

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



please ask for Helen Bell
direct line 0300 300 4040
date 14 April 2011

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 27 April 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, D J Gale, Mrs R B Gammons, K Janes, D Jones, H J Lockey, K C Matthews, Ms C Maudlin, T Nicols, A Northwood, Mrs C Turner and J N Young

[Named Substitutes:

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

All other Members of the Council - on request

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

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 30 March 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.

REPORT

Item	Subject	Page Nos.
6	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
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Item	Subject	Page Nos.
7	Planning Application No CB/11/00823/FULL Address: Chiltern End Barn, Willow Farm, Barton Road, Harlington, Dunstable Two Storey Side extension Applicant: Mr & Mrs Ayres	15 - 22

Schedule B - Applications recommended for Approval

Item	Subject	Page Nos.
8	Planning Application No. CB/10/02067/REN Address: Dunstable College, Kingsway, Dunstable Extension to the time limit for implementation of planning permission SB/OUT/04/0166 – part demolition, alterations and extensions to existing college, including provision of amenity spaces, and construction of residential development with associated parking, landscaping and public open space (outline) Applicant: Central Bedfordshire College	23 - 48
9	Planning Application No. CB/10/04362/FULL Address: Land at Lower End, Knolls View, Totternhoe, Dunstable. Demolition of existing building and erection of replacement building and for B2 purposes Applicant: JGE Commercials	49 - 60

10 **Planning Application No. CB/11/00455/FULL** 61 - 86

Address : Cotswold Farm Business Park, Millfield Lane,
Caddington, Luton LU1 4AJ

Construction of a solar energy farm, to include the installation of solar panels transformer housings, access track, security fencing, and other associated works.

Applicant : Raybridge Corporation Ltd

11 **Planning Application No. CB/11/00706/FULL** 87 - 100

Address : Land to the Rear of 104 Flitwick Road, Ampthill

To demolish an existing building and erect a new single storey dwelling with accommodation in the roof line and a detached single garage and carport (Revised application CB/10/04201/FULL)

Applicant : Mr Duggan

Schedule C - Any other Applications
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Item Subject Page Nos.

12 **Planning Application No. CB/10/04487/REG3** 101 - 112

Address : Dovery Down Lower School, Heath Road,
Leighton Buzzard LU7 3AG

Erection of temporary classroom accommodation, consisting of 5 no. modules each 9.0m x 3.0m to provide a Pre-School facility.

Applicant : Mrs Melitus

13 **Planning Application No. CB/11/00972/FULL** 113 - 120

Address : 165 Holme Court Avenue, Biggleswade

Two storey side extension.

Applicant : Mrs Crisp

14 **Planning Application No. CB/11/00691/FULL** 121 - 128

Address : 29B Hitchin Road, Upper Caldecote

Change of use of existing garage/workshop to
MOT Bay and erection of workshop/garage
facilities with associated car parking areas.

Applicant : Mr Maudlin

15 **Planning Application No. CB/11/00979/ADV** 129 - 134

Address : 29B Hitchin Road, Upper Caldecote

Advertisement: 1 No flat plate signage

Applicant : BM Enterprises

Schedule D - Minerals and Waste Matter

Item	Subject	Page Nos.
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16	Stanbridge Road, great Billington, Leighton Buzzard.	135 - 144
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To consider an application for a change of use to a Waste Transfer & Recycling Station with the erection of a buliding and associated storage bays, weighbridge and wheelwash.

17 **Site Inspection Appointment(s)**

Members are advised that the Committee's next meeting will not be held until 25 May 2011, following the Election on 5 May 2011 and Council's Annual General Meeting on 19 May.

As a result, and in accordance with Appendix A of the Code of Practice for (the) Conduct of Site inspections, the timing and arrangements for the Conduct of any site inspection(s) required prior to 25 May 2011 will be agreed by the Assistant Director, Legal and Democratic Services and the Assistant Director of Development Management in consultation with the Chairman of the Committee.

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Agenda Item:

Meeting: Development Management Committee

Date: 27th April 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 27th April 2011)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	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 27/2/11	Land being re-instated, site being monitored before case closed
2	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. Discuss with Legal re further action on kennels.
3	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 re further action for non compliance. Have been informed that work will take place.
4	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. No decision yet.
5	Land at The Haven, Castle Hill Road, Totternhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal dismissed	3-May-11		Check compliance after 3/5/11
6	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	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	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				Check compliance after 11/5/11

Planning Enforcement formal action (DM Committee 27th April 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	Unauthorised advertisement							Statement to be sent to Legal for prosecution
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	Evidence being prepared for Legal for prosecution
11	CB/ENC/11/0001 Case closed	Asda store, Church Street, Biggleswade	Breach of Condition Notice - delivery hours, condition 8 to planning permission MB/98/01344/out	15-Feb-11	15-Feb-11	17-Mar-11			No further breaches	Case closed but Notice remains in effect
12	CB/ENC/11/0112 Case closed	Land adjacent to Woodside Caravan Park, Hatch, Northill Bedfordshire.	2 Temporary Stop notices. Formation of access and hardstanding, and change of use of land to caravan site	04-Mar-11	04-Mar-11	04-Mar-11			No further breaches	Case closed. Notices now expired
13	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.
14	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
15	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
16	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 - prosecuted	Check compliance May 2011
17	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. Discussions with Legal for further action

Planning Enforcement formal action (DM Committee 27th April 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	MB/ENC/08/0372	Dingley Dell, Toddington Road, Westoning, Bedford	Enforcement Notice. Unauthorised restaurant building and farm shop building	16-Jul-10	13-Aug-10	8-Oct-10				planning application CB/10/02946 to retain 2 buildings. Await decision, no decision yet
19	MB/ENC/09/0034	Land at Whitsundales Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Dec-09	17-Jan-10	various up to 17-Apr-10	Appeal 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
20	SB/ENC/07/0012	Land rear of Packhorse Place, Watling Street, Kensworth	Change of use of land for the parking of vehicles	5-Nov-07	5-Dec-07	01 Jan 2008 & 26 Feb 2008	21-Jan-08	28 Jul 2009 & 28 Sep 2009	Appeal dismissed but compliance periods extended.	No further action at present.
21	SB/ENF/04/0002 SB/ENF/04/0003 SB/ENF/04/0004 SB/ENF/04/0005	Land at Stanbridge Road, Billington, Leighton Buzzard	Change of Use of land for stationing of caravans and mobile homes, & hardcore & fencing.	10-Feb-04	12-Mar-04	12-Jun-04	Appeal received 30/03/2004	31-Aug-05	Appeal dismissed & enforcement notice upheld	Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action
22	SB/ENF/04/0007 SB/ENF/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of building for residential purposes, laying of hardcore, mobile home & storage of materials	8-Sep-04	08-Oct-04	08-Jan-05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & S106 Agreement approved, 2 years for compliance.	New planning applications withdrawn. Discuss with Legal re S106 agreement.
23	SB/ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld. Not complied	Update to be sent to Legal April 2011 to commence prosecution.
24	SB/ENF/05/0007	Long Yard, Dunstable Road, Studham	Unauthorised stationing of mobile home for residential use	29-Jul-05	1-Sep-05	1-Dec-05	28-Sep-05	28-Dec-05	Appeal dismissed & enforcement notice upheld	Planning application submitted for residential use of barn, CB/10/00783. No decision yet
25	SB/ENF/07/0006 SB/ENF/07/0007 SB/ENF/07/0008	Dunedin, Harlington Road, Toddington	Change of use to bedsit accommodation, erection of building & extensions, non compliance with Condition 2 of SB/TP/98/0838	10-Aug-07	12-Sep-07	4-Dec-07	27-Sep-07	9-Jan-09	Appeal dismissed, compliance extended to 9/1/09. Not complied	Further evidence sent to Legal April 2011 to commence prosecution. 1st Court Hearing June 2011
26	CB/ENC/10/0449	Land at Dunedin, Harlington Road, Toddington	Enforcement Notice, change of use of land to the stationing of mobile homes, touring caravans and trailer tent	7-Sep-10	5-Oct-10	2-Nov-10			Not complied	Further evidence sent to Legal April 2011 to commence prosecution. 1st Court Hearing June 2011

Planning Enforcement formal action (DM Committee 27th April 2011)

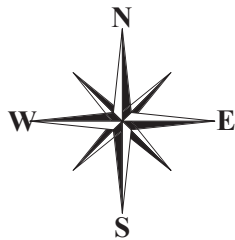
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
27	SB/ENF/08/0003	Bury Spinney, Thorn Road, Houghton Regis	Use of offices for residential purposes	3-Mar-08	4-Apr-08	2-May-09	7-May-08	22-Jul-09	Appeal dismissed but compliance period extended to 6 months. Not complied	Evidence with Legal for prosecution
28	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	4-Sep-09	Appeal part dismissed. Not complied.	Court Hearing adjourned to April 2011
29	SB/PCN/08/0011	Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton	2 Enforcement Notices - construction of hardstanding & change of use to airport parking & business use.	30-Nov-09	11-Jan-10	Varied	Appeal dismissed	31-Dec-10	Appeal dismissed, Enforcement Notice upheld. Part complied	Use ceased, check buildings removed and land re-instated
30	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	Further action to be taken for non compliance
31	CB/ENC/10/0126	Land adjoining Woodside Farm and Wild Fowl Park, Mancroft Road, Aley Green, Luton. LU1 4DG	Unauthorised advertisements							Evidence to be prepared for Legal for prosecution

Planning Enforcement formal action (DM Committee 27th April 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	06/67	Former Fullers Earth Quarry, Clophill	Enforcement Notice - Failure to 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			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 date of the inquiry is not yet known. It is anticipated to last 3 days
2	07/40	Former BR Goods Yard, Chiltern Green Road, East Hyde	Enforcement Notice - 3m high timber boundary fence at waste transfer station premises.	18-Mar-09	24-Apr-09	24-Jun-09	YES Written Repls Procedure	23-Nov-09	Appeal dismissed Sept 2009 and enforcement notice upheld. Compliance period 2 months	Alternative approved open mesh type fence erected down the majority of the boundary. 70m of the timber fence remains. Provision of the approved woodland area at the end of the site is under investigation.
3	09/0034	Whitsundoles Farm Broughton Road, Salford	Enforcement Notice - Change of use of agricultural land to a mixed use for the storage of commercial vehicles, the processing and storage of inert waste and aggregates and as a recycling facility	17-Dec-09			YES Hearing Procedure	27-Aug-10	Enforcement Notice Appeals on ground (g) compliance periods upheld. Temporary Planning permission (5yrs) granted for the storage of aggregate and recycling facility and aftercare of land	The erection of fencing between the two uses is required to comply with condition no.2 of the appeal decision letter. The operator has submitted details to comply with other aspects of the appeal decision letter and negotiations are continuing to ensure full compliance.

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Goswell End



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Central Bedfordshire Council
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Date: 12:April:2011

Grid Reference: 504677; 230470

Application No.
CB/11/00823/FULL

Scale: 1:7500

Chiltern End Barn, Willow Farm, Barton Road, Harlington, Dunstable,
LU5 6LJ

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SCHEDULE A

APPLICATION NUMBER	CB/11/00823/FULL
LOCATION	Chiltern End Barn, Willow Farm, Barton Road, Harlington, Dunstable, LU5 6LJ
PROPOSAL	Two Storey Side extension.
PARISH	Harlington
WARD	Woburn & Harlington
WARD COUNCILLORS	Cllr Fiona Chapman & Cllr Budge Wells
CASE OFFICER	Sarah Fortune
DATE REGISTERED	09 March 2011
EXPIRY DATE	04 May 2011
APPLICANT	Mr & Mrs Ayres
AGENT	Vincent and Associates
REASON FOR COMMITTEE TO DETERMINE	Councillor F Chapman called in. Requests that Councillors visit the site. Concerned that there may be a too rigid interpretation in reason for refusal and other considerations be taken into account
RECOMMENDED DECISION	Full Application - Refused

Site Location:

This application lies in an isolated location to the east of the built up area of Harlington. The site is in the South Beds Green Belt and in an Area of Outstanding Natural Beauty and Area of Great Landscape Value.

The Application:

This application is for the erection of a two storey side extension to this barn dwelling - which is Known as 'Chiltern End Barn' and is one of two barn dwellings at this site adjacent to Willow End Farm.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPS1 Delivering Sustainable development
- PPS3 Housing
- PPG2 Green Belt
- PPG7 Sustainable development in rural areas.

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

- ENV7 Quality in the Built Environment

Core Strategy and Development Management Policy Document dated November 2009.

- DM3 Amenity

DM4	Development within and beyond Settlement Envelopes
DM12	Horticultural and redundant agricultural sites.
DM14	Protection of AONB's
CS11	Rural Economy and Tourism
CS16	Landscape and Woodland

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development: Residential Alterations and Extensions: November 2009.

Planning History of application barn and the neighbouring barn conversion.

MB/02/01021	Full: Change of use from commercial buildings to two self contained residential units. Granted: 22/10/2002
MB/04/00171	Single storey front extension to Plot 1 (application barn). Refused: 13/04/2004 on grounds that disproportionate and incongruous form of development out of keeping with the linear form of development and detrimental to the Green Belt, AONB and AGLV in conflict with planning policies - National and local.
MB/04/01374	Extension to south east of the barn. Refused: 7/09/2004 for similar reasons to those given for 04/00171.

Planning History of neighbouring barn

MB/08/00887/FULL	Installation of two windows in south west elevation. Refused: July 2008 on grounds that would have a detrimental impact on the appearance of the barn to the detriment of the visual amenities of the area.
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Representations: (Parish & Neighbours)

Harlington Parish Council	No objections. Very strict conditions were placed originally on these barns with regards to windows and doors to restrict light spillage across the countryside in the AONB thus the properties still look like barns. If there is appropriate soft landscaping then any light spillage for this extension could be limited. This should be in a condition if consent is granted. The neighbour has raised concerns regarding drainage.
Neighbours	1. In support in principle but have concerns about the sharing of the same drainage system and that part of the new information will be a party wall and foundations may undermine the neighbours property thus need various points to be clarified regarding the safeguarding of the structure of the neighbouring property.

Consultations/Publicity responses

Natural England	No comments received.
Chilterns Conservation Board	No comments. The principles detailed in the Chilterns AONB Management Plan, the Chilterns Buildings Design Guide, Supplementary Technical Notes on Chilterns Building materials (Flint, Brick and Roofing materials) and the Environmental Guidelines for the Management of Highways in the Chilterns should be applied.
Rights of Way Officer	No comments.

Determining Issues

The main considerations of the application are;

1. Policy and Background
2. Visual Impact
3. Residential amenity and other considerations

Considerations

1. Policy and Background

The application building was previously used for commercial purposes - retail and storage - following the benefit of planning permissions and a Lawful Development Certificate. Planning permission was granted in October 2002 to convert the three outbuildings to two residential dwellings and this permission has been implemented. Both Central Government policies in PPS3 and PPS7 and those in the former Mid Beds Local Plan encourage the re use of agricultural barns as long as various criteria are satisfied.

In this case, the buildings were felt to be of sound condition and capable of re use without significant extension or rebuilding - no external alterations were proposed under planning consent 02/01021 for the conversion of Plot 1 - the subject of this application - and only a small extension and fenestration and door alterations to link plots 2 and 3 were allowed. In determining that application it was recognised that the impact on views gained along the valley looking towards the site were crucial in any residential conversion scheme. Following revisions, the scheme was considered to look like a traditional outbuilding and farm courtyard complex which would not have an adverse affect on the Green Belt or the character and appearance of the AONB. Permitted Development rights were removed in respect of both of the barn dwellings to protect the visual appearance of the buildings and the surrounding area.

In 2002, planning permission was sought for the erection of a single storey front extension to Plot 1. The applicant failed to demonstrate why a departure should be made to the general presumption against granting planning permission for such an extension which was clearly in conflict with planning polices for both barn conversions and for many developments in the Green Belt. The single storey extension was felt to be incongruous and disproportionate to the existing

linear form of development which has a traditional farm courtyard appearance. As such, it was felt that the proposal would result in visual harm to the character of the farm complex and the surrounding countryside - which is protected for its own sake - as well as having a harmful impact on the openness of the Green Belt and the character of the AONB and AGLV.

2. Visual Impact

The applicant now wishes to construct a new wing to the south west of and parallel to the existing building - and linked to the existing building by a partly glazed structure i.e. to carry out a two storey side extension to this barn conversion. This is to provide for a utility, study, office and living room at ground floor level with two bedrooms and a bathroom above.

The main part of the extension is to have a depth of 4.5 metres (approx) and a width of 10 metres with a ridge height of 5 metres. It is to extend very close to the south west curtilage boundary of the dwelling. The link between this extension and the main barn is to be 1.5m. The footprint will be increased by 73%.

Clearly this is a very large extension to the barn conversion dwelling. The Core Strategy and Development Management Policy Document dated November 2009 states that this council will support the conversion of barns in the countryside outside of settlement envelopes to residential use in some locations and for some types of building (Policy CS11). This authority's barn Conversion Design Guide adopted in 1999 (and still current policy) provides advice as to this council's approach to barn conversions and states that it is a guidance to ensure that any conversion is sympathetic to the existing agricultural character of the building and its setting. In this case, the applicant is proposing a very large extension to this barn conversion which is in no way subservient to the original barn and is in complete conflict with both the design guide on Barn conversions as well as policies in the Core Strategy and Development Management Policy Document dated November 2009.

It also changes the linear form of the dwelling to create a 'fatter' L shaped building. PPG2 states that the extension or alteration of a dwelling will be acceptable in a Green Belt as long as this does not result in a disproportionate addition over and above the size of the original building. The proposed large two storey addition will clearly be a disproportionate and very large addition to the original barn and will have a seriously adverse impact on the character and appearance of the Green Belt, AONB and AGLV in complete conflict with policies in both the Core Strategy and development Management policy Document dated November 2009 as well as National ones in PPG2, PPS3 and PPS7.

The applicant advises that the ridge height of the new wing is to be similar to the existing structure as it is to be set at a lower level than the existing building. They also advise that since it is to be built of similar materials to the existing barn dwelling the views from the west will not be materially affected. This is strongly disputed.

3. Residential Amenity

There is a barn conversion dwelling to the immediate north west of the application site known as 'Valleyfields Barn' and then there is Willow farm house to the further north west.

With regard to the impact on the nearest dwelling the extension will result in some loss of light and outlook to the occupiers of the barn conversion next door but not sufficient as to withhold planning permission, The applicant has been advised of the concerns raised by the neighbour regarding drainage, the party Wall Act and potential damage to his foundations - which are Building Regulation matters and not planning ones.

There will be adequate garden area left for the property. The rights of way officer has advised that he has no objections to raise.

Recommendation

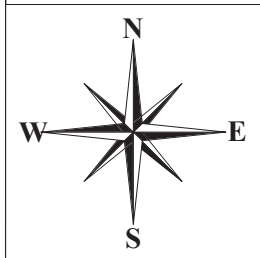
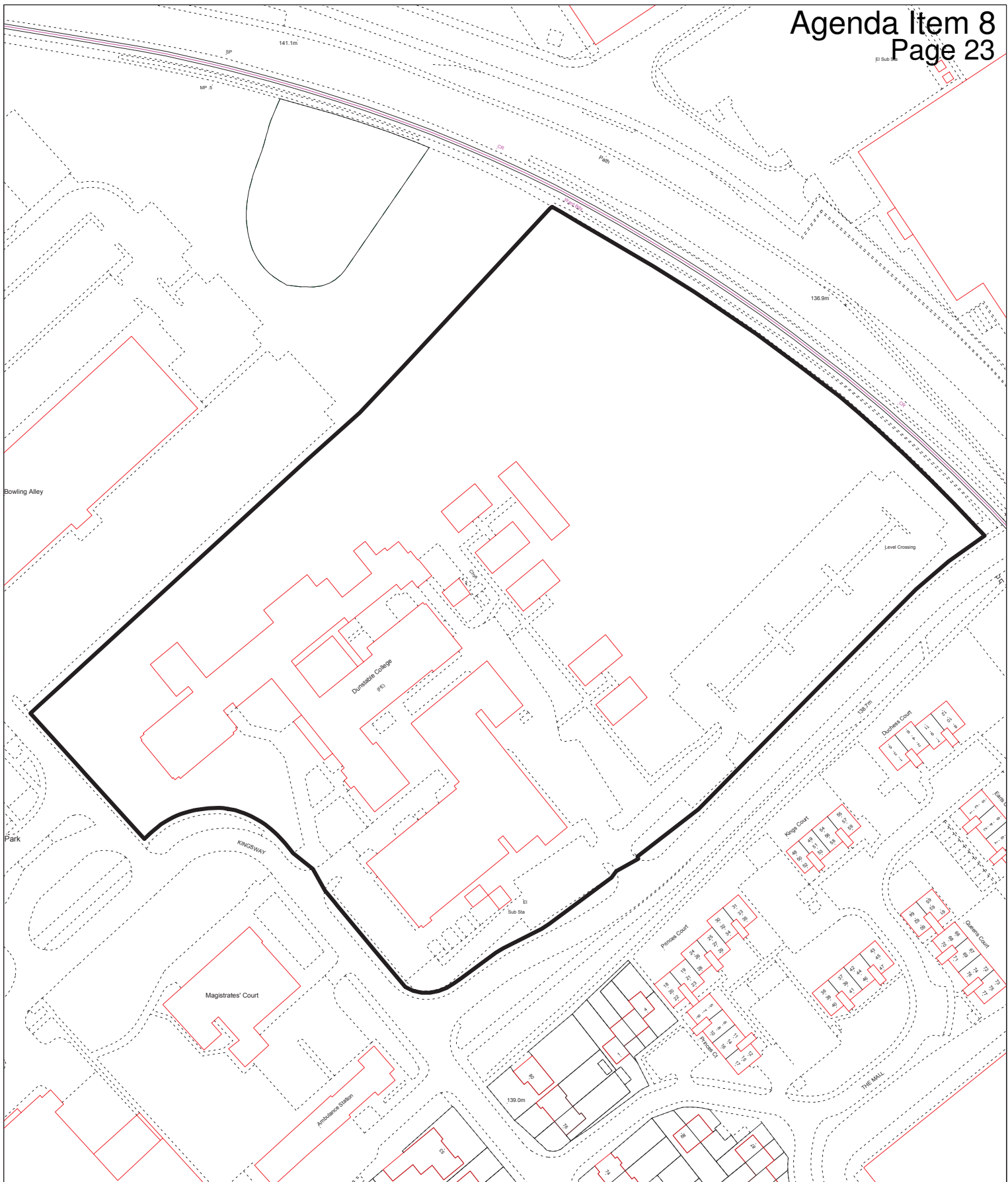
That Planning Permission be refused.

- 1 The proposed extension by reason of its excessive size and scale would result in a disproportionate and incongruous form of development at odds with the existing linear form of development. This would be to the detriment of the character and appearance of the area which is within the South Bedfordshire Green Belt, an Area of Outstanding Natural Beauty and Area of Great Landscape Value where restrictive policies apply. The applicant has not demonstrated very special circumstances. As such, the proposal is contrary to PPG2, PPG3 and PPS7 as well as policies DM3, DM4, DM12, DM14, CS11 and CS16 in the Core Strategy and Development Management Policy Document dated November 2009.
- 2 The proposal represents a large and non subservient addition to this barn conversion which is harmful to the character of the building and in conflict with the Council's design guide on Barn Conversions and Policy DM3 of the Core Strategy and Development Management Policy Document dated November 2009 which seeks to ensure that any conversion is sympathetic to the existing character of the building and its setting. The development is also contrary to this councils' guidance entitled Design in Central Bedfordshire; A Guide of Development: Residential Alterations and Extensions: dated November 2009 which seek to ensure that extensions to houses are subservient to the existing property to retain their character.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 11:April:2011
Grid Reference: 502072; 222411

Application No.
CB/10/02067/REN

Scale: 1:1749

Dunstable College, Kingsway, Dunstable, LU5 4HG

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SCHEDULE B

APPLICATION NUMBER	CB/10/02067/REN
LOCATION	Central Bedfordshire College, Kingsway, Dunstable, LU5 4HG
PROPOSAL	Extension to the time limit for implementation of planning permission SB/OUT/04/0166 - Part demolition, alterations and extensions to existing college, including provision of amenity space and 192 parking spaces, and construction of residential development with associated parking, landscaping and public open space. (outline)
PARISH	Dunstable
WARD	Dunstable Downs
WARD COUNCILLORS	Cllrs Paul Freeman & Tony Green
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	10 June 2010
EXPIRY DATE	09 September 2010
APPLICANT	Central Bedfordshire College
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Major application contrary to policy
RECOMMENDED DECISION	Rep PP - New Time Limit - Granted

Site Location:

Central Bedfordshire College is on the north-eastern side of the right-angled bend at the junction of Kingsway and Court Drive. The application site comprises the existing college buildings and their immediate surroundings, the greater part of an area of college-owned informal open space land and the main college car park. It has a maximum width of 166m, a maximum depth of 243m and an area of some 3.68ha. To the north west of the site is Go Bowling's car park and a small parcel of college-owned open space land that adjoins a larger public open space area associated with Dunstable Leisure Centre, to the north east is the former Luton to Dunstable railway line, the proposed route of the Luton Dunstable Busway, to the south east is the town centre link road and to the south west is Kingsway and the forecourt of Dunstable Leisure Centre.

The Application:

This is an application for a new outline planning permission to replace an existing outline planning permission in order to extend the time limit for implementation. The existing outline permission, reference SB/OUT/04/0166, was issued in September 2005 following the completion of a S106 Agreement.

As before, the current outline application, with all detailed matters reserved for future approval, seeks permission for the principle of refurbishment and redevelopment of the college buildings, replacement car parking and residential

development on the north-eastern part of the site, with some retention of some enhanced public open space. The residential development is seen by the College as 'enabling development' essential to the financial viability of its proposals to improve the Kingsway site. The new scheme, which would provide a higher quality facility for an improved curriculum offer and wider local participation in education would involve demolition and new build of some 2,000sqm, facade improvements and general refurbishment. The replacement 192-space car park would be provided on land between the College and the Go Bowling car park. Access to the new car park would be off the town centre link road and would serve both the residential site on its north-eastern side and the college site on its south-western side. The illustrative residential layout (brought forward from 2004) shows a development of 144 apartments in three to five storeys and incorporates 144 parking spaces of which 49 spaces would be undercroft parking.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.
PPS3 - Housing
PPS4 - Planning for Sustainable Economic Growth.
PPS9 - Biodiversity and Geological Conservation.
PPS10 - Sustainable Waste Management.
PPG13 - Transport.
PPG16 - Archaeology and Planning.
PPG17 - Planning for Open Space, Sport and Recreation.
PPS22 - Renewable Energy.
PPS23 - Planning and Pollution Control.
PPG24 - Planning and Noise.
PPS25 - Development and Flood Risk.

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.
SS3 - Key Centres for Development and Change: Luton/Dunstable/Houghton Regis & Leighton-Linslade.
SS5 - Priority Areas for Regeneration: Luton/Dunstable/Houghton Regis.
SS6 - City and Town Centres.
E1 - Job Growth.
E2 - Provision of Land for Employment.
H1 - Regional Housing Provision.
H2 - Affordable Housing.
T4 - Urban Transport
T8 - Local Roads.
T9 - Walking, Cycling and other Non-Motorised Transport.
T14 - Parking.
ENV1 - Green Infrastructure.
ENV3 - Biodiversity and Earth Heritage.
ENV7 - Quality in Built Environment.
WM1 - Waste Management Objectives.
WM6 - Waste Management in Development.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).
Strategic Policy 3: Sustainable Communities.
Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

SD1 - Sustainability keynote policy.

BE8 - Design and environmental considerations.

T4 - Public transport services along former Luton/Dunstable Rail Line.

T7/8 Controlling supply of public car parking.

T10 - Controlling parking in new developments.

T11 - Securing contributions for alternatives to parking.

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

H3 - Meeting local housing needs

H4 - Providing affordable housing.

R10 - Children's play area standard.

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

R12 - Protection of recreational open space.

Dunstable Town Centre Masterplan February 2011

Planning History

The main blocks were constructed between 1959 and 1973, with temporary hut accommodation following in the 1980s and 1990s.

- | | |
|----------------|---|
| SB/OUT/04/0166 | Outline permission for part demolition, alterations and extensions to existing college, including provision of amenity space and 192 parking spaces and construction of residential development with associated parking, landscaping and public open space. |
| SB/ARM/08/0464 | Approval of details of access (Reserved matter in respect of access pursuant to Condition 1 of SB/OUT/04/0166). |
| SB/ARM/08/0921 | Approval of details of demolition of existing buildings and erection of new college building with associated parking (Reserved matters in respect of siting, design and external appearance pursuant to Condition 1 of SB/OUT/04/0166). |
| SB/ARM/08/0923 | Approval of details of residential development comprising 123 dwellings (Reserved matters in respect of siting, design and external appearance pursuant to Condition 1 of SB/OUT/04/0166). |
| SB/ARM/08/0926 | Approval of details of landscaping of open space and amenity areas (Reserved matters in respect of landscaping pursuant to Condition 1 of SB/OUT/04/0166). |

**Representations:
(Parish & Neighbours)**

Dunstable Town Council
No objection in principle to college redevelopment subject to satisfactory traffic impact study and confirmation from Highways Officer as to adequacy of parking provision. No objection in principle to housing development to facilitate college scheme. However, concerned over suggestion that development will not include any affordable housing. In addition, would like detail of previously agreed S106 renegotiated and would like to be involved in any appropriate discussions regarding S106 contributions. Expect detailed planning application to be made in accordance with Town Centre Masterplan.

Neighbours No representations received.

Consultations/Publicity responses

Highways Officer No objection - proposals will not adversely affect A5 at this location.

Environment Agency No objection in principle; recommend condition and informatives.

Sport England No comment.

Bedfordshire Police ALO No objection.

Housing Development Officer Acknowledge College's concerns with current economic difficulties and associated problems in housing market. But, if economically viable, would like to see provision of affordable housing within residential site. Council has great need for adapted units near town centres and should negotiate modest amount of affordable housing on each scheme that could be mobility standard. In scheme of 144 flats, four 2-bed ground floor accessible units for rent for elderly/disabled persons located in central Dunstable would be very useful. Such provision would still leave bulk of uplift in land value to College.

Education Officer With regard to justification for contribution being sought, have recently undertaken detailed analysis of impact of known and approved developments in Dunstable/Houghton Regis area, as well as new applications that are being received, on education infrastructure over coming years. This has indicated that there will be increasing pressure on education provision in area and expected shortfall in places at lower and middle schools in Dunstable. Whilst some schools are already oversubscribed and few have large number of surplus places, cumulatively, it can be seen that spare

capacity at schools in latter category will be used by existing or expected overcapacity of others. Trend of falling rolls at upper school level means that, for time being, will not be seeking contributions from new development, as there is sufficient surplus capacity to cater for any additional pupil yield resulting from new housing.

Traditional basis upon which assessing need is established is through use of catchment areas, that is, looking at catchment of lower, middle and upper schools for given development using pre-defined catchment areas. In respect of this development catchment schools are Icknield Lower School, Priory Middle School and All Saints Academy (Upper School). However, in urban area such as Dunstable, catchment areas are not always most accurate basis for assessing need, as parental preference plays larger part and traditional 'catchment' areas for schools are not as relevant, particularly given crossover of catchment boundaries due to close proximity of schools and number of faith schools in town. This further justifies need to look at provision on cumulative basis or, at very least, splitting town into 'north' and 'south'. A505 and B489 running through centre of town are generally considered to constitute local 'boundary', with exception of few schools clustered around this 'divide' which attract children from both areas, for example, Ashton St Peters Lower School, Icknield Lower School and Priory Middle School. Houghton Regis must be considered separately, given its distance from Dunstable schools. However, All Saints Academy (on Dunstable/Houghton Regis boundary) is catchment upper school for pupils living in both Houghton Regis and parts of Dunstable.

Analysis gives breakdown of latest figures relating to school capacities and NOR (numbers on roll) forecasts by school and also a cumulative total for 'north' and 'south' Dunstable and Houghton Regis at lower and middle school levels. It should be noted that forecasts alone do not take into account impact of known or proposed developments in area and any resulting expected increase in pupil numbers. Analysis therefore also provides details of expected pupil yield to be generated by these developments, as well as any new development proposals that are in process of being considered.

Contribution is based on total of 144 two bed flats which equates to 72 'full product' units. Total contribution is £382,639.68 comprising £49,775.04 for early years education, £165,916.80 for lower schools and £166,947.84 for middle schools.

Play and Open Space Officer	Have met Town Council Clerk and head of parks section to discuss S106 contributions. Grove House Gardens Play Area is meant to be NEAP, that is, neighbourhood sized play area and while it does not quite reach this standard, it is of reasonable size and condition. This play area will be closest for future occupiers of residential site and contribution still required to increase its facilities to cater for additional demand placed on it - contribution of £40,000 would be appropriate. With regards to recreational facilities in vicinity of development, contribution of £120,000 is still relevant and will fund improvements to sports pavilions at Luton Road Recreation Ground and Bennett Memorial Recreation Ground.
Environmental Health Officer	Recommend conditions in respect of (a) provision of sound insulation for housing against externally generated noise, (b) controlling noise from plant, machinery and equipment associated with college development, (c) controlling effluvia from cooking processes associated with college development, (d) investigation of ground conditions.
Tree and Landscape Officer	Wording of conditions imposed on existing permission needs to be improved because boundary planting alongside proposed busway is more strategically important following loss of tree cover within corridor of former railway and more adequate safeguards need to be implemented to ensure protection. Established tree and shrub planting along south-eastern site boundary abutting town centre link road should be protected by appropriately worded conditions.
Archaeological Officer	<p>Application site is very archaeologically sensitive. It is on edge of Dunstable's Roman and medieval town cores which are regionally important heritage assets. Proposed development will have negative and irreversible impact on any archaeological remains site contains and on significance of heritage asset. This impact was recognised in original planning permission for this development which contained condition (number 24) requiring implementation of approved scheme of archaeological investigation that would record and advance understanding of heritage assets of the Roman and medieval towns of Dunstable.</p> <p>No objection to renewal of this planning permission provided that archaeological condition (24) is attached to renewed permission.</p>
Assistant Project Manager Luton Dunstable Busway	No comment, although developer should provide indemnity against claims if dwellings are built and occupied prior to busway becoming operational.

Determining Issues

The main considerations of the application are;

1. Principle of the development and background to the current application
2. Section 106 Agreement

Considerations

1. Principle of the development and background to the current application

As stated above, this is an application for a new outline planning permission to replace an existing outline planning permission in order to extend the time limit for implementation.

The existing outline permission (SB/OUT/04/0166) was issued in September 2005. The reserved matter in respect of access (SB/ARM/08/0464) was approved in August 2008 and that in respect of landscaping (SB/ARM/08/0926) was approved in December 2008. Reserved matters in respect of the siting, design and external appearance of a new college building (SB/ARM/08/0921) and a residential development comprising 123 dwellings (SB/ARM/08/0923) were also approved in December 2008.

Further to these approvals, the College had a clear intention to sell part of the land as a residential site and thereafter commence construction of the new college building. Unfortunately, the College has encountered a number of difficulties that, to date, have prevented the replacement college scheme from going ahead. The Planning Statement submitted in support of the application sets out the background to the current proposal.

- Mindful of the requirement to continue to meet the needs of the local community by presenting a diverse and effective curriculum offer within a modern setting, the College first began examining the future plans for its estate in 2001-2.
- Student numbers have grown by 100% in the period since this first review - increasing by 32% alone in 2009. The challenge of delivering a quality educational experience in the ageing buildings is becoming increasingly difficult.
- A property strategy, approved by the Learning and Skills Council (LSC - the funding agency for the further education sector), originally allowed for a relatively modest refurbishment programme and would have been subject to an application to the LSC for capital funding.
- During the years 2002-2006, the LSC's Building Colleges for the Future (BCF) programme became more ambitious, with the LSC's Chief Executive instructing that refurbishment schemes would not be funded and only complete new build projects would be successful in attracting the support of the BCF programme.
- The College submitted an Application in Principle (AiP) in the summer of

2006 for a £34m demolition and new build project that involved clearance of the entire Kingsway site and construction of a new 12,000sqm college building. The AiP was approved in May 2008.

- The LSC's BCF programme collapsed in February 2008, although colleges were only informed of this in January 2009. In July 2009, the House of Commons' Public Accounts Committee described the LSC's handling of its college building programme as 'catastrophic mismanagement' of the capital process and associated funding. It resulted in a £2.7 billion debt, with 144 college building contracts having to be terminated abruptly, and leaving many colleges with huge financial penalties for breach of contract with civil engineering companies. Andrew Selous MP made representations on behalf of the College which is entirely blameless for this debacle.
- Although the College then entered into the LSC's prioritisation process for its remaining funds, it was not successful and was advised in July 2009 that its project could not proceed.
- The College then had to take stock and investigate what opportunities were available to secure alternative funding to replace the £27m LSC grant. In revising its property strategy a number of constraints needed to be taken into account - (a) The maintenance backlog - the College reduced maintenance because of the likely redevelopment. (b) The College's ability to borrow money has been impacted adversely by the LSC's actions and the banks' current approach to lending. (c) The likely income from the sale of the residential land. (d) The College's increasing educational commitments and the pressure on the existing buildings evidenced by a shortage of classrooms.
- The revised property strategy is estimated to cost in the order of £10m and the proposed works are likely to include demolition and new build of some 2,000sqm, facade improvements and general refurbishment.
- The college facilities are in desperate need of investment and it is imperative that the existing outline permission is renewed to allow the College more time to redevelop the Kingsway site.

The concept of the original 2004-5 scheme was to secure a value from the residential development that could then be used in conjunction with other funding sources to deliver the redevelopment and enhancement of college facilities. The funding difficulties experienced by the College have prompted a need to revisit the existing outline permission and extend the period for its implementation. However, the fundamentals of the scheme are in essence the same - residential development part funding refurbished and new build college facilities. Whilst national, strategic and local policies have evolved since the existing outline permission was granted, such policies are not so different that the principle of the proposed development is no longer acceptable.

The current application reflects the College's revised property strategy and acknowledges the difficulties the College has faced in funding the regeneration of the Kingsway site. It should be noted that the College site forms part of a wider area proposed for renewal in the Dunstable Town Centre Masterplan.

There is therefore no objection in principle to the proposal to extend the time limit for implementing the existing outline permission.

2. Section 106 Agreement

This existing permission was issued following the completion of a S106 Agreement, the details of which are as follows.

- Delivery of college redevelopment
- College transportation contribution - £44,000
Residential transportation contribution - £22,000
- Provision of college open space land and art display
- Provision of footpath link between town centre link road and college open space land
- Public art contribution - £10,000
- Recreational facilities contribution - £120,000
- Grove House Gardens play area contribution - £80,000
- Education contribution - £20,000
- Landscaped amenity areas contribution - £ depends on area and use of per sqm multiplier

With regard to applications to extend the time limit for implementing existing permissions, the DCLG publication "Greater flexibility for planning permissions" (November 2009) advises that

"As most s.106 agreements/unilateral undertakings are linked to a particular named planning application, there may be a need to consider a simple supplementary deed to link the obligation to the new permission. It may be the case that the LPA or the applicant may seek changes to the obligation in order to make the proposal acceptable in changed circumstances. If a fresh obligation is necessary, this is possible, as long as the requirements set out in primary legislation and the guidance set out in Circular 05/2005 is followed."

(Note: Circular 05/2005 sets out national guidance on planning obligations/S106 Agreements.)

The S106 Agreement attached to the existing 2005 outline permission reflects the corporate priorities of the former South Bedfordshire District Council. With respect to the current application, whilst the policy considerations are for the most part unaltered, the 2011 local government financial landscape within which the unitary authority must deliver its services is significantly different. In changed circumstances any new S106 Agreement needs to reflect Central Bedfordshire Council's corporate priorities. In this regard the following developer contributions are sought.

- Delivery of College redevelopment.
- Affordable housing - four 2-bed ground floor accessible units for elderly/disabled persons.
- Education - £382,639.68
- Improvements to Grove House Gardens play area - £40,000
- Improvements to sports pavilions at Luton Road Recreation Ground and Bennett Memorial Recreation Ground - £120,000
- College transportation contribution - £44,000
Residential transportation contribution - £22,000
- Provision of college open space land and art display
- Provision of footpath link between town centre link road and college open space land
- Public art contribution - £10,000
- Landscaped amenity areas contribution - £ depends on area and use of per sqm multiplier

The College advises that whilst its priority is to develop and improve facilities at the Kingsway site, such improvements will depend on:

- A capital receipt from the sale of the residential site
- Utilising all available funds
- Possible borrowings

As mentioned above, total expenditure on the proposed redevelopment scheme will be in the order of £10m. The land sale will provide around £4-5m. The College argues that whilst some of the funding shortfall could be borrowed, the gap between the build/regeneration costs and the income is only too apparent. Moreover, in the current financial/lending market it is essential that the value of any loan is limited. In other words, the capital receipt from the land sale needs to be as high as possible.

The College strongly takes issue with the level of S106 contributions currently being sought in comparison with those sought in 2005 in association with the existing outline permission and wishes to draw the Council's attention to the following points.

- The planning system has a role to play in supporting economic development and providing the conditions for economic recovery. The importance of the redevelopment of the College purely in terms of its economic benefits is a material consideration that should be afforded significant weight.

- The impact of requiring the provision of affordable housing is that it will suppress the value of the residential site. At the time the existing S106 was being negotiated, whilst the Development Plan had a requirement for affordable housing, the former South Bedfordshire District Council accepted that the redevelopment of the College was a corporate priority and no affordable housing needed to be provided.
- In Circular 05/2005, the Secretary of State advises that planning obligations may only be sought where they meet certain specified tests. Such tests require, amongst other things, that planning obligations must be "*fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.*" The requirement for a contribution towards educational facilities is likely to thwart the longer term development of the College site and the investment that the College makes in education. In the event that this prevents the College redevelopment from going ahead then such requirement could be deemed unreasonable. It needs to be recognised that even if there is no education contribution, the College will still spend money on education and invest in the local community. It is questioned whether the education contribution, when set against this 'fall back' position, is actually reasonable or necessary.

The educational and economic benefits that will accrue from the proposed redevelopment of the College site are not in dispute. However these benefits need to be weighed against the need to provide some affordable housing and the need to ensure that the educational requirements of the pupil yield derived from the new housing is adequately catered for.

A key housing priority for the Council is to deliver as many two bed accessible wheelchair/mobility standard homes as possible each year. These can be ground floor flats. The affordable housing requirement in the current application - four two bed ground floor accessible units - is modest and acknowledges the economic viability case submitted by the applicants. The Housing Development Officer advises that such provision would still leave the bulk of the uplift in land value to the College.

With regards to the education contribution, the Education Officer argues that the Council cannot be seen to look favourably on an application and entertain the possibility of waiving or reducing contributions simply because the development site is owned by the College. The School Organisation and Capital Planning Team have undertaken a detailed analysis of the impact on education infrastructure over the coming years of known and approved developments in the Dunstable/Houghton Regis area, as well as new proposals being received. This indicates that there will be increasing pressure on education provision in the area and an expected shortfall in places at lower and middle schools in Dunstable. Whilst some schools are already oversubscribed and a few have a large number of surplus places, cumulatively, it is clear that the spare capacity at schools in the latter category will be used by the existing or expected overcapacity at schools in the former category. The trend of falling rolls at upper school level means that, for the time being, contributions towards the provision of upper school places will not be sought as there is sufficient surplus capacity to cater for any additional pupil yield as a result of new housing.

The College has questioned why the education contribution sought as part of the

current application - £382,000 - has increased so markedly over and above that sought as part of the existing outline proposal. Although the financial contribution of £20,000 was a reduced contribution, the then County Education Authority accepted a contribution in kind valued at £317,000 for the provision of new teaching space at the Kingsway site for fifteen 16-19 year olds, the provision of new vocational training places in construction trades at the Kingsland, Houghton Regis site for 14-16 year olds and increased rental income as a result of the growth at the Kingsland site. It should be noted that the College is a private concern and if the impact of the proposed residential development on lower and middle school infrastructure in the Dunstable/Houghton Regis area is not mitigated by an adequate financial contribution towards additional school places, such educational facilities would have to be paid for from the public purse.

In respect of public open space, whilst the Kingsway site is private land, the college open space, which amounts to some 1.72ha, was designated as public open space on the Luton and Dunstable Town Map (April 1965). In addition, evidence suggests a playing field use on part of the land until the mid-1980s. The college open space is functionally part of the open space adjoining Dunstable Leisure Centre, with no discernible boundary.

Local Plan Review Policy R12 states that *"...planning permission will not be given for the development of open space for non-open recreational purposes. Exceptions to this policy will only be considered where the proposed new development is essential for the improvement, enhancement or enlargement of an existing open space or area for sporting or recreational use and where only a small part of the existing open space will be lost."*

The proposed residential development does not meet the above policy exception and would therefore be contrary to Policy R12. PPG17 '*Planning for Open Space, Sport and Recreation*' makes provision for cases where some development could be acceptable if it leads to an overall improvement in the quality of open space. The nearby Grove Theatre development, for example, resulted in a qualitative improvement to formal and informal open space provision and was deemed acceptable as an exception to Policy R12 on this basis. The Play and Open Space Officer, in consultation with the Town Council, recommends that the new S106 Agreement should require contributions to be made towards improvements to facilities at Grove House Gardens Play Area and improvements to the sports pavilions at Luton Road Recreation Ground and Bennett Memorial Recreation Ground. Such contributions would be appropriate as mitigation for the loss of part of the college open space as a result of the proposed residential development.

Recommendation

That Planning Permission be GRANTED subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:

- Delivery of College redevelopment.

- Affordable housing - four 2-bed ground floor accessible units for elderly/disabled persons.
- Education - £382,639.68
- Improvements to Grove House Gardens Play Area - £40,000
- Improvements to sports pavilions at Luton Road Recreation Ground and Bennett Memorial Recreation Ground - £120,000
- College transportation contribution - £44,000
Residential transportation contribution - £22,000
- Provision of college open space land and art display
- Provision of footpath link between town centre link road and college open space land
- Public art contribution - £10,000
- Landscaped amenity areas contribution - £ depends on area and use of per sqm multiplier

and subject to the following:

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

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

- 2 (a) Application for the approval of the reserved matters for the college phase or the residential phase shall be made to the Local Planning Authority within three years from the date of this permission.

(b) The development shall begin not later than whichever is the later of following dates:
 - five years from the date of this permission, or
 - two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Before development of the College Phase or the Residential Phase begins, a landscaping scheme for that phase 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 relevant development phase (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

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

- 4 Before development of the College Phase or Residential Phase begins, a Tree Survey and Arboricultural Implication Assessment shall be carried out and submitted to the Local Planning Authority, conforming to the requirements of BS 5837 : 2005 "*Trees in Relation to Construction*", identifying the importance of the boundary planting along the northern and south-eastern boundary, and which calculates the Root Protection Areas (RPA) and existing canopy clearance needed to prevent damage to the retained trees.

Reason: To accurately identify and make provision for adequate protection measures on all strategically important boundary trees.
(Policy BE8, S.B.L.P.R.)

- 5 Before development of the College Phase or the Residential Phase begins, a Tree Protection Plan shall be submitted which clearly shows the position and design specification of protection measures of all retained trees on the northern and south-eastern boundary of the site. The protection measures shall enclose the area of root protection (RPA) and canopy spread, as identified in the Tree Survey and Arboricultural Implication Assessment, thus creating a Construction Exclusion Zone. The protection measures shall conform with British Standard 5837 : 2005 "*Trees in Relation to Construction*" (Section 9) and built to the specification shown in Figure 2 of this Standard.

Reason: To ensure the adequate protection of the rooting medium and canopy of strategically important trees.
(Policy BE8, S.B.L.P.R.)

- 6 Before development of the College Phase or the Residential Phase begins, a planting scheme shall be submitted to the Local Planning Authority for approval, which clearly shows the species and sizes of appropriate trees and shrubs suitable for the size and scale of the development, along with the appropriate planting and maintenance specification.

Reason: To ensure the satisfactory replacement of trees felled in the course of the development and to visually soften and integrate the scheme into the urban landscape.

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

- 7 **Before development of the College Phase or the Residential Phase begins, a scheme for the parking of vehicles associated with that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before development on the relevant phase is first occupied or brought into use and thereafter retained for this purpose.**

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

(Policy T10, S.B.L.P.R.).

- 8 **Before the development of the College Phase or the Residential Phase is first occupied or brought into use, space shall be provided within the site of that phase for the loading, unloading and parking of vehicles in accordance with the standards of the Local Planning Authority and thereafter retained for this purpose.**

Reason: To ensure provision for car parking and servicing clear of the highway.

(Policy T10, S.B.L.P.R.).

- 9 **Before development of the College Phase or the Residential Phase begins, a scheme for screen fencing and/or screen walling for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the relevant phase of development is first occupied or brought into use and thereafter retained.**

Reason: To safeguard the amenity of the area.

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

- 10 **This permission does not extend to the sketch layout and/or elevations submitted with the application.**

Reason: To avoid doubt.

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

- 11 **The overall density of housing on the Residential Phase shall be not exceed 144 one or two bedroom units in total and shall not exceed five storeys in height, including any undercroft parking, unless otherwise approved by the express permission of the Local Planning Authority.**

Reason: To ensure that the residential development takes place at no higher a density than is compatible with the characteristics of the site and its surroundings.

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

- 12 **Before development of the College Phase or the Residential Phase begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the buildings.
(Policy BE8, S.B.L.P.R.).**

- 13 **Before development of the College Phase or the Residential Phase begins, details of the arrangements to be made for the collection, storage and disposal of solid waste emanating from the college premises and from the residential units shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure control over the development in the interests of amenity and public safety.
(Policy BE8, S.B.L.P.R.).**

- 14 No external lighting systems for either phase of development shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality and of neighbouring properties and highway safety.
(Policy BE8, S.B.L.P.R.).

- 15 The college premises hereby permitted to be altered and extended shall only be used for the purposes of non-residential education and training and ancillary purposes and for no other purpose in Class D 1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason: To define the extent of the permission and to avoid doubt.
(Policy BE8, S.B.L.P.R.).

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwellings hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R.).

- 17 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), the provision within the curtilage of any dwelling within the Residential Phase of any building or enclosure, swimming or ornamental pool required for purposes incidental to the enjoyment of the dwelling, or the alteration of such a building, enclosure, swimming or ornamental pool, shall not be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area.

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

- 18 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 fences, gates or walls shall be erected within the Residential Phase without the prior written approval of the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area.

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

- 19 **Before development of the College Phase or the Residential Phase begins, details of the proposed surface and foul water drainage systems for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage works shall be constructed in accordance with the approved details before that phase of the development is first occupied or brought into use.**

Reason: To prevent pollution of the water environment.

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

Reason: To protect occupants from externally generated noise.

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

- 21 In respect of the College Phase, 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. Full details of the method of odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

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

- 22 The kitchen ventilation system approved in accordance with Condition 21, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system or other external plant on the premises.

- 23 **Prior to the commencement of the College Phase or the Residential Phase of development approved by this planning permission the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:**

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

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

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission. The site is located on a major aquifer and therefore the Environment Agency should be consulted.

Reason: To protect human health and the environment.

- 24 **No development of the College Phase or the Residential Phase shall take place within the site of the relevant phase until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should be undertaken by the Local Authority Archaeological Service or other competent archaeological organisation approved by the Local Planning Authority.**

Reason: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.

- 25 **No development of either the College Phase or the Residential Phase shall begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building on either phase shall be occupied until that junction has been constructed in accordance with the approved details.**

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

- 26 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 33m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junction in the interest of road safety.

- 27 **No development of either the College Phase or the Residential Phase shall begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal for that phase have been submitted to and approved in writing by the Local Planning Authority and no building on either phase shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.**

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

- 28 A 3.0m wide footway/cycleway shall be constructed into and through both the College Phase and the Residential Phase of the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority, prior to the first occupation of any building on either phase. Any statutory undertakers' equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and to promote sustainable modes of transport.

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

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

- 30 If any proposed main distributor road for either the College Phase or the Residential Phase is not constructed to the full length and layout to be approved, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 31 The detailed layout plans to be submitted for approval of reserved matters in connection with the development of either the College Phase or the Residential Phase shall illustrate a vehicular turning area within the curtilage of all buildings taking access directly from the public highway.

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

- 32 **No development of either the College Phase or the Residential Phase shall commence until wheel-cleaning facilities have been provided at all site exits for the relevant phase in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development of the relevant phase commences and the site developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the relevant phase of the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

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.

- 33 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted Site Location Plan, Drawing No. 1038/10/1.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed refurbishment and enhancement of facilities at Central Bedfordshire College's Kingsway site represents a welcome investment in the community infrastructure of Dunstable and the surrounding area. The proposed residential scheme is acceptable as 'enabling development' to part fund the improvements to the College. The consequent loss of open space will be mitigated by improvements to recreational facilities within the local area and therefore constitutes an acceptable exception to national guidance and Development Plan policy.

Notes to Applicant

1. For the avoidance of doubt the College Phase includes the part demolition, alterations and extensions to the existing college, including the provision of amenity space and 192 parking spaces; and the Residential Phase includes the construction of residential development with associated parking and landscaping and public open space.
2. 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:

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.

SS3 - Key Centres for Development and Change:
Luton/Dunstable/Houghton Regis & Leighton-Linslade.

SS5 - Priority Areas for Regeneration: Luton/Dunstable/Houghton Regis.

SS6 - City and Town Centres.

E1 - Job Growth.

E2 - Provision of Land for Employment.

H1 - Regional Housing Provision.

H2 - Affordable Housing.

T4 - Urban Transport

T8 - Local Roads.

T9 - Walking, Cycling and other Non-Motorised Transport.

T14 - Parking.

ENV1 - Green Infrastructure.

ENV3 - Biodiversity and Earth Heritage.

ENV7 - Quality in Built Environment.

ENG1 - Carbon Dioxide Emissions and Energy Performance.

ENG2 - Renewable Energy Targets.

WM1 - Waste Management Objectives.

WM6 - Waste Management in Development.

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

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable & Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

SD1 - Sustainability keynote policy.

BE8 - Design and environmental considerations.

T4 - Public transport services along former Luton/Dunstable Rail Line.

T7/8 Controlling supply of public car parking.

T10 - Controlling parking in new developments.

T11 - Securing contributions for alternatives to parking.

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

H3 - Meeting local housing needs

H4 - Providing affordable housing.

R10 - Children's play area standard.

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

R12 - Protection of recreational open space.

3. 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).
4. 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.
5. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld.
6. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions.
7. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse.

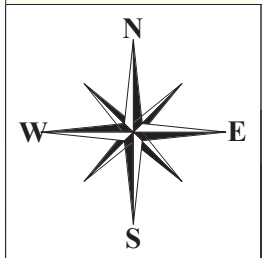
For Informatives 5, 6 and 7 please contact the Water Quality Consents Team on 01707 632300 for further details.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 11:April:2011
Grid Reference: 498051; 222433

Application No.
CB/10/04362/FULL

Scale: 1:10000

Land at Lower End, Knolls View, Totternhoe, Dunstable, LU6 2BU

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SCHEDULE B

APPLICATION NUMBER	CB/10/04362/FULL
LOCATION	Land at Lower End, Knolls View, Totternhoe, Dunstable, LU6 2BU
PROPOSAL	Demolition of existing building and erection of replacement building for B2 purposes
PARISH	Totternhoe
WARD	South West Bedfordshire
WARD COUNCILLORS	Cllr Ken Janes & Cllr Marion Mustoe
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	27 January 2011
EXPIRY DATE	24 March 2011
APPLICANT	JGE Commercials
AGENT	Wilbraham Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Ward Member Call-in by Cllr Mrs M Mustoe: Landmark application on a complex site with Parish Council concern.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site lies within the 2ha plant area of the former Totternhoe Lime and Stone Company (TLS) at the end of Knolls View, which ceased operation as a lime hydration plant in about 2009. Before that time it was also the centre of chalk quarrying activities. The plant area was sold to the applicant company who occupies part of it in connection with his business of adapting used lorries and heavy plant vehicles for resale and who lets to other companies, the main one being Newton Transport, a heavy vehicle repairer.

About 2,600m² buildings remain in the plant yard of which about 650m² are of brick or other substantial material and capable of conversion to reasonable quality accommodation, 650m² brick garages with low headroom, and 1,300m² steel framed sheds clad in corrugated steel sheets, previously used for lime hydration and storage and 'contaminated' by loose lime to varying degrees. Most of this latter group are also non-weatherproofed. Included in this category is a long 'nissen' style building of 410m² with corrugated steel cladding moulded round curved steel ribs and bracing above a low railway sleeper base, except for the front (north) end which is mainly open without doors. It was last used for informal lorry parking and prior to that, chalk storage. The application site comprises the building together with an area of concrete surfacing immediately next to it.

The plant yard is accessed from Knolls View by a surfaced road and rises south-eastwards into the hillside where it is flanked by steeply rising embanked haul roads. The left hand (west) haul road opens onto the top of the 'Brockham Kilns' which presents a long vertical wall about 12m high overlooking the rear of the plant yard to the north. The site is at the foot of this wall, the nissen building sitting at a slight angle to it, and is also enclosed to the north by the other rising haul road, albeit lower. To its rear is a covered reservoir at a much higher level. An 'outlier'

building is located beyond this reservoir to the south, and is used for recycling of plasterboard (B2).

Most of Newton Haulage vehicles are parked round the buildings it occupies and vehicles of the applicant's business are parked extensively to the north of the plant yard, especially against the eastern boundary with open countryside. The immediate vicinity of the site is much quieter and mainly empty except for the unused historic buildings.

The Application:

This application was called-in by Councillor M Mustoe in order that the Committee may consider the concerns of the Parish Council in this small but landmark application on a complex site.

It is proposed to demolish the 410m² building and to replace it with one of 242m² and of a modern portal frame design for B2 use. It would be 4.6m high to eaves and 6.2m to ridge on the shallow roof; the nissen building is 7m to top of arch. The walls would be brick to half height with profiled coated steel sheeting above. There would be 2 full height doors and 2 personal doors in the front (north) elevation. The roof would be in metal profile sheeting with 7 rooflights facing south-east. 8 parking spaces would be provided on the front apron.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development; PPG2 - Green Belts; PPS4 - Planning for Sustainable Economic Growth; PPS5 - Planning for the Historic Environment; PPS7 - Sustainable Development in Rural Areas; PPG13 - Transport; PPG24 - Planning & Noise; PPS23 - Planning and Pollution Control.

Regional Spatial Strategy:

East of England Plan (May 2008)

T8 Local roads
T9 Walking, cycling and other non-motorised transport
T14 Parking
ENV1 Green infrastructure
ENV3 Biodiversity and earth heritage
ENV7 Quality in the built environment

Milton Keynes and South Midlands Sub-Regional Strategy

Policy 2(a) Luton, Dunstable and Leighton Linlade

Bedfordshire Structure Plan 2011

25 - Infrastructure

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations
NE12 Re-use/Adaption of Rural Buildings
T10 Parking - New Development
E2 Development - Outside Main Emp Areas

Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for development, 2010
Planning Obligations SPD

Planning History

Site is part of former Totternhoe Lime and Stone Company premises, within whose relict plant area the site lies. The history includes key decisions within the plant area.

SB/TP/05/0242	Refusal - Closure of lime works, use of old lime kilns and engine shed as storage and maintenance facility in conjunction with existing and proposed open space, demolition of all other buildings, erection of 40 dwellings and associated road and car park. Appeal dismissed.
SB/CPD/09/0044	Issue of Certificate of Lawfulness - Hydration of lime being a use within Class B2. (Appeal against non-determination).
Council Opinion	Letter issued by CBC 16/6/10 - reducing plasterboard into cardboard and gypsum considered to be within Class B2. (Carbonate shed).

Representations: (Parish & Neighbours)

Parish Council (18/2/11,
17/3/11)

Objects:

- inappropriate development in Green Belt
- adverse impact on residents of passage of goods vehicles along Knolls View
- adverse impact on safeguarding countryside
- no mention of an intention to offer employment to local people
- impact of goods vehicles on Castle Hill Road.

Sometimes vehicles from the present plant yard pass houses in Knolls View at 2 and 3am and on Sundays.

However, welcomes:

- reduction in size of building
- proposed planting screening
- limiting operating hours on proposed building.

Concerned that the applicant would not limit operating hours on existing tenants. It is unacceptable for goods vehicles to pass along Knolls View at all hours of the day and night. Therefore it is not accepted that limitations cannot be imposed on future tenants and asks that this be pursued urgently.

Any permission should be conditioned to:

- limit operating times to those in application (0730 - 1800h M-F/1300h Sat)
- restricting goods vehicle access to Stanbridge Road
- landscaping and planting scheme to reduce impact
- subjecting other tenants to same conditions, especially hours and access.

Neighbours Knolls View "Mapsedge" (23/2/11). Supports the application as it would help to enhance the state of the property; indeed replacement of all the buildings would improve the aesthetics.

No negative representations received direct from members of the public.

Consultations/Publicity responses

Archaeologist (18/2/11) An archaeological sensitive area near and within the setting of the Totternhoe Knolls SAM. No objection to demolition of modern structure as it would not have a major impact on the significance of the heritage asset that the lime works represents. No objection to new building which is at the bottom of the hill.

Environmental Health Officer (11/2/11) Building would be screened from all but one dwelling by kiln wall. No objection but requests noise condition, in view of general B2 uses.

Determining Issues

The main considerations of the application are;

1. Existing uses in plant area
2. Green Belt and the existence of very special circumstances
3. Parish Council comments

Considerations

1. Existing uses in plant area.

Since the land was sold following the closure of the hydration plant it has been established at appeal that the lawful use of the site is effectively B2 (an industrial process which does not fall within the 'lesser' class B1 industry). The current applicant confirmed that his use of part of the site was for the repair and adaption of vehicles for onward sale. In the Use Classes Order an 'industrial process' includes "the altering, repairing, maintaining...adapting for sale...of any article", which is what would take place by this company. Furthermore, by the same Order, planning permission would not be required to change between different activities provided they all fall within the definition of B2. There is, however, provision within the General Permitted Development Order (GPDO) for B2 buildings to be used for B1 purposes, without a limit to their size¹.

Newton Transport similarly repair vehicles and thus fall within the B2 class. (The activity in the carbonate shed is also considered to be within the B2 class.)

Thus, in the plant yard, about 475m² (18% of the total floorspace but about 75% of the generally usable floorspace) is in use by these 2 companies.

¹ Under the GPDO permitted development is also available for certain works such as extension or alteration. There are limitations but these relate to the 'curtilage of the premises' and the

'original building' which are difficult to determine without occupiers in so much of the floorspace. It seems possible that new buildings (no more than 100m² each) or extensions could add up to +25% of the original floorspace.

2. Green Belt and the existence of very special circumstances.

The plant yard is within the South Bedfordshire Green Belt. Within Green Belts the general policies controlling development in the countryside apply with equal force but there is, in addition, a general presumption against inappropriate development within them. Inappropriate development is by definition harmful to the Green Belt and it is for the applicant to demonstrate that very special circumstances exist sufficient to set aside harm by reason of inappropriateness and any other harm. PPG2 *Green Belts* also makes plain that the construction of a new building inside a Green Belt is inappropriate unless it is for clearly defined purposes. The instant proposal is not within the range of defined appropriate uses, neither can it be considered as the 're-use' of a building. Finally, the amenity of a Green Belt and its objectives can be harmed by proposals which might be visually detrimental by reason of their siting, materials or design. The purposes of including land in Green Belts include assisting in safeguarding the countryside from encroachment.

At the appeal into the 40 dwellings the inspector included among the main issues the sustainability of the location, and character and appearance of the area. She concluded that the site was not in a sustainable location, being distant from facilities and on a bus route of limited usefulness. Against this she noted that the fall-back position was B2. Furthermore, the original buildings, while not attractive, had nonetheless become an established part of the character of the rural landscape and acted as a historic reminder of the chalk quarrying that took place in the past, plainly visible from the adjoining public rights of way.

The applicant states that the proposal would not offend against the purposes of Green Belts and claims that the following are 'very special circumstances': the replacement building would add to Green Belt openness by reason of its smaller size; would be more visually attractive; would lead to lower CO₂ emissions by reason of reduced size and higher thermal standards; would be in line with PPS4. These are now addressed.

Appearance The present building is clearly visible in winter through the relatively thin boundary hedgerow to the bridleway to the north-east, a well used path in a popular recreational area. The nissen building in its setting of the Brockham Kiln and the derelict tall remaining hydration plant building has not been engulfed in open vehicle parking which characterises the plant yard further north and very much reflects the inspector's identified historic character of its previous use. This context would, in her perception, reduce any offence caused by such a building in the countryside. In contrast, the proposal has a clean-lined modern design and would 'lose' that historical connection with the site. The applicant has reduced the size of the building to 60% of the present floorspace and with the provision of a new retaining wall opposite the building, proposes to increase the adjacent bank to take landscaping. This would reduce the visual prominence of the structure, as would careful consideration of the eventual colour of cladding. The offer to plant up a length of weak boundary hedgerow further down the yard would also be most beneficial and could be justifiably linked to this proposal as reducing the net additional external impact of the yard as a whole. In our opinion the strengthening of the lower hedgerow would be a net benefit.

Sustainability The building would be to a higher thermal standard but this is compared with a structure that was never intended to accommodate people or be heated. The fall-back position would unlikely be a more inefficient conversion, but a semi-open shed. The new building would attract more staff than the present building, which would need to travel to this relatively remote location - mostly by car notwithstanding local walking and cycling links. Although having a B2 user, this plant yard would not rate high in the scale of employment locations which it is intended to serve future demand. This would not contribute to the existence of vscs.

Other factors The applicant is prepared to accept a condition limiting hours of use between 0730 and 1800h (and no working on Saturday afternoons and Sundays/PHs). This is a small gain as the present building could, as with the rest of the yard, be used 24/7. In practice it is unnecessary to prevent use of the building outside these hours because factory noise can be controlled by another condition and private cars have negligible noise impact on dwellings in Knolls View. However, the far more significant impact of lorries outside these hours would be covered under the proposed condition. Furthermore, a modern industrial building such as is proposed is more likely to be the base of a company which works more 'sociable' hours than the nissen building which is more likely to appeal to open storage or transport uses. Indeed, buildings such as is proposed typically rely less on large servicing vehicles. The applicant has also agreed, through an informative, to review 'out of hours' servicing of his present business, to cause less noise in the evenings and night, and to 'do all he can' to route vehicles related to his own business away from Castle Hill Road. While this is plainly unenforceable, it would be formally recorded on the decision notice, and makes the applicant aware of his responsibility towards his neighbours.

PPS4: Planning for sustainable economic growth The applicant claims that a new building would be more cost-effective than refurbishment. PPS4 advocates a positive stance by planning authorities towards applications for economic development, and indeed the proposal meets a number of criteria. The March 2011 Budget further emphasises the Government's commitment to encouraging sustainable businesses.

On balance the proposal offers net benefits viz. the improved landscaping of the lower yard, control of lorries from the proposed building, an acknowledgement of the applicant's 'responsibilities' to the local community, and an employment facility among the rural community. Notwithstanding the unsustainable location, opportunities for new jobs (especially in the rural area) are significant in present times. Eventually the applicant would look to rolling out this redevelopment across the yard with tangible benefits to local residents through substantial floorspace reduction, potential removal of permitted development rights to extend, and greater control of servicing hours. This would make the 'vscs' more substantial and we can support the proposal in this light.

3. Parish Council comments

The Parish Council and Ward Member Cllr Mustoe were involved closely in this application as it was useful to determine the views of the community on the TLS site at this time of change. Amendments have been generally well received. Although the agreement to review the applicant's traffic using local roads at

unsociable hours would be unenforceable, it would nevertheless impress on the site owner the 'responsibilities' he has with the community. He has stopped short of undertaking to restrict hours of use for future tenants of existing floorspace, but in planning law terms it would be unreasonable to require him not to do something he is entitled to do within Class B2. On the other hand to remove permitted development rights to extend the new building would compensate for the upgrading of floorspace in the Green Belt.

Our satisfaction with the countryside impact has been considered above and it would be impracticable to restrict employment to local people. We consider that the applicant has responded fairly to the issues raised by the application.

Recommendation

That Planning Permission be GRANTED subject to the following:

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

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

- 2 **Before development begins, a landscaping scheme to include earth mounding, retaining wall(s), soil quality assessment, new planting and hedgerow strengthening based on the areas shown hatched on drawing 1098/10/9A 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 to compensate for the visual impact of the proposed building.
(Policies: ENV3, ENV7 RSS; BE8 SBLPR).

- 3 **Notwithstanding details submitted with this application on drawing 1098/10/7A, before building operations commence details of the brickwork and colour of the cladding and roofing shall be submitted to and approved in writing by the Local Planning Authority, and the building shall only be constructed in accordance therewith.**

Reason: To ensure satisfactory integration of the building into the Green Belt and this countryside location.
(Policies: ENV7 RSS; BE8 SBLPR).

- 4 Notwithstanding the provisions of Part 7 Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as

amended, or any further amendment thereto, (Industrial and Warehouse 'Permitted development'), no extensions or external alterations to the building hereby approved, including fitting of rooflights, shall take place except with express consent of the Local Planning Authority.

Reason: To control the amount of replacement floorspace in the Green Belt and to safeguard the appearance of the Green Belt and countryside from prominent external treatments and the visual impact of lighting behind rooflights.

(Policies: ENV7 RSS; BE8 SBLPR).

- 5 All plant, machinery and equipment installed or operated in connection with the proposed development shall be designed to a level which is at least 5dB(A) below the existing LA₉₀ background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise shall be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant, either measured or calculated, shall apply to a position 1 metre from the closest affected window of the relevant noise sensitive property.

Reason: To safeguard the essential amenities of local noise-sensitive properties.

(Policies: ENV7 RSS; BE8 SBLPR).

- 6 No lorry shall enter or leave the site outside the hours of 0730 to 1800 on any day Mondays to Fridays, outside the hours of 0730 and 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays, save as may be agreed in writing by the Local Planning Authority.

Reason: To safeguard the essential amenities of local noise-sensitive properties from servicing traffic.

(Policies: ENV7 RSS; BE8 SBLPR).

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawings numbers CBC/001, CBC/002, CBC/003, 1098/10/7A, 1098/10/9A.

Reason: For the avoidance of doubt.

Reasons for Granting

This building can lawfully be used for B2 purposes (general industry). The presumption against inappropriate development in the Green Belt, through the erection of an 'inappropriate' building, even for B2 purposes, and its impact on visual amenity, can be set aside in this case by a 'very special circumstances'. These comprise a combination of factors namely the improvement of the north-east boundary landscaping, increase in openness through a reduction in floorspace, limitations on permitted development and servicing hours. These would also set a pattern for future redevelopment towards reducing overall floorspace and bringing vehicle movements over more of the site under control, thus improving the amenities of residents of Knolls View. The Parish Council has been engaged in this application.

Notes to Applicant

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

T8 Local roads

T9 Walking, cycling and other non motorised transport

T14 Parking

ENV1 Green infrastructure

ENV3 Biodiversity and earth heritage

ENV7 Quality in the built environment

South Bedfordshire Local Plan Review

BE8 Design and environmental considerations

T10 Parking - new developments

E2 Development - outside main employment areas

4. 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.
5. In order that reasonable regard may be had to the amenity of local residents, in view of noise from heavy vehicles using local roads in the evenings and at night, it is strongly requested that the following code of practice be adopted by the applicant:

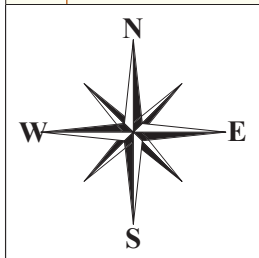
JGE Commercials, or any person or company succeeding as owner of its land at Knolls View, will use its best endeavours to ensure by management and training of employees that its commercial vehicles will not seek to access or leave the Knolls View premises outside the period from 0700 to 1800 hours in any day (and preferably not at all on Sundays and Public

Holidays), and that its commercial vehicles will not use Castle Hill Road but use other roads to access Knolls View. Furthermore, JGE Commercials, or any person or company succeeding as owner of its land at Knolls View, will seek to encourage its future tenants at Knolls View to follow a similar pattern.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 11:April:2011

Grid Reference: 505838; 218531

Application No.
CB/11/00455/FULL

Scale: 1:10000

Cotswold Farm Business Farm, Millfield Lane, Caddington, Luton, LU1 4AJ

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SCHEDULE B

APPLICATION NUMBER	CB/11/00455/FULL
LOCATION	Cotswold Farm Business Park, Millfield Lane, Caddington, Luton, LU1 4AJ
PROPOSAL	Construction of a solar energy farm, to include the installation of solar panels transformer housings, access track, security fencing, and other associated works
PARISH	Caddington
WARD	South East Bedfordshire
WARD COUNCILLORS	Cllr Ruth Gammons & Cllr Richard Stay
CASE OFFICER	James Clements
DATE REGISTERED	09 February 2011
EXPIRY DATE	11 May 2011
APPLICANT	Raybridge Corporation Ltd
AGENT	Pegasus Planning Group
REASON FOR COMMITTEE TO DETERMINE	Departure from the Development Plan
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The proposal site is within the South Bedfordshire Green Belt and is 100m to the east of the Chilterns AONB. The site is predominantly located on two fields measuring 11 hectares, located to the south and south east of Cotswold Business Park, to the east of Millfield Farm, 1-4 Millfield Mews and Cotswolds and to the south of Millfield House. The nearest residential properties to the east of the site are on Mancroft Road (no's 96-120) over 195m from the site on lower ground. Mardle Close is located on the eastern side of Mancroft Road on rising ground some 280m from the proposal. Heron Farm is approximately 300m to the east of the site. The village centre of Caddington is approximately 1km to the north east of the site. The site location redline plan includes access from Millfield Lane through the Cotswold Business Park.

The topography of the site falls 7 metres from north west to southwest but given the area of the site appears relatively level. Adjacent to the north east of the site the land falls away quite steeply down towards Mancroft Road and to a lesser extent adjacent to the southern boundary. There are a number of poorly drained areas in the northern part of the site.

The two fields forming part of the application have been 'set aside' land for 17 years and are classified 3a & 3b. There are approximately 70 individual and groups of trees on or near the site which are mainly. The fields are surrounded by existing hedgerows along the southern and parts of its eastern and western boundary. The only boundary without a hedge/tree line is on the north eastern corner of the northern field, although there are a few small gaps in the hedgeline in other areas. The boundary between the fields runs east-west and is characterised by a hedgeline

and a footpath.

On the northern boundary adjacent to the business park there is a small plantation of poplars (14m in height) alongside native woodland (average 12m). Adjacent to the southeast boundary is another wooded area and scrub (average 8-9m in height). Apart from the poplar plantation the tree species are predominately native species such as oak, ash, willow and hawthorn. The majority of the trees are young to semi-mature with a limited number of mature oak and ash trees associated with old hedgerows. In the northern field there are 3 mature oak trees. The hedgerows vary in height between 1&3 metres in height and are dominated by hawthorn, bramble, willow and rose species.

A farm track runs along the western boundary within the site. Public Footpath no.17 runs within the vegetated central belt. Footpath no.18 runs parallel to the eastern edge of the site. There are several informal paths throughout the site that have been created by walkers and connect with existing Public Rights of Way. Public Footpath no.16 is adjacent to the north east corner of the site and connects to Mancroft Road.

Overhead power lines cross the northern part of the northern field and there are telegraph poles in the in the southern field.

The Application:

Planning permission is sought for the construction of a 3 to 4 megawatt solar energy farm, consisting of banks of solar panels (photovoltaic panels) arranged in linear lines (know as strings), inverter/transformer buildings, a substation, access track, security fencing, and other associated works.

The photovoltaic panels (PV) would laid out in an array with rows of panels running from east to west, orientated southwards to maximise the light received. Each array would be mounted on a metal frame and would be approximately 2m in height. The framework would be driven into the soil with metal screw piles removing the need foundations. The panels would be angled at 25 degrees to maximise efficiency.

Photovoltaic technology converts solar radiation directly into electricity. The panels are constructed from wafer thin silicone cells laminated together and placed on a substrate, covered in with protective glass and inserted into an aluminium frame to form a single module. Each panel has around 36 individual cells wired in series producing around 12 volts. The individual solar cells are arranged in long rows as it builds and increases current. The nature of photovoltaic panels is to absorb, rather than reflect, sunlight. The PV panels do not create a noise.

It is proposed to erect a 7ft high fencing within each field to protect the panels from theft or vandalism. The fence would be green weld mesh and would be set back within the fields, 12-28m from the Public Rights of Way.

The direct current (DC) generated by the PV panels would be converted to alternating current (AC) by Inverters/transformers and fed directly into the electric transmission network. The inverter/transformer buildings would be located in 5 strategic location across the site: two in the southern field and three in the northern field; the building closest to residential properties on Millfield Lane would be some 90m distance with all other inverters 190-280m in distance. The buildings would be located between 40&50m within each security fence and would measuring 2.9m in

height, 6.5m in length and 3m in width and would be constructed in pre-cast concrete with a flat roof and coloured green. The inverter/transformer buildings would link to a new substation which would be located north of the poplar plantation adjacent to the Cotswold Business Park. The substation would measure 6.8 in length, 3.9m in width, 2.690 to eaves and 3.56m to ridgeline, and would be constructed with a green render finish with a pitched roof. The substation would link to an existing electric transmission line to the north of the site.

Vehicle access to construct and service the scheme would be from the existing access through Cotswold Business Park. It would be necessary to provide a vehicular link from the Business Park to the north and south field.

In order for the site to operate effectively, overshadowing of the solar panels will need to be kept minimum. It will be necessary to control the height of some existing trees and hedge lines and It is proposed to remove three mature oaks from the northern field.

The construction of the solar farm is likely to be split into two phases. The first phase of the construction would consist of earthworks, construction of the frames, the delivery and installation of the inverter cabinets, caballing, transformers, fencing and control room. The final phase would be the installation of the panels.

The reports submitted with the application include:

Planning Statement
Design and Access Statement
Statement of Community Involvement;
Transport Assessment
Ecological Assessment - Phase 1 Habitat Surveys;
Landscape and Visual Impact Assessment
Heritage and Archaeological Assessment;
Arboricultural Assessment;
Flood Risk Assessment;
Solar Glare Report;
Electric and Magnetic Field Report;
Photovoltaic Technical Description.

Environmental Management Plan

An Environmental Management Plan has also submitted with the application which sets out a vision for environmental and socio-economic benefits of the scheme. Objectives include:

- To improve and enhance the landscape features and character of the site; Extensive landscaping, planting and management of existing trees/hedges are proposed. Three mature oak trees will be removed and replacements planted at the northern side of the site. A hedge would be planted on the open part of the northern field facing Mancroft Road/Wardle Close.
- To implement a range of on-site habitat improvements to encourage wildlife;
- To contribute to improvements that will that will improve the ecology and visual

amenity of the site and the surrounding area;

- To contribute to initiatives to help improve community facilities; This would include the provision of additional 'furniture' along the public rights of way and would include a proposed amphitheatre, interpretation boards and benches;
- To improve the Public Rights of Way (link footpaths No's 16&18) and create a permissive circular walk;
- The solar farm will provide an opportunity to create species rich grassland through extensive mowing regimes between each string of solar panels.
- To introduce interpretation and educational resources to encourage a better understanding of the area's environmental heritage and understanding of the solar farm, renewable energy and sustainable development.
- To help encourage recreational activities.
- The Public Footpaths through the site will be kept open throughout and after construction works.

Section 106 Legal Agreement

A Heads of terms for a s106 Legal Agreement has been submitted with the application, stating:

- As soon as practicable after the commencement of the development a Community Fund Panel and Constitution shall be established. This is expected to involve members of relevant community groups including the local schools.
- Once established the Community Fund Panel shall receive a 'Community Benefit Contribution' from the developers, which is to be held in a Community Fund Account.
- An Annual Payment of £3,500 per megawatt of installed capacity calculated during the 12 months preceding the payment shall be paid by the developer to the Community Fund Account.
- The Community Benefit Contribution and Annual Payment shall be used to promote, develop, support and deliver initiatives and projects determined by the Community Fund Panel as being of benefit to the local community and focused on the provision of renewable energy, and improvements to energy efficient buildings.
- The Annual Payment shall be made until the permanent cessation of the generation of electricity from the development or 25 years after the generation commences whichever is sooner.

The Feed-in-Tariff

The application has been submitted so that it can benefit from the Government's Feed-in-Tariff (FITs). In April 2010 the Department of Energy and Climate Change (DECC) used powers in the Energy Act 2008 to introduce a system of feed-in tariffs to incentivise small scale (less than 5MW), low carbon electricity generation.

Through the use of FITs the government aims to encourage deployment of additional low carbon electricity generation, particularly by organisations, businesses, communities and individuals who are not traditionally engaged in the electricity market. This "clean energy cashback" will allow many people to invest in small scale low carbon electricity, in return for a guaranteed payment both for the electricity they generate and export.

In March 2011 the Government went out to consultation to reduce the tariff for stand alone PV schemes between 250kW - 5MW from 30.7p/kwh per unit of electricity produced to 8.5p/kwh, which would come into effect on 1st August. To enable the scheme to benefit from FITs the scheme will have to be ready to connect to the grid before the 1st August.

Community Involvement

A community involvement event publicising the proposed Caddington solar farm took place towards the end of 2010 at Caddington Working Men's Club, with over 75 people attending.

Environmental Impact Assessment Screening Opinion

An Environmental Impact Assessment Screening Opinion was submitted to the Council in 2010 for the proposed Solar Farm. It was considered that the proposed development did not require an Environmental Impact Assessment.

RELEVANT POLICIES:

National Policies (PPG & PPS)

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Supplement to Planning Policy Statement 1: Planning and Climate Change (2007)
Planning Policy Guidance 2: Green Belts
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Statement 5: Planning for the Historic Environment (2010)
Planning Policy Statement 7: Sustainable Development and Rural Areas (2004)
Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
Planning Policy Statement 22: Renewable Energy (2004)
Planning Policy Guidance 13: Transport (2001)
Planning Policy Guidance 24: Noise (1994)
Planning Policy Statement: Consultation – Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate (2010)
The UK Low Carbon Transition Plan (2009)
The UK Renewable Energy Strategy (2009)
Draft Overarching National Policy Statement for Energy (EN-1) (2009)
Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (2009)

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development
 ENV2 - Landscape Conservation
 ENV3 - Biodiversity and Earth Heritage
 ENV7 - Quality in the Built Environment
 ENG1 - Carbon Dioxide and Energy Performance
 ENG2 - Renewable Energy Targets

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental consideration
 NE10 - Rural Diversification

Supplementary Planning Guidance

SPD Planning Obligations Strategy

Planning History

CB/10/03708/SCN	Screening opinion for a solar farm
SB/91/00231	Permission - Demolition of existing buildings and erection of new offices without complying with condition 7 of SB/90/00762 (operating hours)
SB/90/00762	Permission - Demolition of existing buildings and erection of new offices
SB/90/00478	Permission - Removal of agricultural occupancy condition
SB/90/00246	Permission - Demolition of existing buildings and erection of new offices
SB/89/01164	Permission - Refurbishment of existing buildings
SB/89/00457	Permission - Use of existing buildings for business purposes (Class B1)
SB/88/00040	Refused - Change of use of redundant pig farm buildings to light industrial use (retention)

**Representations:
(Parish & Neighbours)**

Parish/Town Council	In principle accept the location for the proposed solar farm. We do have reservations; The land should be retained as Green Belt and protected for 25 years; All footpaths need to be protected. Existing hedgerows should be retained at their current height and thickness to protect the visual aspect; Concern that the development could pull electrical storms over to Caddington; Feel that the Community Fund is a fantastic opportunity with the first payment going to the Caddington Village School for solar panels. The annual payment should then be used to reduce the Parish Precepts. If used for lagging and community buildings this would not benefit everyone in the community; Concerned about construction traffic using Millfield Lane and ask for a form of traffic control by phone or radio; Will their be measures in place to reduce noise
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form wind around the solar panels?

Neighbours

Cotswold, Millfield Lane

Does not object to the principle but feel further research is required. The energy produced by the panels is stored in batteries which will be rectified into 415V AC which will be sent back to the grid. On a huge scale like this is there any research into the long-term effects of houses being so close to the installation as there could be current leakage and eddie currents produced as two examples. Would there be any noise generated ? Would the panels generate noise on a windy day ?

The Old Grannary,
Millfield Lane

My house backs directly onto the one of the fields for this proposed development which will result in me being directly effected during construction due to invasion of privacy and noise. Millfield is a small single track lane and construction traffic up and down the lane will effect residents who need to use the lane frequently for access to and from their properties and result in further damage to a lane which his already in need of repair. The proposal calls for a 7ft high fence with CCTV surrounding the installation which will result in not only visually unsightly from my property but also result in potential loss of privacy.

Millfield House

Request confirmation that the solar farm will not create any noise at all including wind noise around the units or from the new buildings. Need clarification on all building work and any access disruption to my property resulting from this development. Millfield Lane is very narrow and unprepared, i.e. all mud. I have concerns that if heavy lorries will be using the lane it will very quickly be completely churned and will driving difficult, in addition there are few passing places and those that exist are heavily churned up. Any new generators must be built as far from my property as possible. I need confirmation that the panels will not produce glare.

Consultations/Publicity responses

Archaeologist

No objection to this application on archaeological, grounds.

Ecologist

Design and access statement 3.2 states that the site is currently agricultural set-aside, and it is referred to as species poor grassland. 6.2 of the EMP proposes that the solar farm will provide an opportunity to create species rich grassland through extensive mowing regimes with all arisings removed, whilst this sounds an ideal option I am sceptical as to how removal of arisings will be undertaken within such tightly spaced panel rows. I doubt a tractor and baler would fit and consequently this would require

removal by hand which is a massive task over such an area. To initially achieve a species rich sward will take a number of years of such management and to maintain the sward will require continued management for the lifetime of the project (25 years).

Loss of the mature oak trees is a great shame, from the photographs in the EMP they appear to be fine healthy specimens which no doubt provide a rich ecological resource. However, I am pleased to see in 6.9 retention of standing deadwood, this will benefit bats but also other species such as woodpeckers.

I approve of the recommendations mentioned in the Ecological Assessment in relation to birds, bats and reptiles and these should be followed.

Landscape Officer

The existing character of the application site is consistent with and integral with the surrounding landscape including the AONB to the west - medium to large agricultural fields defined by hedgerows, hedgerow trees and wooded copse.

Having studied the photomontages and accompanying LVIA I generally agree that the existing boundary planting supported by additional hedgerow planting will screen or filter most views to the solar arrays. There a few locations where the solar panels could be visible and where additional planting may be necessary.

The proposed management of existing and proposed hedgerows to the site boundaries is to maintain these to 5m in height. I am concerned that this management regime will introduce regular, formal hedgerows, impact on the capacity of hedgerow trees to mature and introduce boundary hedgerows which are not in keeping with local landscape planting structures. Existing and proposed hedgerows / hedgerow trees must be managed to maintain the natural variation in form and height, which enables trees to mature, and continues the character of local planting structures.

Any associated structures need to careful considered and located in areas to reduce impact. There should be no lighting of the scheme.

Tree & Landscape
Officer

No objection - I confirm that the scrub management has been clarified and that the treescape character and associated screening value will be retained. I also understand that the three Oaks will be replanted in the area beyond the Poplar plantation to the north of the site.

Chilterns Conservation

No objections but have the following comments:

Board

Though the application as presented is not considered to have a detrimental impact on the Chilterns AONB and its enjoyment, it should be borne in mind that certain factors could change this. The key ones to note are the possible loss of trees or shrubs within the belts that exist to the west, south and north of the site and the possibility that lighting might be installed on site. These scenarios would lead to the development being much more visible in the landscape, particularly from within the AONB to the west and as such the Council should ensure that the current belts of trees are properly maintained. Proper management should be achieved with the imposition of a condition requiring a management plan to be in place, if this has not been considered already. Secondly the Council should ensure that lighting is not introduced, also by suitable condition. Any security fencing should be suitably screened (this is likely to be the case with the amount of planting that is already in place). A traffic management plan should be in place to ensure that the rural character of Millfield Lane is not affected (this is quite narrow in places to the south of the site and heavy goods vehicles making deliveries could cause significant damage if not properly routed).

Natural England

The open, exposed landscape means that any development has the potential to be highly visible, although this may be in the context of other development and so would not necessarily have a high visual impact. That the proposed solar farm comprises low lying (photovoltaic panels is therefore in its favour, being sited away from the ridgetop, and not breaking the skyline. This also means that immediately local views of the site can readily be screened by existing or enhanced hedgerow screening. Such measures would meet the landscape management guidelines to restore and improve the condition and structure of hedgerow boundaries. That existing hedgerows will be used for screening does also meet the objective to conserve historic field patterns (although note above comment). The lack of vertical prominence will also help to blend with the smooth and open slopes of the Yer valley.

We have some concerns that the new security fence may exacerbate the urban fringe feel of this area. We suggest that this be carefully designed, and integrated within existing hedgerow or softening with climbing plants to blend well. The same applies for the lighting regime. Should the planning authority be minded to grant planning permission, they should ensure that the measures set out in the supporting documents, in particular provision of new hedgerow planting and *associated maintenance and management of existing vegetation screening the site from*

the AONB, and lighting regime, are secured by a suitably worded planning condition or other legal agreement.

The planning authority should ensure that existing public rights of way are conserved and enhanced. The ecological assessment submitted with the planning application reports limited biodiversity on the application site. Features of note include commuting paths for badger, trees with potential for bat roosts, habitat for nesting birds, and peripheral areas of suitably habitat for native reptiles. Natural England supports the measures proposed by way of mitigation, particularly access through (or under) the security fence to maintain access for badgers to forage on the site, and the felling of trees with bat roost potential using 'soft' fell techniques (this should target the September – October period preferably).. We also support the recommendation to clear breeding bird habitat outside the breeding season (March – August), or otherwise preceded by a survey for active nests by a suitably qualified ecologist. We support the use of habitat manipulation techniques (outside of the hibernation period) to avoid killing or injuring reptiles, for the restricted area of works to facilitate access between fields. These measures should be secured via a suitably worded planning condition or other legal agreement

Environmental Health Officer

No objection – The applicant has addressed glare and glint which is potentially the only matter that the service could deal with.

NATS

Does not conflict with NATS safeguarding criteria

Sustainability Officer

- The proposed development of solar farm is supported by the UK national planning guidance on sustainable development and renewable energy.
- The project would contribute towards achieving UK's renewable energy generation and carbon emission reduction targets.
- It is welcomed that the developer proposes to open the solar farm for educational purposes to schools and provide an information board to wider public.
- It is welcomed that the developer made a commitment to pay annually £3500 per MW of energy generated on site to a Community Fund to be used on community renewable and energy efficiency projects.

Countryside Access & Rights of Way Officer

Footpath no. A16 and public footpath no. 17 were lying particularly wet and as a result were in some sections rather difficult to use. We note that this has to some extent

already been acknowledged as an issue and the surfacing of public footpath no. 17 through the site is referred to in the Design and Access Statement of the application.

A contributory factor to the poor surface drainage of the paths may be related in part to the fact they are rather enclosed between the existing hedge and scrub belt and are restricted in terms of light and air reaching the surfaces to dry them out. The paths should be 2 metres wide useable mown grass paths with 2 metre verge buffers on either side before planting so that they remain open, useable and are not encroached upon by vegetation. In this regard, we are not overly keen on the proposal for 3 metre high scrub planting alongside the public footpaths in such close proximity. Although I accept that the proposed function of the scrub planting is to screen views, the 'Typical Sections' submitted, do raise my concerns that the paths will become and feel even more enclosed.

We welcome the addition of the new public footpath proposed to link public footpaths A16 and 16 along the proposed new hedge and this would create something of a short circular walk around the field for walkers. We would suggest the landowner entering into permissive path agreement with the Council perhaps for a period of 20 years with maintenance and liability for the path remaining with the landowner.

Fully support the additional 'furniture' along the public rights of way and would welcome further details in due course with regard to the exact location and design of the proposed amphitheatre, interpretation boards and benches.

Environment Agency	Objection - The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA prepared by Woods Hardwick and dated January 2011 does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
Highway Officer	No objection subject to some junction improvements on to the business park and the junction with Dunstable Road.
Ramblers Association	It is not clear from the documentation that the Rights of Way passing through the site will be maintained both during construction and when in operation.
London-Luton Airport	Does not conflict with safeguarding criteria.
Bedfordshire & Luton fire & Rescue Service	No adverse comments at this stage.

Determining Issues

The main considerations of the application are;

1. Policy Background
2. Impact of the proposal on Landscape Character, Openness of the Green Belt and Visual Amenities of the Green Belt
3. Ecology
4. Agricultural Land
5. Countryside Access and Rights of Way
6. Highway Issues
7. Impact on residential amenity
8. Electromagnetic Fields Review
9. S106 Legal Agreement
10. Flood Risk
11. Other Issues
12. Conclusion

Considerations

1. Policy Background

Sustainability and climate change and the need to increase renewable energy generation and reduce carbon emissions are key components of current planning policy, which must carry considerable weight in determining this application.

The development would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire and should be encouraged in accordance with the national, regional and local policies specified. Tackling climate change is a key Government priority. Accordingly, the planning policy context, at all levels, is supportive of renewable energy schemes.

PPS 22: Renewable Energy

PPS 22 specifically deals with renewable energy. It promotes and encourages the development of renewable energy resources and it notes that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.

Under the heading of Key Principles PPS 22 states, “The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission” and that “Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures”.

“When located in the Green Belt, elements of many renewable energy projects

will comprise inappropriate development which may impact on the openness of the Green Belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

The Companion Guide to PPS22 - Active Solar (photovoltaic) says that in general 'solar panels' are to be encouraged. The guide predominantly relates to householder schemes but has little to say on stand-alone PV arrays connecting to the local electric transmission network.

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

Policy ENG2: Renewable Energy Targets states:

'The development of new facilities for renewable power generation should be supported with the aim that by 2010 10% of the region's energy and by 2020 17% of the region's energy should come from renewable sources. These targets exclude energy from offshore wind'.

The East of England region failed to reach the 2010 figure and is a considerable way from achieving the 17% by 2020. In view of this the policy should be given considerable weight.

Planning Policy Statement 7: Sustainable Development in Rural Areas

PPS7 encourages farmers to diversify into new agricultural opportunities such as renewable energy crops. Paragraph 31 states that LPAs should give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The guidance further states that “Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the “very special circumstances” required by PPG2 for a development to be granted planning permission”.

Planning Policy Statement 7 (PPS7) also states that, ‘the presence of best most versatile land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) should be taken into account alongside other sustainability considerations.....when determining planning applications”.

Green Belt

The proposal site is within the South Bedfordshire Green Belt. PPG 2: Green Belts states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The most important attribute of the Green Belts is their openness. Five purposes are listed for including land within a Green Belt. The most relevant to this application site is the safeguarding of the countryside from encroachment.

In accordance with advice in PPS22 advice the proposed the photovoltaic array and associated plant constitute inappropriate development.

Inappropriate development is, by definition, harmful to the Green Belt. It is therefore necessary to demonstrate why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Very Special Considerations (VSCs) in the Green Belt

The VSCs provided by the applicant are as follows:

- Sustainability credentials and the strong legislative support for renewable energy;
- The temporary nature of the panels supported by screw piling with no foundations for a period limited to 25 years;
- Community Fund for energy efficiency measures and renewable technologies in Caddington and Slip End;
- Educational facilities including an amphitheatre and seating areas within the site to be used by local schools ;
- Footpath improvements; new circular walk to be created;
- The proposal would assist with farm diversification in the area.

It is considered that the VCSs forwarded by the applicant provide material considerations which taken together are sufficient to provide Very Special Circumstances for by definition 'inappropriate development in the Green Belt'.

2. Impact of the proposal on Landscape Character, Openness of the Green Belt and Visual Amenities of the Green Belt

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which includes a selection of view points considered to be representative of the range of views and receptors around the site.

The assessment evaluates the scheme against national character areas and the South Bedfordshire Character Areas (2009). The appraisal also assesses the scheme in relation to its impact on the Green Belt. Both PPG2 and PPS22 require that the visual impact of development, including those for renewable development, be carefully considered so that they do not adversely affect the openness and visual amenities of the locality.

The LVIA identifies that the development could be successfully accommodated and assimilated into the surrounding landscape without causing significant harm to landscape character, visual amenity or landscape setting of the area.

The (former) South Bedfordshire District Landscape Character Assessment (2009), and in particular type 11 chalk dipslope (11B: Caddington – Slip End Chalk Dipslope) and type 12 Chalk Valleys (12B Ver Chalk Valley) and type 11A: Whipsnade Chalk Dipslope and the Chilterns Landscape Character Area 110 as wider context. Type 11B: Caddington – Slip End Chalk Dipslope, is characterised by a large scale open landscape with a broad plateau landform

undulating to form subtle valleys. It has denuded hedgerow cover with large scale open arable fields and occasional mature oaks marking former boundary lines (note that the proposal will remove rather than restore this feature of the site). Limited views to the urban edge of Dunstable (courtesy of the chalk scarp slope) provide a natural container to growth, although the area does have a strong urban fringe character. The pylon line running across the plateau forms a prominent vertical feature in open views.

As noted by Natural England and the Council's Landscape Officer, the open, exposed landscape means that any development has the potential to be highly visible. Both agree, however, that the existing boundary planting supported by additional hedgerow planting will screen or filter most views to the solar arrays.

The proposed solar farm comprises low lying (approximately 2m high) photovoltaic panels sited away from the ridgetop, not breaking the skyline, predominantly surrounded and enclosed by trees and hedges. This means that immediately local views are in the main screened, and those not already screened can readily be enhanced hedgerow screening. The lack of vertical prominence would also help to blend with the smooth and open slopes of the Yer valley. Given the extent of the existing screening to the west of the site the proposal would not be seen from the Chilterns AONB.

The Landscape Officer has raised concern regarding the management of existing and proposed hedgerows/trees which should maintain their natural variation in form and height, enabling trees to mature and continue the character of local planting structures. The applicant has confirmed that some variation can be introduced to the form and height of hedgerows/trees. However, this will not be possible in all areas. In order for the site to operate effectively care will need to be taken to ensure that surrounding vegetation does not overshadow the solar panels.

Whilst some coppicing of woodland will be needed towards the southern corner and west of the site, these are points of deeper woodland, meaning that the reduction in height of trees closest to the panels will not necessarily be apparent from distant views due to other trees retained at their existing height continuing to shield the main site. Whilst some coppicing will be necessary, full height trees will remain to help screen the development. In addition, due to the higher levels of the application site, it is apparent that a screen of 5m in height (and probably lower) will be sufficient to screen any views of the panels within the site.

The Landscape Officer has also queried a number of locations where there may need to be additional planting to screen the solar panels. This issue can be agreed as part of the Environmental Management Plan which will form part of the S106 Legal Agreement.

A number of consultation responses have raised concern regarding the impact of security lighting on the Green belt and AONB. There would however be no security lights proposed as part of the application. The scheme would use infra-red security cameras which do not require lighting. A condition restricting lighting has been recommended as part of this report.

Concerns have also been raised regarding the security fences which would be located within the fields. The proposed fences would be 7ft high green weld

mesh. They would be set back between 12&28m within the fields and in the majority of locations would be adjacent to or set behind existing areas of trees, hedges or scrub. The fence would be integrated into the site with additional tree and hedgerow planting creating a landscape buffer area so that in the medium term they would not be visible from the public footpaths. Climbing plants would also help the fence to blend well with its surroundings.

The proposed inverter/transformer buildings would be located in areas within the fields, between banks of the solar panels, away from Public Rights of way to reduce their impact. Likewise, to reduce its impact, the substation building has been located to the north of the poplar plantation adjacent to the Business Park. Both the inverter/transformer buildings and the substation or relatively modest in size and would be coloured green to reduce their impact.

Although there would be an impact on the Visual Amenities of the Green Belt this would be limited. Considering the modest height of the panels and buildings, and the mitigation measures to be implemented in the Environmental Management Plan, it is considered that the Visual Amenities of the Green Belt or locality would not be detrimentally harmed. Because the solar array would be predominantly 2m high with no foundation, and time limited to 25 years, it is considered that the scheme would not have an adverse harm the openness of the Green Belt.

3. Ecology

The ecological assessment submitted with the planning application reports limited biodiversity on the application site. Features of note include commuting paths for badger, trees with potential for bat roosts, habitat for nesting birds, and peripheral areas of suitably habitat for native reptiles.

Natural England supports the measures proposed by way of mitigation, particularly access through (or under) the security fence to maintain access for badgers to forage on the site, and the felling of trees with bat roost potential using 'soft' fell techniques (this should target the September – October period preferably). Natural England also support the recommendation to clear breeding bird habitat outside the breeding season (March – August), or otherwise preceded by a survey for active nests by a suitably qualified ecologist, and also support the use of habitat manipulation techniques (outside of the hibernation period) to avoid killing or injuring reptiles, for the restricted area of works to facilitate access between fields.

The Council's Ecologist has stated that

'Loss of the mature oak trees is a great shame, from the photographs in the EMP they appear to be fine healthy specimens which no doubt provide a rich ecological resource. However, I am pleased to see in 6.9 retention of standing deadwood, this will benefit bats but also other species such as woodpeckers. I approve of the recommendations mentioned in the Ecological Assessment in relation to birds, bats and reptiles and these should be followed'.

Although the proposal is for a solar farm, the agricultural use of the land would not completely cease with a hay crop being taken between the solar panel strings. The ecologist welcomes the proposal to create a species rich grassland through extensive mowing regimes between the solar panel strings, but queries

how this will be undertaken within such tightly spaced panel rows. The space between rows is actually 4m wide which is more than sufficient width for a tractor.

Although the removal of three mature and healthy oak trees in the northern field is to be regretted, the Tree & Landscape Officer has no objections to the application and has confirmed that, 'the scrub management has been clarified and that the treescape character and associated screening value will be retained. I also understand that the three Oaks will be replanted in the area beyond the Poplar plantation to the north of the site'.

4. Agricultural Land

The application site comprises land which has been 'set aside' for approximately 17 years. The applicant has stated that the land is a mixture of land classified as 3a and 3b.

Planning Policy Statement 7 (PPS7) states that, 'the presence of best most versatile land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) should be taken into account alongside other sustainability considerations.....when determining planning applications"'.

Although part of the land is classified 3a, the development is not considered to be irreversible because the permission would be conditioned so that in 25 years the solar panels and associated building would be removed and the land would be returned to agricultural use. In addition, as stated above, the site would still be used for an agricultural use because a hay crop would be taken from between the solar panel strings.

5. Countryside Access - Rights of Way

The Rights of Way passing through the site will be maintained both during construction and when in operation, and it is proposed as part of the Environmental Management Plan to improve and upgrade footpaths (including educational facilities and 'furniture') to create a link between Footpath no. 16&18 and to create a permissive circular walk.

The Rights of Way Officer broadly supports the proposal but has concerns regarding the drainage of some paths:

'A contributory factor to the poor surface drainage of the paths may be related in part to the fact they are rather enclosed between the existing hedge and scrub belt and are restricted in terms of light and air reaching the surfaces to dry them out. The paths should be 2 metres wide useable mown grass paths with 2 metre verge buffers on either side before planting so that they remain open, useable and are not encroached upon by vegetation. In this regard, we are not overly keen on the proposal for 3 metre high scrub planting alongside the public footpaths in such close proximity. Although I accept that the proposed function of the scrub planting is to screen views, the 'Typical Sections' submitted, do raise my concerns that the paths will become and feel even more enclosed'.

The Environmental Management Plan identifies the need to upgrade some areas of footpath because of drainage issue. While the applicant has agreed to

further discuss those areas identified by the Rights of Way Officer, there is a balance to be had between the need to increase screening in certain areas and improve the rights of way. Overall it is considered that although there may be some enclosure of footpaths, the existing Rights of Way network would benefit from the proposed measures.

The Environmental Management Plan will form part of the s106 Agreement to be agreed (should permission be granted) by October 2011. This will enable further discussions between the Council and the Applicant.

6. Highway Issues

A Transport assessment has been submitted with the application which identifies that construction traffic would access the site via Dunstable Road and the Cotswold Business Park, which would be for a period of approximately 2-3 months.

Although Millfield Lane is a single-track road, it is already subject to use by users of the Business Park and local farms and there are a number of pull-in spaces from the Dunstable Road to the Business Park.

It is envisaged that delivery of the solar panels would take up to 90 HGV vehicle loads, delivered at a rate of one-two vehicles per day. In the first phase of construction there is expected to be an additional 1-2 construction vehicles. It is expected that construction workers will use cars or light vans and it is anticipated that there would be up to 50 people employed although not all on site at any one time. Car parking for the workers will be in a field adjacent to the site. The HGV deliveries would be managed by traffic control by radio or phone.

During the operation of the solar farm it is expected that there would be 1-2 engineers employed who would visit the site as and when required for maintenance purposes. There would be a permanent security guard on the site.

The highway Officer considers that the levels of the 2-3 month construction traffic, and subsequent operation of the Solar Farm, would not be material and would not therefore have a detrimental impact on the operation or safety of the local highway network. The Highway Officer has requested improvements to the road junction of Millfield Lane and Dunstable Road and the junction of Millfield Lane with Cotswold Business Park, which will form part of the s106 Legal Agreement.

7. Impact on residential amenity

The nearest residential properties are located to the west of the site on Millfield Lane and share a common boundary. Given the existing screening between the proposal site and the residential properties and the modest size of the proposed panels and ancillary buildings, there would not be a detrimental impact in terms of visual impact. Although there would be CCTV cameras they would be directed into the site away from the adjacent residential properties.

Adjoining neighbours have raised concern regarding potential noise produced by the panels, transformer and substation buildings, from glare produced by the solar panels and from strong winds around the panels and buildings.

The nature of photovoltaic panels is to absorb rather than reflect sunlight,

therefore glare from the solar panels will not harm amenity. Neither do the solar panels make a noise. The transformers and substation would by themselves produce noise but would these would be housed in buildings with sound proofing and would be located between 90 and 280m from the nearest residential property.

In strong wind there is a possibility that the solar panels and associated buildings could produce a noise. This question has been posed to the applicant and an update will be provided in the Late Sheet.

It should be noted that the Environmental Health Officer has no objection to the proposal.

8. Electromagnetic Fields Review

An Electromagnetic Fields Review was submitted with the application. It concludes that, 'the proposal is expected to comply with the UK government guidelines and EU advice on electric fields and electromagnetic fields. Using the typical data available the expected strength of the fields from the site and its electrical distribution to the point of connection with the existing electricity network is many times lower than the guidelines....

It is therefore the considered view that due to the addition of the PV generating site and associated power connections the general public and the residents of Caddington will not be exposed to electric fields or electro-magnetic fields in excess of either the UK government guideline limit or National Radiological Protection Board recessionary limit due to this installation.

From current research there are no firm conclusions that a relationship exists between low level Extremely Low Frequency Electro-magnetic Fields and adverse health effects. The government has instigated a working group to consider the impact of limits. This work is presently ongoing'.

There is no evidence to that (as suggested by the Parish Council) that the Solar farm would attract electrical storms to Caddington.

9. Section 106 Agreement

The Section 106 has been developed with the applicant so that it meets the tests for Planning Obligations set out in Circular 05/05.

The proposed Community Fund would be an Annual Payment (for 25 years) of £3,500 per megawatt of installed capacity, calculated during the 12 months preceding the payment, that would be paid by the developer to a Community Fund Account. This would be administered by Central Bedfordshire Council in conjunction with a Community Fund Panel which would be set up by Central Bedfordshire Council and Caddington and Slip End Parish Council. This is expected to involve members of relevant community groups including the local schools.

The Community Benefit Contribution and Annual Payment would be used to promote, develop, support and deliver initiatives and projects determined by the Community Fund Panel as being of benefit to the local community and focused

on the provision of renewable energy, and improvements to energy efficient buildings. The proposed linking of the Community Fund to energy efficient/renewable measure ensures that it meets the test for a planning obligation in that it is relevant to planning and relevant to the Planning Application.

Caddington and Slip End Parish Council have raised concern regarding the proposed Community Fund and in particular its use specifically for renewable energy/energy efficiency measures. It feels that this fund would not benefit all members of the community and that a reduction in all householders Parish Precepts could be preferable option.

The Parish Council's proposal does not meet the tests for a Planning Obligation because it does not relate to Planning, does not relate to Planning Application and is not reasonable.

Due to the tight timeframes of the scheme, and due to its scope, the Environmental Management Plan will form a schedule in the s106. This will allow further discussion between the Council and the applicant to be agreed before the first planting season. An associated Landscaping condition has been recommended in this report.

10. Flood Risk

The Environment Agency's initial response (received 8 weeks in to application) is an objection stating that the Flood Risk Assessment submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25).

Given that the proposal is on a hill, not within a flood plain and does not propose any hard standing, this matter is considered to be one that can be clarified by further information. The Environment Agency have informally agreed with this view. This information has been submitted by the applicant but at the time of writing the Environment Agency had not responded. An update will be provided on the Late sheet.

11. Other Issues

The Parish Council is concerned that in 25 years' time the proposal site, following its use as a solar farm, could lose its designation as Green Belt and/or become Brownfield land.

Provided that the proposal site is still designated Green Belt in 25 years' time, the land would not cease to be Green Belt because of the use of the land as a solar farm. Neither would the land become Brownfield land. A condition time limiting the scheme to 25 years has been recommended as part of this report, including removal of all structures, fences and plant and the returning of the land to agricultural use.

12. Conclusion

The proposed Solar Farm has provided Very Special Circumstances for inappropriate development in the Green Belt, which would preserve the

openness of the Green Belt, would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire and is acceptable in all other ways.

The proposal does not need to be referred to the Government Office for the East of England under the Town and Country Planning (Green Belt) Direction 2005 (Circular 11/2005) because the floorspace proposed is significantly below the 1,000 sq.m threshold (the solar panels do not create a floorspace) and the development by reason of its scale, nature and location would not have a significant impact on the openness of the Green Belt.

Recommendation

That Planning Permission be Approved subject to the signing of a Section 106 Agreement and the removal of the Environment Agency's flood risk objection.

- 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 **Within 6 months of the planning permission hereby granted approval, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

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

- 3 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 impact on the Green Belt and Chilterns AONB.
(Policy BE8, S.B.L.P.R).

- 4 Within 6 months of the planning permission hereby granted approval, details and locations of the security cameras shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties and impact on the character of the locality.
(Policy BE8, S.B.L.P.R).

- 5 Should the solar panels not be used for the production of energy for a period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the retention of development in the countryside that is not being used for its intended purpose.

- 6 The permission hereby granted shall endure for a period of 25 years from the date when electricity is first generated by the Solar Farm (the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the local planning authority no later than 1 calendar month after the event. Within 6 months, following the completion of the 25 year period, the solar panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition.

Reason: To ensure that the development is decommissioned and to protect the character and appearance of the locality (Policy BE8, S.B.L.P.R).

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BNL.0259_02-1, E.0147_12-2, TS10-207A\1 revision 0, E.0147_10-1, E.0147_02-3, E404-23-01-0, E404-32-01, CBC/01, CBC/02, CBC/03, CBC/04 and CBC/05.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed Solar Farm has provided Very Special Circumstances for inappropriate development in the Green Belt, which would preserve the openness of the Green Belt, would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire, and is acceptable in all other ways. Accordingly the proposed development is in accordance with Local Plan Policies BE8 and NE10, East of England Plan Policies SS1, ENV2, ENV3, ENV7, ENG1 and ENG2 and Planning Policy Statements 1, 4, 5, 7, 9, 22 and Planning Policy Guidance 2 and 13.

The proposal does not need to be referred to the Government Office for the East of England under the Town and Country Planning (Green Belt) Direction 2005 (Circular 11/2005) because the floorspace proposed is significantly below the 1,000 sq.m threshold (the solar panels do not create a floorspace) and the development by reason of its scale, nature and location would not have a significant impact on the openness of the Green Belt.

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:

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

ENG2 - Renewable Energy Targets

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental consideration

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 site is located on a Principal aquifer - the Woburn Sands Formation. Principal aquifers are geological strata that exhibit high permeability and usually provide a high level of water storage. The site is also located within a Source Protection Zone 3 (SPZ3). We use SPZs as a means to protect groundwater that is abstracted for human consumption. An SPZ3 is a zone designed to cover the complete catchment area of a groundwater abstraction point. All groundwater and groundwater contaminants within this zone will eventually reach the abstraction point. The Western side of the sites area is situated within SPZ 2, of our Groundwater Protection Policy. Any pollutants entering the aquifer below this site could potentially contaminate the potable water supply within 400 days.

In accordance with our Groundwater Protection, Policy and Policy (GP3) document, we offer the following information on the design and location of sustainable drainage systems:

Direct discharges into groundwater of surface water run-off are not acceptable. All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) should be constructed to as shallow a depth as

possible to simulate natural infiltration.

contamination should be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor.

Only clean, uncontaminated water should be discharged to any soakaway/ infiltration structure.

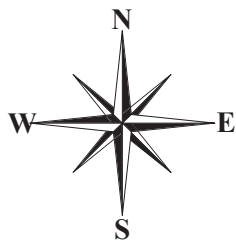
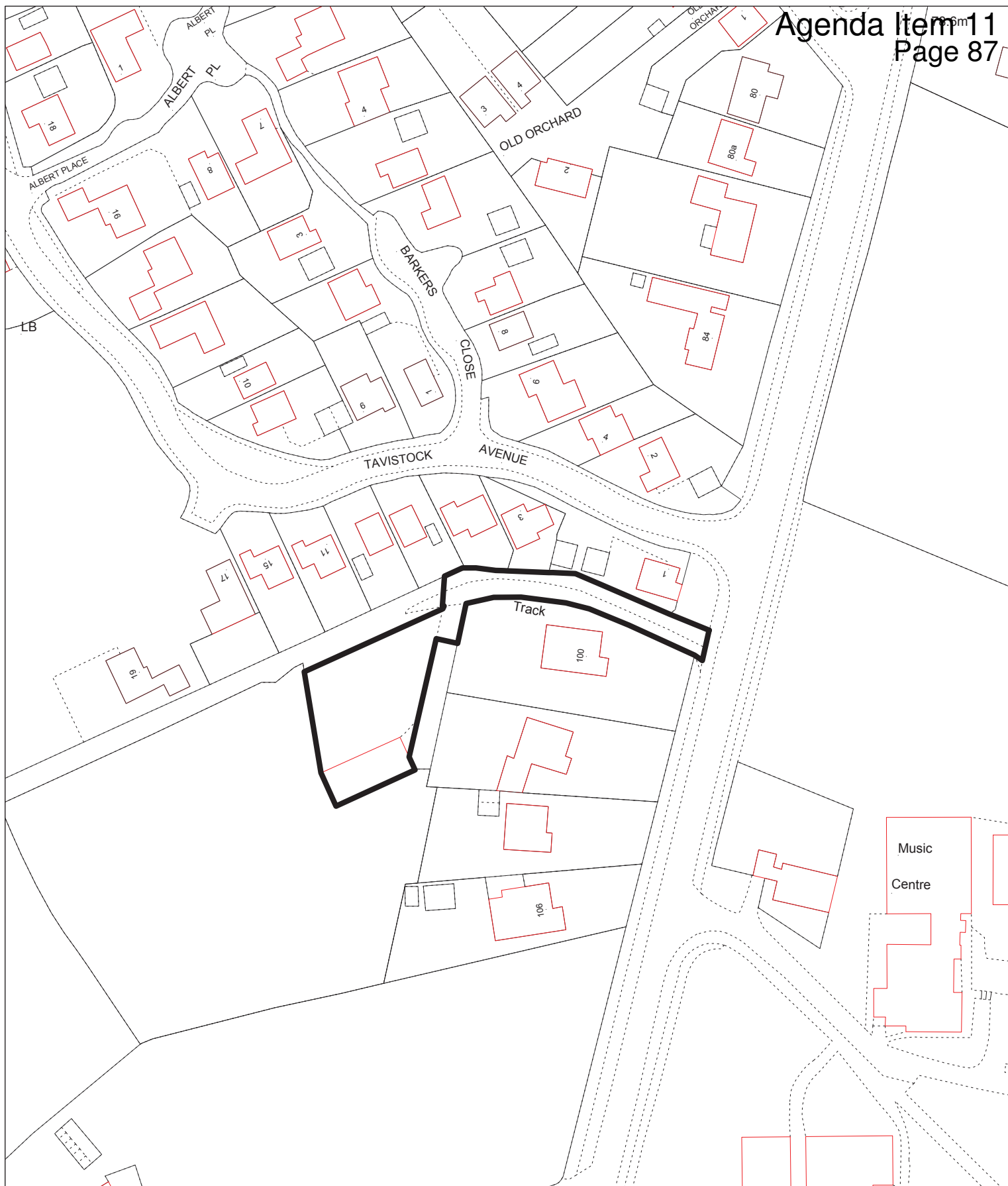
Deep bore and other deep soakaway systems are not considered by the Environment Agency to be appropriate in areas where groundwater constitutes a significant resource (i.e. where aquifer yield may support or already supports abstraction).

Drainage systems should be constructed in line with guidance provided in CIRIA C697 as well as referring to the details given in C609 referred to above. C522 replacement (prior to publication, 2006, refer to CIRIA Report 609).

5. The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
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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.....



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Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 12:April:2011

Grid Reference: 503080; 236874

Application No.
CB/11/00706/FULL

Scale: 1:1250

Land to the rear of 104 Flitwick Road, Ampthill

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SCHEDULE B

APPLICATION NUMBER	CB/11/00706/FULL
LOCATION	Land To The Rear Of 104, Flitwick Road, Ampthill
PROPOSAL	To demolish an existing building and erect a new single storey dwelling with accommodation in the roof line and a detached single garage and carport (Revised application CB/10/04201/FULL)
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllr Paul Duckett and Cllr Gary Summerfield
CASE OFFICER	Mary Collins
DATE REGISTERED	24 February 2011
EXPIRY DATE	21 April 2011
APPLICANT	Mr Duggan
AGENT	CHQ Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Ward Councillor call in Objections expressed by neighbour and Town Council
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site comprises an irregular shaped plot of land set behind nos. 100,102 and 104 on the west side of Flitwick Road, Ampthill. The land was previously occupied by a large single storey building located adjacent to the southern boundary apparently used for informal storage and recreational use in association with the property at 104 Flitwick Road. The site is accessed from Flitwick Road via a track which also serves as a public footpath. Immediately to the north, on the opposite side of the track/footpath are the rear gardens of dwellings fronting Tavistock Avenue, a modern housing estate development. To the south and west the site adjoins open countryside. There are a number of trees around the perimeter of the site and a wooded area to the west.

The site lies just inside the settlement envelope for Ampthill, the boundary for which runs along the southern and western boundaries of the application site beyond which is Green Belt.

The Application:

Planning permission is sought for the erection of a one-and-a-half storey dwelling with detached garage and driveway.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 – Delivering Sustainable Development
PPS 3 – Housing

East of England Plan (May 2008)

Policy ENV 7 - Quality in the Built Environment

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

CS1 - Selected Settlements

CS2- Developer Contributions

DM4 - Settlement Envelopes

DM3 - Protection of Amenity

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

Planning Obligations Strategy

Planning History

MB/06/01183/OUT	Outline: Erection of dwelling (all matters reserved except siting and means of access). Approved: 30/10/06
CB/09/05816/RM	Reserved Matters: Erection of dwelling. Refused: 23/10/09
CB/09/06415/RM	Reserved Matters: Erection of 1 No Dwelling. Approved: 05/02/10
CB/10/04201/FULL	Full: Construct a new one-and-a-half storey dwelling with detached garage and driveway. Refused: 17/01/11

Representations: (Parish & Neighbours)

Amphill Town Council	Object: The access is shown going off a bridleway. Access is close to a corner raising concern over visibility. Access is opposite the entrance to Redborne Upper School raising safety concerns. Access tapers to a pinch point within the development area. The wheelie bin storage area is on the line of the bridleway.
Neighbours	One letter of objection received: Overlooking, loss of privacy

Consultations/Publicity responses

Ramblers	The proposed development will have no adverse affect on public path Amphill FPA10, subject to the path not being obstructed by vehicles or materials during building operations, and therefore the Ramblers' Association offers no objection.
Rights of Way	No comments to make.

Highways	The gates can not be locked as this will impede service/delivery vehicles from using the turning area. Also although the access is wide enough to serve the site, the crossover is not and will cause vehicles to overrun the verge to use the access and degrade it, as well as possible bumping over the kerb. Recommend conditions are attached to any permission issued.
Public Protection	Advise the inclusion of a bespoke condition requiring applicant to follow the contamination report recommendations for a further Site Investigation and to follow up any such work required by such prior to completion.
Site Notice posted 08/03/11	No response received.
Application advertised 04/03/11	No response received.

Determining Issues:

The determining issues are:

- The Principle
- The impact upon the character of the area
- The impact upon the amenities of adjoining occupiers
- Other issues
- Unilateral Undertaking

Considerations

1. The Principle

The application site is within the Ampthill Settlement Envelope and is acceptable in principle.

Outline planning permission and Reserved Matters approval has been previously granted for the erection of a dwelling.

A planning application for full planning permission was subsequently refused.

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

- The roof pitch has been reduced from 50 degrees to 45 degrees and this has resulted in the height of the dwelling being reduced from approximately 8 metres to 7 metres.
- The ground level of the dwelling will be 77.864 metres and ground levels will be lowered.
- The roof of the garage has been reorientated so that it presents a gable to the front. The garage will have one open bay to the ground floor.

- The garage has been resited further away from the dwelling.

2. The impact upon the character of the area

The dwelling will be sited behind the existing properties which front Flitwick Road. 100 Flitwick Road is a two storey chalet property, 102 Flitwick Road is a single storey bungalow and 104 is a chalet bungalow with accommodation in the roofspace.

The application site is on the edge of the settlement of Ampthill and adjoining the Green Belt. There will be views of the angled front face of the new property from Flitwick Road between the properties at 100 and 102 Flitwick Road. Although the property is set behind these dwellings it will be higher than the dwellings facing Flitwick Road and will be visible in the street scene.

The dwelling will be screened from view from the surrounding open countryside and the Green Belt by landscaping and trees to the rear and side boundaries of the site. However these trees may die or be removed in the future and the dwelling being two storey on the edge of the town would have a high visual impact.

The property has a private rear garden which is roughly triangular in area with a depth of 13 metres at its deepest point decreasing to 6.5 metres and a width of approximately 22 metres. The front garden is dominated by a large turning area but this area could provide a degree of amenity area for washing cars etc. The front garden would also be relatively private.

A Design Guide for Central Bedfordshire and Design Supplement 1: New Residential Development in paragraph 6.08 (p.14) states "Rear gardens for family houses should be on average about 100 sq. m and generally no less than 50m². It is considered that the rear garden area is acceptable. However, if planning permission is granted a condition will be imposed removing permitted development rights for extensions and outbuildings.

The scale and massing of the dwelling has been reduced by reducing the pitch of the roof slope which lowers the height of the building. The ground level of the dwelling is also to be lowered which will contribute towards reducing the impact of the dwelling in relation to the existing properties facing Flitwick Road. The ridge height of the dwelling will be comparable to the dwelling at 100 Flitwick Road and views of the dwelling from Flitwick Road between these properties will be recessive.

There is now visual spacing between the dwelling and the detached double garage created by the change in roof form to a gable to the front with the roof sloping away from the dwelling and the open section to the garage. There are views through to the boundary and the current backdrop of trees due to the additional separation of the garage from the dwelling and the removal of the screen wall between the dwelling and garage. As a result of this separation, the siting of the dwelling and garage on this site no longer appears squeezed in and cramped.

It is considered that the amendments received are acceptable and that the development is acceptable on this backland plot on the boundary between the

Green Belt and this edge of the built up part of Ampthill.

3. The impact upon the amenities of adjoining occupiers

The property will be constructed behind properties at 100 and 102 Flitwick Road. The front corner of the dwelling will be inset by a distance of 3 metres from the access road serving the garage to the rear of 102/104 Flitwick Road to the eastern boundary of the site. This access way provides separation between the application site and the rear of the properties at 100 and 102 Flitwick Road.

Dormer windows to the front roofslope serve bedrooms with the central dormer window serving a study will face the rear gardens of these properties.

There is a distance of approximately 32 metres between the front of the proposed dwelling and the rear of 100 Flitwick Road and as such a detrimental loss of privacy should not arise as a result of the proposal through looking into windows. The nearest bedroom window is set in by 14 metres from the rear boundary of this property and any overlooking into the private rear garden of this property is not considered.

The property is orientated so that windows in the rear elevation will face over the bottom section of the rear garden to 104 Flitwick Road. This boundary is also marked by trees and as such it is considered that although the proposed dwelling is close to the boundary with this property, it will not have a detrimental impact through overlooking.

Neighbouring properties in Tavistock Avenue are not considered to be detrimentally affected by the proposal as there is sufficient spacing between them.

4. Other issues

Concern has been raised that the access to the site will be gained by the use of Public Footpath A10. The outline application accepted that vehicular access to the site was already gained via this route via an existing right of access for the owner of 104 Flitwick Road.

There are a number of substantial trees on the property that are worthy of protection and also a number of trees in adjoining properties. In particular a sweet chestnut that has a root protection area that will encroach into the proposed driveway and also the parking area, along with many of the trees numbered T2 to T13 as identified on the proposed site plan. All areas that are within these areas to have surface or level changes ie drive and parking areas are to be constructed using a non dig construction method.

5. 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 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 been submitted and is acceptable.

Recommendation

That Planning Permission be Granted subject to the following:

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

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

- 2 **No development shall take place until on site details of the existing ground levels and final ground and slab levels of the dwelling and garages and details of any changes to ground levels required in the construction of the access way have been 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.

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

- for trees, hedges and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless

otherwise agreed in writing by the Local Planning Authority;

- for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;
- for other natural features along a line to be approved in writing by the Local Planning Authority.

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

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

- 4 No development shall take place until details of materials to be used for all external finishes including brick type, brick bond and mortar mix, roof tile and ridge tile have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

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

- 5 1. Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement: a) A Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate sampling, as shown to be necessary by the Phase 1 Geoenvironmental Assessment (Report No XK01800/R1) already submitted.

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

2. On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and validation sampling.

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

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency at Brampton should be approached for approval

of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment.

- 6 **No development shall commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

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

- 7 **No work shall take place until details of the widening of the junction/crossover of the access have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the junction/crossover has been constructed in accordance with the approved details.**

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

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

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

- 9 **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.

- 10 **The access shall have a minimum width of 3.0m.**

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

- 11 **Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority for a distance of 6.0m into the site, measured from the highway boundary.**

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

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

- 12 The gates into the development shall be located as indicated on the approved plan. The gates shall thereafter remain unlocked for entry into the site for delivery/service/ambulance sized vehicles.

Reason: To provide adequate access and turning for delivery/service/ambulance sized vehicles and for the avoidance of doubt.

- 13 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

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

- 14 The turning space for vehicles illustrated on the approved Drawing No. CHQ.10.9347-03C shall be constructed before the development is first brought into use and shall thereafter be accessible and free of obstruction for delivery/service/ambulance sized vehicles accessing the site.

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

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

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

- 16 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless previously agreed in writing by the Local Planning Authority.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 17 The bin collection point shall be located as illustrated on the approved plan no. CHQ.10.9347-03C before the development is brought into use.

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

- 18 Notwithstanding Schedule 2, Part 1, Classes A, B, C, D, E, F, G and H of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the 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 and the appearance of the site.

- 19 Full details of a soft landscaping scheme to the access road/right of way and to the front of the property shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, including schedule of size, species, positions, density and times of planting and cultivation details including operations required to establish new planting.

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

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

- 20 The scheme approved in Condition 19 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.

- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [CHQ.10.9347-01, CHQ.10.9347-03C, CHQ.10.9347-04A, CHQ.10.9347-05A, CHQ.10.9347-06A, CHQ.10.9347-01].

Reason: For the avoidance of doubt.

Reasons for granting

The proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009, as it is appropriate in scale and design to its setting and respects the amenities of surrounding properties.

The proposal is also in conformity with Planning Policy Guidance: PPS 1 Delivering Sustainable Development and PPS 3 Housing.

Notes to Applicant

1. The applicant is advised that no works associated with the widening of the vehicular access/crossover should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that 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.
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 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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SCHEDULE C

APPLICATION NUMBER	CB/10/04487/REG3
LOCATION	Doverly Down Lower School, Heath Road, Leighton Buzzard, LU7 3AG
PROPOSAL	Erection of temporary classroom accommodation, consisting of 5 no. modules each 9.0m x 3.0m to provide a Pre-School facility
PARISH	Leighton-Linslade
WARD	Plantation
WARD COUNCILLORS	Cllrs Peter Rawcliffe & Alan Shadbolt
CASE OFFICER	Gill Claxton
DATE REGISTERED	04 February 2011
EXPIRY DATE	01 April 2011
APPLICANT	Mrs Melitus
REASON FOR COMMITTEE TO DETERMINE	The land is owned by Central Bedfordshire Council and there are unresolved objections from local residents
RECOMMENDED DECISION	Regulation 3 - Granted

Site Location:

The application site is located at Doverly Down Lower School. The school lies on the western side of Heath Road and is set back some 145m from the highway. The main vehicular and pedestrian access is from Heath Road but the site is also accessed by a footpath from Copper Beech Way and Poplar Close. The school comprises a single-storey building constructed in 1968, predominately with flat roofs and brick walls. The application site, comprising a hard surfaced games court, is located in the south eastern corner of the school, approximately 30m from the rear elevations of the nearest residential properties in Poplar Close.

The school shares a boundary with properties to the north on Copper Beech Way, to the east Heath Park Drive and with properties to the south on Poplar Close. To the east of the application site lie the school playing fields, to the west and north a hard surfaced area. The site was formerly the school's open air swimming pool which was infilled in 2004 and converted to a formal hard surfaced games court. It is enclosed by a 1.8m high close-boarded fence and mature planting.

The school site is washed over by the Heath Road/Plantation Road Area of Special Character as identified on the South Bedfordshire Local Plan Review Proposals Map.

The Application:

Planning permission is sought for the stationing of a 5-bay modular temporary classroom building on the court in order to provide a Pre-School/Nursery Classroom.

The building would measure just over 9.0m wide by 15m deep to a maximum height

of 3.15m. The building would be flat roofed with dark olive coloured walls. On the western elevation there would be a ramped access into the building. Internally there would be a large play/classroom area with a wet area, cloakroom. staff and children's toilet facilities, kitchen, office and store.

The application was accompanied by a Design and Access Statement and a Justification Statement. In support of the application it is stated:

- The proposed Pre-School would provide places for 20 children in the morning and 20 in the afternoon and will employ 3 staff;
- The unit can also be used for wrap-around care (the Stay and Play Club);
- The main school building cannot accommodate the Pre School/Nursery facility. There is currently one classroom for each year group - Reception to Year 4;
- The current pupil roll for this academic year is 148 and is predicted to rise to 150 in 2011/12 with a further rise in 2013;
- Available places in the vicinity are limited. Although a new facility is being opened at St Leonard's School in Heath and Reach (Heath Barn Pre-School is re-locating to a purpose-built facility at St Leonard's), Dovers Down does not share the same catchment area and are not in competition for the same 'pupil-bank'. When researching whether there was a need for a pre-School at Dovers Down the Headteacher found a lack of provision for 3-year olds in the immediate vicinity;
- There have always been issues with the parking of parental cars in Poplar Close, from which parents access a gate onto the school playground. The governors of the school have decided that parents of the Pre-School will only be allowed to park on the school field. The times of the Pre-School would be set slightly differently from the main school to further alleviate any congestion.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering sustainable Development

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies

BE6 - Area of Special Character

BE8 - Design and Environmental Considerations

Supplementary Planning Guidance

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

Planning History

CB/10/01490/REG3 Permission for single storey extension to form new entrance way.

Representations:

(Parish & Neighbours)

Leighton-Linslade Town
Council

No objection.

24 Poplar Close -
comprising a petition of
43 signatures

Objection on the following grounds:

- Unit not needed as there are available places at other schools in Leighton Buzzard;
- Concerned at the safety aspect arising from the additional cars. At school opening and closing times it is very dangerous with cars parked anywhere and everywhere. It is a fluke that no child has been injured in the chaos;
- Impossible for Emergency Service vehicles to get along the road;
- Please reconsider the application or restrict the traffic in some way;
- The current situation makes life difficult and dangerous twice a day; what is being proposed will attract many more cars and another time of problems making life intolerable for all concerned.

24 Poplar Close

Further representations as follows:

- Even though we did instigate the petition, there is no problem with the Pre-School unit in itself;
- Main concern is with the traffic situation which residents cannot take any more and the scheme should be subject to the following provisos;
- No extra cars should be allowed in the Close;
- The school gate in Poplar Close should be locked all day so that no pre-school child can be taken in that way and must enter through the Heath Road entrance;
- The very serious traffic congestion problem in the Close with parents' cars is addressed very quickly.
- This letter has been read and agreed by other residents.

1, 7, 11, 13, 14, 20, 22,
23, 26, 32, 43 and 45
Poplar Close

Object for all or some of the following reasons:

- There are still some residents in Poplar Close who bought their bungalows when the development was built between 1954 and 1957. Thoughts were of retirement in a peaceful area. They had not bargained for a school to be built close by.
- Many of the residents in Poplar Close are elderly and have age-related complaints requiring regular visits and additional support from ambulances, other carers and Buzzer Buses.
- All the noisy play areas have been installed between the main school building and the bungalows. Noise continues outside the school hours as a result of the Stay and Play Club. Children are often on site until 6pm. Noise can be wearing at times. The Pre-School

unit would also be sited very close to the bungalows and would increase the noise issues.

- Poplar Close is a small, narrow cul-de-sac. At present, at school drop-off and collection times vehicles are parked tightly along the road, overlapping drives causing the cars of residents and other road users to mount the pavement in order to proceed. Parents/carers vehicles have become larger over time and 4x4's, people carriers and so on make the situation even worse. The existing situation is chaos. Residents already have problems of access and egress during the school drop off and collection times.
- The parking from parents/carers is inconsiderate leading to blocked driveways, grass verges damaged and verbal abuse.
- The new facility will exacerbate an already bad situation and could amount to an additional forty vehicle movements per day.
- Residents have tried to bring some order to the chaos but to no avail. The problem has escalated to saturation point. Poplar Close cannot accommodate any more vehicles and residents are fed-up with not being able to go about their business as and when required.
- Residents have tried to get parking restrictions but to no avail despite Kingsmoor Close in Flitwick being successful which had similar parking problems with a school in close proximity as Doverly Down.
- Entrance on Heath Road should be made more accessible. All cars should enter and exit through this entrance and park within the school grounds.
- In terms of need and demand it should be clarified whether other local providers are full.
- Provision for pre-school children should have been made when planning approval was granted for the large housing estates in Leighton Buzzard and then it would be unnecessary to increase provision on unsuitable sites.
- New school/pre-school should be built on the other side of town to accommodate Billington Park and Sandhills developments.

3 Poplar Close

No objection to extending the school but a car park facility must be incorporated into the plans. The peace and quiet of the area and the elegance of the road is being destroyed.

Consultation/Publicity responses

Public Protection South No objection.

Sport England Comments as follows:

- Sport England would normally object to any development that would lead to a loss of, or prejudice the use of, all or part of a playing field without meeting at least one of the specific exception criteria in Sport England's policy 'A Sporting Future for the Playing Fields of England', 1997 without meeting one of the policy's exception criteria.
- Technically the loss of a hard surfaced play area would not be entirely consistent with exception E3 as the area would be capable of being used as a hard court for formal sport. None of the other exceptions to the policy would be applicable in this case.
- However, I am mindful of the following: the existing natural turf playing field would not be affected by the proposed development; the school's provision of hard play area is relatively large and the modest reduction in the size of this area associated with the proposals is unlikely to have a significant impact on the school's ability to meet PE curricular needs or compromise any community use of the hard play area; the mini-tennis court which would be lost as a result of the proposals would be marked out elsewhere within the hard play area and the structure is of a temporary nature and the area could revert to a hard court in the future.
- Accordingly no objection is made to the application, subject to a condition requiring the mini-tennis court to be marked out prior to the commencement of development.

Childcare Development
Manager

The justification statement on the planning site is misleading when it states there are limited numbers. Heath Barn pre school will offer an additional 30 places when they open their new unit at Easter this year (at St. Leonard's Lower School).

Highway Engineer

No objections, subject to conditions requiring the submission of a travel plan, instigation of proceedings to make a Traffic Regulation Order to prevent parking in Poplar Close around school drop-off and collection times.

Determining Issues

The main considerations in the determination of the application are:

1. Whether the proposal would have any adverse impact on the character and appearance of the locality.
2. Whether the proposal would have any adverse impact on the amenity of occupiers of neighbouring residential properties.
3. Highways and parking considerations.
4. Other matters

Considerations

1. Whether the proposal would have any adverse impact on the character and appearance of the locality.

In design terms, the proposal is single storey with a maximum height of just over 3 metres. It would be well screened by the existing boundary fencing and established boundary screening. From any public vantage points it would not be readily visible, although there would be limited views from the bungalows and their gardens in Poplar Close which back on to the site and to a lesser extent No's 243 to 249 Heath Road. It is considered that the proposal is acceptable in terms of its visual impact on the surrounding area and would comply with Policy BE8. Having regard to Policy BE6 in relation to the Heath Road/Plantation Road Area of Special Character it is considered that there would be no adverse effect as the proposal would not be unduly prominent from public vantage points and would not have an adverse visual effect on the locality or the rationale for designating the Area of Special Character.

2. Whether the proposal would have any adverse impact on the amenity of occupiers of neighbouring residential properties.

The nearest residential properties to the building would be No's 25 to 31 Poplar Close. Their rear garden boundaries are sited some 12 metres from the closest point of the building and the rear elevations of the dwellings some 30 metres. Given the distances involved, the single storey nature of the development and the presence of existing boundary treatment there would be no loss of amenity to occupiers of these properties in terms of loss of sunlight, daylight, privacy, overlooking or overbearing effect.

It is not considered that the 20 children attending a Pre-School session at any one time would have an adverse material impact on the amenities of local residential properties in terms of noise and disturbance. There would be an area for external play outside the building adjacent to the rear garden boundaries of the properties in Poplar Close. However, the pre-school day would end by 3.30pm and the area where the building would be sited could be used for external play and PE in any event. The existing hard surfaced playground and playing fields abut the garden boundaries with Poplar Close properties. There has been no objection in terms of noise and disturbance from Public Protection South. Therefore, as the building would be set against the backdrop of the adjacent playing fields with the school buildings to the north and would be seen in the context of the overall school site, it is not considered that there would be a reason to withhold planning permission on the basis of loss of residential amenity.

3. Highways and parking considerations.

The Highways Officer raises no objections to the scheme subject to conditions and the making of a Traffic Regulation Order. It is acknowledged that there is traffic congestion at school drop-off and collection times in the morning and afternoon. However, many of those attending the pre-school will be going to the site or being collected along with siblings at the Lower School, so not all pre-school pupils will be generating additional trips at the morning and afternoon peak. The Headteacher has confirmed that provision will be made within the car park for parents/carers dropping off and collecting children attending pre-school. The pedestrian gates on Poplar Close and Copper Beech Way are locked once the children are in the main school which has an earlier start time than the pre-school. Any parent/carer seeking to drop off pre-school children with older

siblings would not be able to leave the school grounds by these access points after the pre-school drop-off. This can be regulated by condition.

However, in order to look at opportunities for minimising congestion, it is recommended that a condition be imposed requiring the submission of a Travel Plan as a consequence of this application. With a further requirement to annually monitor, review and update it, this should, over time, lead to a reduction in car-borne traffic attending the pre-school. In addition there is a recommendation that the process to make a Traffic Regulation Order be instigated in order to prevent parking in Poplar Close at peak school collection and drop-off times which should also help to alleviate the current situation as well as provide for the new pre-school.

Congestion at school drop off and collection is an inevitable feature of the area surrounding schools, is of a relatively short duration and not of itself a reason to withhold planning permission in terms of both highway safety and residential amenity.

4. Other matters

Sport England are raising no objections to the proposal in relation to the potential impact on the provision of playing field space subject to a condition recommending the marking out of a mini-tennis court elsewhere within the hard surfaced play areas.

It is noted that there have been representations raised concerning the issues of need and demand. It is not considered that this is a material planning consideration in this case.

Recommendation

That planning permission be granted subject to the following:

- 1 This permission is limited to a period expiring on 30/04/2016 when the use shall be discontinued, any buildings or structures removed and the land reinstated unless before that date the Local Planning Authority has granted permission for its continuation and/or retention.

Reason: To enable the Local Planning Authority to review the uses, buildings and structures when the permission expires.
(Policy BE8 S.B.L.P.R)

- 2 Prior to the commencement of development, the mini-tennis lines to be lost with the redevelopment of the hard surfaced court shall be marked on the existing invasion pitch within the main playground in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out, completed and thereafter maintained in accordance with the approved details before the first use of the Pre-School building.

Reason: To secure the re-provision of the existing mini-tennis court to ensure sufficient benefit to the development of sport.

- 3 **Before the commencement of development a Travel Plan shall be**

submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in full within 6 months of the building being occupied. Thereafter, the Travel Plan shall be monitored and reviewed annually, with a written report to be submitted to and agreed in writing by the Local Planning Authority which updates the plan and monitors the progress in meeting the agreed targets for reducing car journeys.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.

- 4 Before development commences, details of the provision within the school site for parking facilities for parents/carers dropping off and collecting children from the Pre-School and the closure of the pedestrian gates onto Poplar Close and Copper Beech Way shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out, completed and maintained in accordance with the approved details prior to the first use of the Pre-School Building.

Reason: In the interests of the free and safe flow of traffic on the adjacent highway.

- 5 No development shall commence until the applicant in consultation with the Local Planning Authority has instigated proceedings for the making of a Traffic Regulation Order to prevent on-street parking in Poplar Close at school drop-off and collection times. The Traffic Regulation Order shall be approved, implemented and in place prior to the first use or occupation of the Pre-School building, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Drawings 1001, 1002 and illustrative plan CL-EN30-101.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development complies with national guidance and Policies BE6 and BE8 of the South Bedfordshire Local Plan Review in respect of the visual impact of the siting, design and external appearance of the development on the character and appearance of the locality, the amenity of neighbouring occupiers and highway/parking considerations.

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:

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

- SS1 - Achieving Sustainable Development
- ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies

- BE8 - Design and Environmental Considerations
- BE6 - Area of Special Character

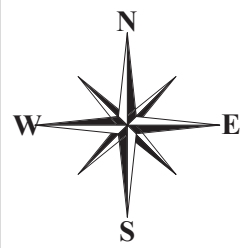
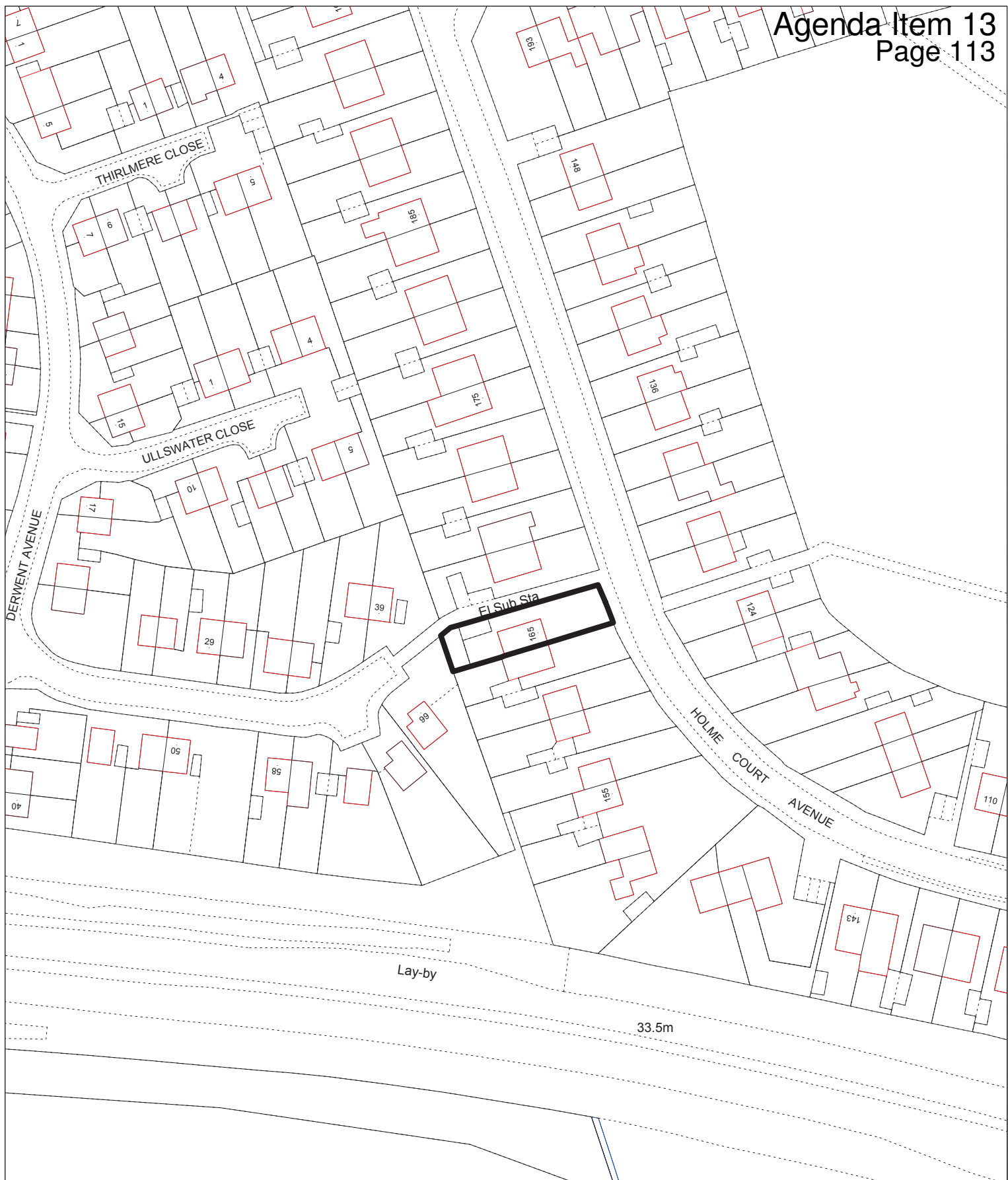
- 2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
- 3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 11:April:2011
Grid Reference: 519652; 243579

Application No.
CB/11/00972/FULL

Scale: 1:1250

165 Holme Court Avenue, Biggleswade, SG18 8PB

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SCHEDULE C

APPLICATION NUMBER	CB/11/00972/FULL
LOCATION	165 Holme Court Avenue, Biggleswade, SG18 8PB
PROPOSAL	Two storey side extension
PARISH	Biggleswade
WARD	Biggleswade
WARD COUNCILLORS	Cllrs Jones, Lawrence, Lawrence & Vickers
CASE OFFICER	Annabel Gammell
DATE REGISTERED	21 March 2011
EXPIRY DATE	16 May 2011
APPLICANT	Mrs R Crisp
AGENT	
REASON FOR COMMITTEE TO DETERMINE	The applicant is employed by Central Bedfordshire Council
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is 165 Holme Court Avenue in Biggleswade which is a semi detached two storey residential property. The house is constructed from a brown/red brick with a gable ended grey tile roof. The dwelling has a low hedge to partially enclose the drive way at the front. There is space for approximately 3 cars to park off street, Holme Court Avenue is south of Biggleswade town centre, number 165 is on the western side of the road, the dwellings adjacent are constructed in a similar style, there is a public footpath to the north of the application site, linking Holme Court Avenue with Derwent Avenue.

The Application:

This application seeks permission for a two storey side extension.

The side extension would measure approximately 3.2 metres in width and 7.7 metres in depth it would have a maximum height of 7.9 metres. There would also be a new section of boundary wall measuring some 3.3 metres. The materials would match that of the original dwelling house.

RELEVANT POLICIES:

National Policies (PPG + PPS)

- PPS 1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2006)

Regional Spatial Strategy

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

Bedfordshire Structure Plan 2011

Not applicable

Core Strategy and Development Management Policies, November 2009

Policy DM3 - High Quality Development

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Design in Central Bedfordshire, a Guide for Development.

Planning History

MB/90/01649/FULL Two storey side extension - granted

Representations: (Parish & Neighbours)

Biggleswade Town Council:
Adjacent occupiers:

No objections
Two letters of objection:
169 Holme Court Avenue - Enclosure of back garden, loss of skyline.
167 Holme Court Avenue - Loss of privacy, reduction in light to kitchen, the building up of fumes from the car port, issues over the Party Wall Act.

Consultations

Site Notice Posted 23.03.11:	No comments received
Highways:	No comments received
Beds IDB	No comments received

Determining Issues

The main considerations of the application are;

1. The effect upon the character and appearance of the area.
2. The impact on neighbouring amenities.
3. Other considerations.

Considerations

1. **The effect upon the character and appearance of the area.**
The proposal is for a two storey side extension the development would be visible within the street scene of Holme Court Avenue. The extension is considered to be in proportion with the original dwelling.

The two storey side extension would be located on the northern side of the dwelling, there is currently a 3.4 metre area between the side of the dwelling and the boundary of the property. There would be a gap of approximately 0.2 metres between the side of the extension and the boundary. This distance is judged to be sufficient to ensure separation between the adjacent dwellings, as there is a public footpath adjacent creating additional separation between the properties.

This development would be subservient to the original dwelling house, the ridge line would be 0.2 metres lower than the ridge line of the existing house, and the front elevation would be set back 0.4 metres from the existing front elevation, all materials would match the existing. This design is judged to be acceptable in this location and is judged in accordance with Policy DM3 of the Core Strategy and Development Management Policies, November 2009, and in further accordance with Design in Central Bedfordshire, a Guide for Development (Supplement 4).

The development is therefore considered in accordance with Policy DM3 of the Core Strategy and Development Management Policies, November 2009.

2. The impact on neighbouring amenities.

The property is semi detached it is attached to number 163 Holme Court Avenue and adjacent to number 167 Holme Court Avenue, between these properties is a public footpath. It is judged that the residential amenity of all neighbouring properties would be maintained:

Loss of light:

The side extension would be a two storey but it would not significantly affect the light to any neighbouring property. There would be approximately 7 metres from the side of the proposed extension and the side elevation of number 167 Holme Court Avenue, the extension would be on the opposite side of the dwelling to number 163 Holme Court Avenue. It is considered that the light into this property would be ensured because of the distances between the dwellings and the scale of the extension.

Overbearing impact:

It is judged that the development would not contribute to the overdevelopment of the site or have an overbearing impact on the neighbouring properties or streetscene. This is due to the size of the proposal, it is judged to be in proportion with the house and appropriate for the size of plot, it is subservient to the main dwelling house, creating an appropriate development within the streetscene. This development is in accordance with Policy DM3 of the Core Strategy and Development Management Policies, November 2009.

Loss of privacy:

The design of the extension does include two side facing windows, one to the 4th bedroom and one to the landing area, these windows are north facing. It is not ideal in design terms to include clear glazed windows to the side elevations. Number 165 currently has two clear glazed side facing windows, although the current situation is set further off the boundary, and currently one window is in a

different position. It is considered that although both windows are small in scale, it is unlikely that either window would be regularly used, as one is a landing and one is a small window within a bedroom that has a much larger eastern facing window which would be much more likely to be used as the main view from this room. Therefore it is considered appropriate to condition obscure glazing in both these windows, so they provide light to the rooms but would not be able to overlook the adjacent properties. All over views achievable would be similar to those of the existing dwelling house.

Outlook:

The extension would not detrimentally affect neighbouring properties in terms of outlook, the extension would be visible, but materials would harmonise with the original dwelling.

Two letters of objection was received, 167 and 169 Holme Court Avenue:

169 Holme Court Avenue - An increased feeling of inclosure, taking away of skyline - It is considered that as this property is over 13 metres away to the north, that there would not be a significant impact, sense of enclosure or loss of skyline.

167 Holme Court Avenue - Loss of privacy, this issue is covered above. Loss of light to kitchen, this issue is covered above. Party Wall Act, a newspaper cutting was included expressing a concern over building extensions within close proximity to adjacent properties. The Party Wall Act is not a planning consideration, it is a civil matter between neighbouring properties. It is considered in this incidence that suitable separation between the properties will be maintained, there would be a distance of some 7 metres between these dwelling houses. Fumes from carport, it is considered that there would not be a significant intensification of use for the drive area, this would be used for residential purposes, it is judged that there would not be an undue increase in fumes within this area, and by having a carport in this location the parking provision would be maintained.

3. Any other implications

Highways:

The development would result in an appropriate form of development, as the ground floor would be used as a car port, therefore there would not be a reduction in parking for this dwelling house. A four bedroom dwelling requires three off street parking spaces, this dwelling would maintain this level of parking provision, and is therefore considered acceptable in terms of highway safety.

Recommendation

That Planning Permission be granted subject to the following:

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

Reason: To comply with Section 91 of the Town and Country Planning Act

1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

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

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

- 3 The first floor windows in the north facing elevation of the development hereby permitted shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and fixed shut up to a height of 1.7 metres above the finished floor level. No further windows or other openings shall be formed in the first floor of this elevation, unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, P.001, P.002.

Reason: For the avoidance of doubt.

Reasons for Granting

The two storey side extension of this residential dwelling would not detrimentally impact upon the character or appearance of the surrounding area and there would be no significant impact upon any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DM3 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

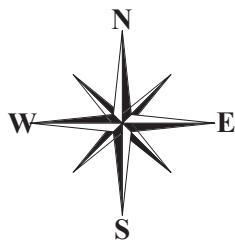
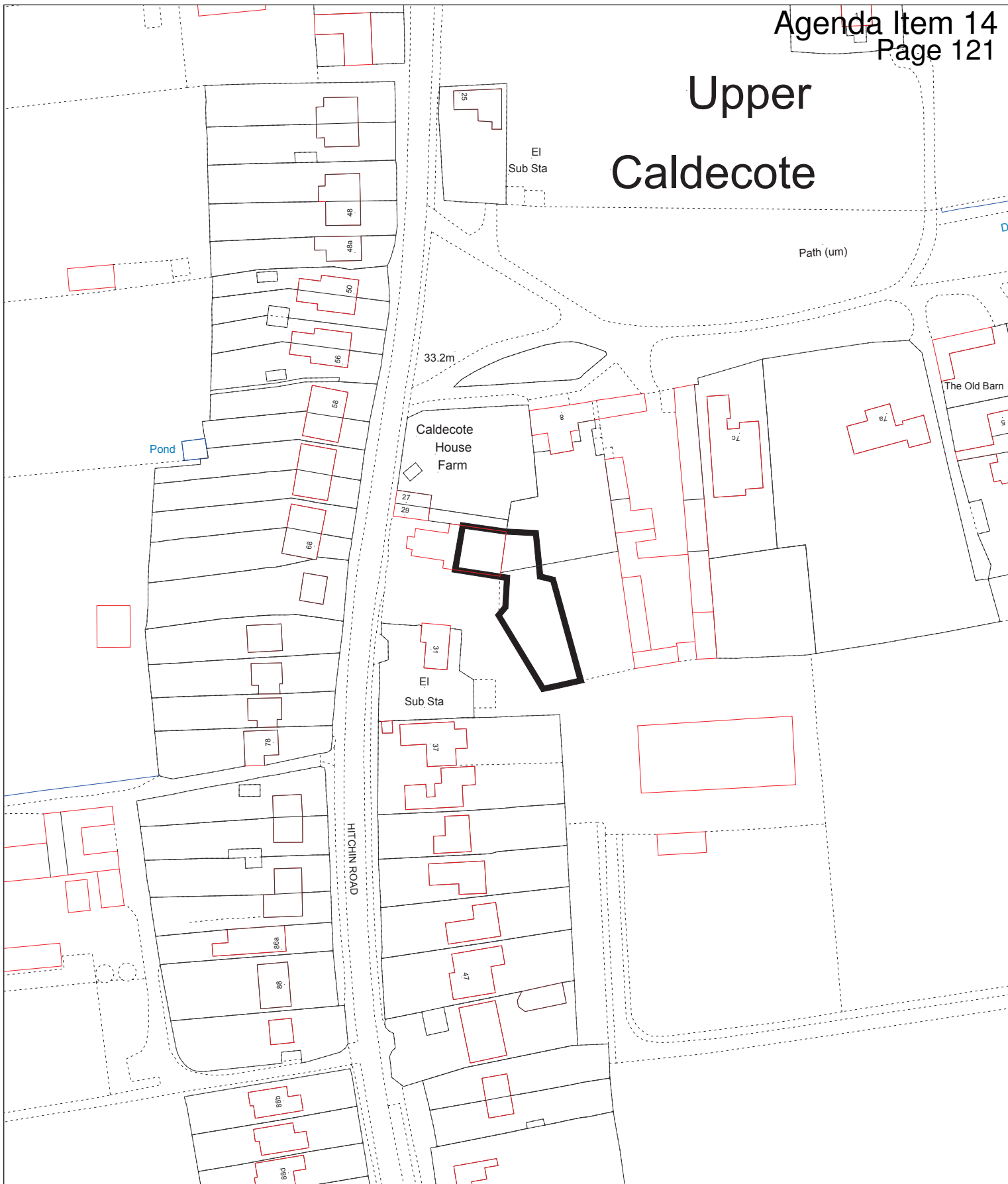
1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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Upper Caldecote



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Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 15:March:2011

Grid Reference 516572, 245546

Application No.
CB/11/00691/FULL

Scale: 1:1500

29B Hitchin Road, Upper Caldecote

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SCHEDULE C

APPLICATION NUMBER	CB/11/00691/FULL
LOCATION	29B Hitchin Road, Upper Caldecote
PROPOSAL	Change of use of existing garage/workshop to MOT Bay and erection of workshop/garage facilities with associated car parking areas
PARISH	Northill
WARD	Northill and Blunham
WARD COUNCILLORS	Cllrs Caroline Maudlin & Tricia Turner
CASE OFFICER	Dee Walker
DATE REGISTERED	03 March 2011
EXPIRY DATE	28 April 2011
APPLICANT	Mr Maudlin
AGENT	ICS Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Applicant related to Cllr Maudlin
RECOMMENDED DECISION	Full Application - Granted

Update following deferral at 30 March 2011 Development Management Committee

At its previous meeting on 30 March 2011, the Committee resolved to defer the determination of this application to allow the applicant time to conduct a desk top study following comments received from the Council's Archaeology Officer.

At the time of writing this report, the findings of the desk top study had not been submitted however, it is hoped that this will be available and that further comments will be received from the Archaeology Officer in time for the Committee meeting. Any additional information will be reported on the late sheet.

Site Location:

The application site is located off Hitchin Road in Upper Caldecote and comprises of a single storey brick built building, reception shed, containers and parking forecourt. The parking forecourt also provides access to land and buildings at the rear of the site.

The Application:

The application seeks permission for the change of use of the existing garage/workshop to MOT bay and construction of a garage/workshop and associated parking.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development (2005)

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Core Strategy and Development Management Policies 2009

Policy DM3 Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Supplementary Planning Guidance

None

Planning History

CB/09/06638 Full: Change of use from agricultural to garage workshop (Retrospective) – Approved 14.01.2010

**Representations:
(Parish & Neighbours)**

Northill Parish Council No comments received to date
Adjacent Occupiers No comments received to date

Consultations/Publicity responses

Highways Team No comments received to date
Public Protection Team No objections subject to the hours of use being restricted and a note to applicant regarding waste oil
Disability Discrimination Officer No comments with regards to disabled access
Archaeology Officer Cannot support the application as a description of the significance of the heritage asset affected by the development and an assessment of the impact of the development has not been submitted
Site Notice Posted 09.03.2011
Newspaper Advert 11.03.2011

Determining Issues

The main considerations of the application are;

1. Background
2. The effect on the character of the area
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. Parking and access
5. Other Implications

Considerations

1. Background

The site currently benefits from planning permission for the use of the buildings as garage/workshop. At present MOT tests are carried out off site at subcontractor's premises in Sandy and Moggerhanger. Therefore there are a number vehicular movements throughout the day by staff. The proposal would result in MOT's being able to be conducted on site as well as the existing vehicle maintenance and servicing. The proposal also includes an increase in hours of operation to 0800 to 1800 Monday to Friday and 0800 to 1600 Saturday.

2. Effect on the Character and Appearance of the Area

The proposed new workshop buildings will be of a metal clad construction and located to the rear of the site having the agricultural buildings at Caldecote House Farm as a backdrop. The proposed building will confine the current mix of storage structures into purpose built units and therefore improve the visual appearance of the site from the street scene.

Overall, the proposal would not have a detrimental impact upon the character and appearance of the area.

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

The principal properties that may be affected by the proposal are nos. 29 and 31 Hitchin Road with both properties abut the site boundary. Caldecote House Farm has a long linear rear garden that backs onto the application site, however due to the overall depth of the garden the proposed buildings would not have a significant adverse impact by reason of overbearing impact, loss of privacy or light.

The main issue to consider is whether the proposal would result in any further potential noise nuisance to the adjacent residential properties. The business has been in operation since 2003 and it appears that there have been no complaints from neighbouring residents regarding unreasonable noise emanating from the business. The proposed intensification of the site to include a MOT testing station and additional workshops is considered to be acceptable in this location subject to the hours of use being restricted as set out in the application.

Although the rear workshop will be closer to no. 31 than the current arrangement, it is considered that the resultant physical distance will be acceptable and there will be no overbearing impact, loss of privacy or light as a result.

Although no. 29 abuts part of the site, the proposed workshop building will be situated at the far end of the rear garden and therefore would not result in any overbearing impact, loss of privacy or light.

Overall, it is considered that the proposal would not have an adverse impact on the residential amenity of neighbouring properties.

4. Parking and Access

The site benefits from a large parking forecourt to the front and side/rear of the premises. The proposal states that it will result in a reduced number of vehicle movements during the day as MOT's will be carried out on site instead of having to be taken into Sandy or Moggerhanger. The access has been in use since 2003 for this business and also for the farm to the rear.

The proposal has provision for increasing the formal parking to the side/rear therefore reducing any potential for on-street parking. It is therefore considered that the access and parking provision is acceptable for the resultant development.

The Highways Team has been consulted on the proposal and their comments will be reported in the late sheet.

5. Other Implications

The proposed development site lies within an archaeologically sensitive area and is within a locally identified heritage asset (HER 17129). It has the potential to produce archaeological remains of the Saxon, medieval and post-medieval periods. The development will have a negative and irreversible impact on any surviving archaeological remains and on the significance of a locally identified heritage asset. The application should, therefore, include a heritage asset statement of significance and an impact assessment.

This application does not contain any information on the heritage asset affected by the development. Without the inclusion of a heritage asset statement of significance and an impact assessment this application does not conform to Policies HE6.1 and HE6.2 of PPS 5 and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.

The Committee deferred the application to allow the applicant to submit the necessary heritage asset statement of significance and impact assessment and subject to this being satisfactory, the proposal will accord with PPS 5.

RECOMMENDATION

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

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

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

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

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

- 3 The use hereby approved shall not operate except between the hours of 08:00 to 18:00 on Mondays to Fridays, 08:00 to 16:00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 120110/01, 120110/02, 120110/03, 120110/04, 120110/05, 120110/06, 120110/07, 120110/08.

Reason: For the avoidance of doubt.

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location would not harm the character and appearance of the area, have an adverse impact on the residential amenity of neighbouring properties or have a detrimental impact on highway safety. As such the proposal is in conformity with Policy DM3 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

Notes to Applicant

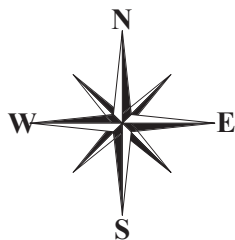
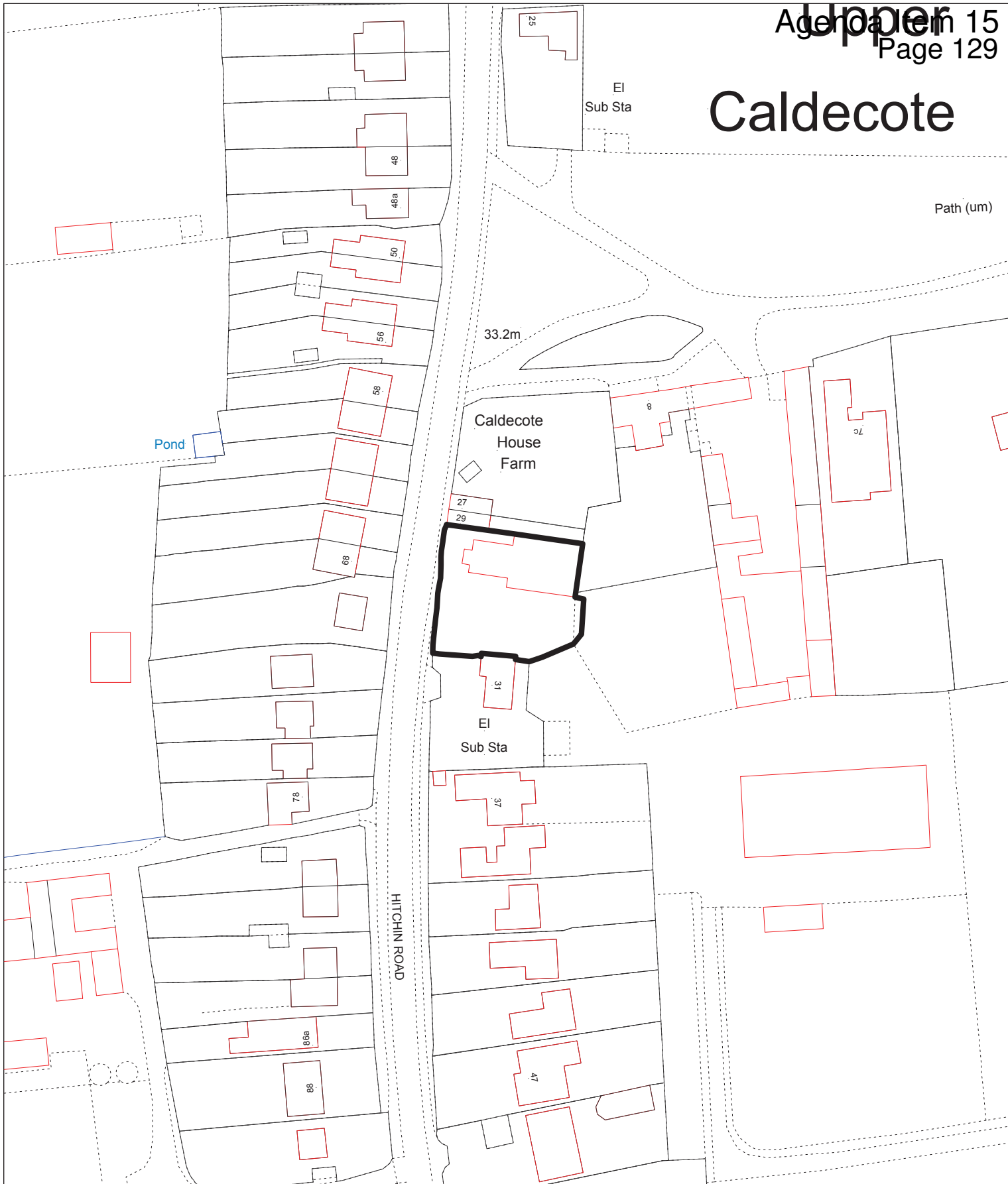
1. The applicant is advised that the proposed process (the use of a waste oil burner) is likely to require authorisation under the provisions of the Environmental Protection Act 1990 prior to becoming operational. (Failure to obtain such an authorisation is an offence punishable on summary conviction by a fine of £20,000). Further information can be obtained from Public Protection at Central Bedfordshire Council on 0300 300 8000.

DECISION

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Caldecote



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Licence No. 100049029 (2009)

Date: 11:April:2011

Grid Reference: 516555; 245537

Application No.
CB/11/00979/ADV

Scale: 1:1250

29B Hitchin Road, Upper Caldecote

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SCHEDULE C

APPLICATION NUMBER	CB/11/00979/ADV
LOCATION	29B Hitchin Road, Upper Caldecote
PROPOSAL	Advertisement: 1 No flat plate signage
PARISH	Northill
WARD	Northill and Blunham
WARD COUNCILLORS	Cllrs Caroline Maudlin & Tricia Turner
CASE OFFICER	Dee Walker
DATE REGISTERED	23 March 2011
EXPIRY DATE	18 May 2011
APPLICANT	BM Enterprises
AGENT	ICS Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Applicant related to Cllr C Maudlin
RECOMMENDED DECISION	Advertisement - Granted

Site Location:

The application site is located off Hitchin Road in Upper Caldecote and comprises of a single storey brick built building, reception shed, containers and parking forecourt. The parking forecourt also provides access to land and buildings at the rear of the site.

The Application:

The application seeks advertisement consent for 1 no. flat plate sign to be located on the front elevation of the proposed building currently being consideration under ref: CB/11/00691/FULL.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPG19 Outdoor Advertisement Control (1992)

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

N/A

Central Bedfordshire Core Strategy and Development Management Policies

Policy DM3 Central Bedfordshire Core Strategy and Development

Management Policies (2009)

Supplementary Planning Guidance

None

Planning History

CB/09/06638 Full: Change of use from agricultural to garage workshop
(Retrospective) – Approved 14.01.2010

Representations: (Parish & Neighbours)

Northhill Parish Council No comments received to date
Adjacent Occupiers No comments received to date

Consultations/Publicity responses

Highways Team No objections
Public Protection Team No comments to date
Site Notice Posted 04.04.2011

Determining Issues

The main considerations of the application are;

1. The effect on the character of the area
2. Highway Safety

Considerations

1. Effect on the Character and Appearance of the Area

The proposed building where the sign will be located is located some 34.0m from the highway and behind the existing built form along Hitchin Road. The sign will be situated above the garage roller doors and given its size at 1.15m x 3.01m, it is in scale with the overall building. It is therefore considered to be acceptable in visual terms.

2. Highway Safety

The Highways Team raised no objection to the proposal subject to a condition being attached to any consent granted relating to material finish.

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies 2009; Planning Policy Guidance 19 (1992). It is therefore considered **acceptable** and that advertisement consent should be granted subject to conditions.

RECOMMENDATION

APPROVE Advertisement Consent for the application set out above subject to the following condition(s):

- 1 This express consent shall expire at the end of a period of three years from the date of the consent.

Reason: To comply with the provisions of Regulation 16(2)(c) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

- 2 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 4 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 5 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) Regulations 2007.

- 6 No advertisement shall be sited or displayed so as to

- endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 7 The sign hereby approved shall be finished in non-reflective materials.

Reason: To avoid undue distraction to road users in the interests of road safety.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 120110/01, 120110/02, 120110/06 Rev.2, CBC/001.

Reason: For the avoidance of doubt.

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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SCHEDULE

APPLICATION NUMBER	CB/11/00422/MW
LOCATION	Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH
PROPOSAL	Application for a change of use to a Waste Transfer and recycling station with the erection of a building and associated storage bays, weighbridge and wheelwash.
PARISH	Stanbridge
WARD	South West Bedfordshire
WARD COUNCILLORS	Cllr Ken Janes & Cllr Marion Mustoe
CASE OFFICER	Georgina Toye
DATE REGISTERED	16 February 2011
EXPIRY DATE	18 May 2011
APPLICANT	JGE Commercials Ltd
AGENT	Wilbraham Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Ward Councillor Call-in by Councillor Mustoe
RECOMMENDED DECISION	Waste Application - Refused

Site Location:

The application site is within a small industrial area which comprises three other industrial yards. One of these yards shares the access with the application area and there are two other accesses that serve the other two industrial yards. The industrial area as a whole measures approximately 300 metres in length and approximately 80 metres wide. The application site itself measures approximately 100 metres at the widest part and approximately 80 metres at the smallest and approximately 80 metres in width.

The site and surrounding yards are within the Green Belt land with Mead Open Farm located across the road and approximately 130 metres to the north east. There is also a gypsy site located approximately 10 metres opposite the application area with the nearest residential property located approximately 100 metres to the west of the site. There are no rights of ways within 500 metres of the application area and the village of Billington is approximately 800m to the west. Adjacent to the site to the south is agricultural fields.

The road that feeds the industrial area and other sensitive receptors is Billington Road which feeds off the A505 being approximately 600 metres to the east of the application area.

The Application:

The proposed application is for a change of use from a HGV and skip repair operation to a Waste Transfer Station with a throughput of up to 70,000 tonnes of waste per annum which would take the following range of wastes:

- Construction and Demolition Waste
- Inert Waste
- Excavated Soils
- General Skip Waste
- Dry Waste such as paper, plastic and card
- Ferrous and non-ferrous metals.
- Green Waste, including garden waste.

The vehicle movements associated with the proposals is 150 (two way) HGV movements.

The proposal also includes the erection of a building to house the waste treatment processing; the building will be 40 metres by 25 metres and 12 metres to the eaves. The applicant states that the screener, picking station, shredder and baler would be housed within the building and that they will be powered by electricity to minimize noise. The building will include a lockable storage area for non authorised waste accidentally brought on to site in order that this waste can be quarantined.

Covered storage bays will be provided at the southern boundary of the site adjacent to the agricultural fields to store different waste materials prior removal from the site and would include wood and inert waste. A weighbridge and wheel wash will be installed on site near the main entrance. All vehicles will be required to use the wheel wash to mitigate debris being deposited on the main highway.

The applicant proposes an area for car parking for staff and visitors; this will provide 16 spaces and be located to the north end of the site. There will also be a further 14 parking spaces allocated for skip lorries which will remain on site overnight.

The operation will involve waste being brought onto site in skips and waste vehicles and weighed as they enter. The waste will then be deposited in front of the proposed building where it will be loaded into the waste recycling plant by front loaders. The waste will then be separated into different waste streams and then placed on to a conveyor belt where it will go through the picking station. Any waste that is remaining from the process would be shredded in order to minimise lorry movements that would be required to remove the waste which is not recyclable.

The retained waste would be screened in sizes; re picked and then put through a blower to remove lighter plastics. The waste will then pass through an over head magnet to remove metals. Any remaining waste will be placed in waste bins and sent to landfill. Inert waste will not be crushed on site. The remainder of the sorted and processed waste will be stored in bunkers located on the southern boundary of the site and removed going to local businesses further a field for further processing.

The applicant suggests that any municipal waste found in skips will placed in specified areas and removed on site within 24 hours. If removal cannot take place within 24 hours then the waste will be placed in covered containers and removed within 48 hours.

The applicant proposes that the site would operate between the hours of

07:00 hours to 18:00 hours Monday to Fridays

07:00 hours to 16:00 hours Saturdays

No operations will take place on Sundays and Bank Holidays.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPG 2 (Green Belt)

PPS 7 Sustainable Developments in Rural Areas

PPS 10 Planning for sustainable Waste Management.

Regional Spatial Strategy

Local Policies

Bedfordshire and Luton Minerals and Waste Local Plan adopted 2005

W1 Key Policies

W9 Waste Transfer Station

GE1 Matters to be addressed in Planning Applications

GE5 Protection of Green Belt Land.

GE9 Landscape Protection and Landscaping

GE18 Disturbance

GE23 Transport

South Bedfordshire Local Plan Review Policies

Policy NE3 Area of Great Landscape Value.

Representations:

Stanbridge Parish Council – has objected to the application as there are concerns that a high number of vehicles could lead to a hazard for the Mead Open Farm facility whose entrance is on the same road. They are also concerned that this could have an affect on the facility itself and that the access to the site via a country road is unsuitable. They further comment that the road from the site to the A505 is not suitable for the size of vehicles. The road west from the site passes a number of residential properties and the application is a serious overdevelopment of the site and the large building would not be acceptable in a Green Belt area

Billington Parish Council – object to the application as they are concerned about the impact of increasing numbers of HGV's along Stanbridge Road as neither access to the A505 or the A4146 is suitable. They are further concerned that there will be impacts from pollution and traffic for the Mead Open Farm facility and that the proposed development will be in the Green Belt.

Consultations/Publicity responses:

Environment Agency – does not object to the application but state that waste storage or processing must not take place on site until an Environmental Permit has been granted. All oil tanks or containers over 200 litres in capacity should be kept in accordance with the Control of Pollution (oil Storage) (England) Regulations 2001.

The agency also states that the wheel wash water should drain to a sealed tank for subsequent off site disposal or to the foul sewer with Anglian Water's consent.

Environmental Health Officer – does not object to the application; however the EHO is concerned about noise and dust impacts on near by residents and has asked that a condition for a noise monitoring scheme and a condition for a dust scheme if permission is granted.

Cllr K Janes – No comments have been received

Cllr M Mustoe – has called in the application to committee for the following reason,

- Over development of land in the Green Belt
- Excessive number of HGV's travelling along a minor country road.
- Very close to Mead Open Farm and Children's play area
- There is a large number of children living opposite the site.
- Pollution and Noise
- Change of Use.

Central Bedfordshire Highways – do not object to the application, but comment that this site has unrestricted vehicle movements and this proposal would be an opportunity to restrict vehicles leaving the site.

Publicity - The planning application was publicised in accordance with Article 8 of the Town and Country Planning (General Development Procedures) Order 1995, comprising an advertisement in a local newspaper and the display of 1 site notice and 23 Neighbourhood notifications. From this 1 response was received concerned with the impact that the site will have on Mead Open Farm facility as this facility attracts 170,000 visitors per year. There is a concern that this will have a visual impact on visitors as the building is high and that during the winter the road is not gritted and that splays and visibility is not adequate for this number of vehicles. The site may cause pollution with odours dust and noise as visitors often eat within Mead Open Farm and that the Green belt needs to be protected.

Determining Issues

Impact of the development on the surrounding Green Belt

If the proposed application will have a detrimental effect by means of visual impact on the surrounding rural location.

If the proposed development will cause a disturbance by means of dust, noise and odour.

The suitability of the road network leading to the proposed site.

If there is a local need for a Waste Transfer Station

Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the

development plan unless material considerations indicate otherwise. The development plan comprises the saved policies of the Bedfordshire and Luton Minerals and Waste Local Plan (MWLP) and the South Bedfordshire Local Plan Review 2004 (SBLP). National guidance can be found within Planning Policy Guidance 2 (PPG2): Green Belts, Planning Policy statement 7 (PPS7) Sustainable developments in Rural Areas, and Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management amended in March 2011. The regional Spatial Strategy for the East of England (RSS14) adopted in May 2008 and effectively replaces the Bedfordshire Structure Plan.

The policies contained within the MWLP continue to be saved pursuant to a Government Direction dated 14 September 2007 pending the adoption of the Minerals and Waste Development Framework. Therefore the applicable policies that apply for this proposal are Policy W1 - Key Principles, Policy W9 - Waste Transfer Stations and Material Recovery, GE1 – Matters to be addressed, which sets out the criteria for assessing applications and information requirements, Policy GE5 – protection of Green Belt Land, Policy GE9 Landscape protection and Landscaping, GE18 Disturbance and Policy GE23 – Transport.

Green Belt.

There is a presumption against inappropriate development which is harmful to the Green Belt. Planning Policy Guidance 2 (PPG2): Green Belts lists the five purposes of including land in Green Belts as:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighboring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The main purpose most relevant in this case is the safeguarding of the countryside from encroachment and the impact that the development may have on the openness of the Green Belt.

When assessed against the above criteria contained within PPG2, the proposed Waste Transfer Station is considered as inappropriate development. PPG2 states that the applicant should show why permission for inappropriate development should be granted. Further to this it states that, very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Therefore this means the inappropriate nature of the development needs to be outweighed by other considerations in order to justify development in the Green Belt.

Policy GE5 (Green Belt) of the MWLP states very special circumstances need to be demonstrated that justify the development and should preserve the openness of the Green Belt and minimise conflict with the purposes of its designations. This is supported by South Beds local plan NE3.

Planning Policy Statement 7 (Sustainable Development in Rural Areas) states that Planning Authorities should ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular

regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.

The agent is of the view that the application area is situated on area that has been designated as Industrial use as a whole, the site is self has a certificate of Lawful use for HGV and skip repairs.

The site currently has unrestricted hours and vehicle numbers, and if permission is granted would have the benefit of a planning gain by restricting the hours and vehicles numbers that leave the site. However PPG2 also states that the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes: agriculture and forestry, essential outdoor sports and recreation, cemeteries, limited extension and alteration or replacement of existing dwellings. The proposed building will be the height of 14 metres to the eaves and does not fit within the criteria set out in PPG2. Further to this there will be additional 30 car parking spaces for cars and skip vehicles and waste will be stored outside the proposed building.

Therefore the proposal could be seen as harming the purpose of the Green Belt and would not keep within the rural setting as stated in PPS 7. Further to this the agent on behalf of the applicant has not demonstrated that special circumstances exist for a waste site with a building of this scale should be located within this area. Therefore it is considered that with the proposal will harm the purpose of the Green Belt , the applicant has not demonstrated special circumstances, therefore the proposal conflicts with PPG2, PPS7 and MWLP policy GE5.

Landscaping

Policy GE9 (Landscape and Landscape Protection) states that development proposals must be sympathetic to local landscape character and developments that are likely have adverse effect on the landscape character will only be granted where any adverse effect is reduced as far as practicable and is outweighed by other planning benefits. The policy further states that where appropriate proposals will be required to include a landscaping scheme and if a landscaping scheme is not submitted , or is inadequate, inappropriate or likely to prove ineffective then planning permission should be refused.

Central Bedfordshire Landscaping Officer comments that the site is located within the relatively flat landscape of the Eaton Bray Clay Vale which is framed by the elevated landforms and prominent backdrops of the Dunstable Downs (AONB), Totternhoe Knolls and Ivinghoe Beacon (AONB). These elevated landforms provide extensive views across the clay vale. The locally elevated landform of Billington Knoll and Billington village offers short, middle and long distance views across the vale with the eastern slopes of Billington Knoll of higher visual sensitivity with potential views from the Billington Conservation Area and Listed Buildings.

The Landscape officer is concerned that although the proposal is in an area industrial in character, the site is poorly mitigated and presents an urban fringe image within the Clay Vale. The inclusion of a building of 12.5 to 13.5 metres high will cause further degradation of the rural landscape character and impacts elevated views visually across the vale. The landscape officer is concerned that the visual impact of the development has not been properly assessed by the applicant. The landscape officer further comments that it has not been demonstrated that there will not be a visual impact or an amenity impact on residential properties or the Mead Open Farm Facility.

Further to this it has not been demonstrated that there will not be a detrimental impact on visitor amenity and on local tranquility. The Landscape Officer therefore requests a landscaping scheme with additional planting on the site boundaries to the north and south. This planting needs to be at a sufficient scale and height and appropriate character to assist in visually screening the site. The treatment of the buildings elevations, material finish and colour to be considered further to promote mitigating the building form and that a green or brown planted roof to be included on the proposed building. This roof will assist in visually mitigating the built form from potential elevated views.

The agent in behalf of the applicant responds that Billington Knoll is approximately 600 metres to the west and rises 30 metres above the level of the site with intervening vegetation and that the site is seen in context of an extensive urban development, namely the trailer depots on either side of the site, the gypsy site and Mead Open Farm. The applicant further argues that the AONB is located 4.5 km away. However the applicant agrees with the landscaping officer with regards to the Industrial development not having any mitigation by way of planting and does not object to the provision of substantial planting along the northern and southern boundaries as part of the development. These will include heavy standards/semi mature trees and native hedgerows and to provide a contribution towards improvements to the local landscape through a legal agreement (subject to quantum). The applicant also indicates that the building will be finished in Juniper Green cladding but would be happy to amend this if required. Therefore if permission is granted a condition will be added to ensure that the building is an acceptable colour and a condition will be added for a landscaping scheme to ensure that planting is carried out. Therefore the proposal accords with Policy GE9 and Planning policy Statement 7 as landscaping will mitigate views of the site and planting with native species will keep within the local character.

Disturbance

Waste operations can be intrusive activities and can cause disturbance to nearby residents or other operations. MWLP Policy GE18 (Disturbance) allows this to be addressed and states that permission for waste sites which are likely to generate disturbance from noise, vibration, dust, mud on the highway, fumes, gasses, odour, illumination, litter birds and peats where the impact of any anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits. The applicant has stated that the proposed building will house all equipment such as the shredder, conveyor belt and magnet and that all operations will take place within the building. However the proposed application states that there will be storage bays outside the building and that waste arriving on site will be tipped outside but near to the entrance of the proposed building. Therefore there is the chance that noise from vehicles, dust and litter may pose a problem. Therefore if permission is given a condition requesting a dust and litter scheme will be required before development begins. Central Bedfordshire Environmental Health Officer did not object to the proposal but has concerns regarding the impact of noise from machinery on the near residential properties and therefore requests a condition for a noise scheme. All vehicles will be required to go through a wheel wash to mitigate problems with mud or debris on the road. The Environment Agency has not objected to the application, but has stated that wheel wash water should drain to a sealed tank and development should not begin until the Environmental permit has been granted. Therefore with these mitigation measures in place the proposal accords with MLP policy GE18.

Transport

MWLP policy GE23 (Transport) ensures that where material will be transported to and from the site via the strategic highway network the suitability and capacity of the available access routes will be taken into account and proposals which use a significant length of unsuitable roads to gain access to a strategic highway will not be permitted unless suitable improvements can be made. The applicant proposes that the waste site will generate a maximum of 150 (two way movement) per day. The parish councils have objected to the application as they feel that the additional HGV movements could cause a hazard to traffic generated by the Mead Open Farm Facility, the road is not suitable up to the A505 and that the access on both the A505 and A4146 are not suitable for a large amount of HGV traffic. The site currently has no vehicle restriction on site and Central Bedfordshire Highways do not object to the application but take this proposal as an opportunity to put restrictions on the site. Therefore vehicle numbers will be restricted by a condition to allow 75 HGV's to enter the site per day. Further to this the agent proposes a route strategy for HGV vehicles that will route them away from the village and to the A505 by turning right from the sites access, this routing strategy will form part of a legal agreement that will require agreeing and signing before any decision notice permitting development is released. Therefore the proposals accords with MWLP Policy GE23.

Waste Transfer Stations and Need for the development

The need for the development is an important factor underpinning decisions on waste management proposals, as set out through PPS 10 but in particular paragraphs 8 and 22, and in the companion guide. The need for facilities is also set out in the MWLP. Policy GE1 (matters to be addressed in planning applications) (a) which states the need for the development in the national, regional and local context must be assessed. Policy W9 (Waste Transfer and Materials Recovery Facilities) states that recovery operations will be permitted in the following locations provided they intend to serve an identified need that cannot be met by existing facilities, Within Industrial or land allocated B2 use, or land that has a existing waste or mineral permission or within areas of despoiled, contaminated or derelict land.

The proposed site currently holds permission for skip and HGV repair operations but is within an area of existing industrial use surrounded by other industrial yards. The site will be collecting waste from the Leighton Buzzard and Linslade area. However there are 2 other Waste Transfer/Materials Reclamation Facilities within approximately 8 mile radius. These are located in Blackburn Road Houghton Regis, and Harmill Industrial Estate in Leighton Buzzard. The waste operation in Houghton region has the capacity to take 86,000 tonnes of waste per annum and the operation at Harmill currently takes in 2000 tones of non hazardous waste and 22,000 tonnes of inert waste per annum. The operation a Blackburn Road is approximately 7 miles from the proposed site with Harmill approximately 3 miles away and both these sites serve the Luton, Dunstable and Leighton Buzzard areas.

The applicant has demonstrated that the proposal would double employment on the site but has not clearly demonstrated that there is a need for an additional waste capacity within an area already served by two other sites. It is important to take into account the identified requirements for additional dwellings within the Bedfordshire and Luton area, taken together with the construction activity and population increase that will accompany this as well as the increasing requirements for waste diversion. It is also clear that these areas are adequately served by other sites that have the total

capacity of 110,000 tonnes per annum with one site unrestricted on the amount of waste that can be received.

Over all the application has not clearly demonstrated that there is a local need for an additional site and therefore the proposal conflicts with MWLP Policy GE 1 (a) and with MWLP Policy W9.

Economic Impact

The applicant states that the proposed development will create 20 to 25 associated employment opportunities which will be more than the current operations.

Conclusion

It is considered that with the additional planting that will be required by a scheme before development commences the proposal accords with MWLP policy GE9.

It is considered that the road network will be adequate for 150 two way HGV movements. That the proposal has a planning gain by restricting hours and vehicles numbers on a site that currently has no restrictions. Therefore the proposal accords with MWLP policy GE23

The proposal does give the potential for disturbances to near by sensitive receptors by way of dust, noise and litter and therefore conditions will be added for schemes to mitigate any potential issues that may arise from these, therefore the proposals accords with MWLP policy GE18.

It is considered that although the proposal has some planning benefits the proposal will harm the purpose of the Green Belt and will not keep within the rural setting laid out on PPS7. No special circumstances have been demonstrated and therefore the proposal conflicts with PPG2, PP7 and MWLP Policy GE5.

It is considered that there are 2 other waste operations within approximately 7 miles of the proposed site which have a combined permitted reception of 110,000 tonnes of waste per annum. Both these sites serve the Dunstable, Leighton Buzzard/Linslade area and the applicant has not demonstrated that there is a need locally for an additional site. Therefore it is considered that there is not a local need for another waste operation within this area and therefore the proposal conflicts with MWLP policy GE1 (a) and W9.

After considering the above, the overall conclusion is that the proposal is not acceptable and should be refused.

RECOMMENDATION

That planning permission be refused for the following reasons:

PPG2 – The proposal will harm the openness and purpose of the Green Belt.

PPS7 – The proposal will not keep within the rural character of the surrounding area.

GE1 (a) – There is not a need for an additional waste at local level.

GE5 - No very special circumstances demonstrated that justify proposals in the Green Belt.

W9 (a) – Will not serve a local need that is not met by existing facilities.

DECISION

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