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

please ask for Helen Bell
direct line 0300 300 4040
date 29 September 2011

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time
Wednesday, 12 October 2011 2.00 p.m.

Venue at
Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

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

[Named Substitutes:

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

All other Members of the Council - on request

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

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

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 14 September 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** 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.	* 7 - 14

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule B - Applications recommended for Approval

Item	Subject		Page Nos.
7	**Planning Application No. CB/11/02380/OUT**		* 15 - 38
	Address :	Dukeminster Estate, Church Street, Dunstable Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300sqm (gfa) of Class A1 retail space and 513sqm (gfa) of Class D1 accommodation.	
	Applicant :	Lionsgate Properties	
8	**Planning Application No. CB/10/02161/FULL**		* 39 - 48
	Address :	Old Park Farm, Bridle Way, Toddington, Dunstable Change of use of land to a Moto Cross Circuit.	
	Applicant :	Luton & District Motorcycle Club Ltd.	

Schedule C - Any other Applications

Item	Subject		Page Nos.
9	**Planning Application No. CB/11/02509/FULL**		* 49 - 70
	Address :	Land at No. 1 and The Chestnuts Friars Walk, Dunstable Works to No. 1 and demolition of Chestnuts and redevelopment of the site to provide 5 dwellings amenity space, associated parking and landscaping.	
	Applicant :	Visao Ltd	

10	**Planning Application No. CB/11/01079/FULL**	*	71 - 78

Address : Ickwell Fields, Ickwell Road, Upper Caldecote

Erection of 2 no agricultural storage buildings.

Applicant : Mr Maudlin

11	**Planning Application No. CB/11/03099/REG3**	*	79 - 84

Address : Haynes Lower School, Foresters Close, Haynes

Single storey classroom extension

Applicant :

12	**Site Inspection Appointment(s)**	*

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 9 November 2011 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

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

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Agenda Item:

Meeting: **Development Management Committee**

Date: **12th October 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.

(d) Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases please contact Sue Cawthra on 0300 300 4369.

CORPORATE IMPLICATIONS
Council Priorities: This is a report for noting ongoing enforcement action. **Financial:** None **Legal:** None **Risk Management:** None **Staffing (including Trades Unions):** None **Equalities/Human Rights:** None **Community Safety:** None **Sustainability:** None

Appendices:

Appendix A – (Planning Enforcement Formal Action Spreadsheet – North & South)

Planning Enforcement formal action (DM Committee 12th October 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/09/1304 **Case closed**	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 permission for paddock use & stables granted CB/10/03390/full. Not expedient to take further action. Case closed
2	CB/ENC/09/1355	2 Blackbird Street, Potton	Enforcement Notice, extension & alteration to roof & wall	13-Sep-10	11-Oct-10	12-Dec-10			**Not complied**	Evidence to Legal for further action. Legal has written to contravenor
3	CB/ENC/09/1378	Long Yard, Dunstable Road, Studham	Enforcement Notice - Residential use of barn	4-Jan-10	1-Feb-10	2-May-10				Planning application received, CB/10/00783. Await decision after probate.
4	CB/ENC/10/0068	Land at The Haven, Castle Hill Road, Totternhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal dismissed	3-May-11	**Part complied**, container removed, some materials remain	Site being monitored to assess for further action
5	CB/ENC/10/0147	Land at 45 Katherine Drive, Dunstable. LU5 4NP	Enforcement Notice Change of use for A1 retail and B8 storage and distribution in connection with a tyre replacement business.	23-Aug-11	20-Sep-11	20-Oct-11			**Complied**	Business has moved. Notice to remain in effect. To be monitored and case closed after compliance date
6	CB/ENC/10/0189	Land adjacent to 17 The Causeway, Clophill Bedfordshire MK45 4RA	2 Enforcement Notices material change of use of the land to a caravan site and construction of hardstanding	10-Aug-11	08-Sep-11	07-Nov-11 and 08-Mar-12	1 appeal received by PINS 7/9/11 not yet registered			Await notification from PINS on appeal
7	CB/ENC/10/0236	Land and buildings at 27 Maulden Road, Flitwick MK45 5BL	Enforcement Notice - change of use of the land from residential to mixed use for residential and business purposes	04-Feb-11	04-Mar-11	01-Apr-11	Appeal dismissed	15-Nov-11		Enforcement Notice upheld, compliance period extended. Check compliance after 15/11/11
8	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			**Part complied**	Use ceased, no further action at present

Planning Enforcement formal action (DM Committee 12th October 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	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 sent to Legal 10/8/11 for further action
10	CB/ENC/11/0060	Land at Oak Barn, Little Park Farm, Station Road, Ampthill, Bedford MK45 2RE	Enforecment Notice - construction of a detached building and an area of hardstanding	10-Mar-11	07-Apr-11		Appeal allowed 16/8/11			Enforcement Notice quashed. New Notice to be served
11	CB/ENC/11/0114	57 Shefford Road Clifton, Shefford SG17 5RQ	Breach of Condition 3 (parking for construction workers) attached to planing permission ref: CB/10/01791/FULL	20-Jul-11	20-Jul-11	19-Aug-11			**Complied**	To be monitored to ensure continued compliance with condition
12	CB/ENC/11/0193	Land at 52 Clifton Road, Henlow SG16 6BL	Section 215 Untidy Land Notice	21-Jul-11	21-Jul-11	18-Aug-11			**Complied**	To be monitored to end September 2011 to ensure full compliance
13	CB/ENC/11/0343	Church End Farm, Church Green, Totternhoe	Enforcement Notice, erection of agricultural building not in compliance with approved plans	23-Sep-11	28-Oct-11	28-Dec-11 and 28-Jan-12				Check compliance after 28/1/12
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.Some conditions not complied with, further action to be taken
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 demolished awaiting removal from site
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 - **prosecution and fine**	Evidence to Legal 28/6/11 to prepare 2nd prosecution for non compliance

Planning Enforcement formal action (DM Committee 12th October 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
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			**Part complied**	Offender did not attend Court. Not to proceed with prosecution. Awaiting further planning application, subject to pre-app advice
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 permission granted**	No further action at present, but check compliance with conditions
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 recived 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
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 - Lost Legal challenge, site currently empty - to be monitored
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.
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**	Further evidence to Legal 2/9/11 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 received, CB/10/00783. Await decision after probate.
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**	Prosecuted and fined September 2011. To be monitored for compliance.

Planning Enforcement formal action (DM Committee 12th October 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
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**	Charge withdrawn. Awaiting LDC application
27	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	4-Sep-09	Appeal part dismissed. **Not complied.**	Further Court Hearing adjourned to October 2011. LDC application refused.
28	CB/ENC/10/0644	Land adjoining Woodside Farm and Wild Fowl Park, Mancroft Road, Aley Green, Luton. LU1 4DG	Enforcement Notice - change of use of land from residential garden to use as a car park for non-residential purposes.	18-Jan-11	15-Feb-11	22/02/11 and 22/03/11			**Part complied**	Use ceased, no further action at present

NOT PROTECTED - general data

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

Minerals & waste	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 25 Oct 2011			The new Enforcement Notice was supported by detailed plan of lake as built and comprehensive Annex setting out the nature and scale of the required works. The appeal is on the grounds(a) (b)(c)(f) and (g) The Statements of Case have been exchanged. The date for the inquiry by PINS is 25 October 2011. It is timetabled to last 3 days.

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Date: 27:September:2011

Grid Reference: 502303; 222171

Application No.
CB/11/02380/OUT

Scale: 1:4500

Dukeminster Estate, Church Street, Dunstable, LU5 4HU

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Item No. 7

SCHEDULE B

APPLICATION NUMBER	**CB/11/02380/OUT**
LOCATION	**Dukeminster Estate, Church Street, Dunstable, LU5 4HU**
PROPOSAL	**Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300sqm (gfa) of Class A1 retail space and 513sqm (gfa) of Class D1 accommodation**
PARISH	**Dunstable**
WARD	**Dunstable Icknield**
WARD COUNCILLORS	**Cllrs McVicar & Young**
CASE OFFICER	**Mr J Spurgeon**
DATE REGISTERED	**16 August 2011**
EXPIRY DATE	**15 November 2011**
APPLICANT	**Lionsgate Properties**
AGENT	**Planning Works Ltd**
REASON FOR COMMITTEE TO DETERMINE	**Departure from Development Plan and unresolved objections from Town Council.**
RECOMMENDED DECISION	**Outline Application - Granted**

Site Location:

The 6.8ha. Dukeminster Estate is a commercial enclave on a rectangle of land with a long history of industrial use having 2 boundaries to more recent residential development. The estate sits off the northern side of Church Street, just east of the Town Centre, and the land was levelled in the past by forming embankments up to 5m high to part of the north and west sides. Because these were planted the estate therefore presents a mature wooded bank on these frontages to flats and houses in The Mall, Kingsway and Bernards Close. However, there are presently no fences at the top or bottom of the bank (except where it abuts private gardens, where a close boarded fence exists). The eastern boundary is to the formation of the former railway, now cleared for construction of the Luton to Dunstable Busway, with White Lion Retail Park and Sainsburys beyond. There will be a landscaped margin to the Busway incorporating any existing woodland/scrub within its limits. The southern boundary is to Church Street which has been upgraded to a multi-lane highway in readiness for the busway. A central spine road runs through the estate from Church Street and many of the low-rise commercial buildings have now been demolished to slab level. About 7 businesses continue to trade from the estate, including the Plumb Center. The southern frontage was redeveloped in recent decades in the form of brick office blocks ranging from 3 to 6 stories, most now being vacant.

The application site comprises 5.4ha. and covers the whole estate except for the southern office blocks and their associated land. The southern site boundary is therefore irregular. Although the office blocks south of the site abut the Dunstable Conservation Area (taking the form locally of the grassed sward north of Church

Street extending to Marshe Almshouses and beyond), the site does not. The 1973 Tree Preservation Orders protect (a) trees in an Area which included the bank towards the NW corner of the site and (b) individual trees at the foot of the bank to the rear of Scotts Court and Earls Court.

The Application:

It is proposed effectively to renew the outline permission granted on appeal but on the basis of the lower number of dwellings approved through the subsequent Reserved Matters. The reason for the application is that the time period for implementation will elapse on 11th November in view of delays associated with Anglian Water drainage matters. All matters except access are reserved for subsequent approval.

The remaining commercial buildings within the site would be demolished leaving, as before, the office blocks to the south. The total former floorspace (both demolished or still standing) to be replaced is 22,176m². The submitted indicative layout takes the form of the approved Reserved Matters layout. This retains the existing spine road for a distance into the site before describing the letter 'P' in plan form. Both the road and shared surfaces off this road serve frontaging short and medium length terraces (2 to 4-bed dwellings) with 2 small open space areas. Most would be 2-storey with small elements of 3-storey mainly well within the site, where the larger accommodation would be located. A 1 - 5 storey block, housing the commercial elements, would be sited just behind the tallest existing office blocks, again well within the estate.

The development would be modern in character designed to achieve Code 4 being low energy and using sustainable materials reflecting local vernacular up to the introduction of natural slate. Insulation would produce an emission rate of at least 10% below targeted rates in the current Building Regulations. Provision would be made where possible for photo-voltaic and solar energy panels. The principles of Lifetime Homes would be incorporated through the intention that internal walls would not be loadbearing. 2 play areas are indicated and part of the housing would be affordable. The rate would be 30% (up to 18 units) by including 65% social rented. Existing hedgerows and tree belts would be enhanced to ensure longevity and value to biodiversity and ecology; planting within the layout would increase overall greenery on the site, especially with the main roads being tree-lined.

The following documents have been submitted:
Phase I detailed desk-top study (contamination)
Flood risk assessment
Sewer network note
Design and Access Statement
Building for Life appraisal
Energy statement
Affordable housing statement
Economic statement
Transport statement
Landscape strategy document
Planning Obligations statement (including draft UU)

RELEVANT POLICIES:

National Policies (PPG & PPS)
PPS1 - Delivering Sustainable Development; PPS3 - Housing; PPS4 - Planning for Sustainable Economic Growth; PPS5 - Planning for the Historic Environment; PPS6 - Planning for Town Centres; PPS9 - Biodiversity and Geological Conservation; PPG13 - Transport; PPG17 - Planning for Open Space, Sport & Recreation; PPS23 - Planning and Pollution Control; PPG24 - Planning & Noise

Regional Spatial Strategy
East of England Plan (May 2008)
SS1 Achieving Sustainable Development
SS3 Key Centres for Development and Change
SS5 Priority Areas for Regeneration
E2 Provision of Land for Employment
H1 Regional Housing Provision 2001 to 2021
H2 Affordable Housing
T2 Changing Travel Behaviour
T6 Strategic and Regional Road Networks
T14 Parking
ENV3 Biodiversity and Earth Heritage
ENV6 The Historic Environment
ENV7 Quality in the Built Environment
ENG1 Carbon Dioxide Emissions and Energy Performance
WAT4 Flood Risk Management
WM6 Waste Management in Development

Draft Luton and South Central Bedfordshire Core Strategy: Pre Submission 2011 - 2026 (November 2010 as amended)
CS1 Development Strategy
CS3 Developer contributions for infrastructure
CS5 Linking places
CS6 Housing for all needs
CS7 Increasing access to quality social and community infrastructure
CS8 Quality of design
CS9 Delivering economic prosperity
CS11 Resource efficiency
CS12 Adapting to and mitigating flood risk.

Bedfordshire Structure Plan 2011
25 Infrastructure

South Bedfordshire Local Plan Review Policies
BE8 Design Considerations
E1 Main Employment Areas
H2 Fall-In Sites
H3 Local Housing Needs
H4 Affordable Housing
R10 Play Area Standards
R11 New Urban Open Space
T1 Location & Traffic Impact
SD1 Keynote Policy

T10 Parking - New Development
T4 Translink Project

Luton to Dunstable Railway CWS
Borough of Dunstable Tree Preservation Order No.1/1973
Borough of Dunstable Tree Preservation Order No.2/1973

Supplementary Planning Guidance
Design in Central Bedfordshire - Guide for development
CBC Planning Obligations SPD (South)

Planning History (key recent decisions)

SB/OUT/06/0884	Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300 sq.metres of Class A1 floorspace and up to a maximum of 520 sq.metres of Class D1 floorspace. Refused but allowed at appeal. Valid until 10/11/11.
CB/09/06759/REN	Similar proposal - renewal. Refused (not appealed).
CB/09/06766/RM	Erection of 172 dwellings, 300 sq.metres of Class A1 retail and 513 sq.metres of Class D1 accommodation (Reserved Matters). Approved 10/11/10 and valid to 10/11/11.

Representations:
(Town & Neighbours)

Dunstable Town Council (14/9/11)	Object as the proposal would result in the loss of one of the last major employment sites in the town. The Town Council would welcome the development of light industrial units on this site which could be used for start up businesses. The Council are also concerned that with the number of large residential developments in the town and the loss of such employment sites there will be few opportunities for employment, leading to Dunstable becoming a dormitory town. In addition, the Council are concerned that the access and egress arrangements proposed for the new development are inappropriate and insufficient.
Neighbours	Objectors: The Mall no.85 (7/9/11), 86 (8/9/11); Princes Court no.10 (29/8/11) Reasons: 1. detrimental effect on level of traffic with potentially another 200 vehicles travelling into Dunstable; 2. noise; and 3. 'emergency access' makes The Mall a through road, losing the closed community feel, affecting children who play outside and general quality and safety - would not only be used in emergency. Should be provided nearer White Lion Retail Park.

Consultations/Publicity responses

Environmental Health Officer (23/8/11)	No objections but asks for contamination and, in view of the proposed busway and nearby retail stores, noise conditions. The proposed D1 unit and play space should be enclosed by an acoustic fence. Advises on impact of construction phase works.
Environment Agency (8/9/11)	Planning permission should only be granted subject to specified conditions, otherwise the development would pose an unacceptable risk to the environment. Gives informative.
Anglian Water	Comments will be reported.
Highways Agency (13/9/11)	No objection.
Highways Officer	Comments will be reported.
Trees and Landscape Officer (16/9/11)	Indicative layout may need to be adjusted to have a right relationship between buffer trees and plots on the W corner. The emergency access would likely impact a large number of trees which a no-dig form of construction is unlikely to mitigate. It is recommended that this is carefully considered as part of a future tree survey and engineering solution.
Play and Open Spaces Officer (13/9/11)	Provides requirement for indoor sport/leisure and outdoor sport facilities. On-site play facilities match those previously agreed.
School Places (14/9/11)	Provides requirement for contributions.
Sustainable Travel Officer (9/9/11)	Satisfied for the Travel Plan agreed by the Inspector to be revised and to form part of the 'renewal' permission.
Strategic Housing Officer	Although 35% affordable housing would be sought, a combination of delivery problems in the current climate and intentions of the applicant to provide a higher percentage of 3 and 4 bed houses would make the proposed 30% acceptable.
Waste Recycling Officer (19/9/11)	A bring bank should be provided to encourage recycling. The layout should include details of collection points, size and location of communal bins stores for flats, and vehicle tracking information. The applicant would be required to procure private bins. A full Site waste management plan is required by condition.

Determining Issues

The main considerations of the application are;

1. Planning history.
2. Policy position
3. Access and layout
4. Sewerage
5. Unilateral Undertaking
6. Conservation Area and protected habitats
7. Comments on objections

Considerations

1. Planning history

A simplified background to the current application is given under 'The Application' above. Whereas the applicant would take the view that there should be no issues of contention, the planning authority must nevertheless review the earlier permission having regard to policy changes in the meantime and any other material considerations. It is also helpful to trace the events which have brought us to where we are.

The site, and the office blocks to the south outside the site, are on land allocated in the Local Plan as a Main Employment Area; relevant Policy E1 is still saved. Outline application SB/OUT/06/0884 for up to 458 dwellings (and 300m² retail/520m² Class D1) was recommended to Planning Committee in 2006 for refusal on grounds of loss of employment land, inadequate recreation provision, lack of Flood risk Assessment, lack of Waste Audit, dominant relationship to existing residential properties/overdevelopment, risk to protected trees with proposed footpath link, inadequate affordable housing provision, inadequate Transport assessment. At the subsequent appeal, after satisfying himself that all matters were fully considered, the Inspector was minded to allow the appeal. The Secretary of State, in allowing the appeal (4th December 2007), agreed with the inspector and noted that the proposal would provide new and additional housing in a sustainable location including a good quantity of affordable housing, and that there was evidence of sufficient employment land elsewhere. She also considered that the development would be compatible with local character, highway issues were overcome, infrastructure contributions were justified, no flood risk objections remained, conditions could overcome tree and waste concerns, and there need not be harm to residential amenity.

The Reserved Matters relating to this permission, but reduced to 172 dwellings, (CB/09/06766) were approved on 11th November 2010 and the permission as a whole will expire on 11th November this year because of the time limits set by the Secretary of State and an outstanding impediment to commencement in the form of the Anglian Water study underway. Shortly before the submission of these RMs a further outline application (CB/09/06759) was lodged for the full 458 dwellings etc, in case there were delays. Members were not happy with this submission because, since the appeal decision 2 and a half years earlier, traffic and foul water drainage conditions had again deteriorated and there was now a big difference between the number sought in the RMs and that sought in the

new outline. The refusal was not appealed because the approval of RMs kept the permission alive for a while.

It is critical to the applicant that there remains in place at any time a valid permission to develop this site. With this in place it is expected that redevelopment of the Estate as a whole can be considered, with issues being revisited and updated so that this part of Dunstable can fully take its place within the Dunstable Masterplan area.

2. Policy position

The most recent treatment of policy relating to this form of development on this site was set out in the report to Development Management Committee on 24th March 2010 (under CB/09/6759). Importantly, the East of England Plan policies were considered, which are still in place as a result of the *Cala* decisions. The planning authority is therefore expected to take a strategic cue from the EEP although, following the CBC Executive decision on 23rd August, the *draft Luton and South Bedfordshire Core Strategy: Pre Submission* will be taken as guidance for development management decisions. Since March 2010 the government has also published a 3rd edition of PPS3 (*Housing*) and a new PPS4 (*Planning for sustainable economic growth*).

<u>EEP/SBLP</u>
In March 2010 the main issues were loss of Main Employment Area, impact on local character, highway safety, foul water drainage and infrastructure contributions. Treating these separately and summarising the EEP/SBLP policy position today:
(a) The acceptability of the loss of the greater part of the employment area has been established at appeal. The subsequent 2008 *Luton and South Bedfordshire Employment Land Review* (ELR) formed part of the evidence base for the CS and identified the site as 'red', which is considered suitable to be released from employment use. Indeed, the residential permission has also been included in the *Strategic Housing Land Availability Assessment.*
(b) The scheme for 172 dwellings would still be compatible with the character of this part of Dunstable from the point of view of visual impact, density, traffic.
(c) The scheme would not unacceptably impact residential properties off-site.
(d) Following the appeal decision, the lack of a highways objection was conditional on the adoption of a residential travel plan and the creation of a pedestrian/cycle link with existing roads to the north, which are again proposed.
(e) A Grampian condition was imposed to accommodate the Anglian Water foul sewerage concerns.
(f) An identical UU has been provided to that submitted at the appeal. This covers contributions towards outdoor sport, affordable housing at 30% with 65% social housing, public art, residential travel plan/contribution to cycleway, and education contribution.

There are considered to be no new areas for discussion since that date. It would therefore be unnecessary to re-visit the employment situation or, since the current application seeks the lower number of dwellings and accords with the approved RMs, the local character/residential impact. Highways and foul water drainage comments will be the subject of separate headings below. It will be necessary to review the UU which will also be given a separate heading below.

Draft Core Strategy
There remains a requirement to deliver a high number of dwellings with Dunstable as part of the focus for new development. Policy CS9 applies a sequential approach to redevelopment of employment land and accommodates the possibility of non-B use class uses. Policy CS3 refers to a new SPD setting out a structure for developer infrastructure contributions; there is a provisional structure in place with the status of SPD. This will be considered below. CS7 makes clear that this applies also to community and social infrastructure. Policy CS5 (linking places) supports the assessment of access requirements and CS6 (housing for all needs) sets the rate for affordable housing at 35% and expects consideration of Lifetime Homes standards.

While the weight to be accorded to this document remains to be established in places of higher authority, we consider that this policy statement does not generally introduce matters which the scheme does not or cannot embrace.

PPS3 and PPS4
The important update to PPS3 is the removal of minimum density standards, to be replaced by local density policies (which have yet to be introduced in CB). The density now proposed has already been accepted by this Council through the approval of the RMs. Although the site would result in the loss of employment opportunities (although the applicant estimates that 26 fte jobs could be created beyond the construction jobs) PPS4 mainly concerns new 'town centre uses' which includes the proposed retail element. An assessment of new retail uses outside an existing centre is not required below 2,500m². This reading of the PPS was recently (September 2011) supported by the inspector in the Sainsburys appeal in High Street South (a new 471m² store) where he wrote "*Government policy in the form of PPS4 expects a positive and constructive approach in the consideration of new economic development. The PPS also sets out the requirements with regard to main town centre uses outwith the existing centre; the assessment of sequential sites; and the impact on town centres. In brief the local planning authority considers the principle of the developments acceptable in this location having regard to Policy TCS6 of the SBLPR. I agree with this conclusion*". (Policy TCS6 refers to major new retail development outside town centres - ie being over 2,500m² and is therefore not applicable to the proposal).

Draft National Planning Policy Framework
In the Sainsburys appeal decision (referred to above) the inspector stated, in relation to the draft *National Planning Policy Framework:*
"*I have had regard to the Draft National Planning Policy Framework document which was issued for consultation on 25th July. However, as this document is in draft form and subject to change I have accorded its policies little weight.*"
But it is appropriate to refer to the document as an indicator of whether the proposal would be in line with current government aspirations and it is a material consideration (guidance to Planning Inspectors). The keyword is sustainability and the proposal would guide development to a sustainable solution [11]. The proposal is also a form of mixed development which takes account of its environmental implications [19, 91] to produce a quality outcome [54]. The intention to include a travel plan would accord with [90] and opportunities to increase biodiversity on what is a bleak site interior with [169].

The site lies within the area covered by the Dunstable Town Centre Masterplan (adopted March 2011) which seeks the retention of an element of the site's original employment function on redevelopment. While it is unclear what 'an element' should be, there would remain substantial office floorspace within the estate to the south, outside the application site.

In conclusion, the proposal accords with the recent approval of reserved matters and, provided the original outline conditions and obligations are reviewed and applied as appropriate, the proposal continues to satisfy the present state of national and local planning policy. In terms of physical impact the scheme would indeed have far less impact on local roads and to local residents than the approved scheme which has double the number of dwellings. This reduction would make the scheme more in tune with present market conditions and thus make it more deliverable.

3. Access and layout

Being based on the approved reserved matters layout, the indicative layout accompanying this application needs only a review. The comments of the Highways Officer will be provided at the meeting. However, we are still looking to incorporate improvements even at this stage and are well aware that detailed work needs to be done at some stage on the 'emergency access' to The Mall to safeguard as many trees as possible. Similar attention could be given to the relationship of new housing and the bank in the same area. Conditions have therefore been amended as we prepare for taking the redevelopment forward in continued discussions. We are in ongoing discussions with the Busway Project with a view to improving connections to the north of the site. While these are aimed at improvements to materialise in the next phase of masterplanning, any benefits that can be built into this scheme will be reported at the meeting.

4. Sewerage

During the RM stage Anglian Water (AW) were still maintaining that the foul water system could not accommodate flows from the proposed development, although this problem did not extend to the Treatment Works. This particularly affected the NW part of the site. They would carry out an appraisal study and were consequently satisfied for a 'Grampian -style' condition to be imposed requiring the implementation of necessary works before the development is brought into use. Surface water drains to sewers (S) and soakaways (N) and SUDs would be expected. We will report at the meeting on the response from AW.

5. Unilateral Undertaking

We have inherited a UU which has its origins in the 2007 appeal decision. It provides 30% affordable housing (including 65% social rent), recreation facilities (outdoor sports, built sports, maintenance), travel plan, education, public art, pedestrian/cycleway, public transport.

Reviewing this undertaking we now require, in line with the current SPD calculator, the following:

- Affordable housing - previous discussions for 30% with a weighting towards larger units, together with the current climate, makes the proposed 30% acceptable,
- Recreation - the calculator arrives at a figure through the conventional elements of formal/informal indoor/outdoor facilities, and we will report at the meeting on the appropriate destination for these funds,
- Health - a sum is now required,
- Travel plan - this has been updated,
- Education - this has been updated,
- Public art - this sum would be added to the recreation sum for onward allocation,
- Community - a sum is now required,
- Sustainable transport - a sum will be required and we will report at the meeting as to its likely allocation,
- Waste - a sum is now required,
- Emergency - a sum is now required.

Due to the unusually tight committee time frame for this application (closing date for reports only 6 weeks into the 13 week period), subject to the Committee's wishes, we propose to use the period after decision to negotiate the details of the Agreement, prior to release.

6. Conservation Area and protected habitats

The eastern limit of the Dunstable Conservation Area abuts the office development to the south of the site, taking the form of a greensward beside the main road. The proposal would not have an effect on the setting and character of the CA. Similarly the proposal would not have a material impact on the CWS along the former railway line. As indicated above, we recognise the approved status of the layout and have amended conditions to improve the protection of trees where possible.

7. Comments on objections

The Town Council has objected on precisely the same grounds as it did to the reserved matters application. The officer report gave a response which is here summarised:
(a) The SBDC originally objected to the loss of employment land but its concerns were dismissed by the appeal Inspector. The background to that decision has not changed materially and the Council would be ill-advised to rebut that decision. There would in fact be employment in the D1 and A1 floorspace.
(b) The SBDC, on rejecting a renewal application did so only on highway safety and sewerage grounds, not employment.
(c) The Luton and South Bedfordshire Employment Land Review (2008), published after the appeal decision and subsequently made part of the Core Strategy evidence base, upheld the downgrading of the employment site and gave it a 'red' status. This would be land which is suitable for release from employment use.
(d) Since 2007 the site has been included in the Luton and Central Southern Bedfordshire housing trajectory as a housing site. The loss of such sites would

significantly undermine the Council's case at future appeals where a supply of land needs to be demonstrated.
(e) The access to the site was accepted on a highway engineering basis and the comments of the Highways Officer will be reported at the meeting.

Three objections have been received from local residents. Matters relating to traffic have been considered above. The detailed design of the emergency access is subject to a condition but it is not intended that this be a full vehicular access with associated issues of traffic noise to residents of The Mall.

Recommendation

To refer the application to the Secretary of State as a departure from the approved Development Plan and, subject to it not being called in by him for his decision, to authorise the Assistant Director Planning or Head of Development Management to issue the grant of PERMISSION subject to the submission of a satisfactory Unilateral Undertaking or Agreement under S106 of the Planning Acts to secure the following:

- affordable housing
- recreation provision
- contribution towards health services
- travel plan
- contribution towards education services
- contribution towards public art
- contribution towards community facilities
- contribution towards sustainable travel
- contribution towards waste services
- contribution towards emergency services

and to the following conditions:

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

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

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

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

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

Reason: To ensure a satisfactory standard of landscaping.
(Policies ENV7 RSS; BE8, S.B.L.P.R).

4 **The plans and particulars to be submitted in accordance with Condition 3 above shall include:**

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

(b) and in relation to every tree identified a schedule listing:

- **information as specified in Paragraph 4.2.6 of British Standard BS 5837 : 2005 (*Trees in Relation to Construction - Recommendations*);**

- **any proposed pruning, felling or other work;**

(c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- **any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see Paragraph 5.2.2 of BS 5837 : 2005);**

- **all appropriate tree protection measures required before and during the course of development (see Condition 2 below);**

(d) areas of existing landscaping to be protected from construction operations and the method of protection (see Condition 2 below).

Reason: To safeguard the existing trees on the site in the interests of visual amenity.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

5 **Development shall not commence until a tree protection plan, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the canopy spread of all**

retained trees, has been submitted to and approved in writing by the Local Planning Authority. The fencing shall form a construction exclusion zone (as specified in Section 9 of BS 5837 : 2005) which shall be demarcated by protective barriers (as specified by Figure 2 of BS 5837 : 2005). These measures shall be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by plant and machinery.

Reason: To safeguard the rooting medium, natural canopy spread and health of trees marked for retention on the site layout plan and which are considered to be strategically important.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

6 **No works or development shall take place until a scheme of supervision for the tree protection measures required by Conditions 4 and 5 above has been submitted to and approved in writing by the Local Planning Authority. This scheme of supervision shall be appropriate to the scale and duration of the works, shall be administered by a qualified arboricultural consultant instructed by the applicant/developer and approved by the Local Planning Authority and shall include details of:**

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

The scheme of supervision shall be carried out as agreed.

Reason: To establish a system that will ensure that acceptable tree protection measures are implemented and maintained thereafter.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

7 If any underground services are required to be routed through the root protection areas of retained trees, such works shall be carried out in strict accordance with the guidance set out in the National Joint Utilities Group's publication "*Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees*".

Reason: To safeguard the integrity of the rooting medium within the root protection areas of retained trees.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

8 The low brick wall on the north-eastern side of the tree belt adjacent the western boundary of the site shall be retained in its existing position and at its existing height and length. There shall be no reduction in its height or length and no sections of the wall shall be removed without the prior written approval of the Local Planning Authority.

Reason: To safeguard existing trees on the site.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

9 All excavations and trenches required in connection with the construction of the outer footpath/cycleway route shall, where they pass under the canopy of any tree, be hand dug so as to minimise damage to its root system; a minimum of 10 days notice shall be given in writing to the Local Planning Authority of an intention to commence such excavations or trenching.

Reason: To safeguard trees screening the site.
(Policies ENV7 RSS; BE8 S.B.L.P.R.).

10 Prior to the submission of any reserved matters a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Code shall address and codify the following matters:
(a) Spatial arrangement of dwellings and roads
(b) Scale
(c) Building form and height
(d) Architectural composition
(e) Private amenity space, arrangements for storage and collection of refuse and recyclables and arrangements for cycle parking
(f) Public realm including public art
(g) Privacy.
Reserved matters applications and the implementation of the development shall thereafter accord with the approved Design Code details.

Reason: To ensure a satisfactory quality of urban design in this significant site.

11 The detailed layout to be submitted shall include the provision of a 'Bring-bank' site.

Reason: To provide a satisfactory scale of recycling opportunities within the development.

12 **Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:**
(a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
(b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.
(c) Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be

taken to mitigate any risks to human health, groundwater and the wider environment.

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

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

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

Reason: To protect human health and the environment.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

13 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme small subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be maintained and managed after completion.

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

14 **Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by that Authority:**

1) A preliminary risk assessment which has identified:
- **all previous uses**
- **potential contaminants associated with those uses**
- **a conceptual model of the site indicating sources, pathways and receptors**
- **potentially unacceptable risks arising from contamination at the site.**

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The preliminary risk assessment report indicates that contamination may be present at the site as a result of historical activities. Site investigation and detailed risk assessment is required to determine if contamination is present at levels that a pose a risk of polluting the groundwater (which is used to provide drinking water to the public). Environment Agency condition.

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

Reason: To confirm that any remediation (if required) is completed to an acceptable standard. This is to ensure that the groundwater below the site (which is used to provide drinking water to the public) is not polluted. Environment Agency condition.

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

Reason: To confirm that any contamination identified during the development works is dealt with appropriately. This is to ensure that the groundwater below the site (which is used to provide drinking water to the public) is not polluted. Environment Agency condition.

17 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the groundwater (which is used to provide drinking water to the public) below the site is not polluted. Environment Agency condition.

18 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the groundwater (which is used to provide drinking water to the public) below the site is not polluted. Environment Agency condition.

19 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water (Drainage plan) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent pollution to watercourse and to improve water quality. Environment Agency condition.

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.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

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

Reason: To prevent nuisance from noise and to safeguard the amenities of the area.
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

22 **No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full. No occupation of dwellings approved by this permission shall take place until the scheme for improvement of the existing sewerage system has been completed.**

Reason: To ensure that improvements to the sewerage system are carried out to prevent exacerbation of an existing problem with combined sewer outflows, to ensure that the additional discharge would not result in a contravention of the discharge consent and to ensure that the additional discharge would not result in a failure to meet a statutory or non-statutory water quality objective.

23 **Development shall not commence until a detailed waste audit addressing issues in respect of waste generated by the construction phase and subsequent occupation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:**

1. **The anticipated nature and volumes of waste that the development will generate;**
2. **Measures to maximise the re-use on-site of waste arising from demolition, engineering and landscaping;**
3. **Steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting storage and recovery and recycling facilities;**
4. **Any other steps to be taken to minimise the generation of waste throughout any required demolition and during construction of the development;**
5. **Provision within the proposed development to encourage occupiers to manage their waste effectively and sustainably. This may include provision for waste and recycling storage areas, road and development layouts which allow waste and recyclables to be collected effectively, and provision of community recycling facilities;**
6. **Provision for monitoring the implementation of steps 1 to 5 above; and,**
7. **A timetable for implementing steps 1 to 6.**

Reason: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of Policy WM6 of the East of England Plan and Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2429/222A and 224A. This permission does not extend to the details shown on drawing 2429/100C.

Reason: For the avoidance of doubt.

Reasons for Granting

A similar scheme but with more than double the number of dwellings was approved at appeal in 2007, the inspector having determined that there was not an overriding need to retain the land in employment use having regard to the benefits of residential development and the availability of existing and proposed employment land elsewhere. This situation has not changed materially in the meantime, the residential potential of the site having now secured it a place in the Council's list of deliverable sites, and there would still be some employment floorspace in the proposal. The lower number of dwellings makes the highway position acceptable although there is still a delay while foul sewerage requirements are assessed and built into the scheme. This can be accommodated by use of a planning condition. The application effectively renews the extant outline appeal permission and is based on the approved Reserved Matters layout. Excluding this indicative layout at this stage therefore provides the option of reviewing the layout (apart from access) at a future stage. The policy situation has been reviewed and there appear to be no material changes to make a permission inappropriate. On the other hand, policy changes deliver a more up to date list of infrastructure contributions including towards local recreation projects. Finally, the proposal would enable a timely regeneration of this large site near to Dunstable town centre and deliver affordable housing.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

   East of England Plan (May 2008)
   SS1 Achieving sustainable development
   SS3 Key centres for development and change
   SS5 priority areas for regeneration
   E2 provision of land for employment
   H1 Regional housing provision 2001 to 2021
   H2 Affordable housing
   T2 Changing travel behaviour
   T6 Strategic and regional road networks
   T14 Parking
   ENV3 Biodiversity and earth heritage
   ENV6 The historic environment
   ENV7 Quality in the built environment
   ENG1 Carbon dioxide emissions and energy performance
   WAT4 Flood risk management
   WM6 Waste management in development

Bedfordshire Structure Plan 2011
25 Infrastructure

South Bedfordshire Local Plan Review
BE8 Design considerations
E1 Main employment areas
H Fall-in sites
H3 Local housing needs
H4 Affordable housing
R10 Play area standards
R11 New urban open space
T1 Location and traffic impact
SD1 Keynote policy
T10 Parking in new development
T4 Translink project

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. Contamination Assessment The Environment Agency recommends that groundwater monitoring wells are installed and sampled as part of the proposed site investigation. They also recommend that developers should:

1. Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land potentially affected by contamination;

2. Refer to their 'Guiding Principles for Land Contamination' documents for the type of information that should be included in a site investigation report;

3. Refer to their 'Groundwater Protection: policy and practice (GP3)' documents.

Site Drainage
Of the drainage options for a site, infiltration techniques (primarily soakaways) pose the highest risk of polluting the groundwater. Any drainage design must be protective of the groundwater and in line with our 'Groundwater Protection: policy and practice (GP3)' for the use of infiltration techniques to be approved. Some general information is provided below in relation to the use of infiltration techniques.

- If contamination is present in areas proposed for infiltration, they will require the removal of all contaminated material and provision

of satisfactory evidence of its removal;

- The point of discharge should be kept as shallow as possible. Deep bored infiltration techniques are not acceptable;
- The distance between the point of discharge and the groundwater table should be a minimum of five metres;
- Only clean, uncontaminated water should be discharged into the ground.

5. With respect to the construction phase it is recommended that reference be made to the Mayor of London's Best Practice Guidance (BPG) *The control of dust and emissions from construction and demolition.* The impacts upon air quality are likely to be in the "High Risk" category and mitigation measures will be required, which should also include solid barriers to the site boundary.

Normal working hours should be 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps would include noise mitigation measures such as temporary screening or at source insulation may have to be utilised, all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

DECISION

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Central Bedfordshire Council
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Date: 27:September:2011

Grid Reference: 502692; 229971

Application No.
CB/10/02161/FULL

Scale: 1:7500

Old Park Farm, Bridle Way, Toddington, Dunstable, LU5 6HP

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Item No. 8

SCHEDULE B

APPLICATION NUMBER	**CB/10/02161/FULL**
LOCATION	**Old Park Farm, Bridle Way, Toddington, Dunstable, LU5 6HP**
PROPOSAL	**Change of use of land to a Moto Cross Circuit.**
PARISH	**Toddington**
WARD	**Toddington**
WARD COUNCILLORS	**Cllrs Costin & Nicols**
CASE OFFICER	**Abel Bunu**
DATE REGISTERED	**15 July 2010**
EXPIRY DATE	**09 September 2010**
APPLICANT	**Luton & District Motorcycle Club Ltd**
AGENT	**Mr D Lewis**
REASON FOR COMMITTEE TO DETERMINE	**Member call in by Councillor Mrs C F Chapman MBE (original Ward Member) on grounds of adverse comments from Harlington residents relating to noise, pollution and difficulties of enforcing any conditions**
RECOMMENDED DECISION	**Full Application - Granted**

Site Location:

The site lies to the north east of the M1 Motorway, Junction 12, Toddington, off the eastern side of Harlington Road (A5120), to the rear of Poplars Nursery and some 300m to the north of the farmstead at Old Park Farm. The site is roughly triangular in shape, the boundary on its western side running level with Harlington Road at a distance of 350m, the southern boundary in parallel to the route of public footpath 54 at a distance of 250m, the north-eastern boundary coinciding with the former District boundary between Mid and South Bedfordshire. It has an area of some 13ha. The land is also used for grazing animals and slopes uphill from west to east.

The Application:

seeks permission for the permanent change of use of land to a moto cross circuit on seven occasions per annum. The site has been in such use on the basis of permitted development rights and temporary permission for up to seven days per year since 1999, by the applicants, the Luton and District Motorcycle Club.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development
PPG2 - Green Belts
PPS7 - Sustainable Development in Rural Areas
PPG24 - Planning & Noise

Bedfordshire Structure Plan 2011

None saved.

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
R16 -Control - Sports/Recreational Facilities
T10 - Parking-New Developments

Supplementary Planning Guidance

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

RELEVANT HISTORY:

SB/TP/99/0302	Temporary permission for use of land as moto cross circuit on seven days per calendar year, retention of earth mounds and stationing of portable buildings. Granted January 2001.
SB/TP/03/00469	Temporary permission for use of land as a moto cross circuit.

Representations:
(Parish & Neighbours)

Toddington Parish Council	Objection • Inadequate information to enable making an informed decision. • Parish council objected to previous application though it was approved with strict conditions. • If approved, the same strict conditions should be considered.
Harlington Parish Council	Objection • Noise disturbance detrimental to residential amenity. • No way of stopping noise from motor bikes. • Sound proof fences would be harmful to the openness of the Green Belt. Hedging would take a long time to have an effect. • Concern over effect on ground water and risk of pollution. • Likely access complications due to M1 J12 improvements. • Temporary permission is easier to stop than a permanent permission. • The moto cross is not solely for the young as stated by the applicant. • Central Bedfordshire would have to bear the costs of policing a permanent permission. • If permission is granted, some kind of noise measurement must be undertaken on the event days

	to ascertain the facts. • Recommends refusal of application.
Neighbours Dunedin House	No objection in principle. However raises concerns • House too close to application site and would be affected by noise and dust. • Any increase in level of activity and traffic would be of concern. • Current level of activity does not cause concern. • Concern about safety and security measures to control traffic movement and parking.
Neighbours 57, 66, Park Leys, 7 & 7A Station Road, 57, 87 Sundon Road, 2, Shepherds Close, 8,9 11, 27, 29, 33, 56 Pilgrims Close,5 Toddington Road.	Objections • Noise disturbance. • If permission is granted, strict conditions should be imposed. • Site is close to watercourses and could pose a danger to the environment through leakage of oil and petrol. • Smell from the petrol fumes is a health hazard. • Temporary permission affords better control of the site than a permanent permission. • Use of site as a moto cross circuit erodes the quality of the countryside.

Consultations/Publicity responses

Highways Development Control	• There should be no highway restrictions to the granting of planning permission. • The Highways agency has started works on the M1 Motorway Junction 12 improvements. This part of Harlington Road will be re-aligned as part of the works. The existing road will only act as an access road to a few properties which include the application site. A new junction, designed to acceptable standards will connect this access to the re-aligned road.
Environmental Health Officer	Not aware of any complaints in recent years from legacy South Bedfordshire District Council residents and only one complaint in 2004 in respect of legacy Mid Bedfordshire District Council residents. Given that the applicant is not seeking to increase the number of events per annum and the fact that no complaints have been reported about the current events, no objections are raised.
Rights of Way Officer	No objections.
Internal Drainage Board	No objections provided there is no change to the existing storm water drainage arrangements, no increase in impervious area and no raising of ground levels.

Determining Issues

The main considerations of the application are:

1. Whether or not the development is acceptable in principle
2. Impact on residential amenity
3. Impact on highway safety

Considerations

1. Principle of the development

The principle of limited use of the site has been accepted with the grant of a five year temporary permission which expired on the 17th February 2009, reference, **SB/TP/03/0469**. It should be noted also that prior to the grant of this permission, a temporary permission had previously been granted for the same use, reference, **SB/TP/99/0302**. These previous permissions were granted having regard to the national advice contained within *Circular 11/95 – The Use of Conditions in Planning Permissions,* which states that "temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area". It is considered that the two permissions have afforded the local planning authority adequate time to assess the full impact of the development. As such, given that no adverse complaints have been received during these trial periods, it is considered reasonable to issue a permanent permission under the same conditions as before.

2. Impact on residential amenity

The objections and comments received from the interested parties regarding use of the site as a moto cross circuit have been considered. The objections are premised on two main concerns, namely, harm to residential amenity and highway safety implications. The latter will be examined below. Whilst admitting that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities, national advice contained within PPG24, 'Planning and Noise' also recognises that, through the use of conditions, the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. The previous conditions would therefore be maintained. The grant of a permanent permission does not equate to a material intensification of the use of the application site nor does it confer any automatic rights for future increases in the number of events held on site.

3. Impact on highway safety

The improvements to the M1 Junction 12 being carried out by the Highways Agency which involve re-aligning part of Harlington Road will ensure that the existing road will only act as an access road to a few properties which include the application site. Once complete, these works would ensure that there is safe access to and from the application site. In view of these circumstances, the Highways Officer considers that if permission is granted, this should not be subject to any highway conditions. Furthermore, the applicant has submitted evidence from Bedfordshire Police confirming that over a four year period, from January 2007 to December 2010, no accidents related to the use of the site for moto cross events was recorded. It is considered therefore that the development would not be prejudicial to highway safety.

4. Other material considerations

Under Part 4 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995, the use of land for motor sporting on a temporary basis for a period not exceeding 14 days in any calendar year is permitted without the need to apply for planning permission. However, in this case there are various factors which combine to take the use out of the permitted development category - during periods of non-use the land retains physical features associated with the motorcycle racing use, namely mounds created from imported material to form part of the course, moveable structures and buildings associated with the motor cycle activity and fencing or other means of marking the track.

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 Access to and egress from the site for the purpose of the moto cross activity hereby permitted shall not be taken by way of the access road between the A579 Fancott Road and Old Park Farm.

Reason: In the interests of highway safety.

3 The site shall be used for moto cross activity on no more than seven days in any one calendar year and there shall be a minimum of four weeks between each event or session of moto cross activity.

Reason: To safeguard the amenity of the area.
(Policy BE8 S.B.L.P.R).

4 Notwithstanding the provisions of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the application site without the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenities of the open countryside.
(Policy BE8 S.B.L.P.R).

5 The duration of any event or session of moto cross activity shall be restricted to between the hours of 10:00 hours to 18:00 hours.

Reason: To safeguard the amenity of the area.
(Policy BE8 S.B.L.P.R).

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

Reason: For the avoidance of doubt.

Reasons for Granting

The application site has previously been used for a moto cross circuit for seven days in a year and no adverse harm has been caused to residential amenity and highway safety during the two trial periods spanning from 1999. The proposed development would therefore conform with the development plan policies comprising policies ENV7 of the Regional Spatial Strategy for the East of England, policies BE8, T10 and R16 of the South Bedfordshire Local Plan Review and national advice contained in Planning Policy Statement 1 and Planning Policy Guidance 13 and 24 and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

   East of England Plan (May 2008)
   ENV7 - Quality in the Built Environment

   South Bedfordshire Local Plan Review
   BE8 - Design Considerations
   R16 - Control - Sports/Recreational Facilities
   T10 - Parking-New Developments

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

4. The applicant and operator of this permission is advised that the organisation and operation of any moto cross event held on the site shall be in accordance with the Code of Practice on Noise from Organised Off-Road Motor Cycle Sport.

5. 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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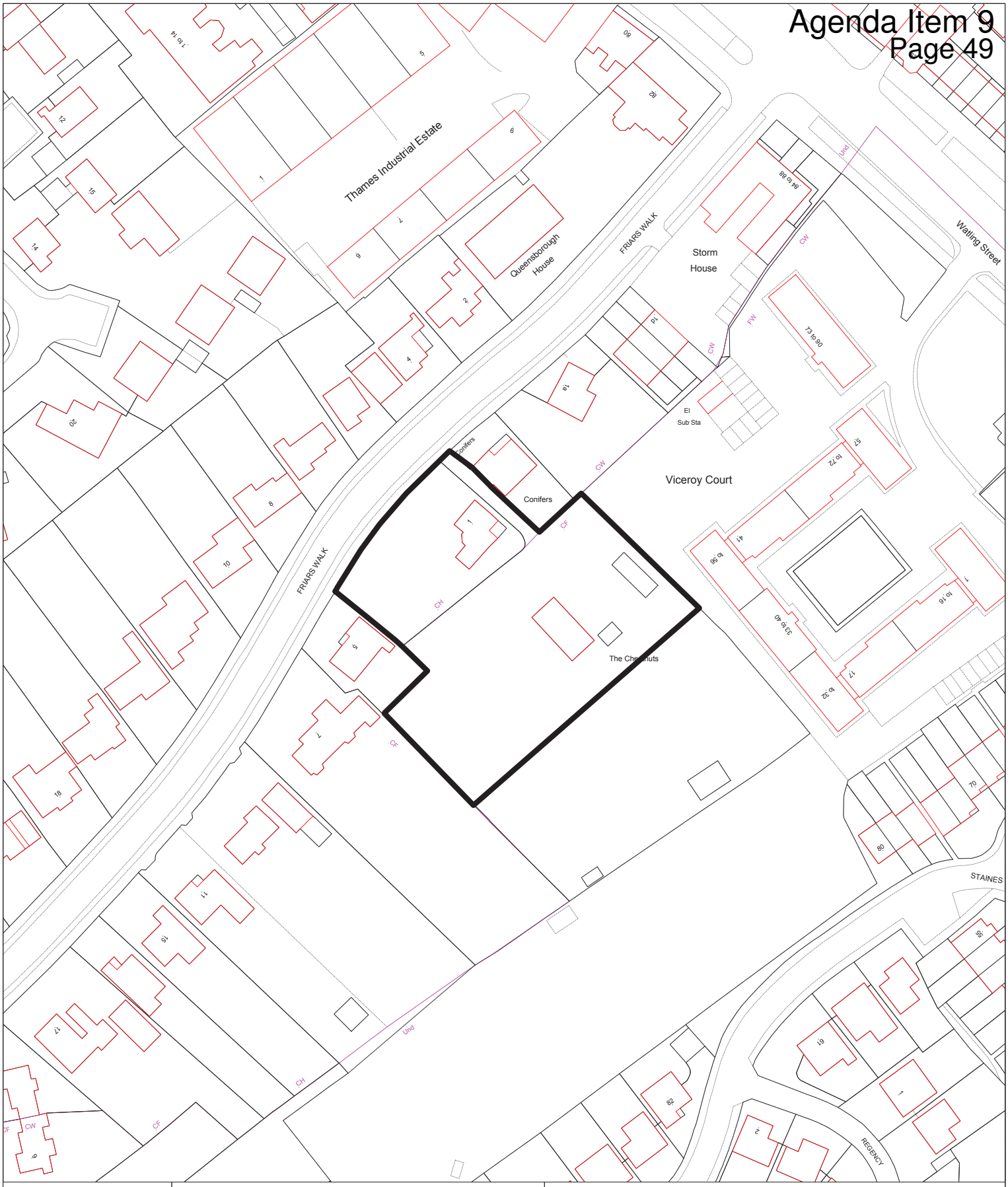

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Date: 27:September:2011

Grid Reference: 502003; 221545

Application No.
CB/11/02509/FULL

Scale: 1:1250

Land at No. 1 and The Chestnuts, Friars Walk, Dunstable, LU6 3JA

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Item No. 9

SCHEDULE C

APPLICATION NUMBER	**CB/11/02509/FULL**
LOCATION	**Land at No.1 and The Chestnuts Friars Walk, Dunstable, LU6 3JA**
PROPOSAL	**Extensions and alterations to No.1, and demolition of Chestnuts and redevelopment of the site to provide 5 dwellings amenity space, associated parking and landscaping.**
PARISH	**Dunstable**
WARD	**Dunstable Watling and Dunstable Central**
WARD COUNCILLORS	**Cllrs Hollick, Miss Sparrow & Mrs Hegley**
CASE OFFICER	**Gill Claxton**
DATE REGISTERED	**14 July 2011**
EXPIRY DATE	**08 September 2011**
APPLICANT	**Visao Ltd**
AGENT	**Consensus Planning**
REASON FOR COMMITTEE TO DETERMINE	**At the request of the Assistant Director of Planning**
RECOMMENDED DECISION	**Full Application - Granted**

Site Location:

The 0.56ha irregular-shaped application site lies on the south western side of Friars Walk, some 100m south west of the junction with High Street South (A5).

The site comprises the dwellings and grounds of existing residential properties at No. 1 (Priory Lodge) and The Chestnuts, Friars Walk. No. 1 has a frontage to Friars Walk of approximately 38m and a maximum depth of 27m. It comprises a 4-bedroom detached dwelling of red brick below a tiled roof. There is a 1.8m high brick wall along the road frontage with tree and shrub planting behind and off road parking in the north eastern corner of the site. As the depth of this plot is relatively shallow, with the dwelling set back some 12m from the highway frontage, there is a small rear garden so the main private garden lies to the side of the dwelling, adjacent to No. 5. The Chestnuts is a detached 3-bedroom bungalow plus garden situated to the rear of No. 1. The bungalow lies broadly within the centre of the plot surrounded by a large garden with many mature trees around the boundaries. The single width driveway runs along the north eastern boundary of No. 1, with the access onto the highway being adjacent to that serving No.1. The site is enclosed by hedges, walls and fencing of a variety of heights and styles.

The surroundings are primarily residential in character, except for the dental practice at No. 1A Friars Walk. To the west of the site are residential properties at No's 5 and 7 Friars Walk; while to the east lies a further dwelling at Conifers and the four storey flats at Viceroy Court, fronting High Street South. To the south east is an area of orchard within a larger area of land in the ownership of No. 9 Friars Walk beyond

the rear garden of the property.

The site lies within the Bull Pond Lane/Friars Walk Area of Special Character. The South Bedfordshire District Council (land off Staines Square and The Chestnuts, Friars Walk, Dunstable) Tree Preservation Order No. 13/85 protects, among other things a group of three Horse Chestnuts within the garden of The Chestnuts and a further group of two Sycamore and three Lime trees beyond the rear garden boundary of that property, within land in the ownership of No. 9 Friars Walk. There is a further Tree Preservation Order protecting trees outside but adjacent to the boundary of the site within the grounds of Viceroy Court: Dunstable Borough Council Tree Preservation Order No. 1, 1958.

The Application:

Members may recall that a resolution to grant planning permission for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (The Chestnuts) and redevelopment of the site to provide four detached dwellings, subject to the completion of a Unilateral Undertaking was made at the meeting on 13 October 2010 (Ref: CB/10/02629/FULL).

Members may also recall that following a refusal of planning permission for extensions and alterations to No.1, demolition of Chestnuts and redevelopment of the site to provide 3 detached dwellings, 7 apartments, amenity, associated parking, communal amenity space and landscaping at the meeting on 30 March 2011, (Ref: CB/10/04522/FULL) permission was subsequently granted on appeal

With this application, planning permission is sought for the demolition of The Chestnuts and the erection of three new detached dwellings and a pair of semi-detached dwellings, plus extensions and alteration to No. 1 Friars Walk (Priory House) on the combined sites of the two existing properties. This would represent a net addition of four dwellings.

All of the dwellings, including the retained property at No. 1, would be accessed via a new driveway with turning head, involving the creation of a new access on to Friars Walk, breaking through the existing front boundary wall at No. 1 and opening up views into the interior of the site. There would be one new dwelling, to the south west of the new access, located parallel with No. 5 with the further four units situated within the rear portion of the site, grouped around the turning head. The access road would be a private drive with a carriageway of 4.1m in width with a 0.5m footway on either side.

The existing accesses for No.1 and The Chestnuts would be merged and modified to create a single access for No. 1, creating space for the parking of at least two vehicles and an enlarged side garden for the property, alongside the common boundary with Conifers, to the east.

The dwellings and garages would be of a traditional appearance and design with facing bricks below clay tiled roofs. There would be feature brickwork to add visual interest.

Plot 1
Plot 1 would comprise the retained four-bedroom dwelling at No.1. This property

would be remodelled with the integral garage becoming additional living space with utility room behind plus alterations to the front elevation with the insertion of a bay window. There would be a small conservatory-style rear extension to create an enlarged dining room plus other reorganisations to the internal layout with additional windows on the flank and rear elevations. The existing 1.8m brick wall would be retained along the road frontage with the planting supplemented. The parking spaces for this property would be situated to the north of the dwelling.

Plot 2
A new three-bedroom, L-shaped dwelling would be created on Plot 2 on the Friars Walk frontage adjacent to No. 5, with a detached single garage to the rear and parking for two vehicles. Along the road frontage the existing brick wall would be reduced to 0.75m in height with new brick-on-edge coping and the planting trimmed back to 0.9m high. The side and rear garden boundaries would be enclosed by new 1.8m high close boarded fencing and hedge.

Plot 3
Plot 3 would comprise a four bedroom dwelling with rear conservatory. It would have an integral garage and parking for two vehicles to the front. It would be situated to the rear of Plot 1 with the rear and side garden boundaries enclosed by 1.8m high close boarded fencing, with a new hedge along the south eastern boundary.

Plot 4
Plot 4 would comprise a five-bedroom double-fronted dwelling with integral garage. It would be sited to the rear of Plot 2, at right angles to this plot and No. 5 Friars Walk. There is existing hedging at a height of between 2.5m and 3.5m around the western and south western boundaries of this plot which would be retained with the south western boundary having a post and rail fence at a height of 1.2m and the south eastern boundary being enclosed by the existing 1.2m high fence with a new 0.6m trellis on top.

Plot 5
Plot 5 would comprise a pair of semi-detached dwellings. Plot 5a would be a three-bedroom dwelling while Plot 5b would be a four bedroom dwelling with conservatory. There would also be double bay windows at ground floor on the flank wall facing the orchard, for the dwelling at 5b. There would be a detached double car port/garage to the north east between the rear gardens to Plots 3 and 5a. The existing 3m hedge on the boundary with Viceroy Court would be retained while the side garden boundaries would comprise a mix of 1.8m high close boarded fencing and 1.2m high fencing with trellis above as in the case of Plot 4.

The application was accompanied by a Design and Access Statement, Project Brief for an Archaeological Evaluation and Arboricultural Survey.

In addition, supporting letters from the applicant's agent and Alexander & Co, Estate Agents, Surveyors and Valuers have previously been submitted in relation to application CB/10/04522/FULL. Both letters stated that following the resolution to grant planning permission subject to the completion of a Unilateral Undertaking in relation to the original scheme for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings (CB/10/02629/FULL), the applicant has been reviewing the development. In particular, it is suggested that the previously proposed detached

five-bedroom dwelling on Plot 5 would suffer as a result of its close proximity to the adjacent flats at Viceroy Court in terms of outlook and privacy. Specifically, Alexander and Co state:

"As discussed … the majority of the proposed detached houses appear ideal for what is one of the most desirable parts of the Dunstable market, namely Friars Walk, and will prove very popular with purchasers. The variety of sizes caters for the main demand in this location.

However, I am most concerned as to the viability and demand for Plot 5 and strongly recommend you should not build in its current form for the following reasons:

- Unattractive aspect over a less than desirable four storey block of flats to the rear (Viceroy Court)
- Significant overlooking from Viceroy Court with numerous large windows looking directly into what would be the rear garden and rear windows of the dwelling.

We are of the view that the above factors will seriously affect its value and saleability and recommend that you should review this plot..."

RELEVANT POLICIES:

National Policies (PPG & PPS)
PPS1 - Delivering Sustainable Development;
PPS3 - Housing;
PPS5 – Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development
ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment
T14 - Parking

Bedfordshire Structure Plan 2011
None relevant

South Bedfordshire Local Plan Review (2004) Policies
SD1 - Sustainability Keynote Policy
H2 - Fall-In Sites
BE6 – Control of Development in Areas of Special Character
BE8 - Design Considerations
T10 - Parking - New Development

Supplementary Planning Guidance

Planning Obligations Strategy for Southern Bedfordshire – adopted by the Luton & South Bedfordshire Joint Committee on 23/10/09, effective from 05/01/10.

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

Draft Luton and Southern Central Bedfordshire Core Strategy: Pre Submission 2011 - 2026 (November 2010 as amended) - adopted for Development Management purposes by the CBC Executive on 23/08/11.
Policies:
CS1 Development Strategy
CS6 Housing for all needs
CS8 Quality of design
CS11 Resource efficiency

Planning History

CB/10/04522/FULL	Permission granted on appeal for extensions and alterations to No.1, demolition of Chestnuts and redevelopment of the site to provide 3 detached dwellings, 7 apartments, amenity, associated parking, communal amenity space and landscaping.
CB/10/02629/FULL	Resolution to grant permission subject to the completion of a Unilateral Undertaking for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings.

Representations:
(Parish & Neighbours)

Dunstable Town Council	No objection. This proposal overcomes the concerns raised to the previous application (CB/10/04522) in respect of over development and vehicular access.
Occupier of 7 Friars Walk	Objects to the application on the grounds of overdevelopment and traffic access and road safety concerns. Specifically, it is stated: • The whole site is blessed with a considerable number of beautiful trees, the most prominent of which are protected by Tree Preservation Orders. • The site has been designed to maximise the number of properties for the purposes of the financial viability of the development rather than sympathetically designed to enhance the "special character" of the area. • It is understood that the access road is an absolute necessity for this development, further reducing the land available to build upon. • The scheme seems to change on a regular basis, depending on the condition of the housing market at the time, rather than on planning suitability in this

area of "Special Character". Would ask the Planning Committee to consider that this site design is being driven by financial viability alone, disregarding the views of the Planning Officer, other statutory consultees, some local councillors and some local residents who have to live with the consequences of yet another part of the historic and beautiful town being lost forever.

- With the space constraints of the access road and the issue of protected trees, the number of new houses planned for the site is clearly over-development and any decision to the contrary will "fly in the face" of common sense.
- Accept against own and the judgement of others, that the proposed new road was suitable for vehicular access to serve four houses, an additional property is pushing this beyond all reasonableness.
- Have read through many documents that form part of this and previous applications and note the consultations between the Highways Department and the applicant's representatives. However, nowhere in these papers does it bring together the potential hazards or a risk assessment of creating the first access road in Friars Walk, combined with a constant stream of school children between 8am and 9am and again at 3pm to 4pm; a road that is used as a "rat-run" for most of the day; the ridiculous speeds of a small minority of drivers; combined with a very awkward bend in the road around the access point of the site. Currently in Friars Walk, there are only individual property driveways which are safer to cross than junctions. An additional hazard will be created that will lead to more accidents.
- With the massive increase in traffic using the A5 through Dunstable, Friars Walk is increasingly being used as a short-cut to avoid the traffic lights in the town and to gain access to and from the heavily congested A5. Perhaps it is now an opportunity for our Planning Committee to impose traffic-calming measures to Friars Walk and charge the cost of these measures to the applicants of this proposed application.
- Previous successful applications, albeit against the stated wishes of the Planning Officer, other statutory consultees, some local councillors and some local residents have raised serious questions about the whole process and the involvement and influence of a local councillor, in the latest application. Sure that local democracy will prevail, but it is being seriously tested.

Consultation/Publicity responses

Public Protection South	Has no reason to believe that this site is contaminated. Recommends an informative advising the developer to be aware of his responsibility to ensure that final ground conditions are fit for the end use of the site.
Tree and Landscape Officer	No objections to the application subject to the same conditions being imposed as per application CB/10/02629/FULL.
Archaeologist	The Report for Archaeological Investigation submitted with the application is not sufficient for the impact of the development on the heritage asset to be considered. Further details have been requested and received and further comments will be submitted in due course. • The proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns (HER 135, HER 11284 and HER 16986), close to a late Roman cemetery (HER 11284) and the site of the Dominican Friary (HER 141). Under the terms of PPS5: *Planning for the Historic Environment* these archaeological monuments are all recognised as locally and regionally important heritage assets. • Under the terms of PPS5: *Planning for the Historic Environment* the submission of a description of the significance of the heritage assets affected by the development and an assessment of the impact of the development on that significance should form part of the planning application. • 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 PPS5: *Planning for the Historic Environment* and therefore it does not provide adequate information on the impact of the proposed development on the historic environment. • In order to allow the applicant time to obtain the required information on the heritage assets it is recommended that the application is withdrawn. If the information required is not forthcoming, the application should be refused on the grounds that it is contrary to Policies HE6.1 and HE6.2 of PPS5. • The Archaeology Team have had some involvement with the recent intrusive archaeological evaluation at the application site, including undertaking a monitoring visit during the investigations.

- However, the archaeological report submitted with the application is not sufficient for a full understanding of the significance of the heritage assets to be made and an assessment of the impact of the proposed development on that significance to be undertaken. Further information has been sought and this request is in line with PPS5: *Planning for the Historic Environment*, Policy HE6

Highway Engineer — No objection to the application subject to the same conditions and informatives as CB/10/02629.

Determining Issues

The main considerations in the determination of the application are:

1. Principle of residential development
2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance
3. Archaeology
4. Access, highway & parking considerations
5. Tree considerations
6. Impact on the amenity of neighbouring residential occupiers
7. Other matters

Considerations

The application is being reported to the Development Management Committee at the request of the Assistant Director Planning in order to maintain consistency with the way in which the previous applications (CB/10/02629 and CB/10/04522) were dealt with.

1. Principle of residential development

The policy most relevant to the determination of whether the development is acceptable in principle is Policy SD1 of the South Bedfordshire Local Plan Review. Other material considerations include PPS1: Delivering Sustainable Development and PPS3: Housing.

Policy SD1 states that preference will be given to proposals on sites within the first four categories of the development strategy. The first category refers to previously developed sites and vacant land within urban areas. The supporting text to the policy makes reference to making the maximum use of land within urban areas.

A revised PPS3 - Housing was issued in June 2010 which amended the definition of previously developed land to specifically exclude private residential gardens, as in this case. Therefore, there is no longer a presumption in favour of development on sites such as this. However, this does not mean that there is a presumption against the development of sites which comprise private gardens and the changes in PPS3 do not necessarily mean that the proposal would be

unacceptable in principle. The PPS still makes reference to making an effective and efficient use of land in urban areas, ensuring a site is suitable for housing, including its environmental sustainability and achieving high quality housing.

The site of the proposed development lies within the built up area of Dunstable adjacent to existing residential development; close to the town centre and a public transport route. The site lies within a sustainable location. This would also be in accordance with Policy CS1 of the Draft Luton and Southern Central Bedfordshire Core Strategy.

Therefore, it is considered that the residential redevelopment of the site would be acceptable in principle. It would not conflict with national guidance nor policies in the Regional Spatial Strategy and Draft Luton and Southern Central Bedfordshire Core Strategy directing the location of new development. However, further consideration of the specific details of the scheme in relation to Policies H2, BE6, BE8 and T10 of the South Bedfordshire Local Plan Review along with relevant policies in the RSS and the Draft Core Strategy and national guidance in PPS5, PPS9 and PPG13 will determine whether this proposal is acceptable.

The principle of residential redevelopment has previously been accepted with the granting on appeal of the scheme for extensions and alterations to No.1, demolition of Chestnuts and redevelopment of the site to provide 3 detached dwellings, 7 apartments, amenity, associated parking, communal amenity space and landscaping (CB/11/04522) and the extant resolution to grant planning permission for the extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (The Chestnuts) and redevelopment of the site to provide four detached dwellings (Ref: CB/10/02629/FULL) and accordingly, this planning history is an important material consideration regarding the principle of development.

2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance

Policy H2 states that within the built up areas excluded from the Green Belt provision of new housing by development of infill sites, redevelopment, conversion and re-use of buildings and subdivision of large properties would be approved provided, among other things:

- The development would make an efficient use of the site or building in terms of density and layout;
- Not result in loss of open space of recreational or amenity value or potential
- Respect and enhance the character of the surrounding area;
- Provide good quality living conditions for residents; be readily accessible to public transport and local services;
- Be acceptable in terms of highway safety and traffic flow.

Within the Areas of Special Character Policy BE6 states that planning permission will not be granted, for redevelopment to higher densities, subdivision of large plots, infilling or backland development which would result in, among other things, the loss of gardens or give rise to an over-intensive level of development, in a way which would unacceptably harm the special character of the area.

Policy BE8 aims to ensure that new development has regard to natural features, the opportunities to enhance or reinforce local distinctiveness, complement the character and appearance of the surroundings, have an acceptable impact on public views into the site, among other things.

In this case, it is considered that the proposed development would be appropriate for the site, having regard to it's location in a designated Area of Special Character. There is some variety in the width and depth of the plots and the Bull Pond Lane/Friars Walk Area of Special Character is defined by established, mostly detached dwellings situated on generous plots. The proposed development would not be out of keeping with the surroundings.

In relation to the recent appeal decision in respect of the scheme for a mix of three dwellings and seven apartments (CB/11/04522), the Inspector stated:

"The plots of the proposed detached houses would not replicate the length of the rear gardens generally present in the local area. However, the existing and proposed houses facing Friars Walk would retain the present plot depth of No 1 Friars Walk, and the plot widths would be similar to others in the street scene. The other two houses deeper into the site would have adequate gardens in relation to the sizes of both houses on the each plot. The open character of the frontages within the estate layout would be somewhat different from the more traditional street pattern nearby, but nevertheless would create a pleasant residential enclave preserving the green setting of the area." (Paragraph 12)

These considerations and conclusions are appropriate in the case of the current proposal.

The density of the proposed development is low at 9 dwellings per hectare. But density itself is not the only factor to be taken into account in deciding whether a scheme is acceptable. The density should be considered in the context of the surroundings and the juxtaposition of the dwellings within the area of the site available for development. The requirement for the access road with turning area in order to satisfy highway considerations does reduce the net developable area but not to the extent that the proposal would be regarded as resulting in the overdevelopment of the site. Nor would it be harmful to the character of the Area of Special Character, especially in the light of the comments of the appeal Inspector above.

It is considered that the proposal complies with Policies BE6, H2 and BE8 of the South Bedfordshire Local Plan Review , Policy ENV7 of the East of England Plan and Policy CS8 of the Draft Core Strategy.

3. Archaeology

The Archaeologist advises that the proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns, close to a late Roman cemetery and the site of the Dominican Friary. These archaeological monuments are all recognised as locally and regionally important heritage assets.

In March 2010 Planning Policy Guidance (PPG) Note 16: *Archaeology and Planning* was replaced by Planning Policy Statement (PPS) 5: *Planning for the Historic Environment*. Under the terms of PPS5 all archaeological sites and monuments, historic buildings and landscapes identified as having significance meriting consideration in planning decisions are defined as "Heritage Assets". Heritage assets include nationally designated monuments, landscapes and buildings and locally identified assets; such as those recorded on Historic Environment Records (HERs) or local lists.

Where a development will affect a heritage asset or assets Local Planning Authorities should require applicants to provide a description of the significance of the heritage assets and an assessment of the impact of the development on that significance (PPS5, Policy HE6). This information should be submitted with the planning application; be proportionate to the importance of the heritage asset(s) and have been compiled using appropriate sources and expertise.

The proposed development lies within an extremely archaeologically sensitive area that has the potential to contain remains relating to the Roman and medieval towns, a Roman cemetery and the Dominican Friary of St Mary. These archaeological monuments are all recognised as locally identified heritage assets. The impact of the proposed development on any surviving archaeological deposits and the significance of the heritage assets may be considerable.

The applicant submitted a Project Design for Archaeological Evaluation with the application. However, the Archaeologist was not satisfied that this report would enable the impact of the development on the heritage assets to be properly considered and has asked for further information. A revised report has recently been received and a further update will be reported.

4. Access, highways & parking considerations

The Highway Engineer is satisfied with the scheme in terms of the position of the new access point and the provision of a turning facility.

The amount of car parking provision is acceptable.

Whilst the traffic generation levels for the net increase of four dwellings would be higher than that for The Chestnuts as a single dwelling, the Highway Engineer is satisfied that the proposal is acceptable. There has been no requirement for a specific financial contribution towards traffic calming with both of the previous applications, including the scheme that comprised a combined access for No. 1, three dwellings and seven apartments, so it would not be reasonable to seek such a contribution from the current scheme.

The proposal does accord with Policy T10, national guidance in PPS3 and the Council's Design Guide.

5. Tree Considerations

The Tree and Landscape Officer is satisfied with the proposal subject to the conditions as set out in relation to application CB/11/02629/FULL in relation to the submission of a tree protection plan; provision of a landscaping scheme; special foundation requirements and compliance with the submitted plan in relation to the removal of retention of trees and shrubs along the Friars Walk frontage.

The scheme would comply with national guidance in PPS9, Policies BE6 and BE8 of the South Bedfordshire Local Plan and Policy CS8 of the Draft Core Strategy.

6. Impact on the amenity of neighbouring residential occupiers

While it would be possible to see the new dwellings from the existing dwellings it is considered that the distances involved would not give rise to an unacceptable degree of overlooking, loss of sunlight/daylight or overbearing effect. There may be a degree of mutual overlooking of the rear gardens of existing properties from first floor rear elevation windows but this would not be to an unacceptable degree.

7. Other matters

In accordance with the requirements of the Planning Obligations Supplementary Planning Document the scheme requires the submission of a Unilateral Undertaking for the provision of financial contributions toward education and social infrastructure. This scheme would generate a requirement for financial contributions of £56,887. The Unilateral Undertaking was not submitted with the application, but the applicant's agent is preparing one and it is anticipated that this will have been concluded by the meeting.

The proposal is in accordance with PPS3 and Policy CS6 of the Draft Core Strategy in relation to the provision of Affordable Housing. For developments in Dunstable the threshold for the provision of Affordable Housing is 15 dwellings or more.

It is noted that the third party is querying whether the previous decisions relating to recent applications on this site have followed due democratic process. It is considered that by reporting all of the applications to the Development Management Committee that the applications have been dealt with in the most transparent way possible.

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 and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed 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 in the interests of visual amenity.
(Policy BE8, S.B.L.P.R).

3 **Before development begins, details for the proposed boundary treatment of the site and each individual property shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

Reason: To safeguard the amenity of the area.
(Policy BE8 S.B.L.P.R)

4 **Before development begins, a landscaping scheme to include any hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly show the species and sizes of appropriate trees and shrubs suitable for the size and scale of the development and Area of Special Character, along with the appropriate planting and maintenance specification. 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 the satisfactory replacement of trees felled in the course of the development and to visually soften and integrate the scheme into the designated "Area of Special Character" typified by tree lined streets and mature wooded gardens.
(Policy BE8, S.B.L.P.R).

5 **Before development begins, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority, which clearly shows the position and build specification of tree protection around the Root Protection Area calculated for each retained tree as shown by the Tree Constraints Plan prepared by Merewood Arboricultural Consultancy, dated May 2010, and based on Table 2 of BS5837 : 2005 "Trees in Relation to Construction". This shall have the purpose of enclosing an area around the retained trees and thus form a "Construction Exclusion Zone" (as specified in Section 9 of BS5837 : 2005), which shall be demarcated by Protective Barriers (as specified by Figure 2 of the BS 5837: 2005), or where access is unavoidable, using Ground Protection measures (as specified by Figure 3 of BS5837: 2005). All Ground Protection measures used will be for the purpose of avoiding localised compaction of the rooting medium by evenly distributing the weight of pedestrians, plant and machinery that may access the area. The Ground Protection shall be engineered to support the type of access required to undertake construction operations. The development shall thereafter be carried out in accordance with the approved Tree Protection Plan.**

Reason: To safeguard the rooting medium, crown spread, trunk and health of retained trees.

6 **Before development begins, specific details of an appropriate special foundation for the garage serving the dwellings on Plot 5 (5a and 5b) shall be submitted and approved in writing by the Local Planning Authority. The foundation shall be designed by a qualified and competent engineer, with the purpose of providing a suitable foundation for the new garage that will serve to avoid any form of root severance of the adjacent trees, and be able to protect the soil structure from compaction damage. The development shall thereafter be carried out and completed in accordance with the approved details.**

Reason: To conserve the integrity of the rooting medium of retained boundary trees, of high strategic importance, in order to safeguard their health and stability.

7 The removal of trees and shrubs along the frontage with Friars Walk shall only be undertaken where indicated on the site layout plan (Ref. Drawing No. 909:916/PL102D), as prepared by Measures Scarfe Architects. Any further removal of trees and shrubs not indicated on this plan shall only be undertaken with the written approval of the Local Planning Authority.

Reason: In the interests of the visual appearance of the development. (Policy BE8, S.B.L.P.R).

8 No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.

Reason: To record and advance understanding of the significance of the heritage asset(s) in accordance with Policy HE12 of PPS5: *Planning for the Historic Environment.*

9 No building shall be occupied until the access junction with the public highway has been constructed in accordance with the approved details.

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

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

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

11 The proposed private drive shall be constructed and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

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

13 The turning space for vehicles illustrated on the approved plans shall be constructed before the development is first brought into use.

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

14 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

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

15 No development shall commence until a wheel-cleaning facility has been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development 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 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.

16 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by**

the Local Planning Authority. The scheme shall be implemented throughout the construction period.

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

17 **Before development begins, details of the existing and proposed ground levels and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

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

18 The first floor rear elevation windows for the dwelling on Plot 4 shown on Drawing No. 909:916/PL106A shall be permanently glazed with obscured glass.

Reason: To protect the privacy of the occupiers of adjoining properties.
(Policy BE8, S.B.L.P.R).

19 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 additional windows shall be inserted into the rear elevation at first floor of the dwelling on Plot 4.

Reason: To protect the amenity of neighbouring residents.
(Policy BE8, S.B.L.P.R).

20 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 buildings 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 and to ensure the adequate protection of trees covered by Tree Preservation Orders.
(Policy BE8 S.B.L.P.R.).

21 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 the dwelling 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 and to ensure the adequate protection of trees covered by Tree Preservation Orders.
(Policy BE8 S.B.L.P.R).

22 Save as may be agreed in connection with Condition 3 above and 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 curtilage of the properties.

Reason: To control the development in the interests of the amenities of the area and to ensure the adequate protection of trees covered by Tree Preservation Orders.
(Policy BE8 S.B.L.P.R).

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

Reason: To ensure satisfactory drainage of the site.

24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 909:916/PL101C; 909:916/PL102D; 909:930/PL102; 909:930/PL103; 909:930/PL104, 909:916/PL105A, 909:916/PL106A, 909:916/PL109B; 909:916/PL111; 909:916/PL112; CBC/001 Site Location Plan and CBC/002 Tree Constraints Plan prepared by Merewood Arboricultural Consultancy Services.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal is acceptable in relation to national guidance, Policies SS1, ENV3, ENV7 and T14 of the East of England Plan and Policies SD1, H2, BE6, BE8 and T10 of the South Bedfordshire Local Plan Review. The principle of development is acceptable; there would be no adverse effect upon the character and appearance of the Area of Special Character and locality generally, the amenity of existing trees to be retained within the development, the amenity of neighbouring residential occupiers, and highway and parking considerations.

Notes to Applicant

1. This permission is subject to a Legal Obligation under Section 106 of the Town and Country Planning Act 1990.

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:

East of England Plan (May 2008)
SS1 - Achieving Sustainable Development
ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment
T14 - Parking

South Bedfordshire Local Plan Review (2004) Policies
SD1 - Sustainability Keynote Policy
H2 - Fall-In Sites
BE6 – Control of Development in Areas of Special Character
BE8 - Design Considerations
T10 - Parking - New Development

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. With regard to the demolition of the existing dwelling, The Chestnuts, the applicant/developer is advised that if asbestos or other hazardous substances are shown to be present they should consult the Health and Safety Executive (HSE) prior to the commencement of any demolition works. The local office for the HSE is Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW. Tel: 0845 345 0055. Please also be advised that the Control of Asbestos Regulations 2006 prohibit the importation, supply and use of all forms of asbestos.

6. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's 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.

7. 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.

8. 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.

9. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.

10. The applicant is advised that while the Council has no reason to believe that the site is contaminated and is not aware of any potentially contaminative past use, it is the applicant/developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during development should be described to Central Bedfordshire Council, Public Protection, Priory House, Monks Walk, Chicksands, Shefford, Beds. SG17 5TQ. Tel: 0300 300 5068. Any imported material for gardens and landscaping must be of a quality that adheres to the British Standard for Topsoil, BS 3882:2007, as expected by the NHBC and other bodies.

11. Please note that the unnumbered drawings: Site Location Plan and Tree Constraints Plan prepared by Merewood Arboricultural Consultancy Services, 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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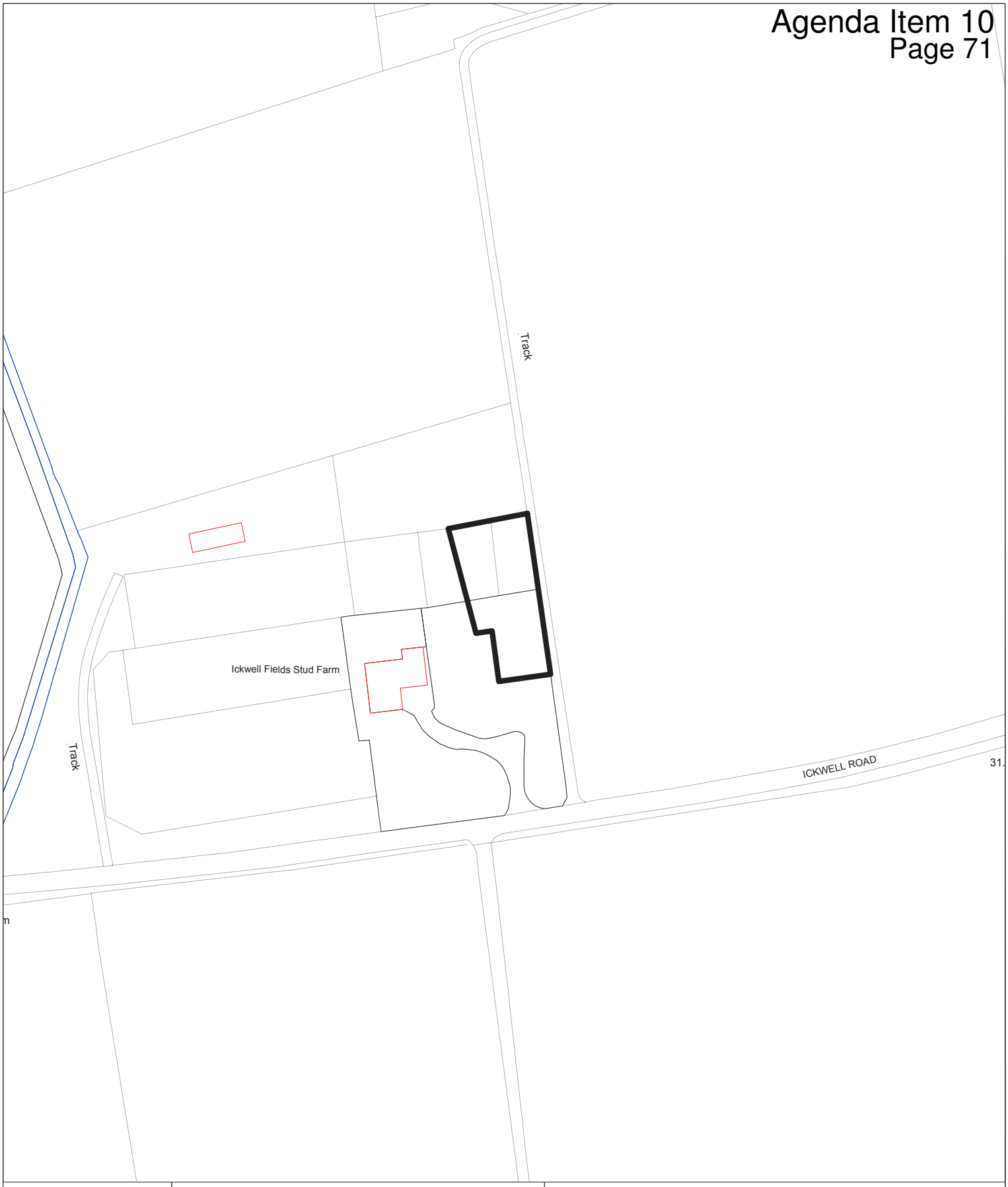

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Date: 27:September:2011

Grid Reference: 515679; 245807

Application No.
CB/11/01079/FULL

Scale: 1:1500

Ickwell Fields, Ickwell Road, Upper Caldecote

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Item No. 10

SCHEDULE C

APPLICATION NUMBER	**CB/11/01079/FULL**
LOCATION	**Ickwell Fields, Ickwell Road, Upper Caldecote**
PROPOSAL	**Erection of 2No agricultural storage buildings**
PARISH	**Northill**
WARD	**Northill**
WARD COUNCILLORS	**Cllr Mrs Turner**
CASE OFFICER	**Clare Golden**
DATE REGISTERED	**21 July 2011**
EXPIRY DATE	**15 September 2011**
APPLICANT	**Mr Maudlin**
REASON FOR COMMITTEE TO DETERMINE	**The Applicant is related to a Member of the Council**
RECOMMENDED DECISION	**Full Application - Granted**

Site Location:

The application site is known as Ickwell Fields and comprises a two storey, detached agricultural dwelling and adjacent open fields. The site is located to the north of Ickwell Road, which links Ickwell with Upper Caldecote to the east.

The site is accessed by an entrance drive into the site from Ickwell Road.

The site is located outside of a settlement envelope and thus within the open countryside.

The Application:

This application seeks permission for the erection of two agricultural storage buildings to be used to store hay, straw and machinery, with the future potential for storing live stock. Both buildings would be located against the eastern side boundary which abuts a farm track. The first building would measure 9.9metres in width, 13.4metres in depth and 3.6metres in height to the eaves and 4.5metres to the ridge. The proposed building to be sited behind the first building would have a width of 14metres, 27.1metres in depth and 4.1metres in height to the eaves and 4.7metres to the ridge. Both buildings would be clad in brown vertical line composite cladding with light grey coated steel roofs.

The proposed buildings would be accessed by the existing entrance into the site, to the south off Ickwell Road.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering sustainable development

PPS7 Delivering sustainable development in rural areas
PPS25 Development and Flood Risk

Regional Spatial Strategy

East of England Plan (May 2008)

Central Bedfordshire Adopted Core Strategy, Development Management Policies, 2009

CS16: Landscape and Woodland
DM3: High Quality Development
DM14: Landscape and woodland

Supplementary Planning Guidance

Design in Central Bedfordshire - Adopted Supplementary Planning Document, 2010
Mid Bedfordshire Landscape Character Appraisal, 2007

Planning History

98/01787/RM	Erection of detached dwelling for use with existing stud farm
98/00193/FA	Retention of mobile homes for stockman
98/00005/OA	Outline application for erection of detached dwelling for use with existing stud farm
93/00955/FA	Variation of condition 5 attached to planning permission 90/001030 (extension of time) for retention of mobile home

Representations:
(Parish & Neighbours)

Parish/Town Council	No comments received.
Neighbours	No comments received.

Consultations/Publicity responses

Public Protection	No comments.
Internal Drainage Board	No objection subject to details of the means of storm water disposal to be controlled by a condition.
Environment Agency	Support the findings of the Internal Drainage Board.

Determining Issues

The main considerations of the application are:

1. The principle of the development
2. The impact on the visual amenities of the surrounding area
3. The impact on residential amenity
4. Other material considerations

Considerations

1. The principle of the development

The site currently has no storage facilities and the proposed buildings would be used for the storage of hay, straw and machinery. It is also foreseen that livestock will be farmed on and around the Ickwell Fields site, which could also be accommodated within the proposed buildings.

The requirement and use of the buildings is considered to be appropriate in such a rural location, being clearly related to the use of the land and agricultural dwelling.

The principle of the erection of two agricultural buildings on this site is therefore considered to be acceptable in principle under subject to minimising the visual impact of the building in accordance with Policies CS16, DM3 of the Adopted Core Strategy, Development Management Policies and PPS7.

2. The impact on the visual amenities of the surrounding area

The application site lies within the Lower Ivel Valley which in landscape terms, is characterised as an open, shallow valley, with views of the Greenland Ridge forming a rural backdrop. Large and medium sized fields of arable and pasture are bounded by ditches and hedgerows. This area is intersected by major and minor transport corridors. The application site is reflective of this character, located adjacent to a main road and surrounded by open fields, enclosed by hedgerow.

The application site is located within a descent when viewed from the east on the approach from Upper Caldecote. Tall mixed species hedgerow further screens the site along the east boundary, which would limit views of the proposed building from Ickwell Road. Each building would also be lower in height than the dwelling on the site which would screen much of the new buildings from views along Ickwell Road from the west.

Whilst both buildings are relatively large, they would be partially screened by the existing landscaping and the proposed colours which are very neutral tones, would assist to reduce their prominence in the site.

The proposed buildings are therefore considered to be appropriate in scale and design to their setting and would not have an adverse impact on important landscape features, and thus would comply with the requirements of Policies CS16, DM3, and DM14 of the Adopted Core Strategy, Development Management Policies and guidance in the Council's Design Guide.

3. The impact on residential amenity

By virtue of the separation distance between the application site and closest residential properties, (260metres), the proposal will not impact on the residential amenity of these properties, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies.

4. Other material considerations

Flood Risk:

The application site lies within Flood Zone 3 wherein the principle of this 'less vulnerable' development is considered to be acceptable in accordance with PPS25: Development and Flood Risk. The Environment Agency and Internal Drainage Board do not object to the proposal, although they have asked for clarification of the means of storm water disposal to be requested by a condition.

Recommendation

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

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

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

2 **Details of the storm water disposal design and construction for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

Reason: To ensure that adequate surface water drainage is provided to prevent water pollution and flooding, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009 and PPS25: Development and Flood Risk.

3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 150311/1; 150311/2; 150311/3; 150311/4; 150311/5; 150311/6; 150311/7; Flood Risk Assessment, prepared by Scott White and Hookins, dated July 2011.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal for two agricultural buildings would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies CS16, DM3 and DM14 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 1, Planning Policy Statement 7, Planning Policy Statement 25, Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is further in conformity

with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010 and Mid Bedfordshire Landscape Character Appraisal, 2007.

DECISION

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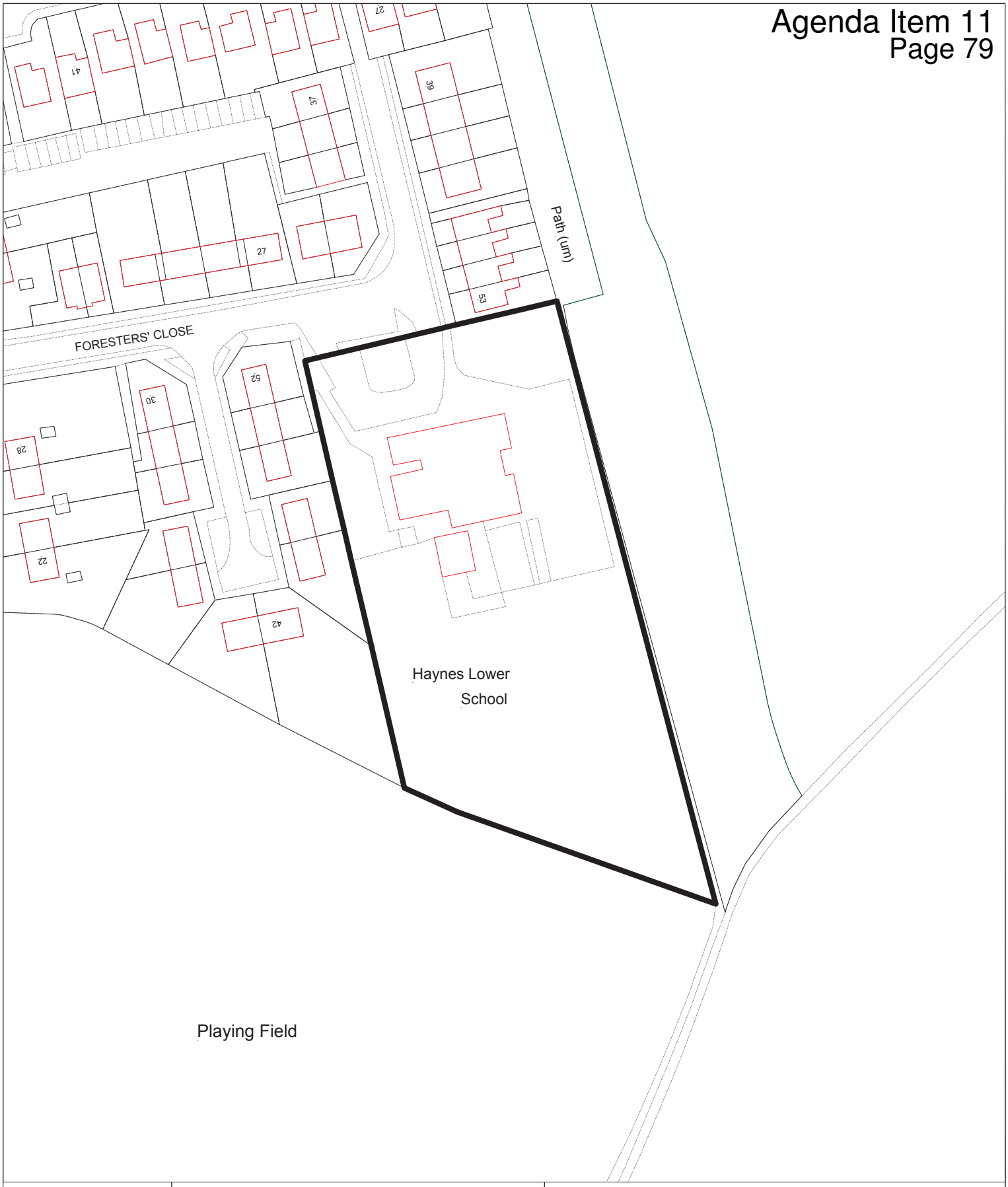

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Date: 27:September:2011

Grid Reference: 510176; 242207

Application No.
CB/11/03099/REG3

Scale: 1:1250

Haynes Lower School, Foresters Close, Haynes, Bedford, MK45 3PR

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Item No. 11

SCHEDULE C

APPLICATION NUMBER	**CB/11/03099/REG3**
LOCATION	**Haynes Lower School, Foresters Close, Haynes, Bedford, MK45 3PR**
PROPOSAL	**Single storey classroom extension**
PARISH	**Haynes**
WARD	**Houghton Conquest & Haynes**
WARD COUNCILLORS	**Cllr Mrs Barker**
CASE OFFICER	**Samantha Boyd**
DATE REGISTERED	**30 August 2011**
EXPIRY DATE	**25 October 2011**
APPLICANT	**Central Bedfordshire Council**
REASON FOR COMMITTEE TO DETERMINE	**Objection received to an application made by the Council**
RECOMMENDED DECISION	**Full Application - Granted**

Site Location:

The application site comprises an existing lower school premises located on the south side of Foresters Close, a residential cul-de-sac, within the village settlement boundary of Haynes. To the west, the school premises adjoin the rear gardens of neighbouring bungalows. To the north the site has a frontage onto Foresters Close from where access is gained. To the south and east the site adjoins open countryside.

The existing school comprises a range of low level buildings, with pitched roofs, with open playing field to the south.

The Application:

The application proposes a single storey extension on the east side of the existing buildings to provide an additional classroom.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development

Regional Spatial Strategy
East of England Plan (May 2008)

Central Bedfordshire Core Strategy and Development Management Policies

DM3 High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire

Planning History

03/01062	Single storey front/side extension - Approved 06/06/03
07/00145	Single storey extension - approved 02/02/07
80/001551/CC	Erection of replacement school - 31/01/80
80/00151/A/CC	90 Place lower school with provision for 20 place nursery unit, playground, playing filed and swimming pool - 21/10/80
99/01116/CC	Extension to form additional classroom - 03/08/99

Representations:
(Parish & Neighbours)

Haynes Parish Council	Comments not received at time of preparing report.
Neighbours	One letter received at time of preparing report. Concerned regarding impact of extra traffic due to increase in pupil numbers, already a congested area, size of school is sufficient for needs of the village.

Consultations/Publicity responses

Sport England	Further information is required regarding provision of the netball court which is currently marked out in the location of the proposed extension. A proposed site plan is required showing how a netball court will be accommodated on the remaining hard play area. A site plan has been requested showing the revised layout of the hard play area to show the netball court for further comment by Sport England. Additional comments will be reported on the Committee Late Sheet.
Building Control	No comments regarding disabled access.

Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the area
2. The impact on neighbouring amenity
3. Highway safety

Considerations

1. The effect on the character and appearance of the area.

The proposed extension would be located within the school grounds to the east

of the existing school buildings within the existing hard play area. The classroom extension would have a footprint of approximately 73 square metres and would be single storey in height. All external materials would match the existing school buildings as closely as possible.

The extension is required to accommodate larger class groups, expected from 2011/12. The school currently have 93 pupils registered but this number is expected to rise to approximately 100 meaning that the school will operate at full capacity. Currently the school library has been taken out of use to provide an additional classroom. The proposed extension will allow the library to be converted back to its former use and provide the additional classroom with storage and cloakroom areas.

The proposal is located to the east side of the school facing onto open fields. The extension would be barely visible from the school's main entrance and from Foresters Close therefore it is considered that the extension would not result in an adverse impact upon the character and appearance of the area.

2. The impact on neighbouring amenity.

The proposed extension is located centrally within the school grounds. Nearby neighbouring properties are located some distance from the proposal, the closest being approximately 35m away, therefore no adverse loss of light, loss of privacy or overbearing impact would occur as a result of the proposed extension.

3. Highway safety

Although pupil numbers will increase slightly it is not considered that this will have a significant effect on the existing parking arrangements.

Highways Officer's have been consulted on the proposal however to date no comments have been received but will be reported on the Committee Late Sheet.

Recommendation

That Planning Permission be granted subject to the following:

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

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

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

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

Reasons for Granting

The proposal would not have an adverse impact on the character of the area or the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, the proposal is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 1 (2005), Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005).

DECISION

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