from road traffic and industrial noise, based on the submitted report the officer does not consider that it severe enough to object to the proposed development and recommends a condition requiring the details of noise mitigation measures to be submitted and approved before the development is commenced.

Contaminated land

Notwithstanding the fact that the proposed development site is currently a residential garden the site is immediately adjacent to industrial units and may be affected by contamination, particularly along the boundary. The officer therefore advises that a condition is attached to any approval requiring the Local Planning Authority to be contacted if any contamination is found.

Highway Control	Development	No comments yet received - any comments and the implications of them will be reported to Committee on the Late Sheet
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Determining Issues

The main considerations of the application are;

1. The principle of development;
2. The effect on the character of the Streetscene;
3. Impact on Amenities of Neighbouring Properties
4. Highway Considerations
5. Trees and Ecology
5. Other Issues

Considerations

1. The principle of development

Clifton is classified as a Minor Service Centre within Policy CS1 of the Central Bedford shire Adopted Core Strategy and Development Management Policies (2009) where development will be focussed.

The application site is within the settlement envelope for Stotfold and as such Core Strategy policy DM4 supports housing, employment and other settlement related development commensurate with the scale of the settlement.

PPS3: Housing sets out that the most efficient use of land should be made and that housing development should be focussed in the first instance on previously developed land (PDL). The PPS was amended in 2010 to remove residential garden land from the definition of PDL. This change leaves the decision as to the suitability of garden land for housing development to the Local Authority. The application site is a very large garden measuring around 1100 metres square, which equates to 0.11 hectares. Housing developments aim to achieve 34 dwellings per hectare, therefore 3 dwellings to 0.1 of a hectare would be appropriate. It is not considered that the proposal is unacceptable due to its current use as garden land. The letter of objection sets out that the change to the PPS provides Local Authorities with an increased facility to decline permission.

As the application site is within the settlement envelope of a minor service centre the proposal is considered acceptable in principle subject to no conflict with any other relevant policies set out elsewhere in the Core Strategy.

2. The effect on the character of the Streetscene

Core Strategy policy DM3 requires that new development is appropriate in scale and design to its setting and should contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials. The policy also states that development should provide hard and soft landscaping appropriate in scale and design to the development and its setting.

The proposed dwellings would be located to the rear of the existing dwelling known as 20 Baldock Road. It would be possible to see the proposed house from Baldock Road albeit along the 30 metre driveway. No clear views of the bungalow would be possible from any public viewpoint.

The house would be two storey standing approximately 8 metres to the ridgeline. The dwelling would have a pitched roof finished in mixed dark red interlocking concrete tiles. The walls would be mixed light red bricks at ground floor level and cream smooth render at first floor. The dwelling would have a pitched roof over the porch and a bay window detail on the western part of the front elevation to add interest. The property would have 3 bedrooms.

The bungalow would be "L" shaped and would measure 4.2 metres to the ridgeline. The dwelling would have a pitched roof finished in grey interlocking concrete tiles. The walls would be mixed light red bricks.

The dwellings are considered to be appropriate in scale to their setting to the rear of a large 4 bedroom house. The dwellings are not cramped on the site and their size is appropriate for the space available. The design of the house would reflect the design of the existing dwelling at 20 Baldock Road and takes the design cues of the bay window and porch. The house is not considered to be an outstanding example however the site is not within a Conservation Area or any other designation, the design of the house is therefore considered acceptable. The bungalow has been designed to respond to the site and the design is

considered satisfactory. The proposed materials are acceptable in principle however it is considered that better quality materials would improve the visual appearance of the dwellings. A condition can be added to any planning permission granted requiring details of the materials to be submitted for approval.

The site layout plan shows that there would be sufficient space for soft landscaping to the front of the dwellings around the car parking spaces. The layout also allows for the retention of a mature Mulberry and Lime tree within the site. A condition should be added to any planning permission granted requiring the submission of a full, detailed landscaping scheme.

The objection letter sets out that the development is out of character with the Edwardian and Victorian houses around it, the proposed materials would be out of keeping and the dwellings would be part of Baldock Road not Mill Meadow. The design of the proposed dwellings is considered appropriate for the location which is not subject to any conservation constraint. The design of the house reflects the design cues of the existing dwellings. The proposed materials could be of better quality and therefore it is considered that a condition should be added requiring details of materials to be submitted. The dwellings would be part of Baldock Road and not Mill Meadows and it is considered that subject to a condition dealing with materials that they would be in keeping with the general character of the area.

Overall it is considered that the appearance of the proposed dwellings would be acceptable and that there would not be any significant adverse impact on the character and appearance of the area.

3. Impact on Amenities of Neighbouring Properties

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

A significant number of concerns raised by objectors relate to residential amenity.

The proposed bungalow would be 14 metres from the neighbouring dwelling at 22 Baldock Road and the proposed house would be over 26 metres. The bungalow would have one obscure glazed window in the southern elevation and three windows in the eastern elevation. As the bungalow would be single storey the windows would be at ground floor level and boundary treatments would obscure views from the bungalow to the dwelling at 22 Baldock Road. A condition requiring details of boundary treatment could be attached to any permission granted to ensure that suitable fencing would be in place. A condition should also be added to ensure that no first floor windows are inserted into the bungalow. The house is proposed to have three windows on the southern elevation which could provide some views towards 22 Baldock Road. The two windows on the eastern side of the front elevation would be obscured glazed. The third window would be on the western side would be a bay window for a bedroom, views from this window would be over 30 metres from the rear elevation of 22 Baldock Road at an angle. It is not considered that views from the bungalow or house would have a significant adverse impact on the privacy of the occupiers of 22 Baldock Road.

The closest resident to the north of the application site would be 15 metres away on Mill Meadows. Neither of the two proposed dwellings would overlook any dwellings as to the rear of the application site is a children's play area and open space. To the west of the site is an industrial premises, none of the windows of the unit look into the application site. No views into the industrial premises would be possible from the proposed dwellings.

Objectors comment that the car parking spaces, traffic movements and car headlights would adversely effect their privacy. Some of the parking spaces would be within 2.5 metres of the fence between 20 and 22 Baldock Road. No planning permission would be required for the applicant to demolish the existing garage and park cars in the rear garden at present. It is not considered that the proximity of the two car parking spaces to the fence would have an adverse impact on privacy or amenity due to the boundary fencing and limited number of vehicle movements that two dwellings would generate. The letter comments that the dwellings opposite the site on The Coppins would be adversely effected by the headlights off cars leaving the driveway. The nearest dwelling on the opposite site of Baldock Road would be 21 metres from the end of the driveway. The dwellings opposite do not have any ground floor windows in the side elevation facing the site and the gardens are protected by a solid brick wall.

Residents also raise concern over external lighting for the proposed dwellings. It is not considered that external lighting would have any significant adverse impact on the amenities of nearby residents. Nevertheless a condition could be added to any planning permission granted requiring the details of external lighting to be submitted and approved before installation.

Due to the layout of the proposed dwellings and existing properties and the distance between the houses it is not considered that there would be any significant adverse impact on residential amenity by reason of overlooking or overbearing.

The application site is bounded to the west by Ironcraft Industrial Estate and therefore the future residents could be effected by noise from the industrial buildings. The Environmental Health Officer comments that the submitted noise assessment indicates that the site falls within PPM 24 Planning and Noise NEC B for both day and night as a result of a combination of road traffic noise from the A507 and A1M and industrial noise from Ironcraft Industrial Estate at 18 Baldock Road. Road traffic noise being dominant during rush hours and industrial noise during the mid morning and afternoon periods. The report also indicates that the industrial noise is daytime only. PPM 24 NEC B states "Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise."

The report concludes that BS8233:1999 good internal standards of noise can be achieved by the use of appropriate acoustic standard glazing and ventilation in the dwellings. The report does not discuss external standards but the officer is mindful of the fact that the proposed site is already a residential garden and therefore the proposal intensifies the number of noise receptors rather than introducing a receptor where there currently is none.

Although the proposed dwellings may suffer some detriment to amenity from

road traffic and industrial noise, based on the submitted report the officer does not consider that it is severe enough to object to the proposed development and recommends a condition requiring the details of noise mitigation measures to be submitted and approved before the development is commenced. On this advice from the Environmental Health Officer it is not considered that any detriment by reason of noise would be of such a level to warrant refusing planning permission.

The objection letter raises concern regarding noise from cars. It is not considered that given the level of existing background noise from the industrial estate and road noise that the noise from a small number of additional vehicle movements would give rise to an unacceptable level of noise.

Overall it is considered that subject to conditions there would be no significant adverse impact on the amenities of existing or future residents which would warrant refusing planning permission. The proposal therefore complies with the relevant part of Core Strategy DM3.

4. Highway Considerations

The proposed dwellings would be accessed via a driveway on the western side of the site. The driveway would be provided by demolishing the existing garage. Two car parking spaces would be provided for each of the two dwellings plus one visitors space within the site. This level of parking is in accordance with Design Supplement 7: Movement, Streets and Places and is satisfactory. The issue of increased on-street parking was raised in the objection letter. It is considered that sufficient parking within the site is proposed and that although it is not possible to prevent on-street parking there would not be any need for the new residents to park on Baldock Road when an appropriate level of parking would be provided within the site. The existing dwelling at 20 Baldock Road would lose its garage but three parking spaces would be provided within the front garden of the site. This level of parking is in accordance with Design Supplement 7 and is acceptable.

Car parking spaces should be 2.4m by 4.8m in order to comply with Design Supplement 7. The spaces shown in the application are not large enough. There is however sufficient space around the car parking spaces shown to accommodate slightly larger spaces, which could be secured by condition.

Turning areas have been provided within the application site and front garden of the existing property in order that cars can enter and leave the site in a forward gear. No comments have yet been received from Highways Development Control and it cannot be confirmed that the turning areas are sufficient for delivery vehicles or emergency service vehicles. Should a larger turning area be required it is considered that there is space within the application site for this to be provided. The provision of turning areas could be secured by condition.

The driveway would be over 20 metres long which is more than the distance a refuse vehicle will reverse and is over the carry distance for a refuse bin. The application therefore proposes a hardstanding area at the entrance to the site for the storage of bins on collection day.

There do not appear to be any significant highway issues which could not be dealt with by condition however this cannot be confirmed until the comments of

the Highways Development Control Officer are received. The comments of the officer and any implications of these will be reported on the late sheet.

5. Other Issues

Following the adoption of the Planning Obligations Strategy SPD on 20 February 2008 and the adoption of Core Strategy policy CS2, 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 in April 2011 and as such the proposal would attract Planning Obligations. A legal agreement in the form of a Unilateral Undertaking has not yet been submitted. It is anticipated that a satisfactory legal agreement will be provided in compliance with the Central Bedford shire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008) and policy CS2 of the Core Strategy. However until a satisfactory legal agreement has been submitted no planning permission should be issued.

The objection letter raised the issue that there were some mature trees on the site which should be retained. The application plans show the existing Lime tree and Mulberry tree being retained. A condition can be added to any planning permission granted requiring details of tree protection to be submitted and approved before development commences. In addition a condition requiring a full, detailed landscaping plan will be added to any consent in order to secure an appropriate level of planting.

Recommendation

That planning permission be granted subject to the following:

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

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

- 2 **Before the development hereby permitted is commenced 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 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.

- 4 Before development begins, including any ground clearance or excavation, substantial protective fencing, the details of which shall first be approved in writing by the Local Planning Authority, shall be erected around the Lime Tree and Mulberry Tree within the application site and the fencing shall be retained at full height and extent until the development is substantially completed. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.

- 5 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.

- 6 Before the development hereby permitted is commenced details of all existing and proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

- 7 Development shall not begin until a scheme for protecting the proposed dwellings from Road Traffic Noise and Industrial Noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of noise mitigation measures, including window glazing and room ventilation provisions. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied unless an alternative period is approved in writing by the Authority.

Reason: to protect the amenity of future occupiers of the dwellings.

8 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the developer shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: In order to protect the amenity of and prevent harm to site workers and future occupants of the proposed development.

9 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties.

10 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 windows shall be inserted into the roof of the proposed bungalow.

Reason: To protect the amenity of neighbouring residents.

11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1608-000, 1608-001, 1608-002A, 1406-004, 1608-003 & 1608-005.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would not detrimentally impact upon the character and appearance of the streetscene nor would there be any significant adverse impact on the amenities of neighbouring residents. There are no highway safety issues and subject to an acceptable unilateral undertaking being submitted the proposal is satisfactory. The scheme therefore, by reason of its site, design, materials and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006) and Planning Policy Statement 7 (2004) and Policies CS2, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with the Central Bedford shire Supplementary Technical Guidance "Design in Central Bedford shire, A Guide for Development".

Notes to Applicant

1. This permission is subject to a legal obligation under Section 106 of The Town and Country Planning Act 1990.

DECISION

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86.3m

New Wood Farm

Pond

Pond

Pond

90.9m

STATION ROAD

82

80

72

70

68

9

15

64

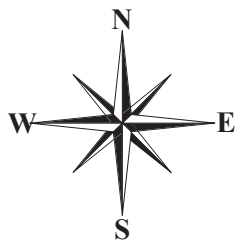
4

2

Wrens
Nest

Caymans
Cottage

Cas



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Central Bedfordshire Council
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Date: 07:June:2011

Map Sheet No

Application No.
CB/11/00297/Full

Scale: 1:1250

Land Adjacent 84 Station Road, Ridgmont

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Item No. 12

APPLICATION NUMBER CB/11/00297/FULL
LOCATION Land Adjacent 84, Station Road, Ridgmont
PROPOSAL Change of use of existing car park to area for storage of cars (Retrospective)
PARISH Ridgmont
WARD
WARD COUNCILLORS Cllr Bastable, Cllr Clark, Cllr Matthews
CASE OFFICER Vicki Davies
DATE REGISTERED 28 January 2011
EXPIRY DATE 25 March 2011
APPLICANT Mr M Boyce
AGENT Landscape Land and Property
REASON FOR COMMITTEE TO DETERMINE Public Interest

RECOMMENDED DECISION Full Application - Granted

Site Location:

The site is located on the eastern side of Station Road to the south of the village of Ridgmont. The site is outside of any settlement envelope and for the purposes of planning is in the open countryside. To the south of the site are residential dwellings, on all other sides is open agricultural land. The site consists of a hard standing of approximately 1000 square metres and is bounded by mature hedges.

The Application:

The application seeks retrospective consent for the storage of cars on the site. The application sets out that the site is used only to store cars awaiting sale. Cars are not viewed at the site. The application sets out that access to the site takes place between 7am and 7pm with occasional access from 6am to 8pm. Occasional access to the site takes place on Saturdays with access only for emergencies on Sundays and Bank Holidays. No maintenance, repair or servicing of vehicles takes place on the site.

RELEVANT POLICIES:

National Policies (PPM & PPS)

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS4: Planning for Economic Development
PPS7: Sustainable Development in Rural Areas

Regional Spatial Strategy

East of England Plan (May 2008)

Bedford shire Structure Plan 2011

No relevant policies

Central Bedford shire (North) Core Strategy and Development Management Policies 2009

CS11 - Rural Economy and Tourism

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Design in Central Bedford shire: A Guide for Development

Planning History

CB/10/03475/FULL Erection of 3 bedroom detached house and garage. Change of use from commercial car park to residential. Refused 8/11/10

**Representations:
(Parish & Neighbours)**

Ridgmont Parish Council The site, in a rural area, outside the village envelope is unsuitable for the storage of vehicles for commercial purposes.

Concerned that the applicant has already ignored the requirements of the planning system by using the site for commercial purposes without planning permission and therefore cannot be relied upon to guarantee that the use of the site would not be increased to include, for example, storage of commercial vehicles and vehicle repairs etc.

Request the application is refused

If minded to grant permission request strongly the application of stringent conditions limiting the number of vehicles stored and prohibiting the storage of any commercial vehicles, caravans etc. Also ask that a condition is applied prohibiting the site from any activity related to vehicle repairs and maintenance.

Similarly, in order to safeguard against any future changes we would ask that any permission is made personal to the applicant only.

Neighbours 6 letters of objection have been received to the application and 1 letter of support

The objections to the retrospective application are:

- impact on highway safety of car transporters parking on the

- road;
- impact on privacy, house and garden
 - noise and disturbance
 - commercial business on edge of village
 - health and safety concerns, fire prevention
 - impact on storm water and drainage
 - covenant on the land preventing building
 - installation of lighting and impact on amenity
 - commercial signage and recent construction of shed
 - claim that land is derelict
 - no tree survey despite trees on site
 - the conversion of the offices to residential has not been implemented and the car park is therefore not redundant
 - complaints have been made but no action has been taken
 - operating hours are significantly longer compared to office car park use
 - risk of crime
 - CCTV
 - visual impact
 - entrance to car park is concealed and entrance and exit dangerous
 - a residential area should not have commercial businesses in
 - access to the site in an emergency
 - cars left running causes noise and air pollution
 - no car washing should be permitted on site

The letter of support sets out that the writer has not witnessed any disruption due to the activities in the site or danger to cars or pedestrians and considers that the use of the land is preferable to it being vacant and subject to flytipping etc.

Consultations/Publicity responses

Highways Development Control It is understood that the vehicles stored at the site are brought to it and taken from it by a car transporter which does not enter the site but instead loads/unloads in the highway which is not acceptable as it obstructs the free flow of the traffic using the highway, obstructs driver/driver intervisibility close to a bend in the road, and creates on street parking.

Deliveries and collections should be made within the site. Access is taken from a classified road and as such should have an on site turning area to allow a vehicle to leave in forward gear. Due to the by-pass, Station Road is relatively lightly trafficked and it would be acceptable for a vehicle to reverse into the site.

The access and kerb radii should also be sufficient to accommodate a transporter entering/exiting the site without over running the existing raised kerb and verge. Details should be submitted to indicate this.

Additional information is requested to address the following:

- A plan showing the access/junction, where the transporter will load/unload within the site and how it will access/exit the site from the highway.
- Clarification that the vehicles on site are there for storage and not to viewed at this location by members of the public or members of the car trade and the vehicles are not for sale/ being sold at this location to members of the public or the members of the car trade.
- Considering that the site is only for the storage of vehicles request justification as to why the site is used from 06.00 until 20.00 including weekends (worse case scenario) and what constitutes as an emergency that the site will be used on a Sunday and/or Bank Holiday.

Further information was provided to address the comments of the Highways Development Control Officer which are considered to address the concerns raised.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of Area
3. Impact on Amenities of Nearby Residents
4. Highways and Other Issues

Considerations

1. Principle of Development

Ridgmont does not have a settlement envelope and therefore for the purposes of planning the site is within the countryside. The site is located on the edge of the built up area of the settlement. The site was previously the car park for a small office development on Station Road. The offices were granted planning permission in 2010 (CB/10/01579/FULL) for conversion to office use. This planning permission has been implemented and the car parking area is therefore redundant.

PPS7 sets out that the countryside should be protected for its own sake, that development should be focussed next to villages and towns and that brownfield land should be used in preference to greenfield land. The site has not changed significantly in appearance between its use as a car park and a car storage facility. The site is immediately adjacent to the village of Ridgmont and is on brownfield land.

PPS4 sets out that development in open countryside away from existing settlements should be strictly controlled. The application site is adjacent to an existing settlement and the location is therefore not contrary to PPS4.

Core Strategy policy CS11 sets out that the diversification of the rural economy should be supported and that the conversion of redundant properties to commercial, industrial, tourist and recreational uses should be considered in the first instance. The proposal represents the conversion of an otherwise redundant piece of land to a commercial use.

The site also falls within the Green Belt. PPG2 defines inappropriate development within the Green Belt but does not discuss in detail the use of land. It is considered that as the land was previously in use as a car park its continued use for the storage of cars is not inappropriate in Green Belt terms. PPG2 states that when any redevelopment of land in the Green Belt occurs it should so far as possible contribute to the objectives for the use of land in Green Belts. In this instance it is considered that the application contributes to the recycling of derelict and other urban land.

Overall it is considered that although the site is within the countryside it is located on the edge of the village of Ridgmont and relates well to the built up area. The land is brownfield, previously used as a car park, a now redundant use. Although the proposal represents development in the countryside it is not considered that it would be contrary to policy.

2. Impact on Character and Appearance of Area

Core Strategy policy DM3 sets out that new development should be appropriate in scale and design to its setting.

The site is surrounded by a mature hedgerow which stands approximately 1.5 metres high. The site also includes some trees. The planting means that apart from through the access views into the site are not possible from street level. The site was previously used as a car park and although there are now more cars parked on the site than previously it is not considered that this significantly changes the visual impact of the development. The use of the site for car storage does not have any adverse visual impact on the countryside.

The site is contained by the hedges on all sides and the scale of the development is therefore limited. The site is currently used for the storage of cars which cannot be seen over the hedgerow. It is considered that if the site were used for the storage of vans, lorries or other larger vehicles that these would be seen. It would therefore be appropriate to restrict the height of vehicles which can be stored on the site in order to protect the visual appearance of the area.

Some objectors have stated that the commercial operation is inappropriate in its location. The character of Station Road is predominately residential however it is not considered that the car storage has a significantly different character to that of the car park. The level of use of the car storage could lead to a significant change in character and therefore the operating hours and level of use should be controlled by conditions.

The site has been in use as car storage for around three years. It would not appear that in that time there has been such a level of use that has led to the change in the character of the area.

Overall it is considered that the character and appearance of the area would not

be adversely effected providing that the use of the site is controlled conditions.

3. **Impact on Amenities of Nearby Residents**

Core Strategy policy DM3 states that the amenities of surrounding residents should be respected.

Local residents have raised concerns over impact on privacy, noise, disturbance, light pollution, operating hours, use of CCTV and risk of crime.

The site is not staffed on a regular basis and no members of the public visit the site. The impact on the privacy of neighbouring residents is therefore limited. The use of the site can be limited by conditions restricting operating hours and it is not considered that the use would have significant adverse impact on the privacy of nearby residents. Vehicles have been delivered to the site by a car transporter. Views into neighbouring gardens were possible from the car transporter which is considered to have had an impact on privacy. The applicant has agreed that no car transporter will deliver cars to site in the future. A condition requiring a method statement for the delivery of cars to be submitted and approved in writing. In addition it is considered that a temporary consent would be appropriate in order for the effectiveness of the conditions in controlling the development to be assessed.

The movement of cars to and from the site will cause a level of noise and disturbance. It is not however considered that the number of vehicle movements each day would exceed those experienced when the site was in use as a car park. Providing the use of the site is controlled by conditions it is not considered that the level of noise and disturbance experienced by nearby residents would be unacceptable, particularly compared to the previous use as a car park.

The application does not include any proposals for external lighting on the site. A condition can be added to any planning permission granted requiring the submission of details before any external lighting is installed.

The operating hours of the site are set out in the planning application as 7am to 7pm Monday to Friday. The application does however state that there are occasions when cars are collected as early as 6am and as late as 8pm. There are occasional uses of the site at the weekend by rarely on Sundays or Bank Holidays. It is considered that the operating hours of 6am to 8pm would lead to an unacceptable level of disturbance to local residents as the previous use of the car park would have likely to taken place to serve a 9am-5pm working day. It is considered that operating hours of 9am to 5pm would be acceptable, this is satisfactory to the applicant. The applicant does however wish to be able to access the site on Saturdays to undertake maintenance to the boundaries etc. Emergency access to the site would also be necessary at all times. An emergency would be an event such as vandalism or an attempted break-in, no cars would be removed for transport during the emergency access times.

Some objectors are concerned that the use of CCTV on the site would lead to an invasion of their privacy. The application does not include any reference to CCTV. CCTV can be installed without the need for planning permission if it meets certain criteria and therefore would not need to be included in the proposal. It is not considered that the installation of CCTV would significantly

adversely impact the privacy of neighbours.

A number of objectors are concerned about the risk of crime associated with the use of the site. It is accepted that when the site was used as a car park for the offices it was unlikely that there would have been any cars left on site overnight. The site is secured by a substantial gate and bounded with dense hedgerows. It would not be easy to remove vehicles from the site. It is also considered that any increase in crime would be on the site rather than on the land of neighbouring residents.

Some objectors set out that there are health and safety risks associated with the use of the site including risk of fire and explosion. It is not considered that there are any significant risks which are greater with the current use than a car park. Any potential health and safety issues would be dealt with under legislation outside of the planning system.

4. Highways and Other Issues

The existing access to the site continues to be used for access to the land. The Highways Development Control officer is satisfied that the access is suitable for cars. Any car transporter used would need to be able to reverse into the site and turn within the site, before leaving in a forward gear. The applicant has stated that car transporters will no longer be used to deliver cars to the site. Parking car transporters on the road is unacceptable and causes a hazard to road users. A condition will be added to any planning permission preventing any vehicle used to transport cars to the site stopping or parking on Station Road. In order for the effectiveness of the conditions in adequately controlling the activity to be assessed it is considered that a temporary consent should be granted. A three year consent would enable the situation and impact on highway safety to be reviewed. If the situation was considered acceptable and suitability controlled by conditions it may be judged appropriate to grant a permanent permission.

The Highway Development Control Officer is satisfied that since the opening of the Ridgmont bypass Station Road is relatively lightly trafficked and the use would not have a significant adverse impact on highway safety.

Some objectors raise concerns over storm water and drainage. Others state that there should not be any car washing on site due to the sensitive ponds on the neighbouring land. The site, as no changes have been made, will not result in any changes to the existing surface water run-off situation. No car washing is proposed on the site and this can be secured by condition as it is considered this would be an inappropriate activity for the site.

Recommendation

That Planning Permission be granted subject to the following:

- 1 This permission is limited to a period expiring on 31 June 2014 when the use shall be discontinued unless before that date the Local Planning Authority has granted permission for its (their) continuation.

Reason: To allow the Local Planning Authority to review the use when the permission expires.

- 2 No car transporters or other vehicles used for the delivery of cars shall be used to deliver cars to the site. A written scheme detailing the procedure for the delivery and removal of cars from the site hereby permitted shall be submitted within three months of the date of this permission. All deliveries and removals of cars shall then be carried out strictly in accordance with the approved scheme. If within three months of the date of this permission no scheme has been submitted the use hereby permitted shall cease and all vehicles removed from the site.

Reason: In the interests of highway safety and residential amenity.

- 3 Activity on the site shall only take place between the hours of 9am to 5pm Mondays to Fridays. Activity on the site shall only take place between the hours of 9am and 5pm on Saturdays for the purposes of maintaining the site, and not at all on Sundays and Bank Holidays. Activity outside of the permitted hours shall be to deal with emergencies only.

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

- 4 No members of the public shall be permitted to visit the site and no sales shall take place from the land hereby permitted, either to traders or customers, nor shall it be used for the collection of goods by retailers or consumers.

Reason: In order to maintain control over the future use of the site in the interests of the general amenities of the area and/or highway safety.

- 5 The site shall be used for the storage of motor vehicles only. No washing, maintenance or other works to vehicles shall be permitted to take place on the site.

Reason: In the interests of residential amenity.

- 6 No more than 20 vehicles shall be permitted to be stored on the site at any one time.

Reason: To protect the amenities of nearby residents and in the interests of highway safety

- 7 No vehicles other than private motor cars shall be stored on the site.

Reason: In the interests of visual amenity

- 8 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties and highway safety.

- 9 This consent relates only to the details shown on plans CBC/001 & CBC/002 received 28/1/11 or to any subsequent appropriately endorsed revised plan.

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

Reasons for Granting

The proposal would not be in conflict with Green Belt policy, detrimentally impact upon the character and appearance of the area nor would there be any significant adverse impact on the amenities of neighbouring residents. Nor would there be any adverse impact on highway safety. The scheme therefore is in conformity with Planning Policy Statement 1 (2005), Planning Policy Guidance Note 2 (1995), Planning Policy Statement 4 (2009) and Planning Policy Statement 7 (2010) and Policies CS11, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development".

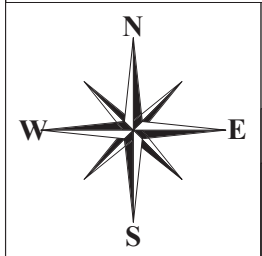
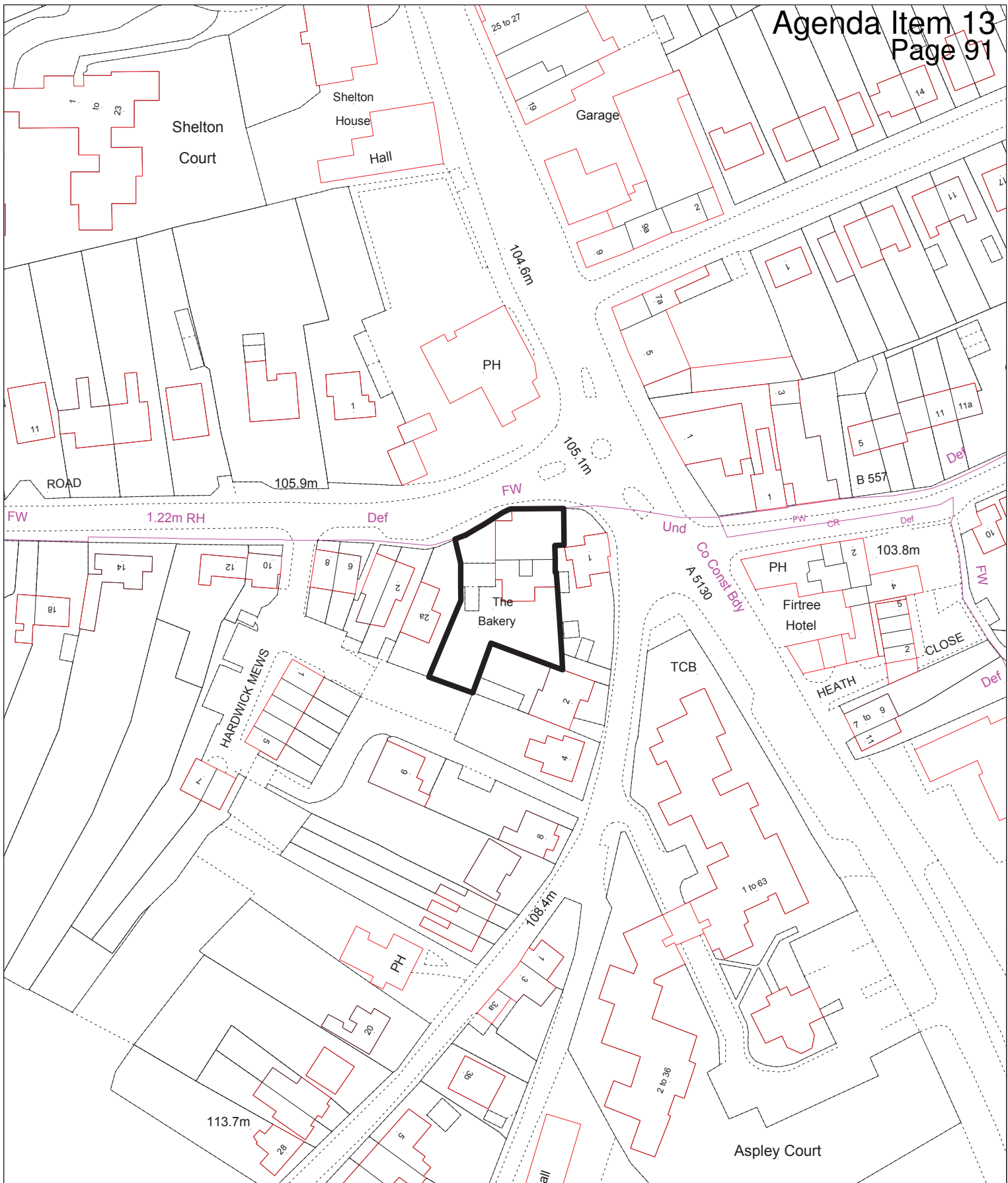
Notes to Applicant

1. This permission represents the maximum extent of development which is considered appropriate in this location.
2. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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Date: 07:June:2011

Map Sheet No

Application No.
CB/11/01470/REN

Scale: 1:1250

The Bakery, The Square, Aspley Heath.

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Item No. 13

APPLICATION NUMBER CB/11/01470/REN
LOCATION The Bakery, The Square, Aspley Heath, Milton Keynes, MK17 8SY
PROPOSAL Extension of Time: Application No. MB/08/00263/Full dated 21/04/2008. Full: Extension to the existing bakery, 2 No. self contained 1 bed flats.
PARISH Aspley Heath
WARD Aspley & Woburn
WARD COUNCILLORS Cllr Wells
CASE OFFICER Sarah Fortune
DATE REGISTERED 19 April 2011
EXPIRY DATE 14 June 2011
APPLICANT Bushy Croft Developments
AGENT PPS Ltd
REASON FOR COMMITTEE TO DETERMINE Councillor Budge Wells has requested -in view of comments raised by the Parish Council.

RECOMMENDED DECISION Full Application - Granted

Site Location:

The site comprises of the buildings and associated land that forms part of the Upper Crust Bakery which lies within The Square at the junction of Hardwick Road with High Street and Woburn Road in a visually prominent position. The frontage building has two main facades - one to Woburn Road and the other onto Hardwick Road.

To the east the site adjoins a property known as 'Top Knot' which comprises of two retail units with living accommodation above. To the west the site adjoins a bungalow - 2A Hardwick Road.

The Application:

This application is to renew a previous planning permission dated: 21/04/2008 ref; MB/08/00263) in respect of the renovation of the existing site buildings, the removal of the two storey side extension and garage/passageway building - and its replacement with a smaller one and a half storey side addition. A small terrace and then a pitched roof is to be built above the rear projection behind the bakery.

In addition, a new building is to be erected adjacent to the southern boundary to comprise of two one bed, studio apartments. Some internal alterations are proposed in the existing bakery to improve the living accommodation and retail space. Access to the site is to be via the existing access off Hardwick Road and there is to be a turning area within the site.

PPS:

PPS5 The Historic Environment
PPS3 Housing
PPG2 Green Belt

Regional Strategy

Policy ENV7 - Quality in the Built Environment

Core Strategy and Development Management Policy document dated November 2009.

DM6 Infill development in Green Belts
CS15 and DM13 New development in Conservation Areas

Aspley Heath Conservation Document dated March 2008

Design in Central Bedfordshire a Guide for development - November 2009

Planning History - relevant

78/787 Extension and alterations to shop and house. Change of use of part of house for additional shop purposes and of shop storage and additional residential purposes.
Granted: 02/03/1979

78/787/A Single storey rear extension for cake finishing room
Granted: 03/01/1980

02/00341/OUT Detached dwelling (all matters reserved)
Refused: 17/04/2002 on grounds that it was tantamount to tandem development, loss of amenity to neighbours and parking problems as well as lack of adequate information in the submitted plans for a full consideration of the proposals.

06/01530 Erection of detached garage store building.
Granted: 07/11/2006

MB/08/00263 Full: Extension to the existing bakery. 2 No. self contained 1 bed flats.
Granted: 21/04/2008. Expires: 21/04/2008

MB/08/01784 Change of use from A1 to A1 and cafe.
Granted: 3/12/2008

**Representations:
(Parish & Neighbours)**

Aspley Heath Parish Council The Parish Council raised no formal objections to the original application but now considers that the change of use of the main retail unit - and traffic/parking problems

adjacent to the site on Hardwick Road changes the situation:

No objections to the removal and replacement of existing utilitarian side and rear extensions. Concerned that the overall proposal is overdevelopment and thus raise objections:

The retail area is to be extended and appears to be designed to be converted into two retail units, and there are to be more bedrooms. There will be increase in use of the access, no separate provision has been made for the delivery vehicles and there will be a conflict of interest between the requirements of the retail unit and car parking for the flats. Need to condition materials to ensure that materials match including a slate roof, matching red bricks etc..

Woburn Sands Parish Council Objects: lack of parking and concerned that the retail unit may become two units.

Neighbours No obs received

App Adv

Consultations

CC Highways No objections subject to conditions

EHO No objections as long as conditions are attached to the consent including ones re noise and odour

E.A. Comments regarding foul and surface water drainage systems

IDB No comments.

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Impact on visual amenities of area.
3. Impact on amenities of neighbours
4. Access and parking
5. Landscaping, Drainage and Other Considerations

Considerations

1. Background and Policy

The main consideration in this application for renewal of the consent are whether there has been a change in any of the circumstances both in policy terms and in relation to the site and its surroundings - that would justify a

different decision now being made i.e. a refusal as opposed to the previous approval. Since the previous permission retrospective planning consent has been granted for the change of use of the shop (A1) to A1 and cafe - ref: 08/01874. With regard to the comments from the Parish Council potential subdivision of the approved retail/cafe unit does not require the benefit of planning permission. There are two parking spaces shown for the retail unit and as long as the floor area of the retail area does not increase then the parking need would not be changed from that being shown even if the unit were to become two retail units since parking requirements is based on floor area.

The site lies in an area of mixed residential and retail uses close to the centre of Woburn Sands. Shops with residential properties above characterise the frontages of the main roads whilst residential streets with pockets of infill development behind are characteristic of the roads which lie behind and lead away from the main shopping areas.

This application seeks to continue the mixed use of the site whilst improving its appearance and through a more efficient use of the space creates two further single bedroom studio flats

This application is for the renovation of the existing site buildings with the demolition of the old two storey side addition and garage/passageway building and its replacement with a smaller one and a half storey addition. A small terrace and then pitched roof is proposed above the rear projection behind the bakery and then a new building adjacent to the southern boundary to comprise two one bed studio apartments.

There are to be some internal alterations within the existing bakery to improve the living accommodation and retail space.

Overall the increase in the use /activity of the site proposed by the application in addition to what is already there is the two one bed studio apartments.

Whilst it is accepted that this proposal incorporates the erection of a building to the rear to be used as two flats it is felt that whilst tandem development is not normally acceptable in the settlement of Aspley Heath - where only infill development generally complies with planning policies - in this case it is still felt that the planning merits in respect of the improvements to the appearance of the main frontage building outweigh the general presumption against such tandem development since the site is located in a very prominent location and is clearly in need of renovation. These improvements will give an uplift to the area. The only change in policies that are relevant to this site are that the Core Strategy and Development Management Policy Document has been approved in 2009 but this does not change the policy position in relation to the site and the proposed developments.

2. Impact on visual amenities of area.

The side extension and garage/passageway is to be removed and replaced with a more sympathetically designed extension. The height of the side extension is to be reduced to one and a half storeys where this is to be replaced.

There is to be a new building to the rear of the site which is to be one and a half

storey and this is to provide for two studio apartments. The shape is L shaped and it ensures that the building is pulled back and away from the boundary with 2a Hardwick Road. This building is to appear as more of a detached property rather than a traditional flatted block. There is to be chunky window, sill and lintel detailing as well as dormer windows, a traditional roof and traditional brick and tile construction. The style takes reference from the main frontage building and residential properties to the rear.

A small sitting out area for the new apartments has been provided as well as some amenity area for the existing flats within the bakery itself. There is to be hedge planting to the front of this amenity area with a gated access.

It is still felt that the size and design of the extension to the frontage building is in keeping with the character of the property itself and the street scene generally and will in fact be a visual improvement to the area at this very prominent location next to two roundabouts. The size and design of the rear roof extension is also acceptable and will be seen as a further visual improvement to the site when viewed from the rear. The block of two studio flats in the rear area of the site is in keeping with the character of the area generally.

It is thus felt that the proposals accord with Core strategy policies - in particular DM6, DM13 and CS15 which seek to ensure that new development preserves - and if possible - enhances an area.

3. Impact on amenities of neighbours

With regard to the potential impact on the amenities of neighbours the dwellings which are most affected by these proposals are the bungalow in Hardwick Road to the west and the large house to the rear of the site to the south west. The block of two flats to the rear of the site has been designed and sited so that it is 8.5 metres away from the shared boundary of the site where the bungalow has its main side elevation facing the application site. The part of the new block that is to be close to the bungalow is actually next to the garage of the bungalow. This means that there will be some loss of outlook and overbearing impact to the occupier of the bungalow but not sufficient as to sustain an objection. Also, windows have been positioned so that there will be minimal potential for overlooking to this bungalow. With regard to the house to the rear - number 6 Church Road this is at a distance of about 19 metres from the proposed rear elevation of the block of flats and is to be at a much lower ground level - as the land rises steeply beyond the site to the rear. There are to be no first floor windows facing this house to the rear - apart from some high level rooflights.

The raising in the height of the roof of the rear projection to the shop building will not result in undue loss of amenity to the neighbouring shops with the flat above (this flat is presently not used for such purposes but is being used for storage in association with the retail use at the ground floor level).

There are some concerns about the environmental factors which could impact on the amenity of existing and proposed residents of the flats. In particular there is a restaurant and pub opposite the site and other such premises in the vicinity. These could give rise to noise and odour problems. Conditions are to be attached to cover the issues of noise and odour to ensure that the amenity of residents is safeguarded .

It is felt that the proposal accords with policies in the Local Plan which seek to protect the amenities of neighbours and no letters of objection have been received from any neighbours.

4. Access and Parking

The existing access is to serve the site and the rear development and the County Highways officer is of the view that he has no objections to raise as long as conditions are attached to any planning permission. The revised internal servicing area provides adequate turning space for vehicles so that cars can leave the site in forward gear. The removal of the garage/passageway building will improve the flow of traffic into and out of the site to ensure that vehicles do not sit on the carriageway waiting to turn into the site whilst another leaves -as is currently the case.

There are to be eight parking spaces provided on the site and this results in a ration of one space per residential property plus one space for the manager of the bakery with three visitor spaces. The plan which accompanies this application - and which has previously been approved with the highways officer in 2008 indicates that spaces marked 1 and 2 are for the flats in the main bakery building - i.e. one each. Spaces marked 3 and 4 are for the proposed new build units - i.e. one each. There are two further spaces marked as retail 1 and retail 2 for use by the retail element. There are two visitors spaces in addition to the allocated provision.

As stated above, the Parish Council have raised concerns about there being two retail units at the site - and not one. However, such subdivision does not require the benefit of planning permission. If such subdivision did take place in the future there are presently two parking spaces being show on the plan for the retail unit and as long as the floor area of the retail area did not increase then the parking need would not be changed from that being shown since the parking requirement is based on floor area.

Officers are aware of the fact that the retail unit at the site has had the benefit of permission for a change of use to retail /cafe since the original permission was granted for the development the subject of this renewal. Very careful consideration was given at the time of the consent for the retail/cafe use regarding parking availability at the site and to the earlier approval under ref:08/00263/FULL for the extension to the main building and the two new dwelling units to the rear. The highways officer specifically referred to this earlier consent (ref: 08/00263/Full) in his comments in respect of the retail unit/cafe. Also, a note was attached to the decision for the retail unit/cafe (08/01784/Full) which stated that the permission was for mixed A1 and cafe use and not for a full restaurant - and that planning permission would be required for a restaurant.

Landscaping, Drainage and Other Considerations

5.

It is proposed to have some boundary planting to soften the internal site environment and there is also to be landscaping around the car parking spaces and bins and cycle stores are to be provided. Conditions are to be attached requiring the submission of full landscaping details as well as full boundary treatment details. Most of the site boundaries has tall brick walls or fences and

these are to be retained. There is to be a dwarf wall to the front of the site extension to the main building at the frontage and a separate condition needs to be attached for full details of this wall to ensure that it is of high quality design and materials to improve the appearance of the area. The bin storage area also needs to be screened.

There is to be a cycle store for eight cycles which is an improvement on the existing situation.

The main change in circumstances relating to the site and its surroundings are the fact that planning consent has been granted for the retrospective change of use of the ground floor bakery - A1 use - to mixed A1 and A3 -bakery shop and cafe under planning ref; MB/08/01784. In view of this the Environmental health officer is of the view that there could be noise/odour issues from the cafe that could have a detrimental impact on the future occupiers of the development the subject of this planning application - although complaints do not appear to have been received regarding the cafe (pizzeria). A condition regarding noise and odour is to be attached to this consent.

Recommendation

It is recommended that planning permission be renewed subject to the following conditions:

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

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

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

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

- 3 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. These details shall include the siting, design, height and material finish of the front boundary dwarf wall as well as details of the boundary treatment to the bin storage area. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied

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

- 4 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
- 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 completion of the development.

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

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

- 7
- 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 any elevation of either building at first floor level.

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

- 8
- 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 of 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 highways and of the premises.

- 9 Before the block of two flats development is first brought into use the turning space for vehicles shall be constructed in accordance with the details illustrated on the approved plan (no. 063559/2).

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

- 10 **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.

- 11 **Prior to commencement of development the applicant shall submit details in writing for approval of the local planning authority a scheme of noise attenuation measures which will ensure that the internal noise levels from any external noise sources shall not exceed 35 dB L Aeq, 07:00 - 23:00 in any habitable room or 30dB L Aeq, 23:00 - 07.00 and 45 dB L max 23:00 - 07:00 inside any bedroom, and that external noise levels shall not exceed 55 dBL Aeq, 07:00 - 23:00 in outdoor amenity areas. Any works which form part of the scheme approved shall be completed before any permitted dwelling is occupied, unless an alternative period is approved writing by the Local Planning Authority.**

Reason: In order to provide acceptable noise improvement and level of amenity for future occupants of the development.

- 12 Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation and the equipment shall be effectively operated for so long as the commercial food use continues. Details of all odour abatement equipment shall be submitted to an approved in writing by the Local Planning Authority and the equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the occupation of any dwelling hereby permitted.

Reason: In order to ensure that whilst the Council has no positive evidence to suggest that the site is contaminated, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 063559/1 and Drawing 2

Reason: For the avoidance of doubt.

Reasons for Granting

There are no objections to the principle of this renewal since there has been very little change in circumstances around the site since the previous approval and no objections have been received from the neighbours. The car park and access arrangements are acceptable. The application complies with policies DM3, DM13 and CS15 in the Core Strategy and Development Management Policy Document dated November 2009 as well as PPG2, PPS3 and PPS5.

Notes to Applicant

1. Contaminated land

The applicant is advised that whilst the Council had no positive evidence to suggest that the site is contaminated, it is the developers responsibility to ensure that final ground conditions are fit for the end use of the site.

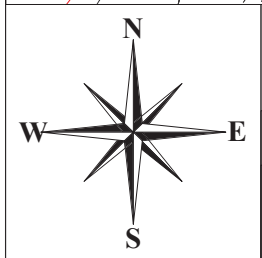
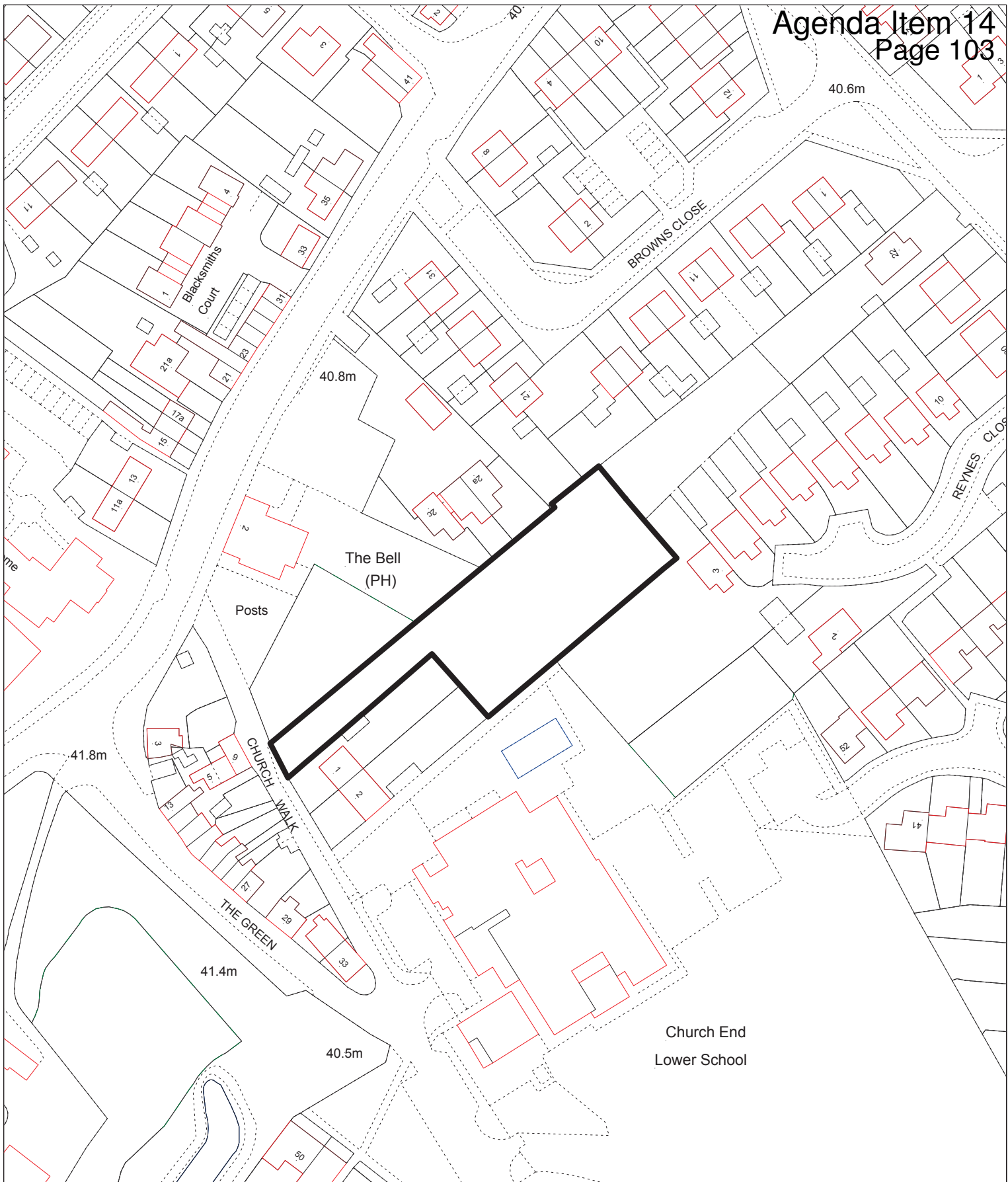
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.

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

4. The applicant is advised to take note of the Environment Agency letter dated 27/05/2011.

DECISION

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Date: 08:June:2011

Map Sheet No

Application No.
CB/10/04491/Full

Scale: 1:1250

Land to the rear of 1 and 2 Church Walk, Marston Moretaine.

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Item No. 14

APPLICATION NUMBER CB/10/04491/FULL
LOCATION Land to the rear of 1 and 2 Church Walk, Marston Moretaine, Bedford, MK43 0PL
PROPOSAL Full: Proposed development of 2 detached bungalows. Re-submission CB/10/02840/FULL
PARISH Marston Moretaine
WARD Cranfield & Marston Moretaine
WARD COUNCILLORS
CASE OFFICER Sarah Fortune
DATE REGISTERED 09 December 2010
EXPIRY DATE 03 February 2011
APPLICANT Mr Rossiter
AGENT Still Associates
REASON FOR COMMITTEE TO DETERMINE View of Public Interest

RECOMMENDED DECISION Full Application - Granted

Site Location:

The site is located in the built up area of Marston Moretaine to the north east of numbers 1 and 2 Church Walk and to the south east of the Bell Public House. It comprises of an elongated stretch of land presently vacant which was formerly used for garden and is owned by number 11 Browns Close.

The Application:

This application is for the erection of two no. detached, two bedroomed bungalows with two parking spaces for each property within the site - as well as visitor parking.

RELEVANT POLICIES:

Regional Policies

East of England Plan
Policy ENV7 Quality in the Built Environment

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
PPS3 Housing

Core Strategy and development Management Policy Document dated November 2009.

DM3 Amenity
CS1 Minor Service Centre

CS5 Providing Homes
DM4 Settlement Envelopes.
CS2 Developer Contributions

Supplementary Planning Guidance

Design Guide on Housing: November 2009

Planning History - relevant

89//01569	Outline: erection of one bungalow Refused: 17/11/1988
89/01502	Outline erection of one bungalow. Refused and appeal allowed: 1/10/1990
10/02840	Full: Two detached bungalows with detached double garage to each plot. Withdrawn: 8/09/2010

Representations: (Parish & Neighbours)

Marston Moretaine Parish Council	Objects: Concerns about access to the site via Church Walk as this is pedestrianised apart for access to two dwellings/Extra use of this by two dwellings will cause safety issues for the 260 local school children who attend the Lower School and their parent at drop off and pick up times. Concern also about construction traffic to the site. Can neighbours comments be taken into account in consideration of the application.
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Neighbours	10. Strongly object on grounds that access to the site along Church Walk is very poor as it is heavily used by pedestrians and some vehicles and is not a road but a pathway, the local residents are firmly against this proposal thus the development should not be allowed to proceed. Church Walk will have exacerbated pedestrian and highway safety problems, refuse vehicles can not move up and down Church Walk, people walk up and down Church Walk to and from the Lower School and Chimney Tops Nursery - and additional traffic will lead to highway safety problems and risk of injury to children. Loss of privacy to neighbours, design of bungalows is out of keeping with the area, very close to boundary with neighbouring properties, restrictions should be placed on any new dormers facing towards the neighbours, the site has a history of flooding, the development will increase the risk of flooding around the site, Church Walk is not of adequate strength for the use by construction lorries without causing damage, this is garden grabbing, the houses adjacent to the site are not shown, there are trees on the site, there is not enough space for a fire vehicle to turn into the site, lack of visitor parking, boundary fences may be damaged.
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Revised Plans:

4. Unsuitable access as stated above, access is now only via The Green, the access has been made suitable for pedestrians, do not need more traffic along it, used by children to get to school, no revisions have been made to the plans regarding the access to the site, previous concerns have not been resolved, lack of parking in this area, restricted access to the site for large vehicles and dust carts, overdevelopment of site, adverse impact on privacy of neighbours, out of keeping with the local style of development in the village, restrictions should be placed so that there are no dormers overlooking the neighbours/removal of PD rights, garden grabbing for profit only, these two bed properties could be used as three bedroomed ones, construction traffic will have to turn in front of the school causing danger/risk to children.

Consultations/Publicity responses

Highways Officer	No objections subject to conditions and Highway notes.
E.H.O.	No objection as long as Informative is attached to any consent.
Tree Officer	No objections but any consent should be the subject of conditions to protect trees on the adjoining sites and the development should be moved further from the ditch.
Archaeology Officer	No objections as long as a condition is attached to any consent.
E.A.	No objection. Advisory comments should be attached to any consent.
Refuse Officer	Need to provide for a suitable collection point on the highway boundary for waste collection and a condition needs to be attached requiring the submission of a Site Waste Management Plan.

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Size, Siting and Design in relation to site and visual amenities of area.
3. Impact on amenities of neighbours
4. Other Considerations

Considerations

1. Background and Policy

The site lies in the built up area of the village of Marston Moretaine which is classified as a Minor Service centre in the Core Strategy and Development Management policy Document dated November 2009 - policy CS1 refers. There are dwellings around most of the site's boundaries apart from to the west where there is The Bell Public House. Further to the south east is the Church End Lower School.

A recent planning application for virtually the same development - but in respect of two no. three bedroomed bungalows and two double garages - was withdrawn in view of concerns raised about various highways aspects and the lack of an agreed legal Unilateral Undertaking in respect of off site financial contributions towards education etc. (ref: 10/02840).

In view of the above there are no policy objections to the principle of new residential development in this backland position as long as various criteria are complied with such as the site being of sufficient size and shape for the proposed development, the design of the properties being acceptable, suitable access and no unduly adverse impact on the amenities of neighbours etc....

Planning permission has previously been granted for the erection of a terrace of three houses on the adjoining land to the north west - to the rear of the Bell Public House - with access off Bedford Road to the north west. These houses have been built and are occupied.

In 1989 outline planning permission was granted consent on appeal for the erection of one bungalow on this site under planning consent ref; 89/01502. The application had been refused by this council on grounds that it would have resulted in the increased usage of a substandard access to the detriment of highways safety, it would have exceeded the recommended distance for refuse collection purposes and fire fighting and also that Church Walk was felt to be of narrow width and not suitable to be the sole means of access to the site. The Inspector was of the view that despite the limited width of Church Walk he did not feel that the increase in traffic as a result of one bungalow would be to the detriment of highway safety or a hazard to other road users. He therefore allowed the appeal subject to various conditions.

2. Size, Siting and Design in relation to site and the visual amenities of area.

The site has a main depth of about 50 metres and a width of 26 metres approx. It is proposed to erect two detached bungalows - staggered on the site each having three bedrooms. There is to be an average garden depth of 17 metres (approx) and a front turning area of 20 metres (approx) depth. There is to be a gap of about three quarters of a metre up to the south east boundary of the site and a gap of about one metre up to the north west boundary which is shared with the rear boundary of the terrace of houses known as 2a, 2b and 2c Bedford Road

3. Impact on amenities of neighbours

The closest neighbours are to the north west - in the recently erected terrace of three houses. There is to be a gap of 8.5 metres (approx) between the north west side elevation of Plot 1 and the rear elevations of these terraced houses. The ridge height of each bungalow is to be 5.9 metres and the eaves height 2.3 metres. In view of the close proximity of the bungalow on Plot 1 to the rear elevations to the terrace of three houses there will be some loss of outlook to these terraced houses and some loss of light - particularly since the bungalows are to the south east of the terraced properties.

There will be limited potential for overlooking from the terraced houses into the nearest bungalow and the rear gardens of both bungalows due to the proposed siting of the bungalows on the site in relation to the terraced houses. There is a house to the north of the site - which has some potential for overlooking into the proposed rear garden of Plot 1 - but this will not be sufficient as to sustain an objection on grounds of loss of privacy. However, there are no windows in the roof spaces of the elevation of the bungalows facing these houses to the north and north east.

4. Other Considerations

Access to the site is to be via a new drive off Church Walk alongside number 1 Church Walk. A turning area is to be provided in front of the bungalows. The highways officer is of the view that the plans do not show the correct length of refuse vehicles used by the council but that there is space on the site for such vehicles to turn within the site. This is a matter that can be dealt with by way of a condition being attached to any planning permission.

There are some mature trees both on the site and adjacent to it. The tree officer has advised that there are no trees of any significance on the site but those next door to it need to be safeguarded - by protective fencing being erected and 'no dig construction' of the highway to the site - especially those in the grounds of the Bell Public House. No other technical concerns have been raised.

The archaeological officer has advised that the site lies in the historic core of the settlement of Marston Moretaine. It is an archaeologically sensitive area and a locally identified heritage asset. Archaeological investigations at the Lower School immediately to the south found a Saxon-Norman hall and associated buildings and evidence of medieval occupation. The development site has the high potential to contain archaeological remains associated with the origins and development of Marston Moretaine. He has requested that the applicant submit an assessment of the impact of the development on Heritage assets. This has been submitted and the archaeological officer has now advised that he has no objections to raise as long as a condition is attached to any planning permission which requires that the developer secure the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

With regards to the required Unilateral Undertaking in respect of off site contributions the applicant has submitted a Unilateral Undertaking and discussions are taking place with officers regarding its finalisation and agreement.

Recommendation

It is recommended that the Development Management Committee delegate the issue of planning permission to the Head of Development Management or a Planning Manager subject to the following conditions and following the agreement of the Unilateral Undertaking.

- 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 commencement of development 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 **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 use hereby permitted is commenced before the building(s) is/are 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.

- 4 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:-

- proposed finished levels or contours;
- 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
- 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 completion of the development.....

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
- 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 in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

Reason: To record and advance understanding of the significance of the Heritage asset in accordance with policy HE12 of PPS5.

- 7
- Notwithstanding the details shown development shall not begin until details of the junction of the proposed vehicular access with the highway and the tracking diagrams for a vehicle entering/leaving the site 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.

- 8
- 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.

- 9
- Before development begins, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto),**

calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, 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.

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

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

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

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

- 12 **Before development commences details of the two parking spaces for plot 1 and the one visitor parking space shall be submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the parking bays have been constructed in accordance with the approved details.**

Reason: To provide adequate on site parking outside of the turning area.

- 13 **Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.0m measured along the centre line of the proposed access from its junction with the channel of the public highway and 7.0m measured from the centre line of the proposed access along the line of the channel of the public highway in a northerly direction. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.**

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

- 14 **Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority.**

Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 15 The development shall not be brought into use until a turning space suitable for a 11.5m size refuse vehicle has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

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

- 16 **Prior to commencement of the development hereby approved a Site Waste Management Plan shall be produced and forward to the council for approval. This plan shall be implemented at the site.**

Reason: To ensure that waste from the site is properly managed.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC1, 821/01/A, 821/02/A, 821/03/A.

Reason: For the avoidance of doubt.

- 18 Details of a suitable collection point that is on the highway boundary and is of sufficient size for two 240ltr wheeled bins and two food waste containers shall be submitted to and approved in writing by the local planning Authority prior to commencement of development and the approved scheme shall be implemented.

Reason: To ensure the satisfactory disposal of refuse from the site.

Reasons for Granting

There are no objections to the principle of this development in view of the fact that this site is in the built up area of the village of Marston Moretaine surrounded by development and there has been previous approval for one dwelling on the site some years ago. There will be minimal adverse impact on the amenities of the neighbours and the access, parking, drainage and landscaping arrangements are acceptable. The application is recommended for approval as being in compliance with policies DM3, DM4, CS1 and CS5 in the Core Strategy and Development Management Policy Document dated November 2009 as well as PS1 and PPS3.

Notes to Applicant

1. The applicant is advised to take note of the comments from the Environment Agency in their letter dated 18/02/2011.

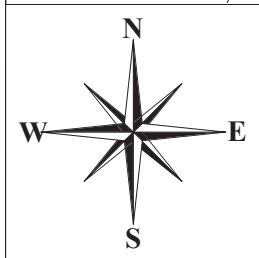
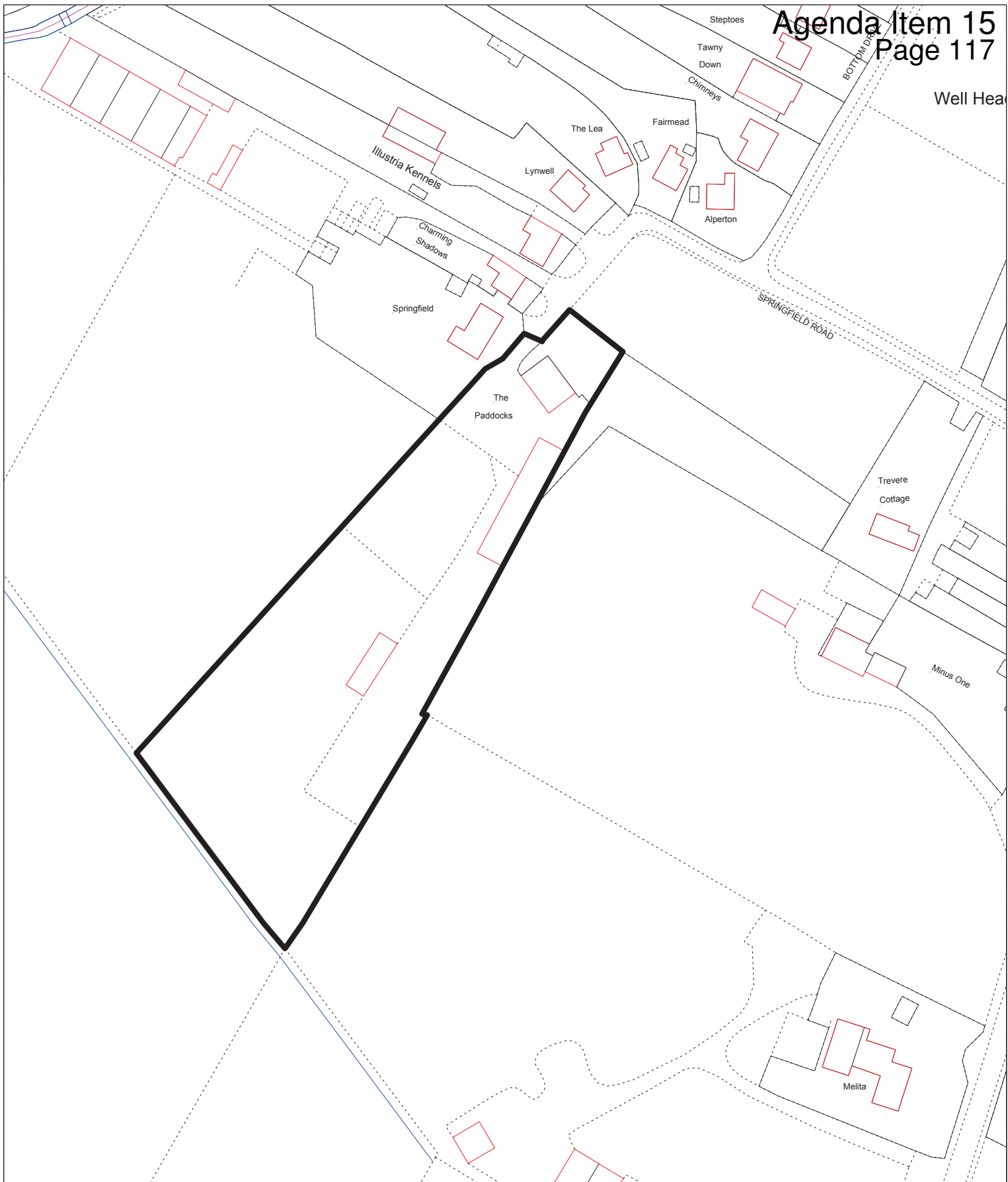
2. The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that the final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during the development should be described to CBC Public Protection. Any imported material for gardens and landscaping must be of quality that adheres to British Standard Topsoil BS 3882:2007, as expected by the NHBC and other bodies. Further information can be obtained from Kay Sterling, Public Protection tel 0300 300 5065.
3. 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice (with list of conditions) and a copy of the approved plan for the access. 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.
To fully discharge condition 7 the applicant should provide evidence to the Local Planning Authority of its construction in accordance with the approved plan, before the development is brought into use.
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 Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. The applicant is advised that in order to achieve the vision splays in condition 2 of the permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049 to request the removal of the overhanging vegetation on the public highway.

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 07:June:2011
Grid Reference: 499485; 220090

Application No.
CB/11/01430/FULL

Scale: 1:1725

The Paddocks, Springfield Road, Eaton Bray, Dunstable, LU7 2JT

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Item No. 15

SCHEDULE C

APPLICATION NUMBER	CB/11/01430/FULL
LOCATION	The Paddocks, Springfield Road, Eaton Bray, Dunstable, LU6 2JT
PROPOSAL	Change of use from builders yard to all weather riding arena and construction of stables
PARISH	Eaton Bray
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Mrs Mustoe
CASE OFFICER	Abel Bunu
DATE REGISTERED	12 April 2011
EXPIRY DATE	07 June 2011
APPLICANT	Mr K Janes
AGENT	Mr C A Emmer
REASON FOR COMMITTEE TO DETERMINE	Applicant is a Councillor
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The Paddocks comprises a two-storey building in use as a dwelling house and a residential care home. It is located on a holding of approximately 2.4ha, which forms part of the small settlement of Wellhead and within the South Bedfordshire Green Belt and the open countryside. The original property was built as an agricultural dwelling in 1987 with an agricultural tie. In November 1997 planning permission was granted for the change of use of the property to a residential care home. The rest of the land to the south west of the principal buildings is shown on the plans submitted with the application as paddock land and a builder's yard.

The application site

The site for the proposed development is enclosed by a post and rail fence which separates it from the adjoining paddock land. The site is mainly used as a yard in connection with the premises and at the time of the officer's site visit, was occupied by stacks of pallets, disused lorry bodies and a stable block adjoining the paddock.

The Application:

seeks permission to carry out the following developments :

1. Change of use of land to provide an all-weather riding arena, by construction of a manege measuring approximately 60 metres wide and 25 metres deep and lit by 6 floodlights mounted on 6 metre high poles placed at the corners and mid points of the longer span of the arena.
2. Construction of a stable block involving the demolition of the existing stable building measuring approximately 118 square metres. The building would be

situated next to the south eastern boundary of the site, would have a depth of 8,2 metres and an overall depth of 16.3 metres. Set back from the property boundary by 1 metre, the building would be clad in timber and would sit under a black profiled metal roof with a maximum height of 3.5 metres to the ridge.

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

Regional Spatial Strategy East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

Bedfordshire Structure Plan 2011

None saved.

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
NE11 - Horse Related Development

Supplementary Planning Guidance

Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

Planning History

- SB/TP/05/1149 - Refused. Erection of a single storey side extension to residential care home providing 4No. bed spaces with wc facilities.
- SB/TP/05/0103 - Continued use of part of outbuilding as office, laundry & stores and retention of covered link.
- SB/TP/02/0228 - Refusal for erection of single-storey side extension to provide 6 additional bedrooms to residential care home. (Appeal dismissed 25/07/2003).
- SB/TP/99/0343 - Permission for erection of side conservatory.
- SB/TP/98/0206 - Permission for erection of two-storey side extension to house, lift shaft and motor room.
- SB/TP/97/0772 - Permission for change of use from agricultural dwelling to residential care home with associated parking.
- SB/TP/96/0766 - Refusal for change of use from agricultural dwelling to residential care home. (Appeal dismissed).
- SB/TP/94/0111 - Refusal for change of use from agricultural dwelling to residential care home.
- SB/TP/91/0168 - Refusal for change of use to part bed and breakfast accommodation.
- SB/TP/87/1149 - ARM for erection of detached chalet bungalow.

- SB/TP/87/0318 - Outline Permission for erection of detached bungalow (Agricultural occupancy).
- SB/TP/85/0483 - Temporary permission for agricultural worker's mobile home (1985-1987).
- SB/TP/83/0552 - Refusal for agricultural worker's mobile home. (Appeal dismissed).
- SB/TP/81/0888 - Refusal for stockman's bungalow.

**Representations:
(Parish & Neighbours)**

Parish Council

Objection

- Over-development
- Conflict with old people's home
- Additional pressure on current road system (dual carriageway)
- However, if planning permission is granted, the development should be for personal use only.

Neighbours
Manton Road

Objection

- 6 stables not necessary. There are many stables in the surrounding area
- There are two maneges in the area and an indoor arena
- There is limited grazing at the property
- This could be another business use on the property in addition to the care home. Over the years there have been a succession of business uses on the site often without planning permission.
- There are enough developments on the site

Consultations/Publicity responses

Environmental Health
Officer

No objections.

- Recommends a condition which requires the applicant to take appropriate measures to remediate the site in the event that contamination is discovered.
- No manure should be burnt on site
- The development should only be used for private non-commercial purposes
- Informatives are also recommended regarding the proper handling of agricultural waste, construction of stables and the installation of flood lights.

Internal Drainage Board

Recommends that a condition be attached to any permission to deal with drainage issues.

Determining Issues

The main considerations of the application are:

1. Whether or not the proposal constitutes inappropriate development in the

- Green Belt
- 2. Impact on the character and appearance of the area
- 3. Impact on residential amenity
- 4. Highway safety
- 5. Other matters

1. **Appropriateness in the Green Belt**

The current application seeks permission for the change of use of land and the erection of a timber stable block, menage, post and rail fencing and installation of flood lights mounted on poles. The main issue to consider therefore is whether or not the development constitutes inappropriate development in the Green Belt and if so, whether or not there are very special circumstances justifying approval of the scheme.

National advice contained in Planning Policy Guidance 2, 'Green Belts' (PPG 2) states that the provision of essential facilities for outdoor sporting and recreational activities are not inappropriate in the Green Belt and small stables are cited as an example. Further advice contained in Planning Policy Guidance 17, 'Planning for Open Space, Sport and Recreation' (PPG 17) confirms that permission should be granted for outdoor sport and recreation facilities where the openness of the Green Belt would be maintained and development should be the minimum necessary. This advice is further amplified in Planning Policy Statement 7 (PPS7) at paragraph 1(vi) which states that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

In this case, the proposed development is required for the private use of the applicant's family in association with the keeping of horses for recreational purposes. The extent of the proposed development is considered small scale and given the level of landscaping around the site and any further planting that could be secured by condition, would not have an overall harmful effect on the openness of the Green Belt and visual appearance of this countryside location hence conforming to national advice. Furthermore, the proposed stable building would replace an existing one and it is considered that the replacement building would not be materially more harmful to the Green Belt than the existing structure. The proposed development is therefore considered appropriate in the Green Belt and very special circumstances need not be demonstrated.

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

Policy NE11 of the adopted local plan provides guidance for the determination of horse-related developments. The policy states that:

Where horse related development is proposed, favourable consideration will not be given unless the following conditions are met:

- 3. *the proposal does not give rise to the need for a new residential unit.*
- 4. *the proposed development (including ancillary development such as maneges, hardstanding, lighting, boundary fencing, jumps and equipment) can be constructed and operated without having a detrimental impact on residential amenity, the open character and appearance of the Green Belt and/or the countryside.*
- 5. *the ratio of stabling or loose boxes to grazing land is no greater than one loose box or single stable unit per 0.5ha and the proposal does not involve or*

result in the sub-division of fields into small paddocks with stable and fencing in each new area.

6. *the site can accommodate off road parking and a turning area and has access onto a highway without the need for vehicular accesses which would fundamentally affect the character and appearance of the site and its countryside setting.*
7. *maximum use is made of existing buildings in preference to constructing new ones.*
8. *stables, loose boxes and other related buildings are sited adjacent to existing buildings or natural features such as trees, woodland or hedgerows and are grouped together where more than one is proposed.*
9. *built development is landscaped using appropriate native local species to minimise visual intrusion and is designed to blend with its rural surroundings.*

Given that there is a residential dwelling already on the site, the proposed development would not give rise to the need for another dwelling. With regards the possible impact of the development on residential amenity, appropriate conditions would be attached to ensure that no material harm would result in this respect. As has been discussed above, the character and appearance of the Green Belt would be protected through a landscaping condition. The proposed development would utilise the existing access and there is adequate parking turning area within the site. Whilst it is recommended to re-use existing buildings in this case, the proposed stable block would be of a better quality and situated in a less visually intrusive location closer to the group of existing building than the stable block it would replace. Taking these factors into account, it is considered that the proposed development would not conflict with the broad objectives of the Council's policies as outlined above.

3. Residential amenity

As has already been discussed above, any likely harm to residential amenity would be adequately mitigated by appropriate conditions to control the future use of the site.

4. Highway safety

Given that the proposed development is required for the personal use of the applicant, would utilise the existing access and the fact that the site has adequate parking and turning space, it is considered that no prejudice to highway safety would arise. It is not anticipated that this private use of the development would generate additional traffic to the site such as would cause detrimental harm to highway safety or residential amenity.

5. Other considerations

The Parish Council's objections are noted but are not considered material to cause the refusal of planning permission as has been demonstrated by the appraisal of the scheme above. The objections raised by a local resident are also noted but these too, are not considered sufficient to cause a refusal of planning permission. Reference has been made to alternative facilities within the vicinity of the site but no evidence has been given to demonstrate what harm would result from approving the development. National advice recommends that in appropriate cases, such as this, it is proper to grant permission with conditions rather than reject an application where no overall harm would result to matters of acknowledged planning interest. Failure to do so might constitute unreasonable behaviour on the part of the Local Planning Authority.

Recommendation

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

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development begins, samples of the materials to be used for the external walls and roofs of the stable 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).**

- 3 The stable building and manege hereby approved shall only be used in association with the keeping of horses for private use and not for commercial use and for no other purpose other than with the express written approval of the Local Planning Authority.

Reason: To ensure that the approved development is not used for any commercial purpose considered inappropriate in the Green Belt.
(Policies BE8 & NE11 S.B.L.P.R).

- 4 Notwithstanding the details submitted with the application, further details of the lighting scheme shall be submitted to and approved by the Local Planning Authority prior to installation and thereafter, no other external lighting shall be installed on the building and at the manege or anywhere within the site without the prior express written approval of the Local Planning Authority.

Reason: To preserve the visual amenities of the Green Belt and in the interests of residential amenity.
(Policies BE8 & NE11 S.B.L.P.R).

- 5 Pursuant to condition 4, the approved lights shall not be lit outside the hours of 0800 to 2100 on any day.

Reason: In the interest of protecting residential amenity and the character of the countryside.
(Policy BE8 S.B.L.P.R).

- 6 Prior to the first use of the development hereby approved, details of the method of manure disposal shall be submitted to and approved by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details and no manure shall be burnt on site.

Reason: To protect residential amenity.
(Policy BE8 S.B.L.P.R).

- 7 If during any site investigation, excavation, engineering or construction works, evidence of land contamination is identified, the applicant shall notify the Local Planning Authority immediately. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority.

Reason: To ensure the site is safe to use .
(Policy BE8 S.B.L.P.R).

- 8 The existing stable building shown on Drawing Number 0102/A shall be demolished and the site cleared to the satisfaction of the Local Planning Authority prior to the first use of the development hereby approved.

Reason: To prevent the proliferation of buildings that would be harmful to the openness and visual appearance of the Green Belt.
(Policy BE8 S.B.L.P.R).

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

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

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0101, 0102/A, 0103, 0104, 0105, 0106/A & 107.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development is not considered inappropriate in the Green Belt and would not be harmful to the character and appearance of this countryside location. Furthermore, due to adequate separation distances and the existing and proposed landscaping, the development would not be harmful to residential amenities. The development is not likely to generate additional traffic such as would prejudice highway safety. The proposal would therefore not conflict with national, regional and local plan policies.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial

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

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review

BE8 - Design Considerations

NE11 - Horse Related Development

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.
In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Cambridge House, Cambridge Road, Bedford, MK42 0LH - Telephone (01234 354396) - E-mail contact@idbs.org.uk
5. The applicant is advised that agricultural waste now falls within the definition of controlled waste and is therefore subject to the Duty of Care provisions set out in the Environmental Protection Act 1990. There are however current exemptions for manure waste. Further information in this respect can be obtained from the Environment Agency at www.environment-agency.gov.uk or on 08708 506506.
6. The layout, design and construction of the stables should be in accordance with the current accommodation guidelines set down by the Royal College of Veterinary Surgeons and the British Veterinary Association.
7. In order to discharge condition 4, the applicant's attention is drawn to the guidance from the Institute of Lighting Engineers (ILE), Guidance Notes for the Reduction of Obtrusive light. Any lighting should therefore follow the ILE Guidance for exterior lighting installations.
8. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

- 9. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

- 10. The Environment Agency advises that manure heaps must not be located within 10m of any ditch or watercourse or within 50m of a well, borehole or spring. Any resulting pollution may lead to prosecution.

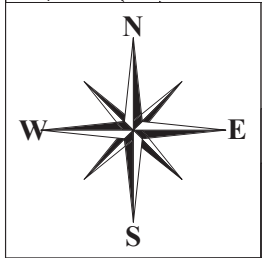
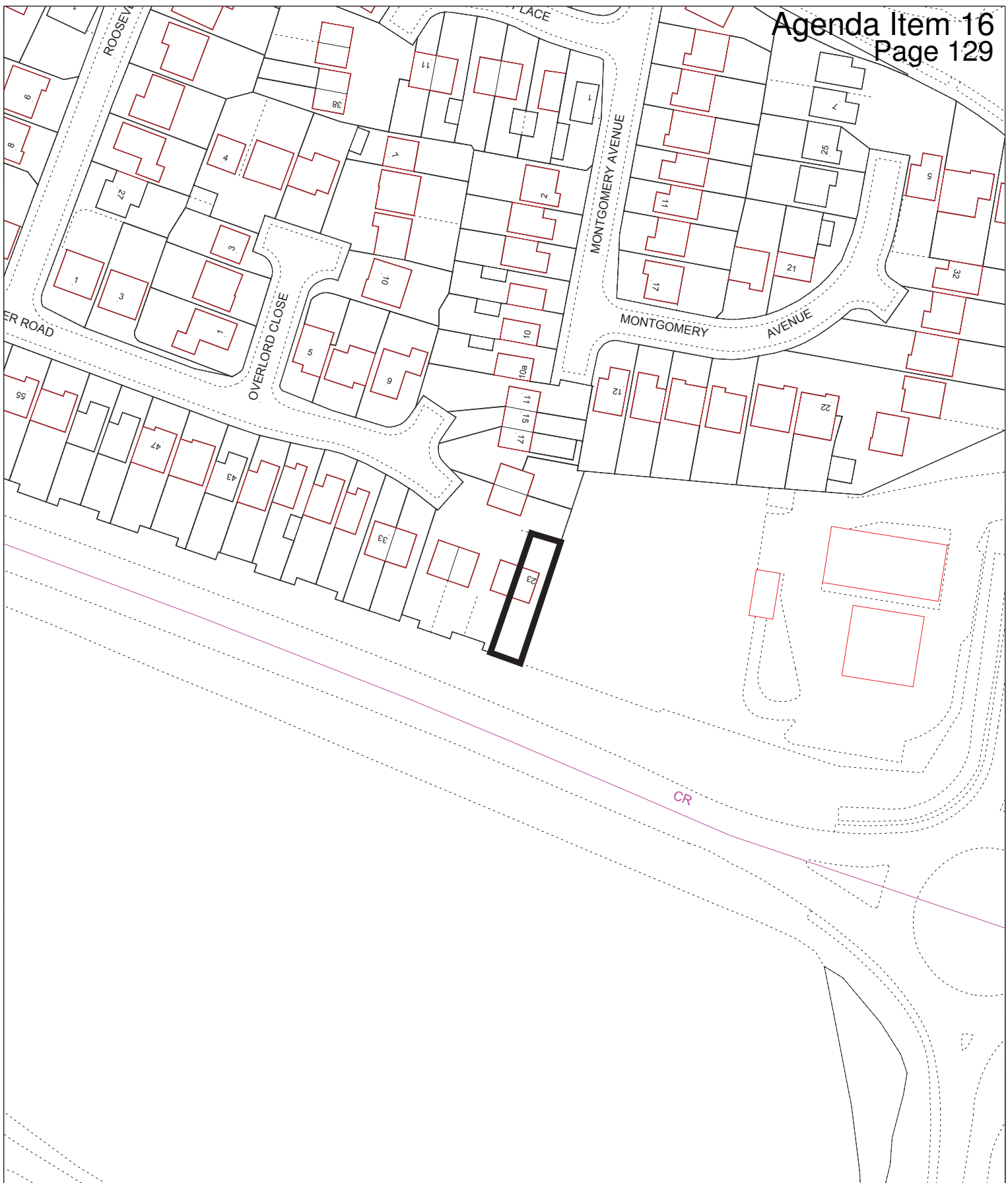
- 11. Pursuant to conditions 6 and 9, liquid and solid animal/vegetable wastes and associated contaminated waters shall be stored and disposed of in a manner that will not lead to pollution of surface or underground waters. Any stable waste retained on site prior to disposal must be stored on a sealed concrete pad, not discharging to surface or ground water.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 07:June:2011
Grid Reference 514383, 238312

Application No.
CB/11/01147/FULL

Scale: 1:1250

23 Eisenhower Road, Shefford SG17 5UP

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Item No. 16

APPLICATION NUMBER	CB/11/01147/FULL
LOCATION	23 Eisenhower Road, Shefford, SG17 5UP
PROPOSAL	Side double storey extension
PARISH	Shefford
WARD	Shefford
WARD COUNCILLORS	Cllrs Birt & Brown
CASE OFFICER	Godwin Eweka
DATE REGISTERED	20 April 2011
EXPIRY DATE	15 June 2011
APPLICANT	Mr Joel Peyton
AGENT	
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The applicant is related to a Council Employee Full Application - Granted

Site Location:

The site to which this proposal relates, is a semi-detached dwelling which lies at the end of a cul de sac in a medium scale new housing development. This property also lies on the boundary with land adjoining The Esso Petrol Filling Station. The property backs on to the A507 to the south of the site.

The Application:

Two-storey side extension.

The proposed development would occupy a 1.9 metre gap between the existing side elevation and the boundary fence with a 7.1 metre length projection towards the rear, thus forming the new side elevation towards the eastern part of the site. The proposed small *infill* would provide a utility/wc on the ground floor, together with a new study and en-suite on the first floor.

The total size of the proposed two-storey extension would measure 13.49 square metres as the development would align this part of the boundary with the main dwellinghouse, by providing a link with the existing dining/family area.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 (Delivering Sustainable Development)
PPS3 (Housing)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

DM3 (High Quality Development)

Supplementary Planning Guidance

Design Guide

DS1 Design Guide for Central Bedfordshire (January 2011)

Planning History

MB/06/01035 Single-storey rear extension. Granted 18/07/2006.

Representations: (Parish & Neighbours)

Shefford Town Council No objection raised.

However, there are concerns over lack of storage for wheelie bins. This may well mean that they will be stored in front of the house and as such, is not in accordance with the streetscene.

Neighbours No comments have been received.

Consultations/Publicity responses

None relevant.

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. Other Issues

Considerations

1. Principle of Development

Shefford is defined as a '*Minor Service Centre*' in accordance with Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). This proposal is therefore, assessed against Policy DM3 of this Document.

This proposal is in accordance with Policy DM3 as the development is considered appropriate in scale and in design to its setting; use of materials and would respect the amenity of surrounding properties.

The proposed two-storey side extension is considered small in size, and the principle of development therefore is considered acceptable.

2. Impact of Development on Character and Appearance of the Area
This is a newly designed modern residential property, which lies within a residential estate. The proposed development and design are complementary to the property and it is not considered the proposed development would result in any adverse impact on the character and appearance of the area.

3. Impact of Development on Neighbouring Properties
The side of the dwelling to which this development relates, borders on the boundary, which adjoins the open land near to Tesco with ancillary Esso Petrol Filling Station. Therefore, it is not considered the proposal would result in any adverse impact by way of loss of light, overbearing impact or overlooking issues on any neighbouring residential properties, as there is no immediate property on the other of the close boarded fence, which lies to the east of the site.

4. Other Issues
It is advised there are no other issues or factors that are likely to have any adverse impact on the proposal.

Recommendation

That Planning Permission be granted subject to the following:

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

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

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

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

Reasons for Granting

The proposed two-storey side extension is considered acceptable by virtue of its layout, size and appearance. The development is in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), the Planning Policy Statements: Delivering Sustainable Development-PPS1 and Housing-PPS3.

DECISION

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