

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



please ask for Helen Bell
direct line 0300 300 4040
date 27 October 2011

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 9 November 2011 10.00 a.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

Please note that items 1 – 8 will be considered at the 10.00am session. The remaining items 9 – 13 will be considered at the 2.00pm session.

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 12 October 2011.

(previously circulated)

4. **Members' Interests**

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

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

5. **Petitions**

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

REPORT

Item	Subject	Page Nos.
6	Planning Enforcement Cases Where Formal Action Has Been Taken	* 7 - 12

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

Planning and Related Applications

To consider the planning applications contained in the following schedules:

Schedule A - Applications recommended for Refusal - to be considered at 10.00am
--

Item	Subject	Page Nos.
7	Planning Application No. CB/09/06431/OUT	* 13 - 64

Address : Land at Frenchs Avenue and Hillcroft/Weatherby, Dunstable and land to the west of Hillcroft including Maidenbower (Houghton Regis Ward), Bedfordshire

Erection of 650 dwellings, small scale neighbourhood facilities, public open space area, access and utilities infrastructure (outline).

Applicant : Trenport Investments Ltd & Cemex

8	Planning Application No. CB/11/03025/FULL	* 65 - 76
---	--	-----------

Address : Formerly The Priory PH, High Street North, Dunstable LU6 1EP

Erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking.

Applicant : McCarthy & Stone Retirement Lifestyles Ltd

Schedule B - Applications recommended for Approval - to be considered at 2.00pm
--

Item	Subject	Page Nos.
9	Planning Application No. CB/10/02161/FULL	* 77 - 86

Address : Old Park Farm, Bridle way, Toddington, Dunstable

Change of use of land to a Moto Cross Circuit

Applicant : Luton & District Motorcycle Club Ltd

10 **Planning Application No. CB/11/03370/FULL** * 87 - 106

Address : Land to the rear of 197, Hitchin Road,
Arlesey

Retention of use of land as a residential
caravan site for 6 Gypsy families, including
hardstanding, utility blocks and landscaping.

Applicant : Mr Rooney

11 **Planning Application No. CB/11/03169/OUT** * 107 - 124

Address : Former Meller Beauty Premises, Sunderland
Road, Sandy

Outline: Residential development with
access road and open space (all matters
reserved except access)

Applicant : Castletown (General Partners III)

Schedule C - Any Other Applications
--

Item	Subject	Page Nos.
12	Planning Application No. CB/11/02984/VOC	* 125 - 132

Address : Northhill Lower School, Bedford Road, Northhill,
Biggleswade

Variation of Condition: Formation of multi use
games area with mesh fencing approved on
planning permission MB/05/01313/FULL
dated 20 October 2005. Application for
removal of condition 4 for development to be
used by pupils and staff of the school and
variation of condition 5 for hours of use to 9
a.m to 8.30 p.m Monday to Friday. The multi
use games area shall only be used at
weekends or public holidays following prior
written agreement by the Local Planning
Authority.

Applicant : Northhill VA Lower School

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 7 December 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.

This page is intentionally left blank

Agenda Item:

Meeting: Development Management Committee

Date: 9th November 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 9th November 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	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
2	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.
3	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
4	CB/ENC/10/0147 Case closed	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. Complied, case closed
5	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 as to whether appeal accepted
6	CB/ENC/10/0236	Land and buildings at 27 Maulden Road, Flitwick MK45 5BL	Enforcement Notice - change of use of the land from residential to mixed use for residential and business purposes	04-Feb-11	04-Mar-11	01-Apr-11	Appeal dismissed	15-Nov-11		Enforcement Notice upheld, compliance period extended. Check compliance after 15/11/11
7	CB/ENC/10/0644 Case closed	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, but Notice remains in effect on land
8	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. Court date set for December 2011

Planning Enforcement formal action (DM Committee 9th November 2011)

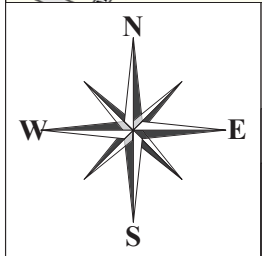
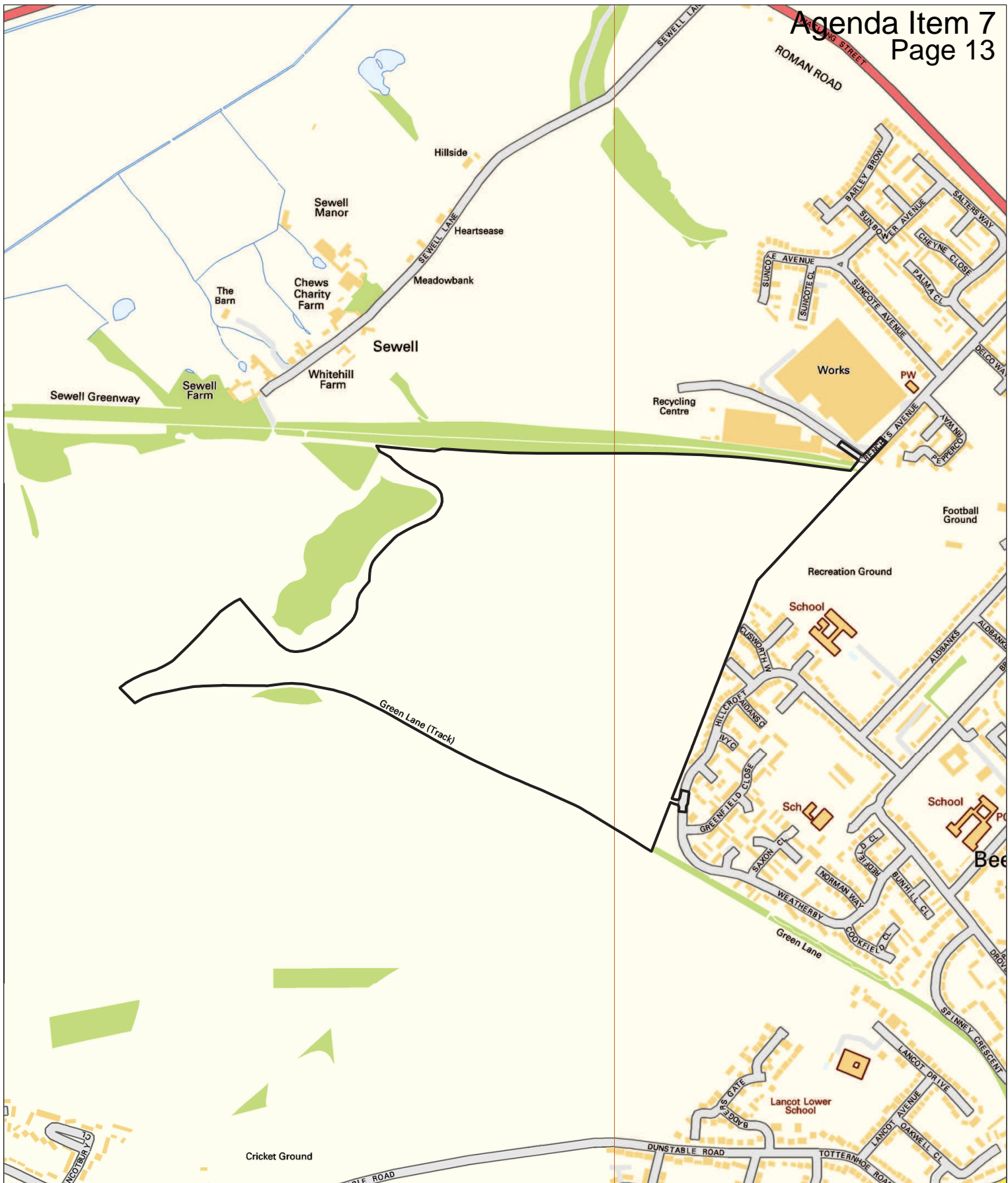
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	CB/ENC/11/0060	Land at Oak Barn, Little Park Farm, Station Road, Amphill, Bedford MK45 2RE	Enforcement Notice - construction of a detached building and an area of hardstanding	10-Mar-11	07-Apr-11		Appeal allowed 16/8/11			Enforcement Notice quashed. Awaiting revised planning application
10	CB/ENC/11/0114 Case closed	57 Shefford Road Clifton, Shefford SG17 5RQ	Breach of Condition 3 (parking for construction workers) attached to planning permission ref: CB/10/01791/FULL	20-Jul-11	20-Jul-11	19-Aug-11			Complied	Complied, case closed
11	CB/ENC/11/0193	Land at 52 Clifton Road, Henlow SG16 6BL	Section 215 Unity Land Notice	21-Jul-11	21-Jul-11	18-Aug-11			Not fully complied	Further action to be taken
12	CB/ENC/11/0274	Land Adjacent Harvest House and North West of the Fields, Church Street, Langford.	2 Enforcement Notices - use of land for storing of builders materials, equipment and waste and the erection of 3 timber buildings for building contractor's business.	30-Sep-11	28-Oct-11	25-Nov-11				Check compliance after 25/11/11
13	CB/ENC/11/0343	Church End Farm, Church Green, Totterhoe	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				Barn has been reduced in size and painted. To be checked to approved plans.
14	CB/ENC/11/0535	Land east of Miletree Road Heath and Reach	Temporary Stop Notice - unauthorised hardstandings Injunction - anticipated caravans/mobile homes	24-Oct-11	24-Oct-11					Monitor site
15	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 complied with, further action to be taken

Planning Enforcement formal action (DM Committee 9th November 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
16	MB/ENC/06/0078 Case closed	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		Complied	Complied, case closed
17	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
18	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
19	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
20	MB/ENC/09/0034	Land at Whitsundales Farm	2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access	17-Dec-09	17-Jan-10	various up to 17-Apr-10	Appeal received 12/01/2010	To be agreed	Hearing held jointly with planning appeals 10th to 11th August 2010	Appeal decision 27/8/10. Appeals dismissed, Enforcement Notices upheld, compliance periods to be monitored up to Oct 2011
21	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
22	SB/ENF/04/0002 SB/ENF/04/0003 SB/ENF/04/0004 SB/ENF/04/0005	Land at Stanbridge Road, Billingdon, 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
23	SB/ENF/04/0007 SB/ENF/04/0008	Land rear of Fancott Cottages, Luton Road, Toddington	Erection of building for residential purposes, laying of hardcore, mobile home & storage of materials	08/09/04	08/10/04	08/01/05	Appeal received 01 Nov 2004	No Change	Appeal withdrawn. SB/TP/05/1217 & S106 Agreement approved, 2 years for compliance.	New planning applications withdrawn.
24	SB/ENF/05/0005	215 Common Road, Kensworth	Erection of a double garage and storeroom	16/03/05	18/04/05	18/07/05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld. Not complied	Further evidence to Legal 2/9/11 to commence prosecution.

Planning Enforcement formal action (DM Committee 9th November 2011)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
25	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.
26	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. Awaiting planning application for temporary use for contractor accommodation
27	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
28	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	4-Sep-09	Appeal part dismissed. Not complied.	Court Hearing 11th October 2011, prosecuted and fined.
29	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



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 18:October:2011

Grid Reference: 499938; 222438

Application No.
CB/09/06431/OUT

Scale: 1:10000

Land at Frenchs Avenue and Hillcroft/Weatherby, Dunstable and land to the west of Hillcroft including Maidenbower (Houghton Regis Ward), Bedfordshire

This page is intentionally left blank

Item No. 7

SCHEDULE A

APPLICATION NUMBER	CB/09/06431/OUT
LOCATION	Land at Frenchs Avenue and Hillcroft/Weatherby Dunstable and Land to the west of Hillcroft including Maidenbower (Houghton Regis Ward), Bedfordshire
PROPOSAL	Erection of 650 dwellings, small scale neighbourhood facilities, public open space area, access and utilities infrastructure (outline).
PARISHES	Houghton Regis, Dunstable
WARDS	Houghton Hall and Dunstable - Northfields
WARD COUNCILLORS	Cllrs Mrs Goodchild, Jones, Mrs Green, Murray
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	30 October 2009
EXPIRY DATE	29 January 2010
APPLICANT	Trenport Investments Ltd & Cemex
AGENT	David Lock Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	The Chairman and Assistant Director Planning consider it prudent to refer the application to DMC in the grounds of exceptional public interest.
RECOMMENDED DECISION	Outline Application - Refused

Site Location and description:

The greater part of this site comprises 2 fields in the Green Belt to the west of Hillcroft Estate, Dunstable and south of Sewell Cutting (which is a County Wildlife Site - 'CWS'). It extends as far west as the south-eastern rim of Sewell Quarry. The fields are separated from each other by a hedge. Within the western field is the Scheduled Ancient Monument 'SAM', 'Maidenbower' (also known as 'Maiden Bower'), and the rim of the quarry (adjacent to the site but forcing a curve into its western edge) is another CWS (Totternhoe and Sewell Quarry CWS). Physically, Maidenbower is a 250mØ circular enclosure ringed by a bank 2 to 4m high clothed with trees and shrubs. Most of the site is arable land but some parts towards the west, especially within Maidenbower, are grassland and used informally by walkers. Apart from the largely unlandscaped Hillcroft Estate frontage, outer field boundaries are marked with hedgerows. Trees outside Maidenbower are generally sporadic and limited to the hedgerows, giving the site a rather open character away from Maidenbower.

Topographically, the Grade 2/3a agricultural land sits on the Lower Chalk, with a gentle fall to the north-east, but west of Maidenbower the land begins to fall more steeply either side of the quarry encroachment. The ancient Green Lane (by-way) bounds the site to the south and several direct footpaths cross the fields, radiating from the end of French's Avenue. A further path, now surfaced, forms part of the Chiltern Way and Icknield Way Long Distance Paths and Regional Cycle Route 32 linking Green Lane and Sewell Cutting/village. National Cycle Route 6 passes down

Sewell Cutting (known as the Sewell Greenway) from the end of French's Avenue.

To the east the site directly abuts back gardens of the fairly low density layout of 2 storey houses at Hillcroft, side gardens at Bryony Way and Cusworth Way, a playground, the playing fields of Brewers Hill Middle School and Dunstable Town Council's Peppercorn Park. These parts of Dunstable are connected by road to Brewers Hill Road and Drovers Way, a significant local route in the town. To the north-east, French's Avenue, which serves a large residential area, runs up to the site before turning west and serving commercial premises including the Household Recycling premises. The backs of some of these premises 'face' across the deep Sewell Cutting (a former railway) towards the site.

Two small additions to the site comprise the immediate vicinity of a proposed junction with French's Avenue and the point where Hillcroft and Weatherby meet. Apart from these additions, which are within Northfields Ward, the whole site is within Houghton Hall Ward. To the south it abuts Totternhoe Parish, in Eaton Bray Ward. The total site area is 44.1ha..

The Application:

It is proposed to develop part of the site for 650 dwellings (to Code Level 3), together with a neighbourhood centre, and to set out the remainder of the site as open space. The application is submitted in **outline** (with the usual indicative layout and parameter plans) **with all matters reserved** for subsequent determination.

The application is accompanied by the following documents:

- Environment Statement (Revised Non -Technical summary and 4 volumes)
- addendum to Environmental Statement
- parameters assessment plan
- indicative masterplan
- planning statement
- design and access statement
- transport assessment, travel plan framework and additional information (3 vols)
- sustainability appraisal
- statement of community involvement
- assessment of housing delivery (S.Beds & Luton Jt Housing trajectory) and revision document July 2010
- green infrastructure & heritage management strategy - a final draft Green Infrastructure Management Plan has also been submitted indicating how the open spaces would be presented and handled over time
- health impact assessment
- waste management statement
- water use and efficiency statement
- energy statement
- noise assessment of Maidenbower
- planning obligation: draft heads of terms (final revised version).

The indicative layout shows principal accesses from French's Avenue and Hillcroft/Weatherby (secondary) and potential pedestrian/cycle connections onto Green Lane and to Bryony Way and Cusworth Way. A proposed bus link is shown

between the 2 principal accesses, becoming the 'main street'. The developed area is east of an arc between 170 and 250m from the Maidenbower bank. Estate roads form on lines radiating from Maidenbower with linking roads parallel to the arc. Development would generally front highways and back onto the existing residential area and Sewell Cutting. Small scale neighbourhood facilities are included in a 0.4ha zone off the main radial from French's Avenue. Several small parks are indicated, which would cover large underground soakaways. The remainder of the existing eastern field is shown as an urban park (with interpretation boards). The inner edge would be planted with a 20m deep 'woodland' and the remainder would be planted with scattered shrubs. The western field and Maidenbower are shown as natural/semi-natural green space (restored grassland) and a new footpath would be created. Certain footpaths are shown to be diverted where they would cross development.

The neighbourhood facilities would potentially contain 1650m² floorspace with indicative limits of A1 (200m²), A2/A3/A5 (150m² total), B1 (500m²), C3, D1 (400m²) and D2(e) (400m²). These classes would include shops/catering, studio workspace, ancillary residential, and community facilities such as creche, surgery, education, public hall, place of worship, gymnasium or area for indoor recreation (not involving firearms), recycling and travel information.

Density parameters are shown on the separate Parameters Assessment Plan. Higher density housing (45dpha) would be restricted to the main street, the highest reaching 3 storeys near the local centre. Densities elsewhere would be reduced so that lower density (2 storeys, 33dpha) would abut the existing residential area and the urban park. A range of housing types would typically be provided from 2-bed to 5-bed houses with up to 35% affordable, pepperpotted. Overall there would be the following areas of land use (ES Table 1.1):

- residential - 15.5ha (includes amenity open space as per PPS3 calculation)
- neighbourhood centre - 0.4ha
- urban park (informal open space) - 7.0ha ('Icknield Park' - the remainder of the eastern field)
- natural/semi-natural green space - 19.6ha ('Bower Field' - the western field)
- amenity green space (mainly within residential zone but outside the 15.5ha above) - 0.5ha
- easements and junctions - 1.1ha.

Long term management of Maidenbower and the adjacent land is proposed in the draft final Green Infrastructure Management Plan involving restoration to natural grassland, interpretation and restricted access. The applicant envisages this by public bodies or by a newly created management entity.

The aim of this indicative layout is to show that it would be possible to achieve the 650 dwellings and neighbourhood centre in a satisfactory way. Apart from the scale of development and other parameters to which any permission may be tied, any 'reserved matter' application need not necessarily follow this pattern. The application also proposes the use of conditions to formulate Design Codes and includes intended phasing of development. This provides 5 phases, moving west from French's Avenue then south, having between 50 and 200 dwellings each. The final vehicle link with Weatherby would be made at phase 4.

The applicant states that the development would be readily deliverable, the joint

applicants owning the site¹ being development companies, having a sole agricultural tenant and legal rights of access to the site.

¹ Excluding those parts comprising highways adopted by the Council.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development; PPG2 - Green Belts; PPS3 - Housing; PPS4 - Planning for sustainable economic growth; PPS5 - Planning for the Historic Environment; PPS9 - Biodiversity and Geological Conservation; PPS10 - Planning for Sustainable Waste Management; PPG13 - Transport; PPG17 - Planning for Open Space, Sport & Recreation; PPS22 - Renewable energy. Includes a companion guide; PPS23 - Planning and Pollution Control; PPS25 - Development and Flood Risk

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 Achieving sustainable development
SS2 Overall Spatial Strategy
SS3 Key centres for development and change
SS5 Priority areas for regeneration
SS7 Green Belt
SS8 The urban fringe
E1 Job growth
E2 Provision of land for employment
E3 Strategic employment locations
H1 Regional housing provision 2001 to 2021
H2 Affordable housing
C1 Cultural development
C2 Provision and location of strategic cultural facilities
T1 Regional transport strategy objectives and outcomes
T2 Changing travel behaviour
T3 Managing traffic demand
T4 Urban transport
T8 Local roads
T9 Walking, cycling and other non-motorised transport
T13 Public transport accessibility
T14 Parking
ENV1 Green infrastructure
ENV2 Landscape conservation
ENV3 Biodiversity and earth heritage
ENV6 The historic environment
ENV7 Quality in the built environment
ENG1 Carbon dioxide emissions and energy performance
WAT2 Water infrastructure
WAT3 Integrated water management
WAT4 Flood risk management
WM1 Waste management objectives
WM6 Waste management in development.

Milton Keynes and South Midlands Sub-Regional Strategy

Policy 2(a) Luton/Dunstable and Leighton Buzzard

Luton and southern Central Bedfordshire Joint Core Strategy (November 2010 as amended)

CS1 Development Strategy

CS3 Developer contributions for infrastructure

CS4 Extent of the Green Belt

CS5 Linking places

CS6 Housing for all needs

CS8 Increasing access to quality social and community infrastructure

CS9 Quality of design

CS10 Delivering economic prosperity

CS11 Green Infrastructure and environmental assets

CS12 Resource efficiency

CS13 Adapting to and mitigating flood risk

Bedfordshire Structure Plan 2011

25 Infrastructure

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

T1 Controlling to location and traffic impact of development

T10 Parking - New Development

T11 Contributions - Alt Parking

SD1 Keynote Policy

H4 Affordable Housing

R10 Play Area Standards

R11 New Urban Open Space

R14 Informal Recreational Facilities

R15 Rights of Way Network

Supplementary Planning Document

Design in Central Bedfordshire - Guide for development

Maiden Bower - Scheduled Ancient Monument

Sewell Disused Railway CWS, Totterhoe and Sewell Quarry CWS.

Various public rights of way cross the site.

Planning History

SB/88/00955/TP Refusal - Residential development to provide 350 dwellings, public house and outdoor sporting facilities (Outline). (Reasons: Green Belt boundary and function, precedent, setting of Maidenbower, road junction to Weatherby, public transport servicing, sewerage.)

SB/89/01077/TP Refusal - Residential development of approximately 350 dwellings with associated formal open space and provision for a public house (Outline). Appeal withdrawn. (Most of

above reasons applied).

SB/09/00147/SCN Screening and Scoping Opinions for development comprising approx 650 dwellings, a local centre, area of proposed woodland and open space, with footpath and cycle linkages, and vehicular access to French's Avenue and Weatherby.

Part of the eastern field (roughly approximating to the current proposed residential area) was proposed in the South Bedfordshire Local Plan Consultation Draft 1991 for residential development. However, this was not subsequently adopted and the land remained Green Belt in the South Bedfordshire Local Plan Deposit Draft 1993. The Landowners therefore objected to the inclusion of this land within the Green Belt and the EIP Inspector wrote "*The main issues are...whether topography of the site would contain development that is visually part of the adjacent urban area and...whether the proposed planting would be an appropriate Green Belt boundary.*" He concluded "*The dwellings and gardens of Hillcroft form a clear edge to the built-up area to the north-west of Dunstable. I take the view that to add further development to the existing edge of the town would clearly encroach into open countryside and defeat the purpose of [Structure Plan] Policy 18 to contain the outward growth of Dunstable. I come to this conclusion from the views of the site from Dunstable Downs to the south. I doubt that planting even in depth would disguise the extension to the town, contrary to the broad aim of Green Belt policy in this sector of Dunstable.*"

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

Houghton Regis Town
Council (15/12/09)

Object:

- The local plan, still relevant and operational, does not designate this site for housing development
- Site was thoroughly examined within the emerging Core Strategy and was not selected as one of the preferred options for housing development
- Previous application were refused for 6 reasons and the current application does not negate these reasons
- Inappropriate in terms of Green Belt policy and no vscs have been proven
- Would set a precedent for other similar encroachments in the GB outside the preferred areas in the CS, making a mockery of the process for a sustainable community of 26,000 new homes
- A primary concern of the CS is to bring sustainable development to the conurbation which would promote regeneration, and the proposal would not be sustainable or likely to assist in regeneration.
- Increased traffic flows on already congested roads, exacerbating a grave situation and not having a solution
- Concerns about Safer Routes to School with increased danger from increased traffic
- Adverse effect on Maidenbower with further anti-social

activity and loss of what remains of the feeling of historical atmosphere

- The vast development proposed for the north of the area will lose considerable agricultural land; further loss from developments outside recommended sites is unacceptable.

Dunstable Town
Council (9/12/09)

Object:

- The proposed development constitutes inappropriate erosion of the green belt and would have an adverse effect on the local transport infrastructure. It must be viewed in the context of an already approved 368 housing development that is currently being built at land on the former Trico site nearby alongside the A5
- The town's transport infrastructure simply cannot accommodate another housing development at the scale proposed
- Accepts that there are plans to improve the town's transport infrastructure but these improvements are long overdue and have been developed to accommodate existing housing and employment mass not any future proposals
- Has serious concerns regarding the proposed access and egress to the potential development and can only foresee that such a development would negatively impact upon traffic 'rat running' and congestion on the A5 that is already seriously undermining the social and economic fabric of the town
- Has further concerns that the development would have as adverse impact on other areas of social infrastructure in the town but believes the concerns regarding traffic and congestion alone make this development unacceptable.

Totternhoe Parish
Council (8/12/09)

Object:

- adverse effect on Maidenbower, an ancient monument,
- taking up existing Green Belt in an area of natural beauty,
- the proposed screening would take many years to be effective and in that period the buildings would appear intrusive within the landscape,
- noise and disturbance to wildlife and environment,
- infrastructure.

Cllr J Murray (8/12/09)

Objects on the following grounds:

- Contrary to Green Belt policy (GB1)
- Contrary to character and appearance of countryside policy (NE1)
- Contrary to Policy NE7 in respect of regionally important geological land or geomorphological sites
- Adversely affects setting of Maidenbower Fort (Policy

- BE1)
- Not a preferred site for development and patently unsuitable on grounds of traffic impact, pollution, strain on local services and infrastructure
 - The inclusion of a through route would ensure another rat-run through the residential parts of Dunstable. The addition of so much more traffic would have an adverse effect on local Safer Routes to School (5 schools in the immediate vicinity with children up to age 13) and would be an unacceptable danger to pedestrians and cause increased vehicle exhaust pollution. Were there not to be a through route the effect of application site traffic along French's Avenue and other traffic from new developments would bring traffic to a halt along the A5
 - Despite the promise of facilities the application cannot demonstrate that it fits the criteria for creating a sustainable community
 - The proposal is purely an add-on to the existing built environment and would have an extremely adverse effect on the community of north and north-west Dunstable.

Public response

Petition (received prior to application)

2699 signatures (of which 899 outside Northfields Ward and 99 online). Petition was considered on 24/9/09 by the Executive Committee in accordance with the Scheme of Public Participation set out in Annex 2 of Part A4 of the Constitution which RESOLVED that the petition be noted and referred to the appropriate meeting of the Development Management Committee as and when as application is received.

Petition:

Not to give planning permission for a housing development on green belt land [at the site].

- The amount of traffic generated by this development would be intolerable to both new and present residents.
- There is very little local employment in the area and at any given time we only have three to four police officers on duty to cover Dunstable and Houghton Regis.
- The council has met its required number of houses to be built for the government's growth agenda so as we understand it Dunstable does not need this development.

Individual full responses

Addresses (all dates are either as received or dated):
Aidans Close - 6 (4/12/09)
Barley Brow - 30 (29/12/09)

Barrie Ave - 2 (10/12/09)
Borrowdale Ave - 12 (26/11/09, 27/5/10)
Brewers Hill Road - 100 (3/12/09)
Bunhill Close - 1 (4/12/09), 3 (6/12/09), 33 (2/12/09), 30
(6/12/09), 36 (5/12/09)
Bryony Way - 1 (22/11/09), 2 (5/12/09), 4 (6/12/09), 6
(30/11/09)
Campion Close - 2 (18/12/09 (4), 20/12/09)
Cheyne Close - 2 (18/12/09)
Clifton Road - 17 (4/01/10)
Cusworth Walk - 1 (21/11/09, 25/11/09, 9/07/10); 5
(23/11/09)
Cusworth Way - 1 (3/12/09), 14 (7/12/09)
Englands Ave - 7 (18/12/09)
French's Ave - 10 (30/11/09), 2/12/09, 46 (4/12/09,
7/12/09)
French's Gate - 67 (24/11/09)
Gt Billington - Little Orchard (15/5/10)
Greenfield Close - 38 (30/11/09), 45 (8/12/09), 54
(26/11/09), 56 (3/12/09)
High Street North - RJ Hardware Store (4/01/10)
Hillcroft - 22 (6/9/09 sic), 48 (2/12/09), 52 (30/11/09), 54
(7/12/09 (2)), 55 (26/11/09), 57 (26/11/09), 62 (7/12/09),
67 (1/01/10) 68 (1/12/09 (2)), 70 (27/11/09), 73 (2/12/09,
3/12/09, 31/12/09, 24/5/10), 77 (25/11/09), 78 (29/11/09),
80 (5/12/09), 84 (31/12/09 (2)), 86 (25/11/09), 88
(30/11/09), 89 (7/12/09), 90 (29/11/09, 3/12/09)
Ivy Close - 6 (6/12/09)
Lancot Drive - 21 (29/11/09)
Lancot Place - 4 (30/11/09)
Norman Way - 3 (23/11/09); 6 (22/11/09), 18 (3/12/09 (2))
Oakwell Close - 4 (26/11/09)
Palma Close - 15 (13/12/09)
Peppercorn Way - 24 (9/12/09)
Pipers Croft - 25 (30/11/09)
Redfield Close - 3 (24/11/09), 13 (7/12/09), 21 (6/12/09)
Rotherwood Close - 1 (6/12/09), 3 (2/12/09), 4 (6/12/09), 5
(1/12/09)
Salters Way - 2 (26/11/09), 16 (25/11/09, 30/11/09)
Sewell - Lane Farm (8/12/09), Chews Farm (12/12/09)
Stavely Road - 38 (8/12/09)
Sunbower Ave - 2 (27/11/09)
Suncote Ave - 8 (25/11/09), 11 (6/12/09), 20 (7/12/09), 23
(16/12/09), 29 (1/12/09), 33 (2/12/09), 58 (14/12/09), 79
(27/11/09)
Suncote Close - 10 (21/12/09)
Weatherby - 36 (28/11/09), 41 (1/12/09), 43 (4/12/09), 46
(7/12/09), 49 (29/11/09), 55 (8/12/09), 61 (5/12/09), 70
(2/12/09), 74 (29/11/09), 78 (29/11/09), 80 (6/12/09)
Westfield Road - 108 (7/12/09)
No address given - 21/11/09, 6/12/09, 8/12/09, 11/12/09

Comments (all objections unless otherwise stated):

Publicity

- *insufficient time to reply and too many documents to cope with*

Principle

- *premature pending further advancement of development plan, not preferred in core strategy (previous refused schemes on site),*
- *loss of green belt land with no exceptional circumstances,*
- *loss of countryside/open space, closing up of Dunstable/Houghton Regis and Leighton Buzzard (and villages),*
- *agricultural land needed for a growing population*
- *convenient to use agricultural land instead of brownfield land,*
- *developer greed,*
- *cumulative impact with other local developments including prolonged construction,*
- *does not reflect views by residents,*
- *construction site noise, traffic and issues,*
- *does not overcome objections to previous proposals but makes matters worse,*
- *Totternhoe Lime Quarry was refused as a brownfield site, more so should this greenfield site*
- *land is used as emergency glider landing*

Housing

- *SOME: sufficient houses being built or planned in the Core Strategy together with other ways of providing new homes make this unjustifiable/population growth will slow; OTHERS: more housing is needed but adds disadvantages under other heads,*
- *use existing vacant or converted flats or office/factory blocks in town,*
- *would feed influx of people from outside area (as with about 80% of recent housing off French's Ave),*
- *flats would be occupied by transient people and frequently unoccupied*

Details of layout

- *presence of 'cheap', small affordable houses and flats,*
- *no evidence that houses would be sustainable,*
- *density out of keeping,*
- *loss of privacy, overbearing, loss of daylight and sunlight,*
- *focussed nuisance of new pedestrian accesses through closes with possible misuse,*
- *should be lower density and in small schemes to give individuality,*
- *learn from Swiss design,*

- residents' cars may park in adjacent residential streets if convenient,
- adequacy of emergency vehicle access,
- previous council requirement for 60' strip to existing urban edge,
- risk of flooding including from loss of fields; proposed drainage ponds are not evident but would be misused if dry; SUDS usually end up the problem of the council,
- danger to children at quarry edge

Highways

- should not go ahead before a workable transport strategy for Dunstable; locality is already a nightmare of queues and delays, A5 already cited in EEP as reaching capacity,
- submitted figures should be tested,
- prospect of bus way and northern bypass retreating,
- traffic model cannot be relied upon to reflect preferred school choice hence journey,
- additional traffic will cause congestion at existing junctions and surrounding roads (and Totternhoe) and harm safety of children; safe routes to school issues,
- Hillcroft estate roads already used as rat runs by lorries and cars which should be alleviated rather than intensified,
- on-street parking on Weatherby and Hillcroft would obstruct traffic,
- traffic calming will be needed off site,
- as Dunstable has a very limited public transport system and links and the proposed bus access will not lead to residents leaving their car at home - guided busway will make no difference,
- without a physical barrier drivers will still use the estate road as a rat run,
- bus roads do not work, bus information incorrect,
- ped/cycle safety issues on route to schools, playgrounds, and for elderly,
- generally, discontinuous cycle routes locally make this a limited alternative for most,
- comments on specific road junctions,
- no new crossing facilities for French's Avenue,
- who will police Green Lanes (cf increased m/cs since new path surfacing put down),
- new road alongside green lanes would undo benefit of recent designation as bridleway,
- air pollution and CO2 from traffic/high local incidence of asthma

Maidenbower

- *ambiance/commanding position would be lost/should be protected by larger buffer of land,*
- resident has found Roman artifacts in garden,
- would become hangout for kids, drug/alcohol parties

and subject to fly tipping

- *should be protected permanently, not just for 20 years*

Ecology

- *Maidenbower, Sewell cutting, lanes and fields support flora and fauna (including badgers) which could be lost through additional trampling,*
- *Impact on approach to Totternhoe Knolls SSSI*

Recreation

- *pedestrian/cycle routes through development to land beyond could lead to use by motorcycles and be a way out for criminals, already serious problem from m/cs,*
- *will not overcome obesity as sufficient walks already exist in area,*
- *open spaces elsewhere are not well looked after*

Dunstable/Houghton Regis general

- *priority to support and locate facilities elsewhere in Dunstable and provide a bypass rather than add residents and introduce new facilities at local centre,*
- *no jobs or prospects in area already/jobs only during construction; would be occupied by people on benefits,*
- *schools could not cope with additional pupils*
- *changes should not at the cost of those who live in area,*
- *increase of crime/impacts on policing, litter and anti-social behaviour,*
- *medical services and hospital under pressure,*
- *other infrastructure inadequate,*
- *previous local developments accompanied by increased problem with rats,*
- *local centre would take trade from Westfield Road shops,*
- *Dunstable residents should not pay for facilities when taxation goes to HRTC*

The following signed a reproduced letter of objection to development on green belt land, all received 4/01/10 (* denotes those who sent a full letter as well (above) and who cannot be considered additional objectors; numbers of responses from that address in brackets):

Aidans Close 2 (2), 4 (3), 12 (2); Aldbanks 15, 26, 30, 37 (2), 78 (2), 92; Ashcroft 35; Badgers Gate 17, 48; Barley Brow 11a, 19, 29 (2); Beecroft Way 25, 119; Brewers Hill Road 42; Bower Lane Eaton Bray 4; Bryony Way 1*, 1, 2*, 3 (2), 6*, 6 ; Bunhill Close 1, 6, 19, 20 (2), 29, 36; Champion Close 2*, 2 (3), 14; Capron Road 52; Cheyne Close 21; Cookfield Close 1 (2), 25, 33; Coombe Drive 41; Copt Hall Road Luton 74; Cusworth Walk 1*, 2, 3, 4 (2), 6; Cusworth Way 1*, 7 (2); Frenchs Avenue 10, 42; Greenfield Close 2, 4, 6, 20, 24, 39, 41, 55, 57, 61; Hambling Place 21; Hillcroft 17, 39, 42, 44, 48*, 49, 51 (2),

52*, 54*, 56, 58, 62*, 62, 67, 68*, 70*, 77*, 78*, 79, 80*, 81, 83, 86*, 88*, 88, 90*, 95 (2); Ivy Close 5; Kingscroft Avenue 22; Kirkstone Drive 22; Lancot Drive 21*; Loring Road 39, 56; Maidenbower Avenue 39; Marina Drive 17; Norman Way 3*, 4, 18*; Northview Road 20; Oakwell Close 21; Pipers Croft 63; Radburn Court 27; Redfield Close 13*, 13 (2), 23; Ridgeway Avenue 72, 74; Rotherwood Close 3*, 3 (3), 5*, 5; Saxon Close 4, 17, 23, 33; Salters Way 12, 16*, 23 (2), 31, 47, 58 (2); Scawsby Close 7; Spinney Crescent 4, 37; Sewell Springwell Cottage, Sundial Cottage; Suncote Avenue 9, 12, 17, 19, 23*, 33*, 33, 44, 55; Union Street 58; Weatherby 12, 18, 34, 35, 37, 41*, 41, 47 (2), 68 (2), 70*, 82, 86; West Street 4 Meadway Ct; Westfield Road 62, 90 (2), 126, 193, 207, 215; Winfield Street 15; Worthington Road 26, 60, 61; incomplete address 1.

Paul Newman New Homes (14/12/09)

Object:

- Fails to demonstrate vscs in the green belt and pre-empts MKSMSS Green Belt Review; cited appeals relate to different scenarios; would set a precedent for other land to the south and south-east; contrary to national policies,
- Harm to archaeological remains and SAM and its setting; may impinge on CWSs and SSSI through proximity,
- Proposed accesses inadequate to meet traffic demands; A5 highly congested and development would increase level of traffic and congestion at peak times; impact on A5 could be significant and this questions the case that the site can be delivered before the northern bypass,
- A number of constraints for this already identified in emerging CS.

Hives Planning (18/1/10)

Recommend application be refused:

- not one of the Preferred Option sites in the emerging Core Strategy, in fact being 'non-preferred'; unlikely to deliver critical mass to fund supporting infrastructure;
- not in an appropriate location for Green Belt release;
- poorly connected with no main transport routes into town centre, relying on local residential roads for connection;
- unacceptable impact on SAM, intrude unacceptably into open countryside and impact important views.

Planning Prospects (for Dransfield Properties Ltd) (12/2/10)

Clients about to submit a planning application for High Street Houghton Regis.

Would not object provided:

- what was initially described as 'local centre' is amended to 'small scale neighbourhood facilities';

London Gliding Club
(30/7/10)

- quantum of A1 development 200m² max;
- quantum of A2/3/5 development is 50m² max per class;
- class D2 use limited to D2(e), or preferably removed altogether;
- a condition to prevent transfer between classes A2/3/5 to class A1.

3 main concerns:

- about 35% of take-offs by tug planes overfly the vicinity of the site (dividing right and left of Maidenbower) in order to avoid built up areas; development of this land, and increased use by public, would increase the number of complaints against tug plane flying over the site and restrict activities which has significance in the local economy; alternative routes would cross other housing;
- open countryside is essential for emergency landings;
- local road infrastructure cannot take existing traffic levels and members already cannot conveniently shop in Dunstable.

Consultations/Publicity responses

[EEDA (15/12/09)

EEDA's role is to help further sustainable development and regeneration and to help deliver the Regional Economic Strategy, especially with regard to balancing homes and jobs.

Would support the development plan process and note that, the site not being allocated in the LDF for development and being within the green belt, there is a presumption against the development unless there are exceptional circumstances. Notes that work is underway to assess current land supply and supports the planning and development plan process. Any departures would need robust evidence and testing in order to depart from GB designation, without which EEDA would support the application being determined in accordance with the prevailing development plan.]

EEDA no longer active

[East of England Regional
Assembly (26/1/10)

Until Green Belt boundaries are reviewed (Sub-regional policy 2(a)) the greenbelt must be maintained (regional policy SS7). Whilst the site is within an area of search in 2(a) it is a peripheral location to the overall coalescence of towns of Luton, Dunstable and Houghton Regis. In addition, brownfield land must be given priority (SS2, sub-regional s(a)).

Concerns over the suitability of the access and whether the additional trips would add to congestion rather than help tackle it (policies T1, T4). Measures to change travel behaviour (T2), particularly walking and cycling (T9), must be capable of being implemented and linked to modal-shift targets.

Felt strongly that the advice from English Heritage must receive considerable weight given the proximity of the SAM. ENV6 seeks to protect, conserve and enhance the historic environment and highlights the significance of ancient monuments to the region. The Council, applicant and EH should work together to ascertain the extent of development that could occur.

EERA no longer extant

The proposal does not accord with regional and sub-regional policies.]

Joint Technical Unit
(8/12/09, 9/8/10, CBC
12/9/11)

Updated response:

The Joint Core Strategy (CS) and all relevant documentation were submitted for Examination on the 8th March 2011 and an Exploratory Meeting was held on the 18th May 2011. Following the Exploratory Meeting and the agreement of the proposals to amend and take forward the CS by the Joint Committee (JC) on 24th June 2011, the appointed Inspector formally agreed to a 6 month deferral of the Examination process. However, following a decision by Luton Borough Council not to support part of the CS, the JC on 29th July 2011 resolved to seek its withdrawal. The withdrawal was confirmed by the Secretary of State in a letter dated 7th September 2011.

Nevertheless, Central Bedfordshire Council remains fully supportive of the proposals contained within the CS and on 23rd August 2011 the Council's Executive resolved to endorse as guidance for Development Management purposes the CS and its underlying evidence base and technical studies.

Despite the withdrawal of the CS, previous observations on the development proposals by the Joint Technical Unit (JTU) are still pertinent in the determination of this application.

- The submitted CS considered this not to be a sufficiently viable and sustainable site for an urban extension;
- Growth area sites and strategic growth locations have been identified within the CS with any remaining balance of the housing requirement to be identified through a review of the Strategic Housing Land Availability Assessment (SHLAA);
- Following the withdrawal of the RSS (now still part of the development plan following the Cala Judgement) the JTU has reviewed the housing trajectory and calculates that there will be only a very minor shortfall in the required 5 year housing land supply;
- The site would put at risk the deliverability of sustainable development within Central Bedfordshire and is unlikely to offer significant benefits to infrastructure, regeneration, revitalisation, employment, housing or quality of life;
- The development of the site could place a greater burden and responsibility on all other developments within Central Bedfordshire to meet the infrastructure deficit in the plan area that the North Western Dunstable proposals could add to and exacerbate, rather than help to alleviate;
- Harm to green belt would not be offset by vscs;
- Harm to landscape/heritage;

- Fails to contribute to local highway infrastructure needs even if by itself it does not depend on the A5-M1 link;
- Not needed to meet shorter-term needs of growth area.

Conclusion:

The proposals do not conform to the submitted Joint Core Strategy and no very special circumstances have been shown. They do not constitute a sustainable form of development and will not contribute in a positive manner to the provision of major infrastructure requirements, the need of which have been identified and confirmed through substantial evidence-base and background studies which inform the submitted CS which has been endorsed by Central Bedfordshire Council.

Highways Agency
(21/12/10, 25/1/11)

Has reached agreement on a Framework Travel Plan. Directs that any permission be subject to a condition that a Travel Plan substantially in accord with this Framework TP be submitted to and approved by the Council.

Traffic figures have been calculated for the development and a modal split forecast prepared having regard to the phasing of the development. Surveys would be undertaken at stages to inform and update the forecast. Various measures are proposed: those within the design such as cycle and foot routes and highway works; S106 measures such as funding for a travel plan co-ordinator and bus infrastructure; and other measures such as welcome packs and community initiatives.

CBC Highways Officer
(20/10/11)

- The Flow diagram is not appropriate for this proposal. Division of flows from site is not convincing and ignores other junctions.
- Particularly concerned that Church Street suffers from congestion which would be exacerbated by an 18% increase of peak hour vehicles.
- Notwithstanding improved 'practical reserve capacity' on the A5 the total delay would increase by 33% in the am peak and also affect other times. Six junctions suffer against all 4 of the measurements of performance. The proposed improvements would not sufficiently ameliorate the increase in overall delay.
- Not all of the Brewers Hill Road junctions have been assessed notwithstanding an increase in flow. Even the main junction serving the development fails to allow for pedestrian movements and hence capacity.
- Pedestrian facilities should be considered for the Drivers Way/West Street/Meadway junction in view of the increase in traffic flows. The submissions also incorporate errors which over estimate junction

capacity.

- A sensitivity test has not been carried out of several road corridors which will experience additional traffic, including rat running, and an increased potential for accidents. In view of reliance on a Travel Plan, appropriate pedestrian and cyclist counts were not made. The final growth factor should be revisited.
- Further traffic on Weatherby and Hillcroft, roads considered not suitable to take significant further traffic, requires additional work which has not been quantified.

Recommends refusal on grounds that the proposal fails to demonstrate that it would make adequate provision for the increase in traffic that would be generated by the urban extension and is likely to lead to an increase in traffic congestion at a number of junctions within the Dunstable urban area and cause an unreasonable degree of congestion and delay within the conurbation.

DEFRA (Go-East)
(18/3/10)

Notes that the proposal involves the permanent loss of 14ha of best and most versatile agricultural land, the rest to remain open space or extensive grassland. No other comment. It should also be noted that the protection of soil as a resource should be given recognition and that development which moves soil should minimise damage, re-use soil for 'soft' development, prevent unnecessary mixing of top and subsoil, engage a soil strategy.

Environment Agency
(9/12/09, 11/01/10,
19/02/10, 2/6/10)

No objection provided specified conditions attached, including 'Grampian' condition for completion of works between site and STW, and approval of surface water strategy.

Drainage Engineer
(18/6/10, 1/2/11)

Although the drainage strategy has been agreed with the EA, a full range of sustainable drainage options (including property soakaways, permeable paving, swales etc) could have been investigated. This would have reduced the size of the large blanket soakaways and reduced the speed which stormwater would have reached them. There would also be a large network of underground pipes to maintain as well as oversized pipes and hydrobrakes.

CBC would adopt SUDS with the payment of a commuted sum, being preferable to a Management Company. The water and sewerage undertaker may be best placed to adopt and maintain certain surface water features and this should not be precluded from any agreement at this time. Furthermore, new legislation may affect these arrangements.

Environmental Health

No objections in principle.

Officer (4/12/09, 9/12/09,
1/6/10, 7/6/10)

- Ground conditions - Further to the recommendation within the submissions for an intrusive site investigation to be undertaken (to allow geotechnical and geoenvironmental risks to be quantified), recommends a condition to this effect.
- Air quality - Accepts that a number of mitigation measures will need to form part of the Construction Environmental Management Plan. These may need to include solid barriers to the site boundary. Working hours should be 0800 - 1800 (M-F), 0800 - 1300 (Sat), no Sunday/BH/PH working. By condition the CEMP is to be submitted for approval.
- Site noise - The required standard would be 'best practicable means' which include such practices as timing of high level noise activities, temporary screening, insulation, fitting silencers to vehicles and pneumatic percussive tools, good maintenance, minimal use of generators, 'noise reduced' compressors with sealed acoustic covers, throttling back when not in use. Recommends conditions to control operational noise and to set internal standards for dwellings.
- Road noise - The predicted increase of up to 7dB to Weatherby houses would not be enough to trigger mandatory remedies. Because this would be the result of general increase in traffic flows grants would not be available for insulation or secondary glazing.
- Noise Assessment appears not to refer to appropriate guidelines.

Anglian Water (3/12/09,
16/12/09)

Three Valleys Water should be consulted separately on water resource zoning and supply network.

The foul sewerage system cannot accommodate proposed development and it is possible that environmental and amenity problems will occur downstream and (subject to confirmation by the Environment Agency) flooding and sewage pollution issues. Capacity will unlikely become available within standard planning permission timescales. Dunstable STW presently has capacity to receive likely flows. Is advising applicant in modelling local flow with a view to assessing the scale of required works and hence cost, which applicant will meet.

Insofar as surface water would not be taken to the public sewer, recommends that the Environment Agency be consulted.

Buckingham & R.Ouzel
IDB (11/1/10, 16/6/10)

No objection, on the understanding that surface water runoff will be through infiltration. EA should be consulted. Permission should not be granted without conditions

requiring that the applicant's storm water design and construction proposals are adequate before development commences.

Veolia Water (21/1/10)

The company's strategy is based on the number of new dwellings in the RSS and does not distinguish between sites. Therefore, early on in this roll-out there are adequate resources. Infrastructure will be considered between developer and company.

Archaeological Officer
(6/01/10, 13/9/10,
21/9/10)

Object as the proposal would have a negative, irreversible and detrimental impact on the setting of Maiden Bower, a nationally important archaeological monument, which is a designated heritage asset of the highest significance as defined by PPS5 "*Planning for the Historic Environment*". Whilst it is acknowledged that a number of issues have been addressed by the applicant since submission there are still concerns about the impact of the setting of Maiden Bower. The Monument was designed to be seen from and to see out over a wide area and to be a dominant feature in an extensive and open landscape. Its visual relationship to other contemporary monuments such as Five Knolls on Dunstable Downs (also SAMs) as part of the open landscape is also important. The proposal would bring the urban edge to within 180m of the Maiden Bower. The proposed mitigation of a tree belt along the edge of the development closest to Maiden Bower would not counteract the harmful effect on the setting of the designated heritage asset. Rather it would increase the sense of enclosure from within the Monument and encroach on its open setting when viewed from the wider landscape, thus radically altering the setting and having a negative impact on the significance of Maiden Bower.

The submission of a GIMP is welcome and it is acknowledged that some progress has been made to address issues that have been raised in discussions. The commitment to produce a CMP for Maiden Bower is welcome in principle, but should inform the GIMP not be produced later; whilst the GIMP contains proposals for the enhancement and conservation of the Monument, the delivery of these enhancements to the heritage assets can be achieved without the development. Consequently the proposed benefits do not outweigh the substantial harm that the development will cause to the setting of Maiden Bower and to its significance.

The proposal is contrary to Policy HE9.1 of PPS5 in that it does not provide convincing arguments to justify the wholly exceptional harm that would be caused to the setting of a designated heritage asset of the highest

significance. Neither does it comply with Policy HE10.1 of PPS5 because the proposal would not preserve the elements of the setting that make a positive contribution to the significance of the asset nor do the proposed benefits outlined in the GIMP outweigh the harm to the heritage asset. Therefore this application should be refused.

English Heritage
(11/1/10, 9/8/10)

Has significant concerns regarding the impact of the proposed development on the historic environment, especially the setting of Maidenbower, an exceptionally rare and important scheduled ancient monument dating from c3600 cal BC. It comprises a Neolithic causewayed enclosure underlying an Iron Age hillfort, being one of only 7 comparable sites known in the British Isles. The proposal would damage the heritage values and significance of this nationally important historic place by causing unsustainable and irreversible change to the context and setting of Maiden Bower. It would also adversely affect the relationships and associations between Maidenbower and nearby important historic sites including the Five Knolls barrow cemetery on Dunstable Downs, Ivinghoe Beacon hillfort and the wider historic landscape in which Maidenbower is a prominent and important earthwork located in a marked topographical location.

The new PPS5 (Planning for the historic environment) strengthens the concept of setting and, with the potential substantial harm to an asset of this significance not being matched by substantial public benefits, there is a presumption in favour of refusal. Despite the applicants' attempts, mitigation by landscaping would be inadequate due to the proximity, nature and scale of the proposals to Maiden Bower and any positive management of the monument can be readily achieved by other means (eg Heritage Lottery Funding, Environmental Stewardship, EH grants) without the need for damaging development in this sensitive location.

Does not support the contents of the Green Infrastructure Management Plan (GIMP) which provides little in the way of a visionary plan for the enhancement of the countryside, but more an overly positive image of improvements.

Recommends REFUSAL. This approach is consistent with objection to previous proposals on this site.

Ecologist (7/01/10)

Endorses comments of Natural England and Wildlife Trust. Land offers scope for calcareous grassland as a buffer to nationally important wildlife sites. Further studies should be undertaken on protected species. Not convinced that landscape design optimises ecological approach that this sensitive sites requires. Prefers

sustainable drainage and a richer relationship with the habitats through the cutting. Increased pressure on sensitive sites and should support their management, especially as the Chilterns AONB Environment Forum has noted that Bedfordshire's downland sites are not in a favourable condition.

Wildlife Trust (14/12/09,
28/5/10, 27/8/10)

Notes the significance of the site and its locale and that the revised Heads of Terms provides for the long-term maintenance and management of Bower Field and Icknield Park either by a commuted sum or through a new Management Company supported by annual payments from residents. It is vital that the long-term management of the greenspaces is well provided for. Indeed, the GIMP should be flexible enough to incorporate new best practice in the interim. Long term funding is vital and pleased to see exploration of commuted sum or annual payments from residents. Also welcome proposed ranger base in neighbourhood centre with storage and interpretation facilities. These measures need to be ensured to protect and enhance the biodiversity of the wider area which includes SSSIs WTNRs and CWSs. The parks would need to be a focus for recreation yet be rich in wildlife themselves. Their design should blend in with the surrounding reserves and countryside without urbanising the rural area.

Interested in exploring possibilities of being long-term managers.

Natural England
(11/12/09, 1/6/10,
10/8/10)

Identifies the special local sites and potential impact from greater visitor pressure. Previously stated that it is crucial that Green Infrastructure is deliverable, long term management is based on a robust management plan and sufficiently resourced by the developers. Satisfied with the use of best practices in relation to the Houghton Quarry sites. Species and habitats:

- Further surveys should be carried out prior to works beginning on site to provide an updated assessment of badger activity and any additional mitigation to harm - especially with proposed closure of setts.
- All trees with bat roost potential should be retained, sensitive lighting schemes discussed and enhancements for bats proposed within buildings and other bat boxes.
- Standard restrictions regarding vegetation removal in relation to nesting birds, and provision of bird boxes.
- Restoration of land to species-rich grassland should be deliverable.
- Gives advice on sustainable soil practices.

In respect of draft final GIMP, supportive of Environmental Vision and strongly supports proposed

environmental/community Centre but some matters are incomplete:

- it is still unclear who would manage the GI and how this would be funded (accurate break-down of costs needed),
- if this would not be a management entity, a substantial endowment (through a charitable trust - NE could advise) would be needed,
- but a management entity resourced through residential charge would make access to land only permissive with risks and limitations for residents,
- additional funding details are out of date,
- developer should give stronger commitment to funding the Centre,
- strongly recommends a funded staff resource who would also head up community engagement,
- unclear if management committee would only be set up if management entity option taken,
- more information on SUDs would enable assessment of urban greening and ecological corridors.

Countryside Access
Service (23/12/09,
27/8/10, 24/10/11)

Significant reservations. The proposal will have negative impact on the provision of GI, especially countryside access due to the loss of vistas and experience (from rights of way) and the detrimental impact on the setting of Maiden Bower.

This locality has unique qualities and the countryside setting is as important as the GI features themselves. The applicants have failed to address the impact on rights of way network.

- Significant impact on setting of Maiden Bower and surrounding archaeological features, and the sensitivity of the site means that intensive use as publicly accessible open space will be impossible without further damaging the site.
- There will be a net loss of Rights of Way, and the new routes proposed do not serve the open space well.
- While the application purports to improve some elements of GI, we consider that there is no net gain of GI, as the proposal fails to deliver the opportunities for the area outlined in the Bedfordshire and Luton Green Infrastructure Plan;

Would be prepared to discuss degree of funding necessary and CBC is open to taking on the ownership and management of the open space, subject to management and maintenance funding being provided. In that case the Countryside and Access Service would expect to be involved in the design and specification. However, there are concerns with forming a management

company and whether this is in the interest of residents.

Landscape Officer
(29/12/09, 24/8/10,
17/11/10 - 2 responses,
31/1/11)

The Chilterns AONB is visually connected with the site and its surroundings despite abutting the urban edge. The visual connectivity between the local archaeological landmarks, including Maidenbower, is most distinctive as are the ancient tracks and lanes.

Landscape Character Area 10a forms part of the chalk landscape system which characterises south Bedfordshire, and is highly sensitive to change due to openness and visual connectivity. The South Bedfordshire LCA describes overall strategy for landscape enhancement and to ensure that Area 10a continues to provide a strong setting to adjacent scarps of Dunstable Downs (AONB) and Totternhoe. Although exposed to the urban edge, Maidenbower and the ridgeline are set back; the site quickly reverts to a rural landscape.

Proposal will have a highly detrimental impact on:

- local and wider landscape character - located on open elevated Maidenbower plateau with clear views to and from the site, highly sensitive to visual change; proposal would visually encroach onto the wider landscape; proposed woodland not in keeping with landscape and dissects plateau and would in any case fail to screen built form and lighting;
- landscape setting of Maidenbower and wide historic landscape - compromises historic open setting and landscape character context of SAM and other local historic landmarks; the capacity of the woodland belt to screen and mitigate is not assured and development would be visually exposed from higher viewpoints, exacerbated by urban lighting;
- local landscape tranquillity and landscape amenity - an unexpected and remote landscape would be interrupted by buildings, movement, noise and light, including from the parks; woodland belt would impact on landscape setting of the hill fort and reduce views.

Tree and Landscape
Officer (17/12/09)

In the southwest corner there would be an 18m deep landscape belt of recently planted native trees and shrubs behind an elder and holly hedge. This is well established and would offer good screening into the site from this direction. It is important that this strategically important belt is identified for retention and protection.

Waste/recycling
(4/12/09, 22/1/10,
27/4/10, 28/4/10, 7/6/10,
28/1/11)

Full Site Waste Management Plan required before commencement (proposed conditions acceptable). Accepts proposed contributions towards provision of bins.

School places (4/12/19, 24/5/10, 1/2/11)	Object to the contributions proposed (which essentially excludes affordable housing from calculations). Information used is out of date and forecasts have changed. Further new housing schemes and others expected have made a comprehensive review necessary. Also requires contribution to be set at this stage and not at reserved matters stage.
Affordable housing (7/12/09, 12/3/10 to agent, 2/6/10, 28/1/11, 14/4/11)	<p>Meets policy requirement for 35% affordable housing but this should not deflect away from the other key areas of the application. Exceeds policy requirement for proportion of larger units. Would make significant contribution to meeting local housing need and meeting previous local shortfalls. Benefits were enhanced by the fact that other schemes in the planning process struggled to meet policy requirements due to viability pressures, especially in the Dunstable area. The current need is supplemented by house price increases and general undersupply. But current figure show that we are now well placed to move forward in terms of growth.</p> <p>Would require explicit tenure split in S106. Clusters and phasing are accepted as would be flexibility between phases.</p>
Community Involvement (11/01/10, 20/4/10, 5/7/10, 9/8/10, 21/1/11)	<p>Notes V&CA response (see below). Does not anticipate the need for a permanent or temporary venue on the site. Accepts applicants provision of</p> <ul style="list-style-type: none"> • contribution towards community facility on site or at Creasey park OR provision of community facilities on site. • contribution towards a community development worker along with an activity delivery budget to fund development activity (training of residents, start-up grants for groups, etc.).
Police ALO (11/01/10, 12/3/10, 2/12/10)	Requested a developer contribution towards policing the area in accordance with the Planning Obligations SPD. Does not now intend to make a formal request.
Play strategy/open space (25/1/10, 7/6/10, 13/10/10)	<p>Accepts applicants provision of</p> <ul style="list-style-type: none"> • developer contribution for community/leisure indoor facilities either to be used at Creasey Park or in a D1 premises on site, • Developer contribution for improvements to outdoor sports facilities at Creasey Park/Peppercorn Park, • Developer contribution to fund MUGA at Creasey Park.
Sport England (2/12/09, 26/5/10)	<ul style="list-style-type: none"> • Welcomes the principle of an audit. However, the submitted audit is not sufficiently robust:

- Informal Open Space within the site - while this may be welcome, there is a deficiency in formal outdoor sport which is not being met;
- SB Playing Pitch and Sports Facility Strategies - the audit does not refer to these approved strategies because they were seen to be too general. Yet deficiencies were found in Dunstable and Houghton Regis;
- Study area - assessment needs to take account of the fact that some facilities will have wide catchments;
- Assessment of facilities - audit flawed in that it principally addresses the supply of facilities close to the site and not the demand;
- Discounting of sports facilities which do not have full public access - this has not been done and too much weight has been placed on school facilities, given their peculiar availability and security needs;
- Scale of additional needs generated by the development - the audit disregards smaller scales of need which should nevertheless be addressed;
- New facilities at Peppercorn Park - these were intended to address lost facilities and to address needs of the Trico development and would not be enough to address NWD needs as well. The audit incorrectly accounts for pre-existing provision;
- Consultation - no reference made to consultation on the specific needs;
- Use of Planning Obligations - the Circular 05/2005 advice is understood but it has not been shown that existing facilities can accommodate the extra population;
- Proposed On-site Indoor Sports Facility provision - whereas in principle the proposed D1 space could address part of this need, there are no details of certainty, level of access, responsiveness to local demand. A private fitness club would have limited benefit and is already well-represented locally.

Therefore, the original objections are maintained:

- OUTDOOR. The proposed large areas of informal open space would not be intended or suitable for outdoor sports. The SBDC Playing Pitch Strategy 2008 recommended that, to meet a significant local shortfall, additional mini and junior football pitches, senior cricket pitches and junior rugby pitches should be considered as part of developer negotiations for residential development and that contributions should be sought to improve the quality of existing provision. This provides robust evidence of a need which would be exacerbated without provision (SBLPR policy R11 applies). The proposed conditional financial contributions to Peppercorn Park (or possibly

elsewhere) is considered acceptable and would be more strategically useful than on site provision. While the applicant puts the onus on the Council unnecessarily to prove its case SE would OBJECT. This objection would be removed if an appropriate financial contribution is offered towards provision/enhancement and maintenance of off-site outdoor sports facilities.

- INDOOR. Through the SBDC Sports Facility Strategy 2008 there is clear and robust evidence for requiring indoor sports provision of new residential development. Work towards the LDF highlights conurbation-wide strategic needs. Accepts that on-site provision is unlikely but requires a financial contribution towards new or improved facilities in the Dunstable area. SE would OBJECT until appropriate financial contribution was secured. A possible health and fitness centre in the local centre could be considered under this head but having regard to a proper assessment of their provision locally.

Primary Care Trust
(11/2/10, 12/2/10,
26/2/10)

Using the CBC calculator require developer contribution towards primary, secondary and mental health care. No health facility will be required. Will monitor the situation during roll-out.

Sustainability Officer
(18/1/10, 2/6/10,
13/4/11)

Approves of the inclusion of Water use and efficiency, and Energy statements. Also approves Policy ENG1 standards but would seek aspiration to Code 4, even if in part with priority given to energy. In fact, energy requirements for Code 4 could be achieved with passive design and minimum renewables. A design layout could be improved by referring to the CBC Design Guide in matters of orientation and shading.

In view of the fact that Bedfordshire is in high water stress a level of water efficiency exceeding Code 3 should be considered.

Over reliance on solar thermal whereas others could be brought in. Needs more detailed reviews of other renewable technologies such as PVs, GSHPs, CHP. Feasibility could consider feed-in tariff and renewable heat incentives.

The local centre would be an ideal opportunity to reach the best standards (achieving BREEAM Excellent) and to incorporate renewable energy or low carbon technologies such as solar thermal heating, PV with perhaps a biomass boiler or biomass CHP.

A good grasp of design layout could be improved by

referring to the CB Design Guide in matters of orientation and shading. Local materials should be prioritised and not just considered.

Sustrans (3/6/10, 6/9/10) Encouraged by provision of green corridor adjacent to existing multi-use pathway, which will become NCR547 (Sewell La/NCR6 to Berkhamsted), and proposed toucan crossing at Frenchs Avenue. Here, there should be a gateway feature at a cost to the developer. The Masterplan should also show a more effective 'intra-site' walking and cycling network to encourage these modes. Would be pleased to contribute to reserved matter stages and could include the TravelSmart initiative which gives information and motivation for new residents. Also seeks interest in 3 other art features.

Voluntary & Community Action (18/12/09, 2/6/10) V&CA strengthens effectiveness of the voluntary and community sector and leads innovative work on social infrastructure in new communities. Initially objected in that the proposal failed to provide for the social infrastructure needs of new residents. However, this objection has now been withdrawn on the basis of agreement to fund community facilities and a part-time community worker.

Chilterns Conservation Board (18/11/09, 17/6/10) No comment.

Campaign to Protect Rural England (3/12/09) Object:

1. Contrary to green belt. Very special circumstances not shown;
2. Not a preferred option, despite earlier 2007 document;
3. Unsustainable development:
 - scope of local centre not settled and higher education, employment, shopping and leisure will be sought at a distance; with the guided busway remote, the vast majority of these journeys will be by car;
 - demonstrated by adding 8% to A5 traffic level by 2019 and need to put in roundabout;
4. Would not assist in regeneration of the conurbation but rather undermine it by being of the wrong nature in the wrong location;
5. Premature to suggest that East Luton is of doubtful delivery;
6. Green Infrastructure is already there in a natural state and the new 'offer' gives no additional benefit other than compensating for loss the natural landscape;
7. Harm to Maidenbower:
 - additional 'people-pressure' to Maidenbower and its urban encroachment from the proposal is not a price worth paying for reducing its misuse though

isolation and converting arable to grassland; developer finance is not the only way to achieve the benefits;

- even the submissions assess year 15 landscape impact as 'slightly adverse';
 - monitoring for signs of erosion does not indicate what action would be taken with its inevitability;
8. Fails saved Policy BE8:
- longer distance views and skyline exposure - significantly intrusive from Five Knolls and Totternhoe Castle until year 15, and less so from Ivinghoe Beacon;
 - lighting - skyglow into night environment which would not be minimal on the dark escarpment.

Chiltern Society
(19/3/10)

Objections:

1. Within Green Belt outside built up area;
2. Overdevelopment, harming adjoining houses and neighbourhood;
3. Erodes area and ambiance of SAM;
4. Damage and limit recreational enjoyment of area round Maidenbower, especially by users of 2 long distance footpaths;
5. Clearly visible in landscape from places within the AONB, not least Dunstable Downs;
6. Extends urban sprawl and reduce green infrastructure.

Thames Water U
(23/11/09)

Outside Water and Waste Area.

Determining Issues

The main considerations of the application are:

1. Background
2. Green Belt
3. Deliverable housing
4. Housing needs
5. Growth Area location
6. Suitability of site
7. Green Infrastructure
8. Heritage Conservation Objectives
9. Further considerations
10. Landscape and visual amenity
11. Conclusions on Green Belt assessment
12. Transport and access
13. Other issues

Considerations

1. Background

Pre-application discussions took place with the Council and its predecessors, latterly including councillors. A public exhibition took place locally in Beecroft Estate in July 2009. The applicants made certain amendments following receipt of comments, such as reducing housing density and building height adjacent to the existing estate boundary, relocating play facilities from this boundary, increasing the scale of the neighbourhood centre, and replacing the bus gate by a combination of layout and traffic management measures. The applicant has explained why other comments have not led to amendments. The applicant proposed to continue dialogue with stakeholders and public should outline permission be granted.

This is an EIA application which is deemed to have significant environmental impact; accordingly the applicant has structured his Environmental Statement to cover the main impacts.

The application should be determined in accordance with the statutory Development Plan comprising the Regional Spatial Strategy and the saved policies in the Bedfordshire Structure Plan 2011 and South Bedfordshire Local Plan Review 2004 unless material considerations indicate otherwise, when the development plan will then be the starting point. The Joint Luton and southern Central Bedfordshire Core Strategy (CS) is also considered to be a material consideration in the determination of this application.

Since 2005, significant progress has been made by the Joint Planning Committee in producing the CS, which is the key strategy document within the Local Development Framework (LDF) for the area setting out the overall approach to development up to 2026. The CS is underpinned by an extensive evidence base produced over the past 6 years. Over 35 separate technical reports have been produced to inform and accompany preparation of the CS and these technical reports, covering a wide range of subject areas, underpin the content of the Strategy.

Core Strategy

The Joint Luton and southern Central Bedfordshire Core Strategy and relevant documentation were submitted to the Secretary of State on the 8th March 2011. The appointed Planning Inspector held an Exploratory Meeting in May 2011 to explore some concerns he had and a way forward was agreed with the Inspector and the Joint Committee. However, following a decision by Luton Borough Council not to support the CS, the Joint Committee on the 29th July 2011 resolved to seek its withdrawal. This withdrawal was confirmed by the Secretary of State in a letter dated the 7th September 2011.

Central Bedfordshire Council (CBC) remains fully supportive of the proposals contained within the CS and the approach taken to identify and allocate land for development. On the 23rd August 2011, prior to the withdrawal of the submitted CS, CBC's Executive resolved to endorse the CS and its underlying evidence base for Development Management purposes.

One of the key technical reports in the evidence base, which informed the CS, is the Site Assessment Matrix. This report details the assessment process undertaken in order to identify the most appropriate sites for development within the plan area. Whilst in some instances, it was identified that mitigation methods could be implemented to off-set the impact of development in this location, it was concluded that the overall impact of the development was too significant and that the detrimental impacts could not be mitigated sufficiently. It is considered that the Site Assessment analysis was a robust process and as such the evidence underpinning the CS does not support the need for such an allocation.

Prior to its withdrawal, the CS was subject to extensive consultation. The formal consultation periods included the Issues and Options consultation, which ran between June and October 2007; the Preferred Options consultation from April to June 2009; and the Pre- Submission Publication period between November 2010 and January 2011. Additional informal stakeholder participation also occurred to help develop and refine the strategy.

The endorsed CS therefore provides useful guidance in terms of the approach to development within Central Bedfordshire that the Council supports. The level of progress made on the CS and the fact that the concerns of Luton BC were focussed on the singular ground that it wished to see an allocation of new development to the west of the town, demonstrates that considerable weight should now be given to the document and the policies it contains.

The status of the government's draft National Planning Policy Framework (NPPF) was recently (September 2011) made clear by an inspector in an appeal in Dunstable where he wrote: *"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"*. It is nevertheless important to refer to the document as an indicator of whether the proposal would be in line with current government aspirations and is a material consideration. This will be referred to in the final section of this report.

2. Green Belt

According to the Development Plan the whole site, apart from the 2 indicative points of general access to French's Avenue and Hillcroft/Weatherby, is within the Green Belt. The CS [CS4 and North Houghton Regis SSSA: Proposals Map amendment] concurs. National guidance at PPG2 is still the primary source of guidance on Green Belts.

The Purposes of including land in Green Belts are (with comment):

- a) to check the unrestricted sprawl of large built-up areas;
 - The proposal would comprise an arbitrary extension of Dunstable and would not round-off the built up area. The claimed 'containment' of the development by hedges, lanes and Sewell Cutting would not mitigate this impact;
- b) to prevent neighbouring towns from merging into one another;
 - The proposal would reduce the undeveloped area between Dunstable

- and Sewell/Totternhoe, contributing incrementally to reducing the gap to Leighton Buzzard and its urban extensions;
- c) to assist in safeguarding the countryside from encroachment;
 - The proposal would encroach upon open countryside. The inclusion within the proposal of open space would not reduce conflict with this 'purpose', notwithstanding fulfilling an objective of green belts, because PPG2 states that purposes should take precedence over objectives, which are not a material factor in continued protection. Neither would the proposed tree belt overcome encroachment because of its own impact in the landscape (this is examined further below);
 - d) to preserve the setting and special character of historic towns;
 - The proposal would not have a material impact on this purpose;
 - e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land;
 - The proposal would offer an attractive tract of land for development and potentially detract from the need to deliver 'brownfield' sites.

The site and the proposal has much in common with the appeal site at Stoke Road, Linslade where, on the 10th June 2010, the Secretary of State dismissed an appeal for up to 199 dwellings. The Inspector wrote:

[132] As the proposed housing development would be built on open land and it would not fall within the description of appropriate development inside the Green Belt as set out in PPG2 [Green Belts] it would therefore be inappropriate development which would be harmful to the Green Belt.

133. Keeping land open in order to prevent urban sprawl and help to protect encroachment into the countryside are important purposes of national Green Belt policy. Regardless of its location at the urban fringe and the location of surrounding infrastructure, the appeal site is open pasture which forms part of the countryside outside the town limits of Leighton Linslade. The proposed housing development would extend the built up area, beyond a clearly defined Green Belt boundary encroaching into the built up area and forming urban sprawl. The replacement of open land with buildings would inevitably reduce the openness of the appeal site. The harm to the Green Belt carries significant weight against the proposal.

In the current application the same conclusions may be drawn and the proposal would result in urban sprawl into the countryside.

PPG2 states that the presumption against inappropriate development is in addition to general policies controlling development in the countryside, which will be examined below. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriate development, and any other harm, is clearly outweighed by other considerations.

In his Planning Statement the applicant lists 'other considerations' which he maintains amount to the existence of 'very special circumstances'. These are now reviewed following the applicant's summary, in italics. Then follow the 'further considerations'.

3. Deliverable housing

"Lack of 5-year housing supply, contribution towards meeting particular housing needs including affordable housing, Growth Area situation makes under-delivery of housing more significant"

The Statutory Development Plan currently includes the Regional Strategy (RS) for the East of England. However, the RS was written during a time of economic prosperity and prior to the recent global recession. The growth proposals detailed within the RS at the time of writing were pertinent to the then affluent economic climate, which unfortunately is not representative of today's economic climate. Furthermore, the new Coalition Government has made it clear in the working versions of the Localism Bill of the intention to abolish the RS in favour of planning at the local level. It is anticipated that the RS could be revoked before the end of 2011.

Furthermore, the Cala Homes (3) judgement in May 2011 now enables Planning Authorities, as the decision maker, and Planning Inspectors to have regard to the intention to abolish Regional Strategies as a 'material consideration' in deciding planning applications and appeals. The judgement also enables the 'decision maker' to determine the weight that is to be given to the material consideration to abolish Regional Strategies.

A 5-year housing requirement for the Luton and southern Central Bedfordshire area based on the Regional Strategy using a 15-year plan period equates to 8,752 dwellings for the period 2012/13 to 2016/17. Against this requirement there is currently a 4.39 year supply. However, given the concerns about the Regional Strategy expressed above and the likelihood of it being revoked by the end of the year it is considered more appropriate to base a 5-year requirement on the endorsed CS.

The Joint Committee produced a joint CS for Luton and southern Central Bedfordshire with a 15 year timeframe and housing requirements that reflected the identified local housing need across Luton and southern Central Bedfordshire.

Based upon the housing requirements set out within the CS, there is currently a 4.83 year housing supply for the Luton and southern Central Bedfordshire area. This takes into consideration existing completions and commitments. Whilst it is recognised that this represents a very minor shortfall by 0.17 years of the required 5 year housing land supply, it is considered that this shortfall is not sufficient to warrant the permission of an unacceptable development. Even if the 5 year requirement were to be based on the soon to be abolished Regional Strategy, a shortfall of 0.61 year supply is still not considered sufficient to warrant approval of the current scheme.

Furthermore, the CS housing numbers are based primarily upon a Luton-based need and much of the development within Central Bedfordshire will contribute to meeting the needs arising from Luton. However, should the housing needs of Central Bedfordshire be considered on its own merits and compared with the Central Bedfordshire supply of sites, there would in fact be in excess of a 5 year deliverable housing land supply. From this it is possible to conclude that Central

Bedfordshire is capable of meeting the needs of the communities of Dunstable and is not reliant on the Luton housing market to meet local needs.

PPS3 states at paragraph 71, that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in paragraph 69.

Paragraph 69 identifies criteria LPA's should have regard to when deciding planning applications. The criteria include

- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for the area and does not undermine wider policy objectives

It is considered that the proposed development does not meet these criteria, in that not only is the site unsuitable for development (see also sections below) and an ineffective use of the land, but significantly, the proposals are not in line with the local planning for housing objectives and it does not reflect the spatial vision for the area. Furthermore, it is considered that the proposals would undermine the wider policy objectives for the area, which seek to deliver high quality, sustainable developments that bring benefits to the local communities as well as to the sub-region as a whole.

In relation to the wider policy objectives, it is considered unlikely that the proposed development will contribute to the growth aspirations of the plan area in terms of providing new strategic infrastructure, such as the A5-M1 link road, that is required across Central Bedfordshire and Luton in order to realise the full potential of the sub-region. This lack of contribution could result in a detrimental impact upon the sustainability and viability of developments across Central Bedfordshire as a whole.

In summary, given that there is a current 4.83 year housing land supply within the plan area, that Central Bedfordshire can meet local needs without assistance from Luton, and as the proposals do not meet the criteria set out at paragraph 69 of PPS3, it is considered that permission should not be permitted based upon a 5 year housing land supply.

The applicant nevertheless maintains that the existing development plan is out of date: - the CS had suffered severe slippage and the review of Green Belt land would be unacceptably delayed -the CS could no longer be relied upon to deliver initial growth, which should come from other sites through the development management process - therefore this site should be supported unless there are clear reasons otherwise.

The Council considers that the integrity of the growth strategy depends on a systematic release of appropriately located Green Belt land linked to infrastructure, through the LDF process, and not on ad hoc sites which have also been found to have disadvantages in the 2009 Site Assessment Matrix. The accompanying report made it clear that a core element of the Strategy - the

A5 to M1 link - relies on the Houghton Regis (North) allocation being adopted and the instant proposal could prejudice the delivery of the North Houghton Regis development and therefore this early essential infrastructure. The emphasis by the applicant on this site having been considered in the past (such as the Growth Area Study 2003) for development is not reason to set aside a more up-to-date assessment and 'short-list'.

4. Housing needs

"Substantial contribution to meeting particular housing needs in the area".

The application proposes up to 35% affordable housing, pepperpotted in clusters of 25 units, comprising social rent and intermediate sale/rented.

Whereas the applicant claims that there has been a significant under-delivery of affordable housing in southern Bedfordshire in the period to March 2009, the position is very different in the CBC Southern 2009/10 Annual Monitoring Report and 44% of the 322 dwellings completed in that period were affordable housing. This is well above the policy target of 35%. Furthermore, a significant proportion of the 322 dwellings were 3-bed, representing a move away from smaller dwellings towards family housing. Since then, new housing continues to roll out on sites such as Trico, Houghton Regis and Leighton Buzzard, each with affordable provision. Affordable housing has continued to generate a proportion of larger, family homes in order to address the previous imbalance.

It has to be recognised that provision of affordable housing at the policy rate is not a 'very special circumstance' as it is required of all developments, whether or not in the Green Belt. With the general turn of the market away from small units, after a period of high provision, housebuilders are themselves recognising the appropriateness of including family dwellings in their schemes, and the proposal is not exceptional for this reason.

In the Stoke Road appeal the Inspector's report (accepted by the Secretary of State) found a deliverable housing shortfall of between 4.1 and 4.5 years and noted that this, together with the prospect of affordable housing, should be an important material consideration. When she weighed up the case for finding 'very special circumstances' she reflected on the Milton Keynes and SMSRS which held that providing housing and meeting targets is an exceptional circumstance requiring a strategic review of the Green Belt. She also observed that the appeal proposal did not constitute a strategic review and would be unplanned. Furthermore, she noted that the emerging CS proposed to deal with what was less than a years' deficit and, importantly, concluded that meeting the shortfall was not *'so urgent as to require unplanned parcels of land in the Green Belt to be built upon'*. In this she was assisted by PPS3 par.71 which expected environmental sustainability (including landscape impact) to be taken into account in such deliberations. This decision is of immediate relevance to the current proposal as both sites are outside the planned growth strategy and hence 'unplanned'. Indeed, using the scenario in section 3 above, the housing shortfall is less and the environmental impacts more significant. We are not persuaded that affordable housing need justifies the development or another 400 market dwellings on this site.

5. Growth Area location

"Site's location within a Government designated Growth Area (MKSM) and within a region where adopted housing requirements are stipulated as minima"

The applicant distinguishes between alleged failure to meet local housing targets and such a failure within a growth area (which is 'particularly unacceptable'), where the emphasis on providing larger numbers of dwellings is a matter of priority. To support his case he refers to appeal decisions. Six of these appeal cases were considered at the Stoke Road appeal:

- Cheltenham and Gloucester (5 cases) - in our opinion there were very different circumstances regarding the 5-year housing supply. Firstly, the local authorities were supporting the appeals at inquiry and acknowledged a lack of housing land supply. Secondly, the supply shortfall was approximately half of the plan period. The absolute maximum shortfall (in the worst case scenario) in Central Bedfordshire is considerably less than 1 year's supply in the current exceptional circumstances.
- Bromley (1 case) - the Secretary of State made it clear that there had been a 30% shortfall in housing supply for the first 10 years of the UDP, far in excess of any deficit at Central Bedfordshire. Critically, and of greater relevance to this case, he did not find the deficit to justify inappropriate development in the Green Belt.

Therefore, the Council's performance measured against housing targets addresses both this and the previous 'other consideration'. The significance of the slight shortfall is therefore considered to be greatly exaggerated by the applicant.

6. Suitability of site

"Site's suitability for development"

The site is within Site E of the Core Strategy Site Assessment Matrix (introduced in section 1 above), although Site E comprised a larger area of land extending north-east behind Barley Brow to Chalkhill. This document reached its final update in November 2010 and took into account information which came forward since the 2009 Preferred Options Consultation. Put simply, the matrix assessed the site against 27 criteria and thus provides a ready method of assessing the suitability of the site now before us.

Impact of development was considered first. The site is of higher landscape sensitivity ('highly sensitive') than the rest of Site E ('medium sensitivity') and is tranquil. The conclusion was that limited development may be appropriate with mitigation on land adjoining French's Avenue, but with the important caveat that further assessment would be needed of the impact on the SAM. The site extends well beyond 'land adjoining French's Avenue' and thus includes land which the matrix considers is not suitable for development. Additional comment on this is made in section 10 below. Furthermore, the whole of Site E is highly sensitive to skyline development and subsequent SAM assessment indicates a greater degree of sensitivity (section 7 below). Infrastructure, accessibility to shops etc. and schools were good. However, the overall impact of the proposal is unacceptable.

Contribution of development was next considered. Site E was identified to have no significant opportunities to improve local traffic congestion except through potential financial contribution to local traffic management measures and junction improvement. There would be no real likelihood of contributing to major road schemes. The proposal however offers a temporary support to local bus services to serve the site. Overall, there would be little on offer beyond the strict needs of the development itself, whereas other potential sites would have more general benefits such as the bypass. Opportunities exist, in varying degrees, to contribute to maintenance of Maidenbower, social, community, open space, employment, affordable housing and town centre regeneration.

Finally, the matrix considered delivery and found Site E well placed in this set of criteria.

In the 'Further Considerations' section of his Planning Statement the applicant singles out certain of the criteria appearing in the matrix for separate consideration. These will appear and be appraised in section 8 below.

In conclusion, the site has some inherent major unsuitabilities, such as visual and landscape impact, and other concerns have, according to representations appearing elsewhere on this agenda, subsequently taken a far higher profile (eg archaeology). Against some criteria the site would be suitable for development but there would be little surplus benefit, especially to traffic measures and Green Infrastructure (GI), if one takes the view that full public access to Maidenbower is potentially a disadvantage rather than an opportunity. But above all, despite a high score on deliverability, which only places it on equal footing with a good number of other sites in southern Bedfordshire, the site does not stand out as being preferable to other option sites and certainly its limited suitability is not a 'very special circumstance'.

7. Green Infrastructure

"Significant contribution to Green Infrastructure provision".

After ongoing consultations during the currency of this application the applicant has prepared a draft final Green Infrastructure Plan (GIMP). He intends the open spaces within the eastern field to be transitional between urban and the western field, which would be a natural/semi-natural green space, including Maidenbower. Some houses would have bat bricks/tiles and boxes would be installed on trees. The low maintenance sward in the west and shrubs in the east would offer foraging for wildlife and it is intended to monitor dust and particulates, especially during construction. An Ecological Management Plan would maintain and enhance retained and newly created habitats and a Construction and Environmental Management Plan would include the above monitoring. A Conservation Management Plan would be prepared if and after permission is granted which would address archaeological issues (such as threats to the physical resource of Maidenbower) and present management policies for the future owner.

The Council's Countryside Access Service underlines the concerns with the integrity and setting of the archaeological assets where preservation should take

priority over access for the public. Furthermore, despite laudable efforts to maximise GI, there nevertheless is no net gain in provision, and we consider that existing green infrastructure assets would be harmed. As well as damage to the setting and significance of the heritage assets in the area, other aspects of this experience would also be impaired, such as vistas, experience of using rights of way on-site and potential degradation of rights of way and local countryside sites through overuse, which has not been addressed. In this regard the proposal has a net negative effect on the green infrastructure in the area. The priorities for the area identified in the green infrastructure plans for Bedfordshire and Luton and the more local plan for Luton and southern Bedfordshire identify a series of priorities and opportunities. Those relevant to this area are; landscape conservation; historic environment enhancement; linkages between the urban centres and the wider countryside and Rights of Way Network; creation and enhancement of calcareous grassland (identified in the Bedfordshire and Luton Green Infrastructure plan); enhanced site linkage and improved accessibility to the landscape; promotion and interpretation of its working landscape; interpreting, safe-guarding and enhancing Maiden Bower. (Luton and southern Bedfordshire Green Infrastructure Plan). We consider that the proposal fails to deliver (and indeed negatively affects) the priorities of historic environment enhancement, landscape conservation, improvements to the rights of way network and linkages between urban areas and the countryside. The proposals harm the setting and significance of, rather than enhance, Maiden Bower. Overall, we consider that these negative effects on the green infrastructure provision outweigh the potential positive effects on ecology of the area proposed in the GI Management Plan, and therefore consider that the proposals have a net negative effect on green infrastructure.

Natural England (NE) considers that a GIMP should deliver the green infrastructure and must be adequately financed by the developer to support the full programme for 10 years. The document still leaves uncertainty in the opinion of NE and as things presently stand a clearer way forward is needed before it can rely on adequate delivery and management of the GI. Indeed, the archaeological stakeholders still have much dispute with the GIMP. The Wildlife Trust (WT) would, in its opinion, be an ideal partner and the WT is equally positive about this possibility. The Ecologist raises concerns about the ecological richness of the underground reservoirs.

Overall, subject to further discussion the proposal could deliver open space commensurate with its own requirements but there are considerable doubts as to whether it is desirable or necessary to provide the 'western field' Green Space, especially having regard to the archaeological context (see above). Much detail remains to be agreed to finalise a delivery vehicle for the GI acceptable to all parties and there has to be a question mark over the full likelihood of the 'benefit'. However, the proposal cannot be seen as making an overall positive contribution to GI because of the effects of the harm.

8. Heritage Conservation Objectives

"Delivery of Heritage Conservation objectives".

Maidenbower is a Scheduled Ancient Monument and a heritage asset of the highest significance (as defined by PPS5) occupying much of the western field.

According to English Heritage (EH) and the Archaeology Officer it is an extremely rare complex multi-period monument (there are only 7 other examples of its kind in England and it is the only one in the East of England) and part of an extensive archaeological landscape. It originated as a Neolithic causewayed enclosure (c3600 cal BC) but continued in use for about 4500 years. Its prominent situation on elevated and open land demonstrates the significance of the relationship with immediate and wider landscapes. The monument is within an area rich in surface and sub-surface archaeological remains, including the Five Knolls and Totternhoe Knolls/Castle (also SAMs). In addition to Maidenbower the site contains other locally and regionally important archaeological features, including at least 2 probable Neolithic/Early Bronze Age barrows. The survival of the whole landscape is exceptional.

The Archaeologist and EH advise that, notwithstanding certain problems with previous damage to the monument, the proposal would:

1. harm the setting and significance of a nationally important designated monument that was designed to be seen from a great distance and to see out over a broad landscape through the encroachment of the urban edge, related land uses and the tree belt (particularly important in PPS5, for which Policy HE10 deals with proposals that affect the setting of designated heritage assets),
2. interrupt the visual relationships and associations between the monument and nearby historic sites,
3. through increased public access, potentially increase damage to the monument,
4. damage the relationship between the Bower and other local archaeology through deeper excavation, housing foundations, tree roots and hard surfaces,
5. have a negative impact on the historic environment through light, movement and noise pollution which betray the closeness of the new urban area behind.

We note the extent of expertise and recent survey work which led to the objections from the Archaeologist and EH and note their references to PPS5; specifically Policy HE9.1 which asserts that where the greater the negative impact on the significance of a designated heritage asset, the greater the benefits that will be needed to justify approval and the greater the presumption in favour of conservation.

The applicant addressed the above numbered concerns 3 and 4 with possible remedies: the delivery of a long-term Conservation Management Plan and 'a large contingency to mitigate the potential discovery of nationally important remains' respectively. He also put forward certain additional benefits: cessation of ploughing, increased access, interpretation facilities, and restoration of grassland. The applicant has continued throughout the application stage to work with key stakeholders on a Green Infrastructure Management Plan (GIMP). However, this document has not averted the archaeological objection and the archaeological stakeholders (CBC and EH) consider that the result is less a vision for the asset and countryside and more of an attempt at mitigation, which in their views is unsuccessful and unacceptable.

It is clear that there is a substantial objection and unresolved concern in respect of the setting of the monument and the draft GIMP proposes these concerns be addressed in a Conservation Management Plan after planning permission is granted. We agree with the archaeological stakeholders that the concerns should be addressed before a decision is made on the application so that we can be sure they can properly be addressed.

We also note that the archaeologists do not accept any management scheme which overcomes any of their concerns as comprising very special circumstances, since less damaging initiatives (such as grants) could achieve this.

The depth of concern from English Heritage, who are charged with accounting for heritage assets such as these, should not be put aside lightly. Although the applicant is critical of the way in which PPS5 is being applied in that he considers the scheme's merits are underplayed, we conclude that there is a real prospect of demonstrable harm to these assets. The proposal would clearly encroach upon - and have a negative, irreversible and detrimental impact on - the setting of a particularly important SAM. This would prejudice its unique characteristics and relationship with other important historic sites; would physically affect archaeology in the eastern field beyond the SAM, and would likely give rise to physical pressure on the SAM through general access. The mitigation measures partly add to the harm and in any case do not justify the proposal. The public benefits claimed through the development are not considered to offset this harm.

9. Further considerations

"Support for the planned renaissance of Dunstable town centre" - New population in the areas preferred for consideration would similarly contribute to Dunstable's regeneration. The Matrix concluded that the limited scale of development on this site would in turn make a limited contribution to the improvement and vitality of the town centre.

"Local facilities to cater for the currently under-served wider area" - This works both ways, with new as well as existing population using 'local facilities' rather than existing facilities in the urban area. It would also be unsuitable in traffic terms for the neighbourhood facilities to act as a substantial draw. It needs to be added that, although the proposal plans a neighbourhood centre, the applicant has not undertaken to deliver any or all of it with the housing. The Heads of Terms make provision for community and recreation facilities here or at Creasey Park but they are delivered in ratio to the new population. This is based on the fact that planning infrastructure contributions (planning obligations) have to be justified on the basis that they directly and proportionately relate to the new development. This would tend to mean that deficiencies outside the site in the local area would not be addressed by the proposal. The only exception to this appears to be the high amount of 'green infrastructure', although there are no 'deficiencies' as such which could be quantified.

"Integration of currently poorly-connected communities (through the provision of a link road)" - The same road could also likely become a route for traffic trips both originating from and leading to destinations outside the site, to the detriment of

the new residents (rat runs). See below under transport and access.

"Maximisation of the use of recently provided high quality cycle infrastructure" - This is welcome but by itself makes no real contribution to the suitability of the site for development.

"Utilisation of projected spare capacity in nearby schools" - The School Places Officer has set an education requirement. The applicant has accepted the portion relating to the general housing element of the scheme but rejects the portion relating to the affordable housing element. This is on the ground that such residents would already be resident in the Council area and therefore there would be no net increase in cost to the service. He provides an appeal decision in Hounslow to support his case and states that the government's (as at 2009) proposed CIL would exempt affordable housing. The Inspector observed "*[The appellants'] argument is that [affordable] housing is intended to assist families already resident in the locality, the cost of whose educational provision should reasonably be provided for by the Council.*" Without setting out his reasoning and justifying his conclusion he then wrote "*this seems to me to be a reasonable approach in this particular case*". The surprising brevity of this treatment must in our opinion cast some doubt on the value of the conclusion as precedent and perhaps some important distinguishing evidence raised at the Inquiry was not set out in the decision letter.

The Officer disagrees with this approach and it is clear that in this Council area, with its wide divergence of school characteristics and spatial scattering (if apparently not the case in Hounslow), local surpluses or deficits of resources mean that a child moving to this site could well have different impacts on the education system locally to that at the sending school. In Central Bedfordshire there is a choice based approach to housing allocation and new affordable housing could be allocated to families from anywhere in the Council's area (and in some instances from Luton and Bedford). The distance from Dunstable to Potton (the furthest town from Dunstable in Central Bedfordshire) is over 30km and it is clear that children in a family choosing to move from within the Council's area to new affordable housing in the proposed development could well need to move school. Furthermore, statistics tend to show that affordable housing tends to produce more pupils than market housing. The likelihood of a child moving Lower School is greatest as their catchment areas are smaller. A clear impact of such a transfer would be a child moving from a school to one nearer to the site which is at capacity and where additional pupils would precipitate new investment in premises and/or teachers which would be new expenditure. The complexity of assessing this makes it a pointless exercise of separating affordable housing and applying different calculations. Consequently, the failure of the applicant to accept a reasonable requirement would incur a burden on the Council which he should properly, and in accordance with policy 25 of the Structure Plan and par.4.10/Policy CS8 of the CS, be taking upon himself. This is an unacceptable situation and therefore we object to the proposal on the basis that it fails to provide for adequate education infrastructure. Finally, CIL has not been adopted by this Council to date and it is appropriate to apply the current CBC policy which is adopted Supplementary Planning Guidance.

It is therefore difficult to understand how the Hounslow inspector may have reached his opinion when the very purpose of seeking developer's infrastructure

contributions is not to 'subsidise a Council's duty to provide education' (our emphasis) but rather to provide for additional costs which the development would force the Council to incur.

"Assured early delivery (because of land control and low infrastructure costs)" - If infrastructure costs are lower than the preferred areas further north it would be substantially due to making a lower contribution towards general growth area costs and consequently increase the relative costs for the remainder of the growth area. Since the application was submitted a new planning obligations calculator has been approved which updates the calculation method and would deliver more through this scale of proposal.

10. Landscape and visual amenity

"Would not injure visual amenities".

The site falls within the South Bedfordshire Landscape Character Assessment (2009) Type 10A (Totternhoe-Dunstable Downs rolling chalk farmland). This is described as a gently rolling landscape forming an arable shelf between the 2 chalk escarpments of Totternhoe and Dunstable Downs. The landscape area is generally devoid of buildings with minimal woodland cover, clear views outwards to clay vale and chalk scarps links conspicuous local archaeological features including Maidenbower SAM. The suburban edge of Dunstable is conspicuous on the skyline in parts. It is further described as having a strong rural character which is vulnerable to further development and the setting to Maidenbower should be safeguarded. However, its recreational potential could be explored.

The Landscape Officer considers that the proposal would result in the encroachment of the urban area into open countryside and harm its wider appreciation. This impact and the planting belt would not accord with the open local landscape character which is particularly sensitive to change. Furthermore, the proposal would compromise the setting of Maidenbower and its visual place in a network of historic sites, including at night. This openness provides much of the site and the vicinity with an unexpected tranquillity within such close reach of a town. The proposed GI would itself add to the loss of tranquillity. As well as losing a large block of open countryside the proposal would be plainly seen from well beyond its boundaries, which adds to the sense of encroachment. This will now be examined.

The applicant has provided a landscape assessment and photo-montages of the site from several viewpoints. Where there are views into the site from the countryside, much reliance is placed by the applicant on screening the proposed housing area by existing trees and hedgerows (some off-site) and by the new planting belt generally to the west of the housing area. The submission assumes the new belt is in place in year 1 and the photomontages are set at intervals of 1, 10 and 15 years. Completion date for the development is year 5. The photomontages therefore do not indicate how effective the screening may be between years 2 and 10, covering the most critical period. Furthermore, maximum projection of the built development into the countryside would occur by year 2/3 with only 2/3 years growth of screening. With this reliance on screening there are further problems such as loss of deciduous foliage, reduced impact of immature branch structure, establishment of semi-mature plantings, thinning,

dependence on off-site trees and hedges, and disease/climate change. We assess the tree belt as being ineffective at mitigation until at least year 10. Consequently the photomontages appear to be very optimistic. This would make the development much more visible from the rights of way, Maidenbower, and more distant viewpoints such as roads near Totternhoe Church End where it would appear on the skyline (the houses of Weatherby already show through the mature beech belt). It should also be borne in mind that the impact of the development would extend into darkness with artificial lighting (streetlights, house lights, security lights, headlights etc.).

Other viewpoints would also reveal unscreened development such as the elevated Five Knolls (AONB) and the A5 near Tilsworth. In the Report of the Public Inquiry into Objections to the South Bedfordshire Local Plan (January 1995), where residential designation was proposed on this site, the Inspector stated *"The dwellings and gardens of Hillcroft form a clear edge to the built-up area to the north-west of Dunstable. I take the view that to add further development to the existing edge of the town would clearly encroach into open countryside...I come to this conclusion from the views of the site from Dunstable Downs to the south. I doubt that planting even in depth would disguise the extension to the town, contrary to the broad aim of Green Belt policy in this sector of Dunstable."* Although the applicant fairly states that, from more than a couple of miles, housing on the site would have much reduced impact, housing would be distinguishable on the horizon (until fully screened) even from Ivinghoe Beacon.

The applicant considers that the urban edge would be softened, if extended, and this should be the main consideration. We disagree in view of the fact that many hectares of open countryside would nevertheless be lost, and the impact of the edge is only felt when travelling towards it. In addition, even the historically uninformed public would likely regret the encroachment on the previously isolated Maidenbower.

The applicant also makes much of a case that the Council has long supported development in this area (for example the 1991 Local Plan proposal through to the 2009 JTU Housing Matrix). In our opinion he exaggerates the significance of the site history, which is put into context with the criticism of visual impact made by the 1993 EIP Inspector, recorded under 'History' above. Furthermore, to draw from the Matrix the conclusion that 'land adjacent to Hillcroft... has potential for limited development' is to misinterpret the text *"most of this area is highly sensitive landscape, a small area is considered to be of medium (landscape) sensitivity (the area north of French's Avenue)"*: most of the site is in fact southwest and not north of French's Avenue.

PPS7 seeks to protect and enhance the countryside and in particular local distinctiveness, for which Landscape Character Assessments are advocated. A robust LCA has been made of this area with which the proposal conflicts. The proposals are consequently in direct conflict with the key objectives and principles set out in this national guidance.

11. Conclusions on Green Belt assessment

The site is within the Green Belt and the proposal constitutes inappropriate development, being harmful to openness and in conflict with the purposes of

green belts. The provision of open space does not reduce the conflict. The applicant has set out matters which he considers individually or collectively ('a concatenation') amount to the existence of 'very special circumstances'.

In this way the applicant proposed a number of benefits which should be weighed against the harm. Addressing these [par. numbers refer to Planning Statement] we find:

- [7.5] This is not a preferred growth site and no case has been made for the development on housing supply grounds; we agree with the applicant that the shortfall in deliverable housing sites is not in itself a 'vsc' but we consider his figures significantly underestimate the actual provision, further undermining the materiality of his case,
- The affordable housing and dwelling size provision is only what would be expected on a new housing site and affordable housing provision has now greatly increased,
- Submitted appeal decisions do not support the contention that the Council's slight housing target shortfall is significant in growth area and regional terms.
- Whereas there are some criteria in the Site Assessment Matrix by which the site would appear suitable for development, these are outweighed by the risk of significant harm under other criteria,
- Whereas open space could be delivered in ratio to the needs of the new housing the larger 'western field' does not meet an identified need to compensate for loss of countryside,
- Rather than enhance Maidenbower, the heritage asset and its setting is at risk of encroachment, compromise and damage,
- [7.9] Would make limited contribution to the renaissance of the town centre,
- New facilities would not result in a net benefit to the wider community,
- Road links to link communities could become a rat-run,
- Cycle infrastructure is not exceptional,
- Fails to provide sufficient education infrastructure for new residents in affordable housing,
- Ready for early delivery at lower costs but at the cost of not contributing to assets and infrastructure in the main growth area resulting in a detrimental impact upon the sustainability and viability of development across Central Bedfordshire as a whole.
- [7.7] Furthermore, we consider that there is other harm in the conflict with the Landscape Character Type both in the urban extension itself and the attempts through planting to screen it, which would harm the landscape and views into the site; the tree screen would unlikely be effective until well after 10 years from planting.

These matters taken individually do not in the opinion of the Planning Authority constitute the existence of 'very special circumstances'. Several of the above matters do no more than would be expected in a new housing scheme (such as affordable housing, cycle infrastructure); others can be given very little weight because the case presented is disputed (such as housing supply, suitability of site); still others have a neutral overall contribution (such as open space, new facilities, town centre renaissance). Furthermore, the process has identified issues which themselves give rise to harm to interests of acknowledged importance (such as archaeology, rat running, education infrastructure, landscape, highways - see below). Taken together we conclude that the

'concatenation' of issues does not amount to the existence of 'very special circumstances' sufficient to set aside the Green Belt objection.

12. Transport and access

Highways Agency A5

Travel Plans are a widely recognised way of promoting choices of alternative modes of travel to the car thereby reducing the scale of its use. The Highways Agency has accepted a Framework Travel Plan (FTP) to guide the production of a Travel Plan as being sufficient to mitigate the effects of the proposed development. It determines that the upgrading of the A5 is neither appropriate for this application nor in the interests of managing traffic through the town. The TP would promote wider and more sustainable travel choices, accessibility by walking/cycles/buses and car sharing, reduce the need to travel, reduce impact on local roads and communities, improve community health, and reduce pollution. Objectives would be reviewed periodically and respond to changes in transport and environment.

There are a number of measures that could meet the travel requirements of new residents. A suite of measures have been outlined, including (a) those designed into the layout (eg. non-car routes, cycle parking, home zones, parking rate), (b) S106 matters (eg funding for a travel plan and a co-ordinator from first occupation to 1 year after last occupation, provision of a bus route and bus shelters along High Street North to the town centre with real time information) and (c) other matters (eg information pack and board). The Travel Plan Co-ordinator's role would include making provision for ongoing momentum after final completion, hopefully through the setting up of a residents association or management group. An accessibility assessment (reaching education, employment, health and retail premises without a car) concludes that the government's core accessibility indicators are met.

Local Highway Authority

While the Local Highway Authority has agreed with the parameters of the Framework Travel Plan it has not agreed that this is the only mitigation required. Further, it has not agreed that the TP can achieve the improvements to completely mitigate against the effect that the proposed development will generate. With this in mind the following need to be considered, based on the Officer's response:

- The Flow diagram is not appropriate for this proposal. The division of flows from site is not convincing and ignores other junctions.
- Particular concern that Church Street suffers from congestion which would be exacerbated by an 18% increase of peak hour vehicles.
- Notwithstanding improved 'practical reserve capacity' on the A5 the total delay would increase by 33% in the am peak and also be marked at other times. Six junctions would suffer against all 4 of the measurements of performance. The proposed improvements would not sufficiently mitigate the increase in overall delay.
- Not all of the Brewers Hill Road junctions have been assessed notwithstanding an increase in flow. Even the main junction serving the

- development fails to allow for pedestrian movements and hence capacity.
- Pedestrian facilities should be considered for the Drovers Way/West Street/Meadway junction in view of the increase in traffic flows. The submissions also incorporate errors which over estimate junction capacity.
 - A sensitivity test has not been carried out of several road corridors which will experience additional traffic, including rat running, and an increased potential for accidents. In view of reliance on a Travel Plan, appropriate pedestrian and cyclist counts were not made. The final growth factor should be revisited.
 - Further traffic would use Weatherby and Hillcroft, roads considered not suitable to take significant further traffic, and which would require additional work which has not been quantified.

These matters clearly go beyond the scope of the Highways Agency's response and raise matters which have not been addressed in the submission. Nevertheless they are of considerable local importance and, whereas a Travel Plan would offer some mitigation against overall impact of the development, it is apparent that the mitigation would still leave critical areas of unresolved conflict. We would agree that an objection should be made on this ground.

The CBC '*Design in Central Bedfordshire*' SPD has been consulted as guidance on car parking provision in this application. The indicative layout and traffic modelling is based on this provision which offers between 1.5 and 3.25 spaces per dwelling. No objection is made on this provision.

13. Other issues

Design

The Design and Access Statement proposes 2 character areas: a central core (more movement, tighter pattern of development, formal landscaping, contemporary, some 3-storey) surrounded by a margin of lower density (informal, 2-storey, traditional) except where opposite the factories and school playing fields. This produces a 'main street' running through the centre of the layout, past the neighbourhood centre, flanked by buildings up to 3 stories. Housing numbers are therefore concentrated in the most accessible location where a potential bus route would go. A revision increased the back-to-back distances to existing housing on Hillcroft estate. The Housing Assessment proposes densities varying between 45dpha and 33dpha.. There would be 'gateways' to the main road and other landmark buildings at key nodes. Security would be improved through passive surveillance including to paths, perimeter block development, streetlighting, and security gates where necessary. Design codes would be prepared after outline approval. The applicant conducted a Building for Life Assessment without proposing scores.

A number of implications of this design approach have already been treated under previous sections (such as impact on Maidenbower and on landscape character). The site abuts the Hillcroft estate where long gardens at Aldbanks and the older part of Hillcroft have lowered the average density to 25dpha. But recent developments have produced (applicant's figures) densities averaging 61 at Peppercorn, 43 at Frenchs Gate and 55 at Trico. These locations are more urban but suggest that the site's average figure of 41 is not unreasonable, especially, should the proposal be acceptable in all other respects, given the

need to use land efficiently.

We have no adverse comment on the design approach within the residential zone. Indicative drawings have also been provided of the neighbourhood centre which, subject to detailed consideration in due course, does not signal particular problems. Car parking has been considered above and a variety of forms of provision are envisaged including private garages, on plot parking and on street parking. We therefore have no present reason to question the ability of the residential zone to accommodate the proposed density and therefore the proposed dwelling numbers.

The site and the water environment.

The site is categorised as among the best and most versatile agricultural land, albeit not rare in Bedfordshire. However, no objection has been made by DEFRA. Structurally the land is stable chalk with minimal contamination. Surface water drains freely and the water table is low. The Environment Agency (EA) and IDB do not object to the proposal to provide 4 large blanket soakaways with silt traps provided conditions are imposed. These would be in open spaces adjacent to the housing areas. The Council's Drainage Engineer considers that much careful consideration will be needed when determining who would maintain these soakaways - this has not yet been settled.

Foul water drainage would be via the public sewer to Chalk Hill STW. Although no definitive model has been prepared Anglian Water has identified a likely capacity problem with the intervening sewer, however the Treatment Plant is not itself a constraint. Consequently, the EA have proposed an additional 'Grampian' condition to the effect that no dwelling shall be occupied until an approved scheme for the improvement/extension of the existing sewerage system is completed. In view of the current legal understanding of such conditions, that it is enough for the upgraded system to be capable of being in place, we would accept this arrangement. We would also accept that, in view of the proposed measures to reduce water demand and the lack of an objection by Veolia Water, the Luton and South Bedfordshire Water Cycle Strategy takes into account the planned growth and that an objection on this ground would not be justified.

Recycling and sustainable energy

Use of reclaimed materials and prefabrication together with consideration of waste streams would be handled through the CEMP. After occupation collections would be divided to dry recyclables, green waste, residual waste with space for home composters. Commercial occupiers would be given the choice of service provider. Landscape green waste would be composted in secure receptors. Phased Detailed Waste Management Strategies (DWMS) would be prepared for residential and commercial areas by condition. This could be handled through a condition for a Site Waste Management Plan before commencement to include the above CEMP and DWMS; the applicant has offered a satisfactory developer contribution for household bin provision.

The applicant addresses policy ENG1 of the RSS (which requires 10% of predicted energy demand to be met on-site from renewable sources) and Local

Plan saved Policy BE8 (ix), although it is difficult to accurately predict energy assessment at outline stage when the buildings have not been designed. Housing would be provided to Code 3 and incorporate water saving facilities. It would be necessary, in line with CS12, to condition any permission to allow for elevation of this level as development progresses. Neighbourhood Centre buildings would be constructed to BREEAM (no level specified). Code 3 dwellings require 25% reduction of emissions over current regulatory standards. This target usually requires some form of generation as well. Whereas solar thermal systems for hot water and photovoltaics (especially if there are government financial incentives for the latter) may be the most viable and meet policy, the Sustainability Officer considers that the overall assessment between renewables and energy efficiency needs refining and some non-solar options re-examined. However, this would not justify a reason for refusal.

Noise

No special measures need to be incorporated against noise. Mitigation during construction for the benefit of existing buildings would be included in a Construction and Environmental Management Plan (CEMP). The Environment Health Officer advises that road noise levels in Weatherby would unlikely trigger mandatory remedies.

The London Gliding Club has arranged for the northerly take-off paths for the tow planes to avoid direct overflying of built-up areas. It would appear that the western option would not take aircraft closer to the proposed residential area than the eastern option does presently to Hillcroft. The eastern option would overfly the proposed residential area. Planes could keep to the west of this corridor, reducing to a minimum the overflying. However, given that the usual weather conditions for this route would be such as would make planes 'seem noisier', there could be an increase in affected properties. Whilst this would be a consideration to be taken into account it would be difficult to find sufficient weight to constitute an objection in its own right. Considering the emergency landing issue (although not noise-related), we understand that the availability of an emergency landing place is a matter for the airfield to determine. The proposal would occupy a convenient escape route but other open (farmed) land is available albeit with somewhat more difficult conditions.

Community services

Neighbourhood Centre - The applicant has accepted that the originally proposed quantity and floorspace split at the centre should be modified to produce a balance in keeping with the quantity of dwellings and that it should be described as small scale neighbourhood facilities to avoid confusion with more 'official' definitions. Taking account of the V&CA response the Community Involvement Officer accepts the applicant's offer of a developer contribution towards provision of a community worker with budget. A further contribution would be made towards a community facility either in the neighbourhood centre or at Creasey Park. Notwithstanding the offer of a financial contribution towards Creasey park indoor facilities the applicant continues to include a D2 element in the neighbourhood centre, which was sought by residents at the consultation stage. PPS4 *Planning for sustainable economic growth* does not apply generally to housing but is relevant for the neighbourhood facilities. It sets out the government's overarching objective of sustainable economic growth. Although

this was written by the previous administration, the coalition NPPF (see below) maintains this stance. Planning should "*promote the vitality and viability of [town centres and] other centres as important places for communities.*" The proposal includes such a centre but we do not consider that this has a material impact outside the development which it is intended to serve and does not justify the development.

Police - The Police have not pursued a request for financial contribution. There has been no request for contributions to other emergency services.

Health - The applicant offers a developer contribution towards justified medical provision at local and hospital level. There would be a theoretical opportunity for a chemist on site which could help integrate local communities. The PCT has sought contribution towards primary, secondary and mental care locally.

Sport/Leisure - Apart from the wider provision of informal open space to the west of the site the applicant has agreed with Council officers that a developer financial contribution towards facilities at Creasey Park/Peppercorn Park would satisfy formal and informal play requirements.

Summary of Other Issues

No objection is made to the proposal from the point of view of design, water environment, recycling and sustainable energy, noise, community services, health and sport/leisure. In most of these areas a sufficient developer contribution would be forthcoming. The submission provides for a Framework Travel Plan although we consider that this is insufficient to mitigate the effects of the proposed development on the highway network as a whole.

The Draft National Planning Policy Framework

The draft NPPF is largely based on sustainability and economic prosperity. It expects the planning system to deliver homes, business opportunities and infrastructure while protecting and enhancing the natural and historic environment. It expects the system to do all it can to support sustainable economic growth while guiding development to sustainable locations. This policy approach is not inconsistent with the present policy basis to the application where it has been held that development of this site would be unsustainable in the long term. The RSS is clear that a local review of the Green Belt boundary is necessary and the CS has addressed this and concluded that the application site has disadvantages which exclude it from the preferred list of urban extensions. It is considered that the policies within the CS are based on very advanced studies and that 'relevant policies' are not out of date [14], nor the plan indeterminate or out of date.

Recommendation

That Planning Permission be REFUSED for the following reasons:

- 1 The site lies within the South Bedfordshire Green Belt, where, having regard to Planning Policy Guidance 2: Green Belts, permission will not be granted

except in very special circumstances for development for purposes other than agriculture and forestry, mineral working, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area which preserve the openness of the Green Belt. The proposal would comprise inappropriate development which is by definition harmful to the Green Belt. Harm by reason of inappropriateness and other harm caused to the openness and purposes of the Green Belt is not outweighed by any benefit so as to amount to very special circumstances justifying an exception to Green Belt policy. The proposal thus conflicts with national policy as set out in PPG2, Policy SS7 of the East of England Plan and planning guidance contained in Policies CS1, CS4 of the Luton and southern Central Bedfordshire Joint Core Strategy.

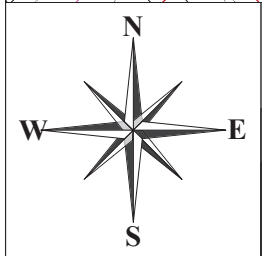
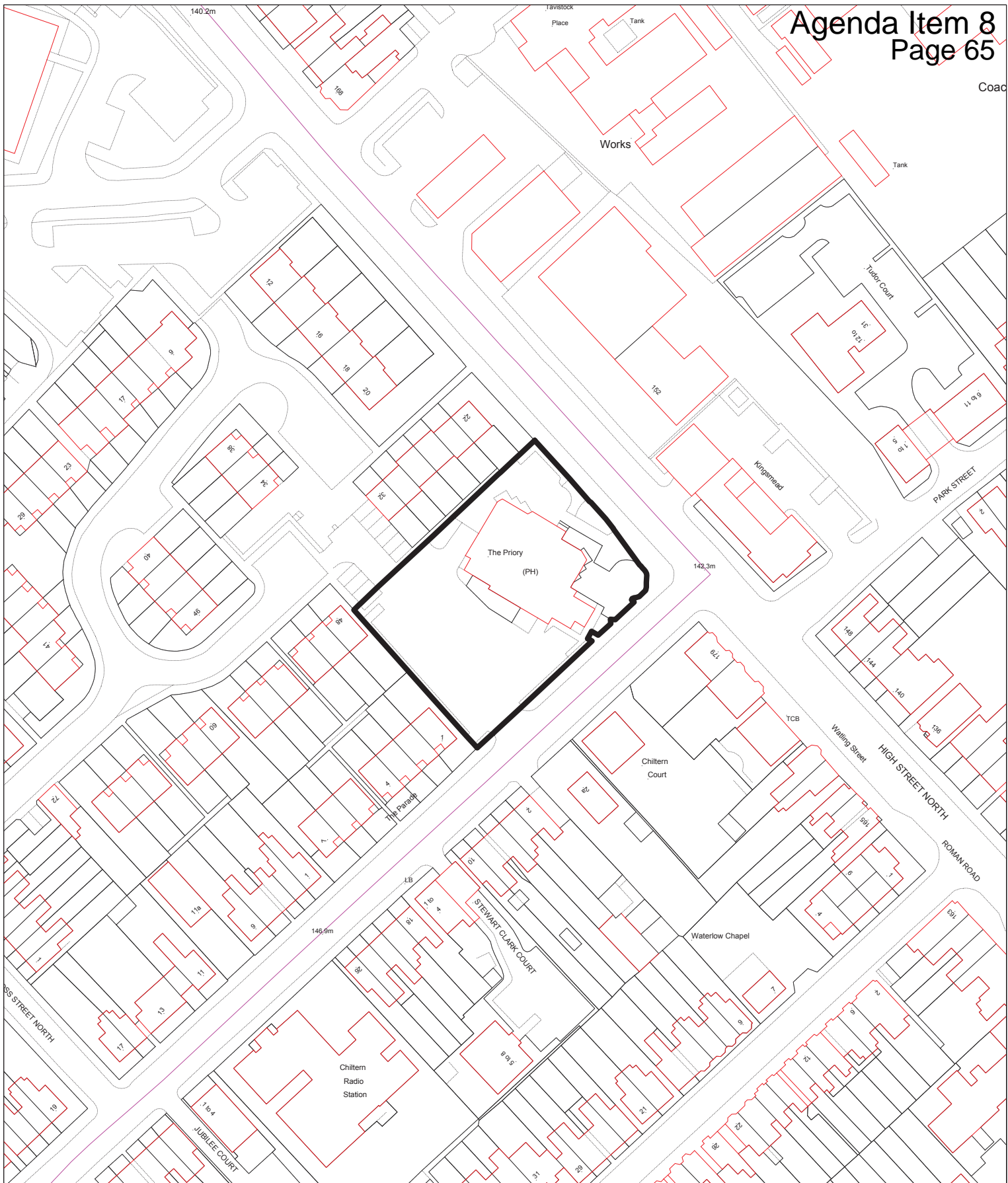
- 2 The proposed development would clearly encroach upon, and have a negative, irreversible and detrimental impact on, the setting of 'Maiden Bower', a particularly rare and nationally important Scheduled Ancient Monument, so as to prejudice the relevant characteristic of apparent isolation and relationship with other important historic sites; would physically affect archaeology in the eastern field beyond the SAM, and would likely give rise to physical pressure on the SAM through general access. The mitigation measures proposed partly add to the harm and in any case do not justify the proposal. The public benefits claimed through the development are not considered to offset this harm. The proposal would therefore be contrary to national guidance as set out in PPS5, Policies ENV6 and ENV7 of the East of England Plan, Policy BE8 of the South Bedfordshire Local Plan Review and planning guidance contained in Policy CS9 of the Luton and southern Central Bedfordshire Joint Core Strategy.
- 3 The proposed development would extend the Dunstable urban area into the open countryside on land which is generally elevated above the surrounding area, would be conspicuous from significant parts of this area and would appear as an unacceptable visual intrusion into the landscape. The proposed planting areas would not be an effective screen to the built development for a considerable period of time, if at all, and, together with the proposed development generally, would not accord with the open local landscape character as identified in the South Bedfordshire Landscape Character Assessment (2009) and which is sensitive to change. Furthermore the proposal would encroach upon Maidenbower Scheduled Ancient Monument. The proposal would therefore conflict with national guidance as set out in PPS7, Policies ENV2 and ENV7 of the East of England Plan, BE8 of the South Bedfordshire Local Plan Review and planning guidance contained in policy CS9 of the Luton and southern Central Bedfordshire Joint Core Strategy.
- 4 The proposal would fail to deliver infrastructure, in the form of a reasonable and proportional developer contribution towards the costs of education in relation to the new affordable dwellings to be provided, thus being contrary to Policy 25 of the Bedfordshire Structure Plan 2011.
- 5 The proposal fails to demonstrate that it would make adequate provision for the increase in traffic that it would generate and is likely to lead to an increase in traffic congestion at a number of junctions within the Dunstable urban area and thereby cause an unreasonable degree of congestion and

delay within the conurbation. The proposal would therefore be contrary to Policy T1 of the South Bedfordshire Local Plan Review.

DECISION

.....

.....



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 18:October:2011
Grid Reference: 501313; 222446

Application No.
CB/11/03025/FULL

Scale: 1:1250

Formerly The Priory PH, High Street North, Dunstable, LU6 1EP

This page is intentionally left blank

Item No. 8

SCHEDULE A

APPLICATION NUMBER	CB/11/03025/FULL
LOCATION	Formerly The Priory PH, High Street North, Dunstable, LU6 1EP
PROPOSAL	Erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking.
PARISH	Dunstable
WARD	Dunstable Northfields
WARD COUNCILLORS	Cllrs Mrs Green & Murray
CASE OFFICER	Vicki Davies
DATE REGISTERED	29 August 2011
EXPIRY DATE	28 November 2011
APPLICANT	McCarthy & Stone Retirement Lifestyles Ltd
AGENT	The Planning Bureau Ltd
REASON FOR COMMITTEE TO DETERMINE	At the request of Ward Member on the basis that the proposal would satisfy demand for sheltered housing.
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site is known as 'The Priory' and was formerly a public house. The building has been vacant for some time and is boarded up and in a poor state of repair. The site is located on the corner of High Street North and Chiltern Road. The site is within the built up area of Dunstable but is located outside of the defined town centre boundary. The site is not subject to any specific planning constraints.

The Application:

Planning permission is sought for 22 no. 1 bedroom apartments and 10 no. 2 bedroom apartments for the elderly with a communal lounge, laundry room, battery car charging point, internal refuse store and private garden. The proposal also includes 13 car parking spaces and internal mobility scooter charging points.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS4 Planning for Sustainable Economic Development
PPS23 - Planning and Pollution Control

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
T10 - Controlling parking in new developments

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development
Central Bedfordshire Council, Planning Obligations Strategy

Planning History

CB/11/01619/FULL Erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking. Refused 2/8/11. Appeal pending.

Representations: (Parish & Neighbours)

Dunstable Town Council No objection. In approving this application the Town Council would like to be notified of any potential S106 negotiations, especially if there is a possibility of any recreation contributions.

Neighbours 14 responses have been received from nearby residents.

12 of the residents are in support of the proposal for the reasons set out below:

- the proposal would enhance the visual appearance of the area;
- the development would be just the type of development the supporter would like to live in;
- there is a need for more quality retirement housing in Dunstable;
- proposals would be beneficial to the area;
- it would reduce anti-social behaviour;
- if this proposal is not approved an Indian restaurant would be opened there;
- the proposal would benefit the neighbourhood;
- the current site is an eyesore;
- having a new building would stop any more vandalism;
- the facility would be close to shops and other amenities;
- would increase house prices;
- pensioners living nearby feel threatened by the groups of youngsters who congregate on the site;
- people have been sleeping rough on the site;
- there would not be any overlooking;
- the elderly do not normally indulge in rave parties.

2 letters making comments were received, raising issues set out below:

- traffic noise may be a drawback but there are ways to overcome this;
- concern over the dangerous junction of Chiltern Road and High Street North;
- traffic lights should be installed at the junction of Chiltern Road and High Street North to reduce the speed of traffic and enable pedestrians to cross the road easily

Consultations/Publicity responses

Highways Agency

As the application will not adversely affect the A5 trunk road at this location, the Highways Agency does not intend to issue a direction.

Highways

The officer does not consider that the parking and access arrangements have changed since the previous application and therefore reiterates his previous comments.

The proposal is for independent living for the over 55. However, an inspector has recently declared that a restriction for the occupation due to age is unacceptable and for that reason I recommend that a reduction in parking due to age is not appropriate. Further, the arch leading to the parking area and access to some of the main doors of the apartments is too low to accommodate a vehicle which is likely to need to access this area such as an ambulance type delivery vehicle. This is exasperated further by the lack of turning within the parking area.

In a highway context I recommend that planning permission be refused for the following reasons:-

The proposed development would make inadequate provision for the parking of cars and would lead to an increase in on street parking thereby resulting in unacceptable traffic congestion and additional hazards for highway users and the local residents;

and

The proposed development makes inadequate provision for a satisfactory vehicular access to serve the development and is likely to lead to an increase in congestion and additional hazards for highway users;

and

The proposed development fails to provide a turning area which is suitable for a light goods vehicle and as a result would lead to service/delivery vehicles having to manoeuvre from or to the highway in reverse gear leading to additional hazards for highway users.

Environment Agency

Object as insufficient information has been submitted to demonstrate that the risk of pollution to controlled waters is acceptable. The application fails to provide assurance that the risks of pollution are understood as a preliminary risk assessment has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be risk not only where the risk is known. Under PPS23 the application should not be determined until the information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Public Protection

No objections however comments as follows:

“To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB_LA_{eq}, 23:00 - 07:00 and 45dB_LA_{max}, 23:00-07:00 for bedrooms and 35dB_LA_{eq}, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB_LA_{eq}, 1hr in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.’

Where the noise is identified as arising solely from traffic and not from industrial or commercial sources then windows do not need to be fixed closed in order to meet the above condition.

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

With respect to air quality, PPS 23 states that air quality

is particularly important when the development is proposed inside, or adjacent to, an Air Quality Management Area (AQMA) as designated under Part IV of the Environment Act 1995. The proposed development is adjacent to the AQMA that includes High Street North. However PPS 23 also advises that not all planning applications for development inside or adjacent to AQMAs should be refused if developments would result in a deterioration of local air quality, it would appear that the development would not impact on the AQMA.

Waste Services

From drawing No 1759/2/05 I can see that the applicant has proposed an internal bin store, and has proposed to have four communal waste bins. Normally for a development of this scale the Council would require six communal bins, due to the nature of the end use proposed for this development. We are willing to reduce this number to five x 1100 litre communal bins. Therefore the applicant will need to revisit the plans and accommodate five x 1100 litre bins. The access door that is intended to be used by the Council's collection crew will need to have an opening of 1500mm to allow removal of the bins.

Due to the size of the development a Site Waste Management Plan (SWMP) addressing any waste anticipated during the construction and subsequent occupation of the development shall be submitted to and approved in writing by the Local Planning Authority, the SWMP shall include details of:

1. Anticipated nature and volume of waste that the development will generate.
2. Measures to maximise the re-use 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, where appropriate, the provision of waste sorting, storage and recovery and recycling facilities.
4. Any other steps to be taken to minimize the generation of waste throughout the process of demolition and during construction of the development.
5. Provision for monitoring the implementation of 1-4 above.

Can the applicant be made aware that it is now Council policy to charge all new developments for the provision of all waste receptacles and that they will need to make contact with the Council prior to occupation of any dwelling to pay for said receptacles.

Determining Issues

The main considerations of the application are:

1. Principle of Development
2. Impact Upon the Character and Appearance of the Area
3. Impact Upon Neighbouring Amenity
4. Other Considerations

Considerations

1. Principle of Development

The principle of development is acceptable in this location as the application site is within the built up area of Dunstable and within a generally residential area. However, the proposal would only be considered to be acceptable subject to a satisfactory S106 Legal Agreement or Unilateral Undertaking in accordance with Central Bedfordshire Council's adopted Planning Obligations Strategy. (See Section 4 below).

In addition the proposal would need to be acceptable in terms of impact upon neighbouring amenity, its impact upon the character and appearance of the area and would need to be satisfactory in highway terms. These matters are discussed later within the report.

To summarise the principle of this nature of development would be acceptable in this location subject to the acceptability of other material planning considerations.

2. Impact upon the Character and Appearance of the Area

The proposal is for development of a three storey flat block (with an area of four storey development) to provide 22 no. 1 bedroom apartments and 10 no. 2 bedroom apartments for the elderly with a communal lounge, laundry room, battery car charging point, internal refuse store and private gardens.

Pre planning application discussions were held with the applicant prior to the submission of the first planning application. The advice given at the time by Central Bedfordshire Council was that the proposal for a building three stories in height or of the general magnitude proposed would not be considered to be acceptable in the general streetscene. One of the reasons for the refusal of the previous application was the height and general massing of the development.

The height of the tallest part of the building has been reduced, by amending the lift shaft, to similar to that of 1 Chiltern Road however this is a small reduction and does not reduce the overall massing or bulk of the building.

However, it should be noted that these comments have not been addressed prior to the submission of the application and as such it is still considered that the proposal in terms of its height and general massing would result in overdevelopment of the site.

In summary it is considered that the proposal would result in a detrimental impact upon the character and appearance of the area. The building is not felt to be in keeping with surrounding properties in terms of its massing or ridge height and as such is not felt to be acceptable and conflicts with Local Plan policy BE8.

3. Impact upon Neighbouring Amenity

The proposed development has been designed so that the built form would directly interface with both Chiltern Road and High Street North.

It is noted that the proposal has generated a large amount of support from nearby residents. However, even though this is the case it is felt that the size of the building would result in a detrimental impact in terms of loss of light and privacy to the neighbouring properties whom have their rear gardens adjacent to the site. In addition it should be noted that there are habitable rooms at first floor level directly looking into the rear gardens of no 22, 24, 26 & 28 Beale Street.

In addition it should be noted that the application site is not located in close proximity to areas of open space within Dunstable and therefore sufficient amenity space would need to be provided as part of the overall scheme. It is not considered that the proposal would provide sufficient amenity space for 32 new residential units for the elderly.

In summary it is not felt that the proposal is acceptable either in terms of its impact upon existing neighbouring amenity in terms of loss of light and privacy or in terms of future neighbouring amenity as insufficient amenity space would be provided on site.

4. Other Considerations

Highways

The proposal is not considered to be acceptable in terms of highways. It is considered to be deficient in terms of car parking spaces, access for light goods vehicles or equivalent in size and height to an ambulance and insufficient room has been provided for the turning and manoeuvring of light goods vehicles within the site. This amended application has provided an additional drop off space for delivery vehicles or ambulances in front of the drivethrough arch. This would however mean that the vehicle had to reverse into or out of the space to the detriment of highway safety.

In summary this proposal is not acceptable in highways terms and therefore this would be a reason for refusal.

Planning Obligations

A satisfactory unilateral undertaking or S106 Agreement has not been entered into in relation to the proposed development in accordance with the adopted Planning Obligations Strategy. As such this is not considered to be acceptable.

No legal agreement has been submitted however a viability statement accompanied the application. The viability statement seeks to demonstrate that the development would be unviable financially if affordable housing were to be provided. The assessment shows that the site value is reasonable and does not

indicate that the site cannot financially provide affordable housing.

The Housing Development Officer has commented that the proposal meets the size threshold criteria for affordable housing provision and 35% of the units should therefore be affordable. The officer comments in detail that he would expect to see 35% affordable housing or 11 affordable units. This should be split 69% for social rent and 31% for shared ownership. The units should be dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. All units should be expected to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, the officer would support this application.

PPS23

The Environment Agency originally objected to the application as insufficient information has been submitted. They comment that the application fails to provide assurance that the risks of pollution are understood as a preliminary risk assessment has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be risk not only where the risk is known. Under PPS23 the application should not be determined until the information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

The applicant has submitted additional information to address this objection and confirmation has been received from the Environment Agency that they remove their objection subject to a condition regarding contaminated land being added to any planning permission granted.

Conclusion

The proposed development is not considered to be satisfactory in terms of its impact upon the character and appearance of the area, neighbouring amenity or in terms of parking provision or highway safety. As such it is recommended that planning permission be refused.

Recommendation

That Planning Permission be refused for the following reasons:

- 1 The proposal would result in overdevelopment of the site by reason of the bulk, massing and height of the building, and therefore create an undesirable and unacceptable form of development such that it would have an adverse impact on the character of the area and the amenities, outlook and privacy of the occupiers of nearby residential properties in particular those in Beale Street; the future amenity of the proposed residential properties; and as such the proposal is contrary to the principles of good design as set out in national policy in PPS1, Policy BE8 of the South Bedfordshire Local Plan Review and technical planning guidance Design in Central Bedfordshire: A Guide for Development.

- 2 The proposal incorporates inadequate vehicular access to serve the development for emergency vehicles and/or light goods vehicles and provides inadequate provision for the parking and manoeuvring of vehicles (to include light goods vehicles) clear of the highway which would result in vehicles interfering with the free flow of traffic on the adjoining highway to the detriment of the safety and convenience of users of the highway; as such the proposal is contrary to Policies BE8 & T10 of the South Bedfordshire Local Plan Review.

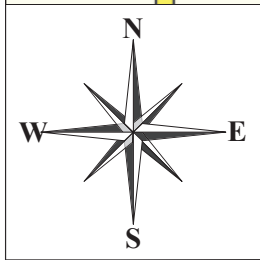
- 3 The proposed development would result in an additional demand on local infrastructure. The proposal does not provide the required contributions towards local infrastructure in the form of a satisfactory legal agreement. In particular the application proposes no level of affordable housing despite the development being shown as viable. The proposal is therefore contrary to Supplementary Planning Document - Planning Obligations Strategy.

DECISION

.....

.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)
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

This page is intentionally left blank

Item No. 9

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. The application was deferred at the Committee on 12th October to enable Toddington Parish Council to respond to the consultation process.

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.

Further more recent objection, requesting deferral of application to enable further consultation with local residents, due to changes from original objection that result from Council elections and changes in Ward boundaries.

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.

Subsequent letter supports application - the sporting activity is best suited to this countryside location.

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

- Agricultural land in the Green Belt.
- 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.
- Permanent permission would mean unrestricted moto cross events with possibilities of operational development taking place.
- Close to residential properties in Harlington.

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.

For clarification, the nearest residential property to the circuit is Dunedin on the A5120 adjoining Junction 12, some 300 metres to the west; New Manor Farm off Toddington Road, north of the site is some 430 metres; Pilgrim Close, Harlington the closest properties in that village is situated some 555 metres to the east, across the main line railway; and Park Farm lies some 325 metres to the south, just to the north of the M1 motorway. Given these distances and the

background noise of the motorway and the railway line and the limited number of events per year and limited times of such events, we consider that the proposal is acceptable in terms of impact on residential amenity. Thus, 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

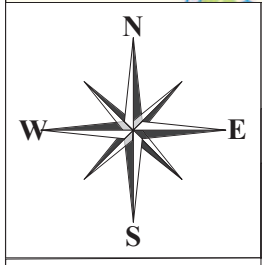
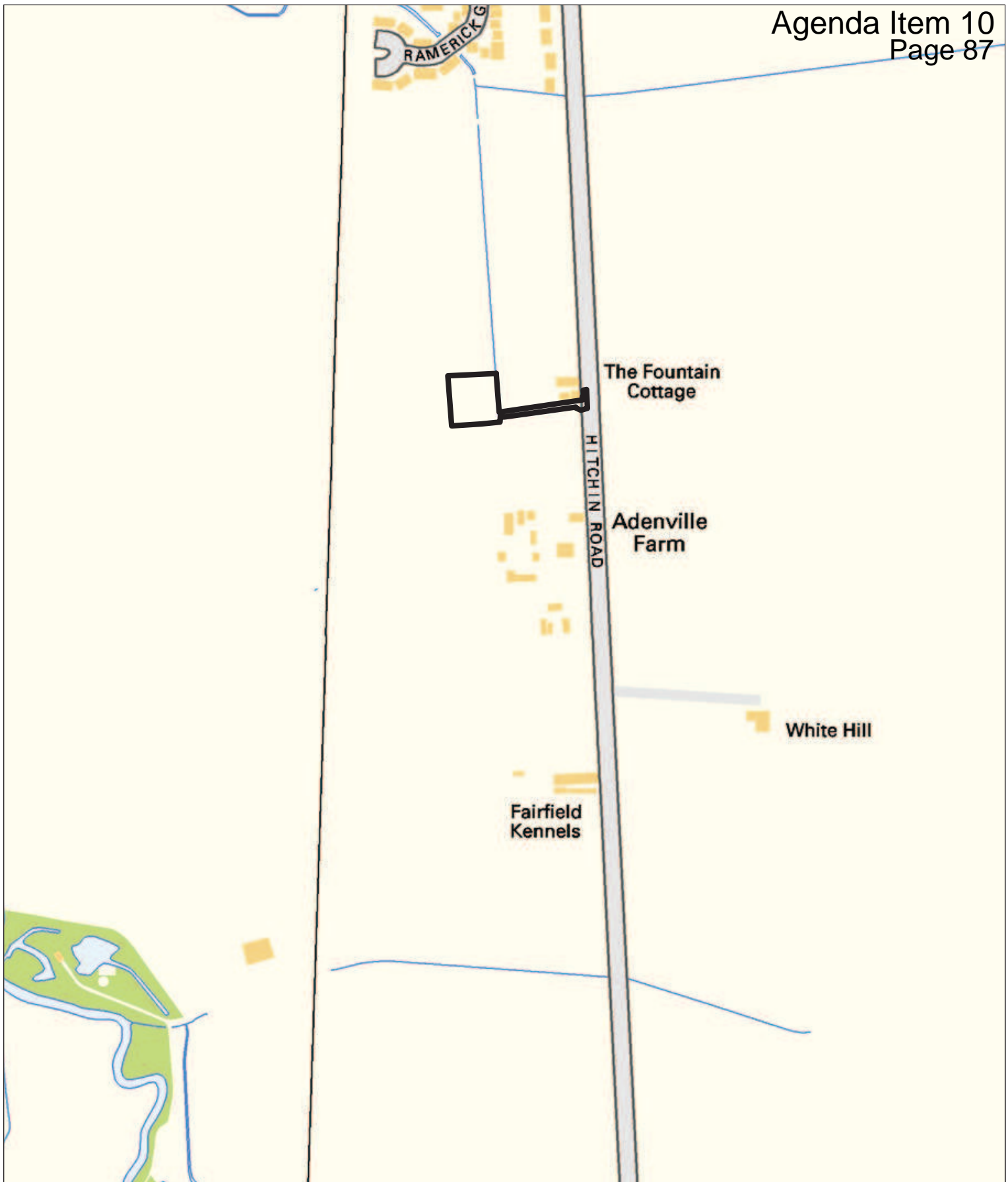
T10 - Parking-New Developments

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

.....
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 18:October:2011
Grid Reference: 519019; 234217

Application No.
CB/11/03370/FULL

Scale: 1:5000

Land to the Rear of 197 Hitchin Road, Arlesey

This page is intentionally left blank

Item No. 10

SCHEDULE B

APPLICATION NUMBER	CB/11/03370/FULL
LOCATION	Land To The Rear Of 197, Hitchin Road, Arlesey
PROPOSAL	Retention of use of land as a residential caravan site for 6 Gypsy families, including hardstanding, utility blocks and landscaping
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Vicki Davies
DATE REGISTERED	21 September 2011
EXPIRY DATE	16 November 2011
APPLICANT	Mr Rooney
AGENT	Philip Brown Associates
REASON FOR COMMITTEE TO DETERMINE	At the request of the Ward Member, Cllr Mrs Drinkwater, due to the level of public interest
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located approximately 250 metres beyond the southernmost settlement boundary of Arlesey and approximately 75 metres to the west of the East Coast mainline. The site is within the open countryside and sits to the rear of the applicant's property, 197 Hitchin Road and the neighbouring property, Fountain Cottage.

The application consists of two distinct parcels of land, the first being a narrow area of land to the south of the dwelling at 197 Hitchin Road and the second being a rectangular site measuring approximately 55m by 65m.

The Application & Background:

The application seeks consent for a caravan site of 6 pitches, to accommodate members of the applicant's family, in a total of 12 caravans. Each pitch would accommodate two caravans, one static and one touring. The consent would also allow the amenity blocks which currently have temporary consent to remain on the site. The amenity buildings measure 6m by 4m and are sectional in construction.

The application seeks to retain the existing number of caravans on the site in their current locations. The current planning permissions are temporary as set out below and this application seeks permanent consent. The application does not seek to increase the number of pitches or caravans on the site.

Access to the site would be via the existing entrance to 197 Hitchin Road.

Temporary planning permission was granted on the narrow site south of the dwelling on appeal in September 2008 for 2 pitches with a maximum of 4 caravans, with no more than 2 static caravans. The temporary consent was granted for a period of three years to allow the Council to complete the site allocations DPD process. The consent expired in September 2011. The appeal decision is attached to the report for information.

Temporary consent was granted on the larger site to the rear in November 2009 for 4 pitches with a maximum of 8 caravans with no more than 4 static caravans. The temporary consent was granted for three years to allow time for the completion of the DPD. The consent will expire in November 2012. The planning application for the rear site set out that the existing two pitches on the narrow site would be relocated to the rear site. This did not take place and the site currently therefore accommodates 6 pitches, 12 caravans.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for Sustainable Economic Growth

PPS7: Sustainable Development in Rural Areas

Circular 01/2006 - Planning for Gypsy and Traveller Sites

Draft Planning Policy Statement - Planning for Traveller Sites

Regional Spatial Strategy East of England Plan (May 2008)

SS1 Achieving Sustainable Development

H3 Provision for Gypsies and Travellers

ENV7 Quality in the Built Environment

Bedfordshire Structure Plan 2011

No relevant policies

Central Bedfordshire Council (North Area) Core Strategy and Development Management Policies 2009

CS1 Settlement Hierarchy

CS14 High Quality Development

DM3 High Quality Development

DM4 Development Within and Beyond Settlement Envelopes.

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

HO12 Gypsies

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Draft Submission Gypsy and Traveller DPD - policy GT3

Planning History

CB/09/05914/FULL	Change of use of land to use as residential caravan site for four gypsy families with a total of 8 caravans, erection of amenity blocks and landscaping. Approved 2/11/09, temporary consent for 3 years.
CB/09/00639/FULL	Change of use of land to use as residential caravan site for four gypsy families with a total of 8 caravans, erection of amenity blocks and landscaping - Refused 24/6/09.
MB07/01654/FULL	Change of use from dwelling to mixed use of dwelling and caravan site - Appeal allowed 11/9/08, temporary consent for 3 years.
MB/04/02146/FULL	Change of use of land to private gypsy transit site and construction of hard standing for a maximum of 15 pitches - Refused 17/3/05.

Representations: (Parish & Neighbours)

Arlesey Town Council	<p>Strongly object to the proposal on the same grounds as the previous planning application, which were:</p> <ul style="list-style-type: none">- serious concerns for highway safety as proposals would lead to an increase in use of an access on a stretch of classified road;- inappropriate development outside of the settlement envelope;- accommodation not used for the purposes set out in the application;- the water table is high and there is a risk of flooding. <p>The Town Council fundamentally opposes any further expansion on the site, due to past inconsistencies and breaches of condition. The Town Council also needs more detailed information of the proposal.</p>
Neighbours	<p>A response from Arlesey Residents Association and 3 responses from nearby residents have been received setting out objections for the following reasons:</p> <ul style="list-style-type: none">- it is not clear from the plans how many caravans the application is for;- the applicant has flouted planning laws with the introduction of several caravans;- retrospective applications have been made on the site- the applicant owns the land up to the cemetery and it is not doubt his plan to extend the site;- need assurances that this application does not set a precedent for future expansion authorised or

- otherwise;
- a caravan site (gypsy or leisure) next to the cemetery would not lend itself to the dignity of interments;
 - the Council has failed to take enforcement action over the conversion of the workshop into living accommodation;
 - the Stockmans House at Etonbury Farm had to be demolished as it did not have planning permission, all applications should be treated equally;
 - some parts of the application forms are not completed or are completed incorrectly;
 - the members of the applicants family could live in the house he owns;
 - the site occupiers show no consideration to other road users when exiting the site;
 - the proposal would increase the fear of crime;
 - businesses are run from the site;
 - the increase in the number of people on the site would place additional strain on services;
 - the applicant has workers living on the site who are not part of his family;
 - a noise assessment should be required unless the rules are different for gypsies and travellers.

Consultations/Publicity responses

Highways Development Control No comments have been received from Highways Development Control on this application at the time of writing.

Highways comments on the previous application on the site were that the site is located away from the town facilities and the proposal would require reliance on the car, thus increasing the use of the junction. No objection subject to conditions relating to visibility splays and on site parking.

Any additional comments will be included in the late sheet.

Public Protection

Noise

The proposed residential caravan site is located between 75m and 135m from the mainline London to Edinburgh railway to the west of the site. I note that the applicant proposes to install a 1m high earth mound around the North West and South boundary of the site. To act as an effective noise barrier the mound would need to block line of sight to the residential caravans. Therefore a suitable acoustic bund or barrier of 2 - 2.5m height would be required to provide suitable mitigation to the future residents. This could be achieved by

increasing the height of the earth mound or installing an acoustic fence of suitable height on top or next to the mound. In view of the temporary nature of the application I would request that the following informative is attached to any approval;
Informative: The Council is concerned that Noise from the mainline railway may cause detriment to the residents of this development. Further information may be obtained from Public Protection on 0300 300 8000.

Caravan Site Licence

Informative: All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. Further information may be obtained from the Private Sector Housing Team, Central Bedfordshire 0300 300 8000.

Land Contamination

As an informative please can you consider the following; Any material used for earth bunding should be suitable for safe and secure occupancy which is the developer's responsibility to ensure.

Private Sector Housing

The spacing between the caravans may not be sufficient for the purposes of complying with the site licensing. The officer also states that we need to be satisfied that the foul sewage disposal system is adequate including the package sewage treatment plant. The amenity buildings may be subject to Building Regulations.

Building Control

No response received.

Internal Drainage Board

No response received.

Determining Issues

The main considerations of the application are;

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

Considerations

1. Principle of Development

Circular 01/2006 is specifically designed to provide guidance on determining Gypsy applications with the intention of increasing the number of sites. One of

the main aims of this circular is for Local Authorities and Gypsies and Travellers to work together and increase the number of sites made available in the next few years. The Circular also recognises the importance of the extended family to the Gypsy and Traveller way of life.

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

The Council, in partnership with the Bedfordshire local authorities, undertook a sub regional study to assess the accommodation needs of Gypsies and Travellers in Bedfordshire and Luton in 2006. The Gypsy and Traveller Accommodation Assessment (GTAA) made projections of Gypsy and Traveller pitch needs for five years. The assessment found the need for 74 (15 per year) total extra pitches between 2006 and 2011, across Bedfordshire and Luton. Using this recommendation to determine needs to 2011 and then applying a 3% compound growth rate to the pitch growth for the following five years enabled CBC to determine their level of need to 2016. It has been agreed that 30 should be provided in the former Mid Bedfordshire area and 55 in the former South Bedfordshire area. 3 of the 30 pitches for Mid Bedfordshire have been provided and 32 of the 55 pitches for South Bedfordshire have been provided.

The draft submission of the Gypsy and Traveller DPD includes 23 pitches which would be provided by expanding existing sites or providing new sites. This would leave an unmet need of 4 pitches within the former Mid Beds Council area.

The Local Authorities Executive determined at a meeting on 4th October 2011 that significant work on the identification of Gypsy and Traveller sites has already been undertaken in the north of Central Bedfordshire and rather than discard these advances in the provision of sites it is proposed that this work is banked and helps to underpin the new document for the whole of Central Bedfordshire Council. To further provide assurance in the north of Central Bedfordshire it may be appropriate to endorse the work undertaken to date on the preparation of the Development Plan Document for development management purposes until such time as the new district wide document is in place. Members are therefore asked to support the preparation of a Central Bedfordshire-wide Gypsy and Traveller plan to deliver the combined pitch requirement for the northern and southern parts of Central Bedfordshire to 2031.

The draft Gypsy and Traveller DPD has therefore been endorsed for the purposes of Development Management but will not be submitted for examination and subsequent formal adoption. A DPD for Gypsy and Travellers will be prepared for the whole of the Central Bedfordshire area with the aim of submitting the document to the Secretary of State in September 2013 and adopting it in June 2014.

Local Planning Authorities must give substantial weight to unmet needs when considering whether a temporary permission is justified. In an application for temporary permission - this application does not state that a temporary period is being requested - the relevant policy guidance is found in para 45 of Circular 01/2006. This states that temporary permission should be granted where there

is an unmet need but no alternative Gypsy and Traveller provision in the area and where there is a reasonable expectation that new sites are likely to become available at the end of that period in an area which will meet that need.

The previous planning permissions were granted on a temporary basis to allow time for the DPD to be completed. A temporary consent can only be justified however where it is expected that planning circumstances would change at the end of the temporary period. As the DPD is at an advanced stage and sites to meet most of the identified need are proposed it is unlikely to bring forward other sites. The draft DPD has been endorsed for the purposes of development management however it is unlikely that the new Authority-wide DPD will be adopted before June 2014 and consideration should therefore be given to a temporary consent if a permanent consent is not considered appropriate.

Notwithstanding the above, Circular 11/95 advises that temporary permissions should not be imposed where a proposal involves a building, which would require removal at the end of the period. There are two amenity buildings on the site which are of sectional construction allowing for their removal on the expiry of a temporary consent.

Overall it is not considered that a further temporary consent would be necessary as the draft DPD is a material consideration and there is unlikely to be any significant change in planning circumstances in the foreseeable future.

Where new sites are to be allocated, Circular 01/2006 supports a sequential test by stating that in deciding where to provide Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services, eg shops, doctors and schools. However, it is acknowledged that Gypsy and travellers have historically located themselves in countryside locations. The Circular (paragraph 54) says sites may be found in rural or semi rural areas. Rural areas which are not subject to special planning constraints can be acceptable in principle.

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

The application site lies outside the settlement envelope of Arlesey within the open countryside. Policy HO12 accepts that it is not essential that sites are within settlement envelopes but that they should relate well to existing built development, community facilities and public transport.

The narrow part of the site to the south of the dwelling is not included in the DPD site allocation however the site to the rear is part of the site identified in the DPD. The whole of the site is allocated in the DPD for a total of 10 pitches. The application would provide 4 pitches on the allocated site leaving the remainder of the allocated site for an additional 6 pitches. The 2 pitches on the narrow land which would be in addition to the sites allocated in the DPD and would contribute to the 4 pitches for which a need has been identified, in the former Mid Bedfordshire area, but no suitable site found.

Overall the proposal when judged against national and local planning policy is considered acceptable in principle.

2. Impact on the Character and Appearance of the Area

Both parts of the application site are well screened from the road, being located beyond the rear of 197 Hitchin Road and Fountain Cottage. The sites are also well screened by trees to the south of the proposed access and to the east of the site at the rear of Fountain Cottage. Further planting is proposed on top of the existing earth bunds to help restrict views from properties in Ramerick Gardens to the south and the mainline railway to the west.

The proposed amenity blocks are of a functional but acceptable design and relatively modest size. Whilst in the context of a caravan site the amenity buildings are considered acceptable it is judged that on their own they would be out of keeping in the open fields.

In determining the appeal for the narrow part of the site the Inspector stated that the site is relatively well screened with the only views from public vantage points being through the gate from the road. These views would generally be fleeting as Hitchin Road is straight and derestricted outside the site. A condition requiring landscaping to be planting was attached to both temporary planning consents and sufficient screening is achieved by the planting.

The site do not have any significant adverse impact on the character and appearance of the area and therefore comply with saved Mid Beds Local Plan policy HO12 part (i) and draft DPD policy GT3.

3. Impact on Amenities of Neighbours and Future Occupiers

The Inspector in the appeal relating to the site closer to the neighbouring property considered that with appropriate boundary fencing the level of activity on the site would not cause unacceptable harm to residential amenity. The larger site to the rear is located at the end of the rear garden of Fountain Cottage but due to the distance from the dwelling and the boundary treatment it is not considered that there is any significant adverse impact on the amenities of neighbouring residents.

It is not considered that the proposal would have any significant adverse impact on the amenities of residents of Ramerick Gardens as they would be over 600 metres away.

In respect of the amenities of the future occupants of the proposed site it has been recommended by the Environmental Health Officer that due to the proximity of the site to the railway that an acoustic bund or barrier of 2 to 2.5 metres in height would be required to mitigate noise from the railway. The officer does however recognise that the site is not permanently occupied and recommends an informative is attached to any planning permission granted highlighting the noise issue.

The Environmental Health Officer also requests an informative regarding the material used for the earth bunds.

External lighting has been installed and has been checked to ensure that it does not have any significant adverse impact on neighbours. It is considered that a condition requiring that no additional lighting is installed without the details of such lighting previously being submitted to and approved by the Local Planning Authority.

Neither part of the application site is considered to have such a significant adverse impact on residential amenity on neighbouring residents to warrant refusing planning permission. The proposal is therefore considered to comply with saved Mid Beds Local Plan policy HO12, part (iii) and draft DPD policy GT3.

4. Highways and Parking Issues

The access to the site is from Hitchin Road which is subject to the national speed limit for which a visibility splay of 2.4m x 215m is required each side of the access. Highways Development Control confirmed in relation to the previous application on the site that the visibility splays can be achieved in both directions, however towards the southern direction the visibility splay is currently restricted by the boundary hedge of the neighbouring field. Whilst the trimming of the hedge is outside of the applicant's control he can request that the Highway Authority cut it back.

As Highways Development Control had no objection to the previous application proposal subject to appropriate conditions it is considered that this application is acceptable in terms of highway safety.

5. Other Issues

The supporting statement details that the proposed caravan site would be for two of the applicant's married sons, three of his married daughters and his first cousin, together with their children. The statement also sets out that the applicant's family are Irish travellers by descent and continue to travel to make their living carrying out block-paving work. The application site would provide a settled base for their travelling lifestyle allowing the family to be registered for local healthcare and for the children to attend local schools. No confirmation of the status of the people for whom the accommodation is sought has been provided and therefore it is not possible to confirm whether or not they are gypsies in terms of the definition in paragraph 15 of Circular 1/2006, however the Inspector saw evidence to support their status as gypsies and was satisfied in this regard.

The applicant has advised that he would not object to a condition limiting the occupancy of the caravan site to gypsies as defined in Circular 1/2006 and members of his immediate family. As the site is identified in the DPD it is not considered that there is a need to make the permission personal to the applicant and his family. The site is acceptable in its own right and therefore a condition limiting the use of the site to gypsies as defined in Circular 1/2006 is considered sufficient.

Concerns have been raised regarding flooding however the site is not within any flood protection zones and the Bedfordshire and River Ivel Internal Drainage Board have not objected to the proposal in the past, although no response was received to consultation on this application.

Recommendation

That Planning Permission be granted subject to the following:

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

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

- 2 No more than 12 caravans (of which no more than 6 shall be static caravans) shall be stationed on the site at any one time.

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

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

Reason: In order to protect the amenities of local residents

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

Reason: In order to protect the amenities of local residents

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

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

- 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 & PBA1.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal is in conformity with Policy HO12 of the Mid Bedfordshire Local Plan First Review 2005 and policy GT3 of the draft Gypsy and Traveller DPD as there is no unacceptable impact upon the character and appearance of the surrounding countryside, the amenities of nearby residential properties are not unacceptably harmed and a safe, convenient and adequate standard of access can be provided. The proposal also meets an identified need as set out in the draft Gypsy and Traveller DPD. It is also in conformity with Planning Policy Guidance: PPS1 Delivering Sustainable Development, PPS3 Housing and Circular 1/2006.

Notes to Applicant

- 1. The Council is concerned that Noise from the mainline railway may cause detriment to the residents of this development. Further information may be obtained from Public Protection on 0300 300 8000.
- 2. Any material used for earth bunding should be suitable for safe and secure occupancy which is the developer's responsibility to ensure.
- 3. All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. Further information may be obtained from the Private Sector Housing Team, Central Bedfordshire 0300 300 8000.
- 4. 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

.....

.....

This page is intentionally left blank



Appeal Decision

Hearing held on 2 September 2008
Site visit made on 2 September 2008

by **Elizabeth Fieldhouse** DipTP DipUD
MRTPI

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

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

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
11 September 2008

Appeal Ref: APP/J0215/A/08/2071409
197 Hitchin Road, Arlesey, Bedfordshire SG15 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Rooney against the decision of Mid-Bedfordshire District Council.
- The application Ref 07/01654/FULL, dated 17 September 2007, was refused by notice dated 15 January 2008.
- The development proposed is the change of use from dwelling to mixed use of dwelling and caravan site.

Decision

1. I allow the appeal, and grant planning permission for the change of use from dwelling to mixed use of dwelling and caravan site at 197 Hitchin Road, Arlesey, Bedfordshire SG15 6SE in accordance with the terms of the application, Ref 07/01654/FULL, dated 17 September 2007, and the plans submitted with it, subject to the conditions at the end of this decision.

Main issues

2. I consider the main issues in this appeal are whether Mr Rooney and his immediate family have gypsy status as defined in ODPM Circular 01/2006; the effect of the proposed development on the character and appearance of the surrounding area; and the effect on neighbouring occupiers' amenities, particularly with regard to noise and general disturbance.

Reasons

Gypsy status

3. At the time the application was considered by the Council, no detailed information on the appellant's nomadic lifestyle or on the status of the appellant's family was provided. As Mr Rooney now lives in the two storey house and appeared to have ceased travelling for none of the reason identified in ODPM Circular 01/2006, the Council concluded that his gypsy status within the terms of the Circular had lapsed. Therefore the proposal would not fall within the provisions of policy HO12 of the Mid Bedfordshire Local Plan First Review 2005 (LP).
 4. At the hearing, Mr Rooney indicated that he normally travelled away for work for roughly six months each year, mainly undertaking block paving or building
-

work. Three of Mr Rooney's children and their families have been using the site for their touring caravans in the past four years but only two families are resident at any one time. At other times the families have been living on unauthorised sites or occupying a pitch on an authorised site while the normal occupants were away. The appellant stated that the three families are registered with the doctor in Arlesey and the school age grandchild has attended school in Arlesey on and off for the past two years but there was no written confirmation. As the Council pointed out, it was not possible to verify these points as the information was not provided before the hearing.

5. From what I heard, unless proven otherwise, I consider that the appellant and his immediate family should be considered to have gypsy status within the terms of ODPM Circular 01/2006 and therefore the proposal would fall to be considered under LP policy HO12. Nevertheless, in view of the lack of opportunity for the Council to verify the information provided to demonstrate gypsy status, I consider that any planning permission should be temporary for three years, a period mentioned in the appellant's statement in relation to the consideration of sites to meet the identified need.

Character and appearance

6. The appeal site is outside the development limit of Arlesey and LP policy CS19 states that, other than when provided for in the Local Plan, development will only exceptionally be permitted in the countryside. LP policy HO12 provides that new gypsy sites should conform to the criteria that, among other points, require proposals to not be detrimental to the character and appearance of the area nor should the amenities of neighbouring residential property be unacceptably harmed. Sites should relate well to existing built development, although a location within a defined settlement envelope is not deemed essential. Sites should also not be poorly related to community facilities and public transport. As gypsy sites are provided for in LP policy HO12, I do not consider that the exception test in policy CS19 needs to be met.
7. The appeal site lies on a bus route close to the development limit of Arlesey that is a settlement with community facilities. Therefore the appeal site meets the provisos after the criteria in LP policy HO12. The appeal site lies outside any nationally recognised countryside designation and is hard surfaced. At the time of my visit, there were no mobile homes and only one small touring caravan on the site although the appellant acknowledges, and as evidenced in representations, in the past caravans have been sited on the land.
8. The Council accepts that the site is relatively well screened with the only views from public vantage points being through the gate from the road. These views would generally be fleeting as the Hitchin Road is straight and derestricted outside the appeal site. Nevertheless, I consider that the site could become more visible if trees, particularly conifer trees or fruit trees within the neighbouring properties were lost. Both of these areas are outside the appellant's control. The proposed siting of the caravans would leave sufficient space for some planting along the boundaries of the appeal site so that glimpses of caravans would be broken up if other screening were lost. I am satisfied that this could be required by condition.

9. The proposed siting of the caravans would intensify and increase the apparent development in the countryside but, in view of the lack of public visibility and the existing hard surfacing, I consider that the character would essentially remain the same if the development becomes authorised. The proposed use would not extend outside the domestic curtilage of 197 Hitchin Road, although there is access through the curtilage to an open field that the appellant owns. Subject to appropriate landscaping, I consider that the proposal would not be detrimental to the character and appearance of the surrounding countryside and LP policy HO12(i) would be met.

Neighbouring occupiers' amenities

10. The appeal property is a detached house but the curtilage adjoins that of Fountain Cottage. Although parts of the neighbouring rear curtilage appeared to be directly linked to the field, I am not convinced that the use of the rear part of the garden was no longer part of the domestic curtilage. The caravans would replace an existing brick built shed near the boundary with Fountain Cottage and would occupy roughly half of the rear garden to no.197. The caravans would be sited about 3m from the mutual boundary with Fountain Cottage and door openings would be away from that boundary. As shown on the site layout plan, I consider that the proposed caravans would screen much of the activity associated with the use from neighbouring occupiers.
11. There is activity associated with accessing the field and the storage of vehicles in connection with the appellant's business and domestic uses that extends into the rear of the domestic curtilage. I consider that the use would change the activity near the rear of the neighbouring curtilage. Nevertheless, in view of the existing level of activity, the proposed siting of the caravans and providing boundary fencing and planting is adequate, in my opinion, the change would not be so great as to unacceptably harm neighbouring occupiers' amenities. Nonetheless, I saw that part of the boundary fencing is of insufficient height to prevent some overlooking but adequate boundary fencing/walling strengthened by planting would prevent overlooking and could be required by conditions. Subject to adequate boundary treatment and planting, I consider that the provisions of LP policy HO12(iii) would be met.
12. The Council do not find harm from the proposal in relation to any of the other criteria in LP policy HO12 and I heard and saw nothing to make me take a different view. For the reasons given, I conclude that the provisions of LP policy HO12 would be met and the appeal should be allowed.

Other material considerations

13. LP policy HO12 does not require a need to be proven to justify the grant of planning permission although explanatory paragraph 13.13 3 indicates that the Council has experienced some pressures for small scale development of land for gypsy sites usually to serve the needs of the individual family. In this case it is the needs of Mr Rooney's family that have been put forward to justify the siting of caravans and would be met by the proposal. Therefore I consider that the use should be tied to the justification for the development.
14. The Council are preparing the Gypsy and Traveller Development Plan Document to address the needs identified in Bedfordshire and Luton Gypsy and Traveller Needs Assessment and identified in the East of England Plan. Five sites for 22

itches are being taken forward into the draft submission document to be consulted upon. One of the sites is in Arlesey fairly near the appeal site. While I note the contents of the emerging plan, it is at an early stage and does not alter my view on the acceptability of the proposal in relation to the development plan policy that is currently saved, LP policy HO12.

Conditions

15. I have considered the conditions discussed at the hearing in the light of the advice in Circular 11/95. As indicated in paragraph 5, I consider a temporary planning permission would be appropriate. To prevent harm to the character and appearance of the area and neighbouring occupiers' amenities and to fall within the provisions of LP policy HO12, I consider the number of caravans should be restricted and occupied only by gypsies, there should be no commercial or industrial activity on the land or materials stored outside, external lighting should be controlled, boundary fencing and planting agreed and the caravans sited in accordance with the site layout plan. To ensure that the site is properly drained, details should be agreed with the Council. As indicated in paragraph 13, the use should be restricted to Mr Rooney's immediate family. Nevertheless, as the use has commenced, no commencement condition is necessary.

Elizabeth Fieldhouse

INSPECTOR

Conditions:

- 1) The use hereby permitted shall be discontinued and the land restored to its former condition on or before 3 years from the date of this decision in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
- 2) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites 1968 (of which no more than two shall be a static caravan or mobile home), shall be stationed on the site at any time.
- 3) The caravans shall only be occupied by members of Mr Rooney's immediate family and their dependants.
- 4) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.
- 5) No commercial or industrial activities shall take place on the land, including the storage of external materials.
- 6) Within 3 months of the date of this decision, details of foul and surface water drainage, including a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved timetable.

- 7) Within three months of the date of this decision, details of all external lighting shall be submitted to and approved in writing by the local planning authority. All external lighting shall be in accordance with the approved scheme.
- 8) Within 3 months of the date of this decision, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority, which shall include details of boundary treatment and planting, including a timetable for implementation. Boundary treatment and planting shall be implemented in accordance with the approved timetable. Any trees or plants which within a period of 3 years from implementation die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 9) The caravans shall be sited in accordance with the submitted site layout plan unless otherwise agreed in writing with the local planning authority.

APPEARANCES

FOR THE APPELLANT:

Philip Brown BA(Hons) MRTPI Agent
Mr Rooney Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mark Spragg BA(Hons) MRTPI Mid Beds District Council

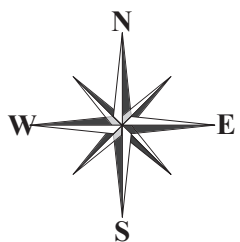
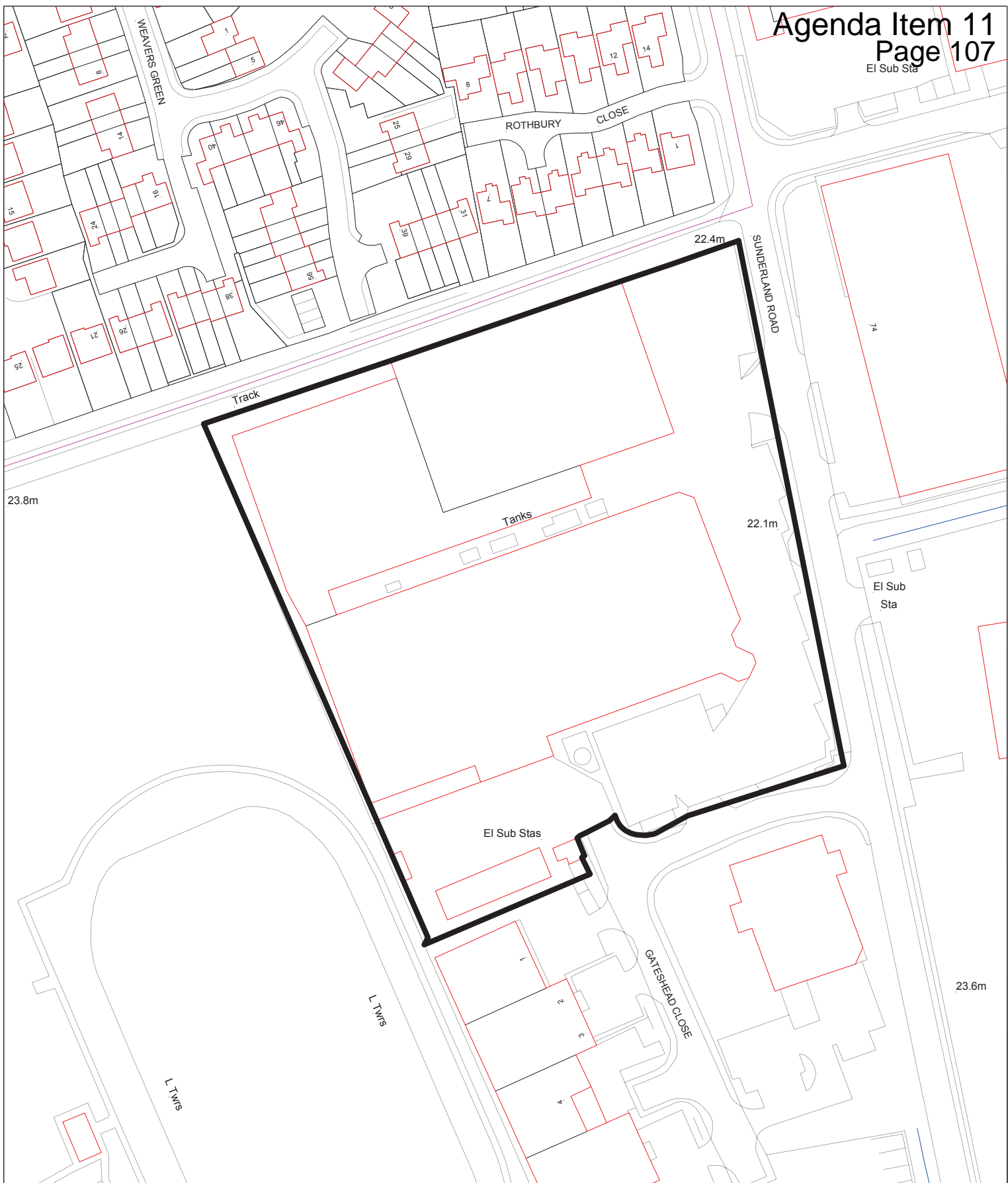
DOCUMENTS

- 1 Notification letter of time and venue of hearing

PLANS

- A Application plans
- B Local Plan Proposals Map of Arlesey and surrounding area

This page is intentionally left blank



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 18:October:2011

Grid Reference: 517292; 250475

Application No.
CB/11/03169/OUT

Scale: 1:1500

Former Meller Beauty Premises, Sunderland Road, Sandy, SG19 1QY

This page is intentionally left blank

Item No. 11

SCHEDULE B

APPLICATION NUMBER	CB/11/03169/OUT
LOCATION	Former Meller Beauty Premises, Sunderland Road, Sandy, SG19 1QY
PROPOSAL	Outline: Residential development with access road and open space (all matters reserved except access)
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllrs Aldis, Maudlin & Sheppard
CASE OFFICER	Lisa Newlands
DATE REGISTERED	02 September 2011
EXPIRY DATE	02 December 2011
APPLICANT	Castletown (General Partners III)
AGENT	D H Barford
REASON FOR COMMITTEE TO DETERMINE	Called in to Committee at the request of Councillor Aldis on the grounds of concerns over noise and highway safety
RECOMMENDED DECISION	Resolve to grant planning permission subject to an acceptable S106 agreement.

Site Location:

The application site is within Sunderland Road in the settlement envelope of Sandy. Sandy is identified as a major service centre within Policy CS1 of the Core Strategy and Development Management Policies of Central Bedfordshire (North).

The site has a regular shape with a frontage onto Sunderland Road of approximately 160 metres, with an overall site area of 2.037 hectares. The site is generally flat with no noticeable change in levels.

The site was previously a safeguarded employment site and was developed to meet the specific needs of the previous owner. This resulted in a bespoke industrial unit that was largely vacated in 2008. Due to the nature of the building, there was little interest in the site for industrial purposes and it was considered by the current owner that the site was no longer 'fit for purpose'. Demolition has subsequently commenced on site and is near completion.

The site has been allocated within the adopted Site Allocations DPD for residential development under Policy HA3

The site currently has vehicular access points from Sunderland Road and Gateshead Close.

The site fronts onto Sunderland Road to the east, and Gateshead Close to the south. To the west a chain link fencing defines the boundary with Sandy Upper School playing fields, with a number of trees at the northern end. To the north of the

site there is some mature planting, with a range of trees and vegetation, this provides a green edge where the site abuts the public footpath/ bridleway. Further north is a small residential estate, comprising largely 2 storey terraced, semi-detached and detached properties.

The site is in close proximity to a number of industrial units with the main Sunderland Road Industrial estate being located to the east and is characterised by large commercial sheds surrounded by extensive areas of hard standing used for storage and parking. To the east directly opposite the site is Mono Marshalls Brickworks and to the south of the site served off Gateshead Close is a smaller commercial area comprising predominantly B1 business premises.

The Application:

Outline planning permission is sought for a residential development with all matters reserved except access

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering sustainable development
PPS3: Housing
PPS4: Planning for Sustainable Economic Growth
PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG17: Planning for Open Space, Sport and Recreation
PPG24: Planning and Noise

Bedfordshire Structure Plan 2011

N/a

Core Strategy and Development Management Policies for Central Bedfordshire (North)

CS1: Development Strategy
CS2: Developer Contributions
CS3: Healthy and Sustainable Communities
CS4: Linking communities - Accessibility and transport
CS5: Providing Homes
CS7: Affordable Housing
CS10: Location of Employment Sites
CS14: High Quality Development
CS15: Heritage
CS18: Biodiversity and Geological conservation
DM3: High Quality Development
DM4: Development Within and Beyond Settlement Envelopes
DM9: Providing a range of transport
DM10: Housing Mix

Emerging Site Allocations DPD - Public Examination held October 2010

Policy HA3 - Former Mellor Beauty Site, Sunderland Road, Sandy

Supplementary Planning Guidance

Design in Central Bedfordshire: A guide for development

Planning History

MB/81/0262A/OA	Outline: Warehouse/distribution depot, offices, workshop for repairs of own vehicles	Granted. 24/11/1983
MB/81/0262C/FA	Full: Temporary offices and toilets in connection with food distribution	Granted. 17/04/1984
MB/81/0262D/OA	Outline: Approval of roads and plot layout for development of small industrial units	Granted. 19/02/1985
MB/86/00039/FA	Full: New factory premises for industrial manufacturing purposes	Granted. 18/03/1986
MB/88/00339/FA	Full: Factory including warehouse and packing offices	Granted. 10/05/1988
MB/88/1757/FA	Single storey building provision for mixing packing and storing alcohol	Granted. 13/12/1988
MB/89/00083/FA	Full: Extension to warehouse	Granted. 15/05/1989
MB/92/00760/FA	Full: Remedial drainage works and additional drainage and trade effluent treatment works	Granted. 08/07/1992
MB/94/01067/FA	Full: Siting of masts for closed circuit television cameras and laying of fibre optic cables	Granted. 19/01/1995
MB/94/01226/FA	Full: Erection of first floor extension to provide research and development unit	Granted. 20/10/1994
MB/95/00212/FA	Full: Two storey office extension	Granted. 03/04/1995
MB/97/01644/FA	Full: Erection of warehouse	Granted. 17/02/1998
MB/04/01361/FULL	Full: Siting of sprinkler pumphouse and water storage tank	Withdrawn. 20/09/2004
MB/07/01905/FULL	Full: Provision of partially enclosed storage tank area	Granted. 04/01/2008
CB/10/03815/OUT	Outline: Residential Development of up to 75 dwellings (all matters reserved except access)	Refused. 04/01/2011

Representations: (Parish & Neighbours)

Parish/Town Council	Town Council supports this application subject to satisfactory and safe road access to the development.
---------------------	---

Neighbours No comments received.

Consultations/Publicity responses

Public Protection No objection subject to conditions in relation to noise and land contamination.

Highways No objection subject to conditions and requested financial contributions towards local infrastructure.

Play and Open Space In agreement with Sandy Town Council, due to the proximity of the site to Sunderland Road Recreation ground it has been agreed that childrens play will be provided via an off-site contribution. Informal Amenity open space will be provided on site. Concerns over the layout of the informal amenity space - which could be addressed at reserved matters stage.

Waste Requested further information in relation to details of rear access and bin collection points which could be dealt with at the reserved matters stage.

IDB No objection.

Environment Agency No objection.

Anglian Water No comments received.

Archaeology No objection.

Determining Issues

The main considerations of the application are:

1. The principle of development
2. Design, Layout and Affordable Housing
3. Residential Amenity
4. Impact of noise from neighbouring industrial sources
5. Highway Implications
6. S106 legal agreement

Considerations

1. The principle of development

The application site is within the settlement envelope of Sandy, which is identified in Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) as Major Service Centre. This policy emphasises that small-scale housing development located as close to the town centre as possible will be appropriate. Policy DM4 of the same document also states that '*within settlement envelopes of both major and minor service centres,*

the council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre'.

The application site was previously a safeguarded employment site, however, due to nature of the site, being purpose built and largely vacant since 2008, it has been accepted during the site allocations process that the existing safeguarded employment site is not fit for purpose and as such removed from the designated employment sites within the DPD. The site has now been allocated within the adopted Site Allocations DPD for housing.

The adopted site allocations document allocates the application site in Policy HA3 for residential development with a minimum of 60 dwellings.

The site is within the settlement envelope of Sandy where there is a presumption that the principle of residential development set out in Policies CS1 and DM4 is acceptable.

Given its location and allocation within the Site Allocations DPD it is therefore considered that the principle of residential development is acceptable.

2. Design, Layout and Affordable Housing

Character and Appearance of the Surrounding Area

The site is in close proximity to a number of industrial units with the main Sunderland Road Industrial estate being located to the east. Directly opposite the site is Mono Marshalls Brickworks and to the south of the site served off Gateshead Close is a smaller commercial area, comprising predominantly B1 business premises.

Adjacent to the site is a small residential cul-de-sac of largely 2 storey detached dwellings, these are screened behind a bund and mature planting along Sunderland Road.

The indicative layout has provided some indicative elevations of the dwellings fronting onto Sunderland Road and wrapping round on to Gateshead Close due to the need to overcome noise issues across the site this area has to form a barrier block. The form of the indicative elevations show that a varied street scene can be achieved with the concept of the barrier block.

It is considered that subject to detailed approval of the design and layout an acceptable street scene can be achieved and the development would not have a detrimental impact on the character and appearance of the area.

Design and Layout

The proposed application is for outline planning permission with all matters reserved except access. An indicative layout has been provided therefore it is considered necessary to comment on the layout as shown.

The layout proposes the use of the existing access from Sunderland Road and the closure of the access from Gateshead Close. The design and access statement indicates the parameters of the proposed development with a mix of 2, and 2.5 storey dwellings. In terms of the mix of properties within the scheme, the design and access statement envisages the scheme comprising 33 x 2 bedroom units, 33 x 3 bedroom units and 9 x 4 bed units. The form and mix of dwellings is considered appropriate in this instance.

In terms of the layout proposed, the submitted layout (drawing no. 10/699L/20), whilst it is indicative only is not considered appropriate. The scheme proposed is considered to be very parking dominant with a large majority of parking shown on street. There is also a deficiency in the number of parking spaces provided. Given the mix of dwellings, in accordance with Design in Central Bedfordshire: A guide for development there would be a requirement of 159 spaces. The current scheme provides 150 spaces and there is no provision for visitor parking.

The concerns regarding the parking and the layout have been raised with the applicant. However, as this is an outline application, with all matters reserved except access, it is considered that this can be addressed at the reserved matters stage and whilst the indicative layout is considered unacceptable it would not warrant refusal of outline consent.

Affordable housing

Policy CS7 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) sets out the Council's position in terms of affordable housing. It states that on qualifying sites 35% or more of the units should be affordable. This has been noted by the applicant and referred to in the Affordable Housing Statement within Appendix B of the Design and Access Statement and secured within the submitted Unilateral Undertaking.

3. Residential Amenity

The previous use of the site was an employment use, predominantly light industrial. The site has been vacant for a number of years and the current buildings are in the process of being demolished. To the north of the site there is a small residential development, with a number of properties backing on to the edge of the bridleway separating the two sites. Whilst the layout is indicative, it is considered that the proposal can be designed to minimise any impact on the privacy of these existing residential properties. As mentioned previously, this is an outline planning application, with little detail in terms of layout and design. It is at the detailed reserved matters stage that proper assessment of the impact in terms of residential amenity can be undertaken.

It is considered that the layout of the development is capable of being designed to ensure that it would not have an unacceptable impact on the neighbouring dwellings by way of overbearing impact, loss of light or privacy.

4. Impact of noise from neighbouring industrial sources

Planning Policy Guidance 24 outlines the considerations to be taken into account in determining planning applications both for noise-sensitive

developments and for those activities which will generate noise. It also introduces the concept of noise exposure categories for residential development, encourages their use and recommends appropriate levels for exposure to different sources of noise.

Paragraph 2 of the above document states that the impact of noise can be a material consideration in determining planning applications and that the planning system has the task of guiding development to the most appropriate locations. Paragraph 12 also states that when determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future.

The application site is located to the west of Sunderland Road, to the east of the site is Mono Marshalls Brickworks facility. This facility is the most dominant industrial noise source within the vicinity of the application site and operates 24 hours a day, 7 days a week. Supporting evidence was submitted with the application in the form of an Environmental Noise and Vibration Assessment in accordance with BS4142:1997.

Public Protection previously raised concerns regarding the impact of noise across the site, particularly from the adjacent industrial noise source (Mono Marshalls). They have raised no objection to this application on the basis that it has been designed to take account of any noise impact from the adjacent source. However, they have recommended a condition, to ensure that acceptable levels of noise are achieved across the site.

The design has been influenced by noise in that there is a building 'block' surrounding the south-eastern corner of the site, with an acoustic fence and landscaping in front. This has meant that an acceptable level of noise can be achieved across the remainder of the site. The 'block' around the front of the site has been designed so as non-habitable rooms front Sunderland Road, with all habitable rooms facing inward into the development.

Given the concern over how this 'block' may appear within the street scene, the applicant was asked to submit indicative designs with the application. The indicative designs submitted of this area are considered to be acceptable and will ensure a varied design within the street scene. Although design is not currently for consideration at the outline application stage. It is considered that an acceptable level of design could be achieved.

The proposal is therefore in conformity with Policy DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) and PPG24.

5. Highway Implications

The proposed development is to be accessed off Sunderland Road using an existing access, with the secondary access from Gateshead Close being closed off.

The Highways section have assessed the application and have no objection in principle subject to a number of conditions and financial contributions towards the provision of pedestrian and cycling link improvements.

Sustainable transport

A travel plan was submitted with the application, it is considered that this falls short of the required information and does not fully account for the local policy context; fully assess Central Bedfordshire design guidelines for the provision of public transport infrastructure; consider measures to improve the frequency of the limited bus service within the vicinity of the site; confirm whether cycle routes will be provided to/from the new development site and whether these will connect to existing cycle routes; propose sufficient measures for the promotion and management of the Travel Plan, including the appointment of a Travel Plan Co-ordinator; propose financial incentives for the new residents to use sustainable modes of transport; propose cycling provision; propose outline targets for the travel plan and an implementation timetable for the measures.

Public transport

In terms of public transport the Highways section do not agree with the comments and conclusion made within the assessment. The M3 route is approximately 700m from the site using the bridleway/ footpath adjacent to the site and using Waverley Avenue, then Engayne Avenue, and the existing bus stop in Engayne Avenue need to be upgraded to include a new shelter and ensure they are DDA compliant. Funding for this will be secured through the S106 agreement.

Given that there are no bus services to Sandy Town Centre or the Railway Station, it is considered important to improve/ provide additional pedestrian and cycle links from the site to the existing schools and facilities at the town centre. This is discussed in further detail below.

Pedestrian and cycling links

No pedestrian and cycling assessment was made of how the site will link with the existing schools and facilities at the town centre. In its absence the Council's Pedestrian and Cycling Officer has made an assessment and made recommendations in relation to improving links with the existing network. There are a number of aspects of this which can be conditioned, alternatively a number require additional funding and therefore contributions will be secured in a S106.

In terms of pedestrian and cycling links to the town centre, the most direct route to the town centre is via Sunderland Road and the High Street. It is therefore considered appropriate and necessary to provide a 3m wide footway/ cycleway on the western side of Sunderland Road from the intersection with the footpath running along the northern boundary of Stock Park recreation ground to the intersection with the bridleway running along the northern boundary of the site; funding towards the provision of repeated carriageway cycle symbols and for cycle lane marking across the various junctions on Sunderland Road; funding for cycle route signage.

In terms of pedestrian and cycling links to Sandy Upper School, Maple Tree Lower School and connections with National Cycle Route 51 it is considered necessary and appropriate to fund the improvement of the surface of the bridleway running along the northern boundary of the site between Sunderland Road and its intersection with the National cycle route. A contribution towards this resurfacing shall be secured through the S106 agreement.

With regard to the pedestrian and cycling links to Sandy Middle School, it is considered necessary and appropriate to provide a dropped kerb on Swansholme Gardens, this shall be secured by condition.

Given the improvements noted above and the contributions sought, it is considered that the proposed development would be a sustainable development in conformity with Policies CS2, CS4 and DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

6. S106 legal agreement

In accordance with the Policy CS2 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) and the Adopted Planning Obligations Strategy a legal agreement securing the following contributions will be required:

- 35% Affordable housing
- Education (Early years provision)
- Sustainable Transport
- Health Care - Primary and Secondary Care Land and Buildings, and mental care improvements
- Indoor Sports and Leisure Centres
- Outdoor Sports
- Childrens Play Space
- Green Infrastructure and Recreational Space
- Marston Vale Community Forest
- Village/ Community Halls
- Libraries
- Cemeteries
- Community Cohesion
- Waste Management
- Emergency Services
- Bus Stop Improvements
- Bridleway resurfacing

The legal agreement is in the process of being drafted and finalised. An update on this will be provided to the committee by the late sheet.

Recommendation

That Planning Permission be granted subject to the completion of a Section 106 agreement as outlined above and the following conditions:

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 2 Approval of the details of:-

- (a) the layout of the building(s);
- (b) the scale of the building(s);
- (c) the appearance of the building(s);
- (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

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

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

- 5 The indicative layout shown on plan number 10/699L/20 is not approved as part of this application.

Reason: For the avoidance of doubt.

- 6 The height of the buildings on the site shall be restricted to 2 and 2.5 storey buildings.

Reason: To ensure an acceptable development and respect the character and appearance of the surrounding area.

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

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

- 8 Visibility splays as shown on drawing No 10019/3 shall be provided at the junction of the access with the public highway before the development is brought into use. The shown vision splays shall, for the duration of the development be kept free of any obstruction.

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

- 9 Visibility splays shall be provided at all road junctions and shared accesses within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25.0m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

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

- 10 The detailed plans to be submitted for approval of reserved matters shall illustrate the provision of:
- A 3m-wide footway/cycleway on the western side of Sunderland from the intersection with footpath running along the north boundary of Stock Park recreation Ground to the intersection with the bridleway running along the north boundary of the site. The submitted details shall include the tie-in with Sunderland Road and directional signs.
 - A dropped kerb on Swansholme Gardens to facilitate cycle access to Sandy Place Middle School.

The approved details shall be implemented in full before any of the units is occupied.

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

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

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

- 12 The details to be submitted for approval of reserved matters shall include a scheme for the parking of cycles on the site.

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

- 13 This permission shall not extend to the layout and associated engineering details submitted in support of the application.

Reason: For the avoidance of doubt.

- 14 Development shall not be occupied until a residential travel plan has been submitted to and approved in writing by the Local Planning Authority, such a travel plan to include:

- Local policy context relating to travel planning;
- Assessment public transport infrastructure; propose sufficient measures for the promotion and management of the Travel Plan, including the appointment of a Travel Plan Coordinator;
- Financial incentives for the new residents to use sustainable modes of transport;
- Commitment to ensuring welcome packs are provided to each household, prior to occupation and including sufficient incentives to promote sustainable travel;
- Targets, a timetable for the implementation of the TP measures or mechanisms for monitoring the TP.

Reason: For the avoidance of doubt and to reduce reliance on the private car.

- 15 **Development shall not begin until a scheme for protecting the proposed dwellings from noise from the industrial units adjacent to the proposed development has been submitted and approved by the Local Planning Authority. None of the dwellings shall be occupied until such time as the scheme has been implemented in accordance of the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason: To protect the amenities of future occupiers of the dwellings.

- 16 **Prior to the occupation of the any development approved by this planning permission the developer shall submit to the Planning Authority and have approved, in electronic form where possible:**

- a) The results of the recommendations of the Environ Phase 1 Environmental Report previously submitted (UK 11 15832/02 - Dated August 2010) pertaining to "localised soil investigations" beyond the footprint of the ethanol tanks along with any recommendations and remedial schemes which these further works may result in.
- b) A written confirmation that any and all remedial works identified by the above as necessary have been completed in the form of a validation report to include photographs, material transport tickets and testing of any imported material. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.

Any groundwater issues shall be pursued independently through approval via the Environment Agency.

Reason: To protect human health and the environment.

- 17 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 hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be based upon the principles contained within the Flood Risk Assessment dated August 2010 (additional information attached thereto August 2011), reference UK11-15832, compiled by Environ, and shall include the following details:

1. Confirmation of post-development surface water runoff rates for events up to and including the 100-year storm of critical season and duration, commensurate with a fixed and agreed site layout and therefore fixed and known impermeable areas;
2. Calculations demonstrating necessary attenuation volume;
3. Full details of the proposed surface water drainage system including location, position, gradients, dimensions, cover and invert levels, attenuation facilities, flow controls and discharge point;
4. Demonstration of ground investigations and results confirming that infiltration drainage is not achievable at the site;
5. Details of all proposed feasible methods of utilising SuDs;
6. Overland flood flow information in the event of system exceedance or failure, ensuring that flood risk from surface water does not increase from this site to sites adjacent to and downstream of it;
7. Demonstration of a suitable allowance to account for future climate change;
8. Full details of the proposed maintenance regime for all elements of the proposed drainage system.

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the system for the lifetime of the development.

- 18 Details of bin storage/collection points shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In the interest of amenity.

- 19 **No development shall commence until a Site Waste Management Plan has been submitted to and approved by the Local Planning Authority. Development shall be completed in accordance with the approved details.**

Reason: To ensure a satisfactory form of development.

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

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

Reasons for Granting

The proposed development is acceptable in principle and would not have a detrimental impact on the character and appearance of the surrounding area, the residential amenities of neighbouring properties or the local highway network; as such it is considered to be in conformity with national planning guidance PPS1, PPS3, PPS5, PPS9, PPS10, PPG13, PPS22, PPS23, PPG24, PPS25 and Policies CS1, CS2, CS4, CS5, CS6, CS7, CS13, CS14, CS18, DM3, DM4, DM10, DM13, DM15, DM16, and DM17 of the Core Strategy and Development Management Policies for Central Bedfordshire (North). Furthermore, the proposal is in conformity with supplementary planning guidance Design in Central Bedfordshire - A guide for development and Planning Obligations Strategy (2008).

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The

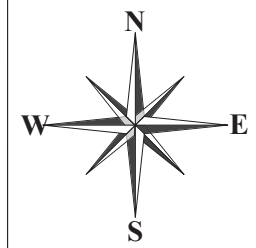
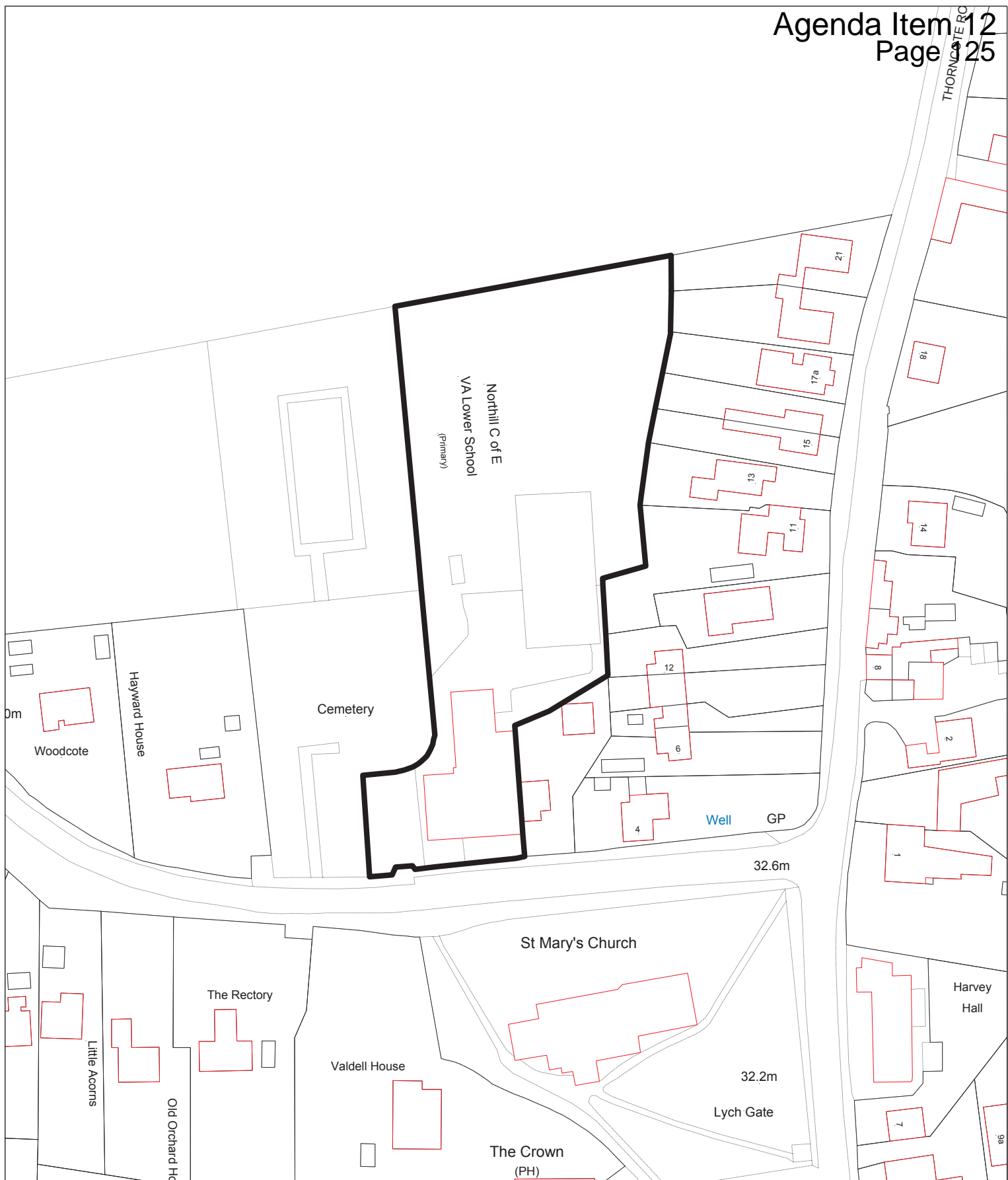
applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The applicant is advised that in order to comply with Condition 10 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that the closure of existing accesses shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the accesses.
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance".

DECISION

.....
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.
 Central Bedfordshire Council
 Licence No. 100049029 (2009)
 Date: 18:October:2011
 Grid Reference: 514875; 246660

Application No.
 CB/11/02984/VOC

Scale: 1:1250

Northhill Lower School, Bedford Road, Northhill, Biggleswade, SG18 9AH

This page is intentionally left blank

Item No. 12

SCHEDULE C

APPLICATION NUMBER	CB/11/02984/VOC
LOCATION	Northhill Lower School, Bedford Road, Northhill, Biggleswade, SG18 9AH
PROPOSAL	Variation of Condition: Formation of multi use games area with mesh fencing approved on planning permission MB/05/01313/FULL dated 20 October 2005. Application for removal of condition 4 for development to be used by pupils and staff of the school and variation of condition 5 for hours of use to 9am to 8.30pm Monday to Friday. The multi use games area shall only be used at weekends or public holidays following prior written agreement by the Local Planning Authority.
PARISH	Northhill
WARD	Northhill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Clare Golden
DATE REGISTERED	06 September 2011
EXPIRY DATE	01 November 2011
APPLICANT	Northhill VA Lower School
AGENT	Landscape Land and Property
REASON FOR COMMITTEE TO DETERMINE	The Assistant Director - Planning, has referred the application to Committee due to the extent of public interest on an application site owned by the Council
RECOMMENDED DECISION	Variation of Condition - Refused

Site Location:

The application site is Northhill Lower School on Bedford Road in Northhill, opposite St Mary's Church on the north side of the road. The main school building is a single storey red brick building within the Northhill Conservation Area. There is a small car-park to the side (west) and the school play ground, Multi-Use Games Area (MUGA) and playing field are to the rear (north), outside the conservation area but still within the Northhill Settlement Envelope.

The general area is residential in character. The cemetery is to the west of the school's site, to the north is open countryside and the eastern boundary of the school site is lined with residential dwellings.

The Application:

This application seeks to vary conditions 4 and 5 of a previous application for the erection of a MUGA granted in 2005, (MB/05/01313/FULL). Condition 4 relates to the use of the MUGA for pupils and the staff of Northhill Lower School only, and

Condition 5 relates to the hours of use of the MUGA being restricted to between 08:00 to 17:00, Monday to Friday, and at weekends or public holidays only following prior written agreement by the Local Planning Authority.

This application seeks to remove condition 4 and vary condition 5 to allow the use of the MUGA during the school holidays, evenings and Saturdays until 8.30pm, by residents of the village and the wider community.

The existing MUGA is predominantly an all weather, fenced tennis court which can be used for a range of games including volleyball, football, basketball and tennis. It has a metal framed structure with 3metre chain link fencing enclosing it. The structure has a floor area of 665 sq. metres.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1: Delivering Sustainable Development (2005)

Development Management Policies of the Adopted Core Strategy, 2009

DM3: Amenity

DM4: Development Within and Beyond Settlement Envelopes

Regional Spatial Strategy

East of England Plan (May 2008)

Supplementary Planning Guidance

Design in Central Bedfordshire, Adopted Design Guide, 2010

Planning History

CB/09/05330/FULL	Full: Erection of fitness trail on school playing field. Granted.
MB/08/02296/FULL	Full: Replacement of existing flat-roof bay windows with new pitched-roof bay windows. Granted.
MB/05/01313/FULL	Full: Formation of multi use games area with mesh fencing. Granted.
MB/05/00554/FULL	Full: Formation of all weather Surface multi-use games area with mesh fencing. Refused.
MB/04/01945/FULL	Full: Formation of all weather surface multi-use games area including mesh fencing and floodlighting. Refused.

Representations: (Parish & Neighbours)

Northill Parish Council Commented that they would like to see evidence of public consultation and if approval is given, the following conditions should be imposed:

- Higher fencing installed to prevent tennis balls going

- into neighbouring gardens;
- An annual limit on the number of lettings outside the current restricted hours.

Neighbours

13 letters of **objection** have been received. The main grounds of objection are summarised below:

- Increase in traffic as a result of increased use of the MUGA;
- There is not an identified need for the facility;
- The situation hasn't changed since conditions 4 and 5 were imposed on the original application and the same reasoning for these conditions remains;
- The proposal would lead to an application for floodlighting for the MUGA;
- The open accessibility of the MUGA to the general public up to 8.30pm, and all day on Saturdays would will pose an increased security risk;
- The impact of noisy and intrusive team activities;
- Additional noise and disturbance in the evenings and weekends and outside of school hours;
- Loss of privacy outside of school hours;
- Insufficient parking will cause parking problems around the site.

3 letters of **support** have been received. The main reasons for support are summarised below:

- The village needs the facility to help sustain village life;
- This is an opportunity to build sports associations using the school's facilities, bringing in new people, activity and life to the village and hopefully new investment;
- Parents will have the opportunity to play sport with their children;
- Local residents will not have to drive to other facilities;
- Will provide a safe place for children to play within the village;
- It will make sport more attractive and available to the few young people who live in the village;
- Having some limited sports facility within the village will be more environmentally friendly by reason of avoiding the need to use a car to participate in sporting activities;
- It will be in line with the Governments Way4Life initiative that encourages no less than 20 minutes activity per day to reduce obesity;
- Saying yes to this proposal is in line with the Governments proposals to say yes to planning;
- Rejecting the proposal would kill off the spirit of those trying to create another dimension to the community and represent a failure to maximise the value of

existing assets within the community that lies unused for the majority of time.

Consultations/Publicity responses

Highways	No objection.
Public Protection	No objection subject to conditions relating to the hours of use restricted to 8am to 7.30pm only, and only at weekends and public holidays with prior written agreement of the Local Planning Authority, and the submission of a noise management plan.

Determining Issues

The main considerations of the application are:

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

Considerations

1. The principle of the development

The application site lies within the village settlement envelope where Policy DM4 of the Adopted Core Strategy seeks to support schemes for community, education, health and sports and recreation uses or mixed community uses and advises that such development should make the best use of available land and lead to more sustainable communities.

This proposal relates to an existing MUGA which has been in use by the school for the last 5 years, and the application seeks to remove condition 4 to allow the school to be used by all members of the community and to vary condition 5 to extend the hours of use to 20:30 hours in the evening, at weekends and during the school holidays. National Planning Policy in PPS1: Delivering Sustainable Development, and PPS3: Housing, encourages the use of shared community facilities and recognises that there is the potential for greater use of community assets for a wider range of people and at different times.

The proposed rationale behind the proposal to extend the opportunity for use of the facility and for a wider range of people is supported therefore, in both national and local planning policy. The proposal must also accord with Policy DM3 of the Adopted Core Strategy however, which seeks to ensure that the amenity of surrounding properties is respected, the consideration of which is detailed in section 3 of this report.

Whilst this application is to remove and vary conditions of the original permission, in accordance with Section 73 of the Town and Country Planning Act 1990, the Council would be issuing a new planning permission for the

development if this application was approved. As such, it is necessary to consider whether the development itself is acceptable in light of any change of circumstances.

There are no apparent changes in circumstances and in view of the Council's decision to approve the development in the last application, it is considered that the existing MUGA, as it stands presently, remains acceptable.

2. The impact on the character and appearance of the area

The MUGA structure in question has already been erected and this application relates solely to the removal and variation of conditions relating to the use of it. There are no physical alterations or lighting proposed in the current application and thus it is considered that the proposal in this application would have no greater impact in terms of the character and appearance of the area, than there is as existing.

3. The impact on the residential amenities of neighbouring properties

The existing MUGA is sited adjacent to the east side boundary of the school site, and close to the rear boundaries of residential dwellings along Thorncote Road. A 2 metre close boarded fence has been erected along this boundary. The rear gardens of the closest neighbouring properties to the MUGA, No.s 12 Bedford Road and 9 and 11 Thorncote Road are 2metres away. By virtue of the close proximity of the facility to the rear gardens of No.s 12 Bedford Road, 11, 13 and 15 Thorncote Road, there is presently some noise disturbance to these properties, although this is mitigated somewhat by the existing acoustic fence along the boundary.

Conditions 4 and 5 of the original approval (MB/05/02984/VOC), were imposed to protect the residential amenity of occupiers of dwellings adjoining the application site, from the potential noise disturbance that may be caused outside of the approved hours and from the potentially greater intensity of use that could be caused by a wider mix of users of the facility.

Since planning permission was granted and the MUGA erected in 2005, the physical characteristics of the site haven't changed and the relationship, and in particular, the proximity of the development with the neighbours remains the same. The proposal would however result in an intensity of the use of the facility.

Concerns have been raised therefore, in respect of the potential for additional noise disturbance for a longer period of time in the evenings, weekends and during school holidays, should the hours of use be altered. Presently, the hours of use of the MUGA are restricted by a condition imposed on the original permission. The hours of use are for between 08:00 to 17:00, Monday to Friday. The proposal to vary condition 5 to extend the hours of use into the evening until 8.30pm, at the weekend and during school holidays, would extend the existing noise disturbance at times when it is considered reasonable that the occupiers of these properties would expect to have the quiet enjoyment of their property and rear gardens. The Council's Public Protection Officer has not raised an objection subject to restricting the hours of use to those proposed and the submission of a noise management plan to control the type of activities taking

place in the facility after 5pm. Notwithstanding those comments, it is considered that the proposal would result in a greater occurrence of noise disturbance to neighbouring properties to the detriment of their residential amenity, given the close proximity of the adjacent rear gardens. Furthermore, it is considered that even if a noise management was to be submitted, this would not be possible to enforce effectively.

Several other points have been raised concerning privacy, overbearing impact and possible lighting. It is not considered that the proposal would adversely impact upon privacy or result in an overbearing impact, as the structure itself would not be altered. In respect of lighting, no columns are currently proposed.

4. Any other implications of the proposal

The Highways Officer has confirmed that the proposal would not impact on the highway safety of the local area.

There are no other issues.

Recommendation

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

- 1 The proposal to remove condition 4 to allow all members of the community to use the facility and vary condition 5, to alter the hours of use from 08:00 to 17:00 hours to 09:00 to 20.30 hours in the evenings and on Saturdays, would result in a greater intensity of use and an extension to the period of noise and disturbance generated by the use which would have an adverse impact on the amenities of occupiers of nearby residential properties. As such, the proposal is contrary to Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

DECISION

.....

.....