

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



please ask for Helen Bell  
direct line 0300 300 4040  
date 10 May 2012

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 23 May 2012 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), K C Matthews (Vice-Chairman), P N Aldis,  
A R Bastable, R D Berry, M C Blair, D Bowater, Mrs C F Chapman MBE,  
Mrs S Clark, I Dalgarno, Mrs R J Drinkwater, Mrs R B Gammons, D Jones,  
Ms C Maudlin, T Nicols, I Shingler, P F Vickers and J N Young

[Named Substitutes:

L Birt, A D Brown, P A Duckett, C C Gomm, Mrs D B Gurney, R W Johnstone,  
J Murray, 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***

**N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.**

# AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 25 April 2012.

(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 schem of public participation set out in Annex 2 in Part 4 of the Constitution.

## REPORT

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b> To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.	* 7 - 12

<b>Planning and Related Applications</b>
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<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
7	<p><b>Planning Application No. CB/11/04497/OUT</b>  <b>Address:</b> Dukeminster Estate, Church Street,  Dunstable</p> <p style="margin-left: 40px;">Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to: 203 residential dwellings together with a 75 bed care home; 568 sqm (GFA) of class A1 retail space; 505 sqm (GFA) of class A2 financial and professional services or class A3 restaurants and cafes space; 555 sqm (GFA) of class D1 non residential institutions space; 783 sqm (GFA) of B1 business space together with associated vehicular parking and landscaped areas.</p> <p><b>Applicant:</b> Lionsgate Properties</p>	* 13 - 46
8	<p><b>Planning Application No. CB/12/00744/RM</b>  <b>Address:</b> Site 15c, Pratts Quarry, Billington Road,  Leighton Buzzard</p> <p style="margin-left: 40px;">Reserved Matters: Access, appearance, landscaping, layout and scale relating to the erection of 50 dwellings, creation of a new vehicular access and public open space on part of Site 15C - pursuant to outline planning permission SB/OUT/06/00869.</p> <p><b>Applicant:</b> Persimmon Homes Ltd</p>	*
9	<p><b>Planning Application No. CB/12/00751/RM</b>  <b>Address:</b> Site 15C, Pratts Quarry, Billington Road,  Leighton Buzzard</p> <p style="margin-left: 40px;">Reserved Matters: Access, appearance, landscaping, layout and scale relating to the erection of 55 dwellings, creation of a new vehicular access and public open space on part of Site 15C - pursuant to outline planning permission SB/OUT/06/00869.</p> <p><b>Applicant:</b> Charles Church Homes</p>	*

- 10      **Planning Application No. CB/12/00825/RM**      \*
- Address :**            Site 15C, Pratts Quarry, Bilington Road, Leighton Buzzard
- Reserved Matters: Access, appearance, landscaping, layout and scale relating to the erection of 115 dwellings, creation of a new vehicular access and public open space on part of Site 15C - pursuant to outline planning permission SB/OUT/06/00869.
- Applicant :**            Charles Church Homes
- 11      **Planning Application No. CB/11/04496/FULL**      \*    47 - 62
- Address:**    Land rear of White Horse PH, Park Lane, Eaton Bray
- Development with 4 houses and all ancillary works and changes to existing pub car park
- Applicant:**    Taylor French Developments Ltd
- 12      **Planning Application No. CB/12/01160/FULL**      \*    63 - 68
- Address:**    Hambleton, Dunstable Road, Studham
- Erection of two storey side extension, porch extension and first floor side gable extension.
- Applicant:**    Mr & Mrs Hadland
- 13      **Planning Application No. CB/12/00726/FULL**      \*    69 - 78
- Address:**    Land South of Stotfold, Norton Road, Stotfold
- Erection of a new building on 0.04ha site to include 1 No. one bedroom flat, 2 No. two bedroom flats, 151m<sup>2</sup> (gross internal) A1 shop and 4 No. car parking spaces together with parking bay on main street.
- Applicant:**    Taylor Wimpey (South Midlands)
- 14      **Planning Application No. CB/12/01266/FULL**      \*    79 - 86
- Address:**    Watercote lane Farm, biggleswade Road, Upper Caldecote
- Proposed Farm Office Building and Car Parking

**Applicant:** GJ Maudlin & Sons

- 15 **Planning Application No. CB/12/00914/FULL** \* 87 - 94  
**Address:** Hatch Farm, Hatch Common, Hatch

Single storey side extension

**Applicant:** Mr Maudlin

- 16 **Planning Application No. CB/12/00756/FULL** \* 95 - 104  
**Address:** 35 Potton Road, Everton

Two storey front, side and rear extension, porch to front, plus erection of detached garage to rear of rear garden.

**Applicant:** Mr Barua

- 17 **Planning Application No. CB/12/00466/FULL** \* 105 - 118  
**Address:** 2 High Street, Stotfold

Erection of one detached dwelling

**Applicant:** Mr Mc Neill

- 18 **Planning Application No. CB/12/01007/FULL** \* 119 - 134  
**Address:** Land at 3 Olivers Lane, Stotfold

Erection of 3 bedroom dwelling

**Applicant:** DPS Prestige Developments Ltd

- 19 **Planning Application No. CB/12/00796** \* 135 - 140  
**Address:** Budgens Stores Ltd, Market Square, Sandy

Proposed sub division of existing Budgens Store and new entrance doors and section of shopfront.

**Applicant:** Musgrave Retail Partners GB

- 20 **Site Inspection Appointment(s)** \*

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 20 June 2012 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

In the event of there being no decision to refer any site for inspection the

Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members Planning Code of Good Practice.

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**Meeting:** Development Management Committee  
**Date:** 23<sup>rd</sup> May 2012  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Sustainable Communities  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Sustainable Communities  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader  
(Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

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

**Background**

10. 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.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. 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.

**Appendices:**

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



## Planning Enforcement formal action (DM Committee 23rd May 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>1</b>	CB/ENC/09/1355	2 and 2a Blackbird Street, Potton	Enforcement Notice, extension & alteration to roof & wall	27-Apr-12	25-May-12	24-July-12 and 23-Aug-12				Further Enforcement Notice served on 2 and 2a Blackbird Street. Check compliance after 23/8/12
<b>2</b>	CB/ENC/10/0068	Land at The Haven, Castle Hill Road, Totterhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal dismissed	3-May-11	<b>Part complied,</b> container removed, some materials remain	Site being monitored to assess for further S215 action on untidy site, check after 11/4/12
<b>3</b>	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 - Hearing 13/3/12			Appeal linked with planning appeal. Await appeal decision
<b>4</b>	CB/ENC/11/0060	Land at Oak Barn, Little Park Farm, Station Road, Ampthill, Bedford MK45 2RE	Enforcement Notice - construction of a detached building and an area of hardstanding	10-Mar-11	07-Apr-11		Appeal allowed 16/8/11		Enforcement Notice quashed.	Planning permission granted 12/12/11 for garage, CB/11/03468/full. Work in progress to comply with planning permission
<b>5</b>	CB/ENC/11/0405	Land adjacent to 35 Ickwell Road, Upper Caldecote. SG18 9BS	Enforcement Notice Construction of a wooden building	14-Mar-12	13-Apr-12	13-Jun-12	Appeal received 13/4/12			Await outcome of appeal
<b>6</b>	CB/ENC11/0411	Land at 35 Clay Furlong, Leighton Buzzard	3 Enforcement Notices 1. Erection of a front extension. 2. Erection of a fence exceeding 1m in height. 3. Erection of a canopy.	23-Jan-12	20-Feb-12	Various			<b>Part complied</b>	1. CB/11/02522 granted for extension 21/3/12 2. fence complied 3. CB/12/01316 received for canopy. Await decision.
<b>7</b>	CB/ENC/11/0418	Land to the rear of 65, Shefford Road, Clifton SG17 5RQ	2 Breach of condition Notices CB/10/01446/FULL 1. Condition 16 (turning space) 2. Condition 8 (access road junction)	1-Dec-11	1-Dec-11	31-Dec-11	N/A		<b>Part complied</b> (turning space)	1. Turning space constructed. 2. Notice withdrawn for access road junction, developer/owner constructing, monitor progress
<b>8</b>	CB/ENC/11/0509	Land at 53 Merlin Drive, Sandy. SG19 2UN	2 Enforcement Notices 1. Change of use to mixed use residential and keeping of dogs. 2. Erection of kennels.	13-Apr-12	11-May-12	11-Jul-12				Check compliance after 11/7/12

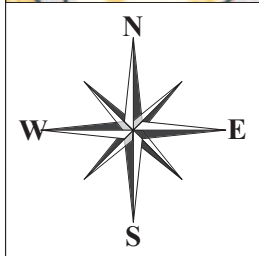
## Planning Enforcement formal action (DM Committee 23rd May 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>9</b>	CB/ENC/11/0535	Land east of Miletree Road Heath and Reach	<b>Injunction</b> - anticipated caravans/mobile homes	24-Oct-11	24-Oct-11	immediate				Monitor site
<b>10</b>	CB/ENC/11/0535	Land east of Miletree Road Heath and Reach	Enforcement Notice - unauthorised hard standing and access way	01-Nov-11	30-Nov-11	14-Dec-11 & 28-Dec-11	Appeal - dismissed, Enforcement Notice upheld	18-April-12 & 2-May-12	Successful direct action to remove hard standing 27/4/12 to 30/4/12	Planning application CB/11/03821/full refused 6/1/12 for caravan site. Check compliance with Notice 18/4/12
<b>11</b>	CB/ENC/11/0606	Land at 70-74 Common Road, Kensworth, Dunstable. LU6 3RG	Enforcement Notice - the use of an outbuilding as an independent dwelling	2-Dec-11	3-Jan-12	3-Jul-12				Appeal against refusal of planning permission not accepted by PINS. Check compliance after 3/7/12
<b>12</b>	CB/ENC/11/0656	Land at 50 Redwood Glade, Leighton Buzzard	Enforcement Notice. The erection of a childrens play centre with raised platforms	23-Jan-12	20-Feb-12	20-Mar-12	Appeal received against refusal of planning permission			Planning application for revised scheme - CB/12/00447/full refused. Await outcome of appeal
<b>13</b>	CB/ENC/12/0054	Woodside Caravan Park, Thorncote Road, Northill	<b>Injunction</b> - Change of use of land to gypsy site	3-Feb-12	3-Feb-12	3-Feb-12				Caravans removed. Permanent Injunction granted 10-Feb-12. Monitor site.
<b>14</b>	CB/ENC/12/0069	Site B The Stables, Stanbridge Road, Gt Billington, Leighton Buzzard	<b>Injunction.</b> Unauthorised siting of caravans	30-Mar-12	30-Mar-12	1-May-12 remove mobile home				Monitor compliance with Injunction
<b>15</b>	CB/ENC/12/0173	Land at London Gliding Club, Tring Road, Dunstable LU6 2JP	Enforcement Notice. The construction of a T Hangar.	17-Apr-12	15-May-12	15-Jul-12				Awaiting appeal
<b>16</b>	MB/ENC/05/0178	Land at Maulden Garden Centre, Water End, Maulden	Enforcement Notice - change of use from nursery to garden centre, construction of 6 buildings, siting of mobile home.	9-Apr-09	9-May-09	9-Nov-09	Appeal part allowed			Enforcement Notice varied & part upheld on appeal and Planning permission granted. Site cleared, discussions with new owner , awaiting new planning application

## Planning Enforcement formal action (DM Committee 23rd May 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>17</b>	MB/ENC/07/0085	Woodview Nurseries, Shefford Rd, Meppershall	Enforcement Notice - Mobile home & conservatory	21-Jan-08	19-Feb-08	19-Aug-08	Appeal dismissed, Notice upheld	3-May-10	<b>Not complied.</b> Court Hearing March 2011 - <b>prosecution and fine</b>	Further direct action to be taken to secure compliance with Notice.
<b>18</b>	MB/ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			<b>Part complied</b> Planning application CB/11/04219/full received 14/12/11	Await outcome of application
<b>19</b>	SB/ENF/05/0005	215 Common Road, Kensworth	Enforcement Notice - Erection of a double garage and storeroom	16-Mar-05	18-Apr-05	18-Jul-05	6-May-05	6-Aug-05	Appeal dismissed & enforcement notice upheld. <b>Not complied</b>	Under new ownership, further evidence for prosecution to be sent to Legal
<b>20</b>	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	Appeal dismissed.	9-Jan-09	<b>Part complied</b> - use of buildings and land	Prosecuted and fined September 2011. Continue to monitor for full compliance.
<b>21</b>	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	4-Sep-09	Appeal part dismissed.	Court Hearing 11th October 2011, prosecuted and fined. LDC proposed development granted. In process of altering to comply with proposed LDC.

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 03:May:2012  
Grid Reference: 502347; 222161

Application No.  
CB/11/04497/OUT

Scale: 1:5000

Dukeminster Estate, Church Street, Dunstable, LU5 4HU

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<b>Item No. 7</b>
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<b>APPLICATION NUMBER</b>	<b>CB/11/04497/OUT</b>
<b>LOCATION</b>	<b>Dukeminster Estate, Church Street, Dunstable, LU5 4HU</b>
<b>PROPOSAL</b>	<b>Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to: 203 residential dwellings together with a 75 bed care home; 568 sqm (GFA) of class A1 retail space; 505 sqm (GFA) of class A2 financial and professional services or class A3 restaurants and cafes space; 555 sqm (GFA) of class D1 non residential institutions space; 783 sqm (GFA) of B1 business space together with associated vehicular parking and landscaped areas.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Young</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>22 December 2011</b>
<b>EXPIRY DATE</b>	<b>22 March 2012</b>
<b>APPLICANT</b>	<b>Lionsgate Properties</b>
<b>AGENT</b>	<b>Planning Works Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from approved plan</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Site Location:**

The 6.5ha Dukeminster Estate is a commercial enclave on a rectangle of land with a long history of industrial use having 2 boundaries to more recent residential development. The estate sits off the northern side of Church Street, just east of the Town Centre, and the land was levelled in the past by forming embankments up to 5m high to part of the north and west sides. The embankments were planted resulting in a mature wooded bank on these frontages to flats and houses in The Mall, Kingsway and Bernards Close. However, there are presently no fences at the top or bottom of the bank (except where it abuts private gardens, where a close boarded fence exists). The eastern boundary is to the formation of the former railway, being converted into the Luton to Dunstable Busway, with White Lion Retail Park and Sainsburys beyond. The margin to the Busway is colonised by scrub with a number of trees, especially self-set sycamore towards the north and incorporates a steep fall of 3m to the boundary at this end. The southern boundary is to Church Street which has been upgraded to a multi-lane highway in readiness for the busway. A central spine road runs through the estate from Church Street and many of the low-rise commercial buildings have now been demolished to slab level. The southern frontage was redeveloped in recent decades in the form of dark brick office

blocks ranging from 3 to 6 stories, more recently vacant and now in course of demolition.

The application site covers the whole estate, being different from the previous history which excluded the office blocks on the southern boundary. The southern part abuts the Dunstable Conservation Area to the west (taking the form locally of the grassed sward north of Church Street extending to Marshe Almshouses and beyond). The 1973 Tree Preservation Orders protect (a) trees in an Area which included the bank towards the NW corner of the site and (b) individual trees at the foot of the bank to the rear of Scotts Court and Earls Court.

A triangle of land to the south-east of the site is excluded from the application as it is required for new road access to the Busway and the Anglian Water underground floodwater holding tank.

### **The application:**

The whole site apart from the tree belts would be cleared and redeveloped for residential-led mixed uses. All matters except access are reserved for subsequent approval. The total former floorspace (both demolished or still standing) to be replaced is 22,176m<sup>2</sup> (Note 1).

- The residential element has a suggested composition of 6 x 1-bed flats, 74 x 2-bed units (of which 30 would be houses), 106 x 3-bed houses and 17 x 4-bed houses totalling 203 dwellings. This may however be amended at reserved matters stage.
- The non-residential element would comprise:
  - 75-bed care home
  - 568m<sup>2</sup> Class A1 space (general retail, with preference for local convenience store)
  - 505m<sup>2</sup> Class A2 space (financial and professional) or A3 (restaurant and cafe)
  - 555m<sup>2</sup> Class D1 space (non residential institutions, childrens nursery)
  - 783m<sup>2</sup> Class B1 space (business)

In respect of the means of access the submitted drawing 319B shows a principle vehicle and pedestrian estate road entering the site at the point of the existing estate road, a secondary vehicle and pedestrian access towards the western end of the south frontage to Church Street, and pedestrian/cycleway accesses to The Mall and to the proposed Court Drive bus stop ('White Lion Retail Park') on the Busway. All points of access 'terminate' just into the site and no other highways are included at this stage.

For illustration purposes an indicative masterplan shows

- Block A - a 3, 4 & 5 storey linear block facing Church Street on the west side behind a landscaped car park which would contain retail space, A2 and A3 space, and a nursery on the ground floor; 8 flats and B1 offices on the first floor, 33 flats on the higher floors
- Block B - a 2/3storey 75-bed care home on 0.54ha on the eastern side of the site
- additional landscaped car parking and servicing behind Block A
- housing development with 3 play areas



- retention of the tree belts.

The buildings would be low carbon and energy efficient, with an emission rate 10% below current Building Regulations. The commercial element would aim for BREEAM excellent and residential for Code 4. Details of means of heating are not yet known but supplementary heating systems (such as photo-voltaic and solar energy panels) will be employed where possible. Water recycling would be considered and external areas would accommodate SUDs. Detailed advice would be provided to occupiers on sustainable practices.

The following documents have been submitted:

Public consultation statement

Phase I detailed desk-top study (contamination)

Ecological appraisal

Tree survey, arboricultural implications report and method statement

Flood risk assessment

Sewer network note

Environmental noise impact assessment

Design and Access Statement

Heritage statement

Building for Life appraisal

Energy statement

Affordable housing statement

Marketing report

Economic statement

Transport statement

Landscape strategy document

Planning Obligations statement

Note 1. Figures taken from 2007 appeal statement. The Lambert Smith Hampton Marketing report uses the figure 27,800m<sup>2</sup>. Current application form uses figure of 19,028m<sup>2</sup> for 'existing floorspace', which, when demolished space is taken into account, appears to be closer to the LSH figure. In view of the appeal decision (see History section) not to place greater weight on loss of employment space, this difference is not considered to be significant. Furthermore, the strategic unit of measurement now tends to be site area rather than floorspace (see below).

## **RELEVANT POLICIES:**

### **National Policy**

National Planning Policy Framework

### **Superseded National Policies (PPG & PPS)**

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

### **Regional Spatial Strategy**

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

SS1 Achieving Sustainable Development

SS3 Key Centres for Development and Change

SS5 Priority Areas for Regeneration  
E2 Provision of Land for Employment  
H1 Regional Housing Provision 2001 to 2021  
H2 Affordable Housing  
T2 Changing Travel Behaviour  
T6 Strategic and Regional Road Networks  
T14 Parking  
ENV3 Biodiversity and Earth Heritage  
ENV6 The Historic Environment  
ENV7 Quality in the Built Environment  
ENG1 Carbon Dioxide Emissions and Energy Performance  
WAT4 Flood Risk Management  
WM6 Waste Management in Development

**Draft Luton and southern Central Bedfordshire Core Strategy: Pre Submission 2011-2026 (November 2010 as amended); endorsed for Development Management purposes**

CS1 Development Strategy  
CS3 Developer contributions for infrastructure  
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  
CS12 Resource efficiency  
CS13 Adapting to and mitigating flood risk

**Bedfordshire Structure Plan 2011**

25 Infrastructure

**South Bedfordshire Local Plan Review Policies**

BE8 Design and Environmental Considerations  
E1 Main Employment Areas  
H2 Fall-In Sites  
H3 Local Housing Needs  
H4 Affordable Housing  
R10 Play Area Standards  
R11 New Urban Open Space  
T1 Location & Traffic Impact - Deleted (Refer to PPG13)  
SD1 Keynote Policy  
T10 Parking - New Development  
T4 Translink Project

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

**Supplementary Planning Guidance**

Design in Central Bedfordshire - Guide for development  
CBC Planning Obligations SPD (South)  
Dunstable Town Centre Masterplan (May 2011)

**Planning History**

(\* sites exclude offices at front of current site)

SB/06/00884/OUT*	Expired - Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300 sq.metres of Class A1 floorspace and up to a maximum of 520 sq.metres of Class D1 floorspace. Refused but allowed at appeal.
CB/09/06759/REN*	Similar proposal - renewal. Refused and not appealed.
CB/09/06766/RM*	Expired - Erection of 172 dwellings, 300 sq.metres of Class A1 retail and 513 sq.metres of Class D1 accommodation (Reserved matters).
CB/11/02380/OUT*	Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300sqm (gfa) of Class A1 retail space and 513sqm (gfa) of Class D1 accommodation. Resolved to be granted subject to UU or S106 and not being called-in by Secretary of State. Not called in, but no legal agreement yet signed.
CB/11/03053/DEM	Approval - Prior Approval of Demolition: Demolition of: Unit 1 (6 storey office building), unit 4 (4 storey office building), unit 18 (5 storey office building), Venture House (3 storey office building), unit 2 (industrial/warehouse building), unit 3 (industrial/warehouse building), unit 5 (industrial/warehouse building - remaining part).

**Representations:  
(Parish & Neighbours)**

Dunstable Town Council	No objection.
Neighbours	<p>The Mall no.85, 86 and 42 Kingsway</p> <p>Objections:</p> <p>Quality of life will be reduced because of more traffic and noise.</p> <p>Negative effect on safety of residents of The Mall with the emergency access road becoming a through road, even if illegal; children can no longer play outside; the Mall cannot cope with more vehicles, especially speeding.</p> <p>Parking situation will get worse (with off-site workers already using street to avoid payment elsewhere) because the site has insufficient spaces and people will overflow to The Mall.</p> <p>Who would cut the grass on the bank, now that the Council have stopped doing it?</p> <p>No objection if emergency access was towards Sainsburys.</p> <p>Request a fence is erected along the tree line backing onto the dwellings on Kingsway to reduce any impact on the privacy and security of residents of these houses.</p>

## Consultations/Publicity responses

Environment Agency	Should only be permitted if 6 planning conditions are imposed dealing with flood risk and contamination.
Environmental Health Officer	No objections. Contamination - Requests conditions. Noise - Requests conditions to mitigate against noise from the Busway, off-site supermarket servicing, and operational noise from the development. Any outdoor play area attached to the children's nursery should be provided with an acoustic fence. General informative requested. Air quality: No measures needed.
Highways Agency	Directs that a travel plan condition should be added to any planning permission granted
Highways Development Control	Has no objection to the proposal in principle but recommends that the previous conditions (attached to the previous application) should be included if permission is given. Has concerns with the indicative layout which can be addressed later. However, there are two issues which should be addressed at this point as follows. There appears to be inadequate parking on site and for that reason it would be considered appropriate to manage parking on the new highway. This can be dealt with by condition.
Local Plan Team	PPS/PPGs (Now superseded) - Sustainable development and high quality inclusive design; cohesive communities, natural environment, strong economy and good design; mix of housing type, consideration of long term benefits for Town Centre; draft NPPS echoes above sentiments.  EEP - Policies will need to be adhered to until revoked.  SBLP - Will need to adhere to Policies SD1, BE8, T4, T10, H2, H3, H4, E1, R10, R11.  CS - Need to accord with Policies CS1, 3, 5, 6, 7, 8, 9, 11, 12, 19.  DTC Masterplan - Opportunity to consider the site for comprehensive redevelopment with an element of the employment function retained.  Recommendation - Residential element with some commercial has been approved in principle through the

2007 appeal. Loss of the employment element on the frontage now needs to be addressed. While Policy E1 strictly maintains the employment user, CS9 takes a flexible approach and broadens the range of job opportunities. The 2008 Employment Land Review graded this as a 'red' site largely on the basis of the 'sheds' behind. The uses proposed will generate job opportunities over a broader range and, even discounting construction jobs, at a higher number than present site employment.

Development will have an impact on the Town Centre which, in terms of losing the present unrefurbished office blocks, will be positive if a high quality of design is employed. It would be important not to increase the retail element so as to compete with town centre uses.

It is important to evaluate the application in the light of current policy, emerging policy and the previous history of the site as well as the contribution the development can make in terms of delivering employment opportunities in the area and contributing to the local economy and how the comprehensive development of the site will contribute to sustainable ways of living in Dunstable. The redevelopment does provide a broadened range of employment opportunities and positively contributes to Dunstable. As such there are no objections provided the care home and commercial uses remain important elements of the proposal. Added comments after the publication of NPPF stating that the application seems to be in compliance with NPPF as it looks at alternative uses for the site as there is little prospect of it being redeveloped for solely employment use, the proposal also delivers a range of housing and takes account of future demographic trends of the area particularly in relation to the care home.

- |                           |  |
|---------------------------|--|
| Housing Strategy          | Would expect to see 35% affordable housing, being 71 units, to be split 69:31 in favour of social rent. Units should be dispersed throughout the site and integrated with market housing to promote community cohesion and tenure blindness. The units should meet Code 3 and all HCA design and quality standards.  |
| School Places Officer     | Will require a lower school and Early Years contribution. A calculation method can be used.  |
| Sustainable waste officer | <ul style="list-style-type: none"> <li>• A 'bring bank' site will be required</li> <li>• Needs to see details of measures to ensure that bins would be stored away from frontages</li> <li>• Details will be needed at RM stage of commercial waste storage</li> <li>• Applicant is advised to inspect CBC online documents on Waste Storage and Management</li> </ul> |

- A Site Waste Management Plan will be required prior to commencement of development

Ecology Officer

The ecological assessment identifies the sites potential for reptile interest, particularly slow worms and a reptile survey of the woody boundaries of the site is recommended. The best time for such a survey is during April and May.

As this is an outline application the full details of landscaping are not fully known but opportunities for ecological enhancement of the site should be sought though the use of native species for planting schemes and with the inclusion of nest boxes for birds such as house sparrows on some buildings.

Trees on the boundaries of the site should be retained where possible. If a tree is to be removed it should first be checked by a suitably qualified ecologist for the presence of bats. Bats are known to roost in the immediate vicinity of the site. Any removal of trees / scrub should be done outside of the bird nesting season March to August inclusive.

The Badger report identifies a number of holes and two Badger setts. It is proposed to apply for a licence to close the secondary sett. This is to allow for construction works of a cycle / footway link to the north of the site. Natural England will need to approve this work and it is likely that there will be a requirement for an alternative sett to be provided. During the site visit with applicant and ecologist the positioning of this alternative was discussed. The only land available is not in the ownership of the applicant so an agreement with the landowner will be necessary to complete works on an artificial sett.

The current area of their (retained) sett is identified as a potential play area / open space. Badgers have adapted well to the urban context and it should be borne in mind that they will dig latrines and forage around their setts so there is a potential clash of interests in using this area as a play space. Suitable shrub planting should be undertaken around the area of the sett to prevent human and preferably dog access from causing disturbance. Further discussions will be necessary when detailed drawings are available.

Sport England

Non statutory response. In relation to outdoor sports there are no proposals for making on-site provision, however the Planning Obligations Statement acknowledges that the development is likely to generate a need for recreation facilities. Contributions towards

outdoor sports provision should be sought in line with the Central Bedfordshire Council Planning Obligations SPD. There is currently no commitment by the developer to make such a contribution and Sport England therefore object.

In relation to indoor sports provision there are no proposals for making on-site provision, however the Planning Obligations Statement acknowledges that the development is likely to generate a need for indoor recreation facilities. Contributions towards indoor sports provision should be sought in line with the Central Bedfordshire Council Planning Obligations SPD. There is currently no commitment by the developer to make such a contribution and Sport England therefore object.

## **Determining Issues**

The main considerations of the application are;

1. Planning history
2. Policy position - introduction
3. Character of development in indicative masterplan
4. Policy position - conclusion
5. Access
6. Sewerage
7. Unilateral Undertaking
8. Conservation Area and protected habitats
9. Comments on objections
10. Other Issues

## **Considerations**

### **1. Planning history**

The site is allocated in the Local Plan as a Main Employment Area; relevant Policy E1 is still saved. On the greater part of the site Outline application SB/OUT/06/0884 for up to 458 dwellings (and 300m<sup>2</sup> retail/520m<sup>2</sup> Class D1) was refused planning permission in 2006 on grounds of loss of employment land, inadequate recreation provision, lack of Flood Risk Assessment, lack of Waste Audit, dominant relationship to existing residential properties/overdevelopment, risk to protected trees with proposed footpath link, inadequate affordable housing provision, inadequate Transport assessment. At the subsequent appeal, after satisfying himself that all matters were fully considered, the Inspector was minded to allow the appeal. The Secretary of State, in allowing the appeal (4th December 2007), agreed with the Inspector and noted that the proposal would provide new and additional housing in a sustainable location including a good quantity of affordable housing, and that there was evidence of sufficient employment land elsewhere. She also considered that the development would be compatible with local character, highway issues were overcome, infrastructure contributions were justified, no flood risk objections remained, conditions could overcome tree and waste concerns, and there need not be harm to residential amenity.

The Reserved Matters (RM) relating to this permission, but reduced to 172 dwellings, (CB/09/06766) were approved on 11th November 2010 however the permission as a whole expired on 11th November 2011 because of the time limits set by the Secretary of State and an outstanding impediment to commencement in the form of the Anglian Water study. Shortly before the submission of these RMs a further outline application (CB/09/06759) was lodged for the full 458 dwellings etc. Members were not satisfied with this submission because, since the appeal decision 2 and a half years earlier, traffic and foul water drainage conditions had again deteriorated and there was now a difference between the number of dwellings sought in the RMs and that sought in the new outline. The refusal was not appealed because the approval of RMs kept the permission alive. Another attempt to keep a permission alive, by submitting a new outline application but for the lower level of housing, was submitted last year (CB/11/02380). Although it did not succeed because the legal agreement had not been signed in time, the fact that CBC resolved to grant outline permission subject to a legal agreement means that the applicant is only a signature away from a valid permission.

The current whole-site proposal has been in gestation for some time and the Public Consultation Statement shows that, as well as holding a public exhibition (inviting those now consulted on the application), and setting up a website, the applicants have made a presentation to the Town Council. They intend to carry out further consultation at RM stage.

## **2. Policy position - introduction**

At the time of writing this report, notwithstanding the Localism Act 2011 East of England Plan policies are still in place as a result of the Cala decisions. The planning authority is therefore expected to take a strategic cue from the EEP although, following the CBC Executive decision on 23rd August 2011, the draft Luton and southern Central Bedfordshire Core Strategy: Pre Submission will be taken as guidance for development management decisions. On 27 March 2012 the National Planning Policy Framework was published. Annex 1 of the NPPF sets out that where Local Plan policies were adopted in or before 2004 then due weight should be given to relevant policies according to their degree of consistency with the framework. Under this subject heading will also be considered the Dunstable Town Centre Masterplan.

## **3. Character of development in indicative masterplan**

It was reported previously to the committee that the indicative layout submitted with the 2011 application needed further work on the 'emergency access' to The Mall to safeguard as many trees as possible, and the relationship of new housing to the bank in the same area. Conditions were to be imposed to facilitate discussions on final design details. There were ongoing discussions with the Busway Project to improve connections with the stop at the north of the site, which would provide a strong impetus to developing sustainable travel habits.

This application does not suggest that the pedestrian and cycle link to The Mall would need to function as an access for emergency vehicles. The applicant is however agreeable to providing a 3.6m wide footway/cycleway at this point which could if necessary be used as an emergency access. The final design of



this link can be determined at the final design stage when the reserved matters application is submitted.

The indicative residential access arrangement is now an offset tree-lined spine 'shared access' with arms left and right. Houses front both the spine and arms in a traditional way with the play areas located at the end of the arms next to tree belts. It is envisaged that there would be considerable tree planting and use of hedgerows. The masterplan proposes 162 dwellings in roughly the same part of the site as the previous 172 dwellings. This is a lower density and therefore any minor issues in layout should be easier to address at details stage in a lower density scheme. The typical relationship with the tree belts (which is generally improved) and garden size are 2 such considerations, in particular the eastern tree and scrub area where details will need to address the steep fall towards the eastern boundary. However, setting a maximum number of dwellings and recognising the lower density of this scheme means that this does not invalidate the principle of the development.

The Tree and Landscape Officer raises some concern regarding the loss of the grassed areas which surround the groups of trees on the Church Street frontage. The officer would like to see the grassed areas retained and it is considered that the retention of the grass would contribute to the character of the site and adjacent Conservation Area. Landscaping would be a matter to be dealt with at reserved matters stage and it is considered that a condition should be attached to prevent any trees being removed until the reserved matters applications have been assessed.

A Noise assessment addresses in particular traffic on Church Street, the Busway and servicing of Sainsburys and White Lion Retail Park. Satisfactory internal levels could be achieved in the care home and housing as well as their outdoor amenity areas with an appropriate condition. The Environmental Health Officer comments that a condition should be added to prevent unacceptable levels of noise arising from fixed plant which may be installed in connection with the commercial uses on the site. There is some concern that the servicing of the retail and commercial units has potential to cause noise and disturbance to the residents of the proposed flats. It is considered that this issue can be dealt with by appropriate conditions, such as restricting delivery times, which would be added to the commercial and retail uses at reserved matters stage.

Sustainability assessment is an implicit part of many areas of this report but the applicant has also specifically conducted a Building for Life assessment of the scheme. The proposals are well located, provide a good mix of accommodation size and tenure, is well related to public transport and would be built to high standards. The indicative design responds appropriately to the existing landscape features and heritage/biodiversity assets and provides opportunity for an individually designed scheme which relates well to its established neighbours. Routes give priority to pedestrians and cyclists with a natural calming effect from their form and arrangement. Security would be considered and the non-vehicle links to the north would be capable of being overlooked. Houses would be capable of internal alteration as family needs change (Lifetime Homes) and the care home would be equally adaptable.

**4. Policy position - conclusion**  
**National Planning Policy Framework**

The NPPF which was published on 27 March 2012 states in paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of the site being used for that purpose. The application site has been allocated in the SBLP policy E1 as a main employment area. The policy has been in place for over 8 years during which time the employment uses of the site have declined and no proposal has been put before the Council suggesting that there is any interest in redeveloping the site for employment use.

Paragraph 38 of the NPPF sets out that for larger scale residential development in particular a mix of uses should be promoted in order to provide opportunities to undertake day to day activities on site. The application includes residential development, retail, offices, care home and a D1 use which would provide for everyday shopping needs and the potential for those living on site to work on site.

A wide choice of high quality homes should be delivered as well as opportunities to widen home ownership and create sustainable, inclusive communities, as required by paragraph 50 of the NPPF. It is considered that the application could deliver a variety of sizes and tenures.

Paragraph 59 of the NPPF sets out that Local Planning Authorities should consider using design codes where they could help deliver high quality outcomes. A condition on the previous application required the preparation of a design code for the site and it is considered that the same condition should be added to any consent granted for this application.

**EEP/SBLP**

Historically on this site the main issues have been loss of Main Employment Area, impact on local character, highway safety, foul water drainage and infrastructure contributions. Treating these separately and summarising the EEP/SBLP policy position today:

**Employment Allocation of the Site**

The acceptability of the loss of the greater part of the employment area has been established at appeal. The subsequent 2008 Luton and South Bedfordshire Employment Land Review (ELR) formed part of the evidence base for the Core Strategy and identified the site as 'red', which is considered suitable to be released from employment use. Indeed, the residential permission has also been included in the Strategic Housing Land Availability Assessment. Despite marketing there are only 2 remaining longer term lets<sup>1</sup>. There will of course be the additional loss in this application of the frontage office floorspace (some 8,300m<sup>2</sup>).

It should however be noted that 783m<sup>2</sup> of office space is proposed, retail is increasingly being accepted as employment floorspace with 1073m<sup>2</sup> proposed, as are labour intensive uses such as care homes with a 75 bed facility proposed. Using recognised calculation methods the applicant estimates that up to 87 fte jobs (plus 300 for construction) could be created to offset the 53 to

be lost. Thus the proposed limited employment offer already outstrips the present whole-site employment. It will, however, be important to have early delivery of employment uses on this site.

The above approach would also be in line with the recently published NPPF which sets out that planning policies should avoid the long term protection of employment sites whether there is no reasonable prospect of them being used for that purpose.

#### Character of the Development

With respect to the analysis in the previous section the proposed development would still be compatible with the character of this part of Dunstable from the point of view of visual impact and density.

#### Residential Amenity

The scheme would not unacceptably impact residential properties off-site.

#### Highways

Following the appeal decision, the lack of a highways objection was conditional on the adoption of a residential travel plan and the creation of a pedestrian/cycle link with existing roads to the north, which are again proposed. The Highways Agency has no objection to the proposal subject to a travel plan condition and the Council's Highways Development Control Officer is satisfied that the accesses to the site are acceptable. The Highways Development Control Officer is however not satisfied with the indicative layout of the site, the detailed layout of the scheme would however be considered at reserved matters stage.

#### Foul Sewerage

A Grampian condition will be imposed to accommodate the Anglian Water foul sewerage concerns; this will also be considered further below.

#### Developer Contributions

The application sets out that financial contributions or on-site provision towards affordable housing, recreation, health, travel plan, education, public art, community, sustainable transport, waste and emergency services will be required.

#### Draft Core Strategy

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

While the weight to be accorded to this document remains to be established, we consider that these policies do not generally introduce matters which the scheme does not or cannot embrace.

### Dunstable Town Centre Masterplan

Although not within the Town Centre (as defined) the site is within the Masterplan area. It seeks 'an element of the site's original employment function' to be reinstated in some form. It is considered that, for reasons given at the head of this section, the proposal satisfactorily addresses this objective.

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

<sup>1</sup> Since 2009 Lambert Smith Hampton have 'marketed' the remaining vacant units on an internet based property information system linked into their UK and Irish offices. Five current lettings expire by October 2013 and Units 3 and 12 are the only longer-term occupancies remaining. Dunstable is poorly placed in a weak market for secondary-grade office space, and the warehouse/industrial market is challenging in the present climate: only 3 deals were done on this estate since 2006. LSH considers that Dukeminster has reached, or is reaching, obsolescence with little prospect of securing tenants other than on short-term discounted rents.

## **5. Access**

The main vehicular access to the site would be from Church Road, a secondary vehicular access is also proposed from Church Road to serve block A only. A pedestrian and cycle link is proposed between the site and The Mall. Further discussion on this point can be found above. The final access would be between the most northly corner of the site and the bus way. The access would be for pedestrians and cycles and allow people to access the bus way stop to the north of the site and to cross the bus way to access the cycleway which runs along the opposite side of the bus way to the site. The applicant has advised that there have been discussions with the bus way company and that they are willing to accommodate the proposed link.

The Highways Development Control Officer is satisfied that the proposed accesses to the site are acceptable subject to conditions.

The pedestrian and cycle access to The Mall and the busway stop would be secured via the s106 agreement.

## **6. Sewerage**

Anglian Water (AW) have previously commented that the foul water system cannot accommodate flows from a redevelopment of Dukeminster Estate. This particularly affects the north western part of the site. The applicant, at his own cost, has arranged for Anglian Water to undertake a study of the foul water system which has concluded that:

- foul capacity for the whole development is available in the existing network and that capacity also exists to treat the flows at the Dunstable Sewage Treatment Works and
- the connection to the foul system could be made to the north of the site but also that sufficient capacity exists in Church Street (where current flows from

the development discharge) to allow connection for the “frontage” development.

Anglian Water previously recommended a condition be attached to any planning permission granted requiring the submission of details dealing with foul water disposal. It is considered that a similar condition should be attached to any permission granted on this proposal.

No response has yet been received from Anglian Water making comment to the planning application, however it is expected before the Committee meeting. An update on this issue will be provided on the late sheet.

## **7. Conservation Area and protected habitats**

The eastern limit of the Dunstable Conservation Area abuts the office development to the south of the site, taking the form of a greensward beside the main road. The existing office blocks intrude into a nominal eastwards extension of this greensward corridor and thus impact on views towards the historic core of the town, albeit this impact is reduced by the trees. The indicative masterplan shows the linear mixed use block set back behind the visual extension of the greensward, where it falls from 5 to 3 stories at the western end. However, there would be changes to the landscaping of the front car park. Nevertheless the proposal would not have an adverse impact on the setting and character of the Conservation Area and there would be a slight improvement with the removal of the 'intrusion'.

The site abuts the County Wildlife Site (CWS) on the former railway line. The Ecological appraisal recommends further work on reptiles in the wooded areas, and slow worms near the CWS may need relocation. Bird boxes may be provided and communal new planting should preferably include native species only, especially to the east. Non-amenity planting should relate to former grassland species to the east. Badger activity is reported, originating from the CWS. Bats are unlikely and no further surveys are considered needed. Clearance of vegetation should not take place during the bird nesting season.

The Badger report identifies a number of holes and two Badger setts. It is proposed to apply for a licence to close one of the setts. This is to allow for construction works of a cycle / footway link to the north of the site. Natural England will need to approve this work and it is likely that there will be a requirement for an alternative sett to be provided. The positioning of this alternative sett has been discussed with the applicant however the only land available is not in the ownership of the applicant so an agreement with the landowner will be necessary to complete works on an artificial sett. The land is currently in the ownership of the bus way project however it is expected to be returned to the original landowner when the bus way works are complete. It is considered that a condition can be added to any planning permission granted requiring the submission of a scheme detailing mitigation works in relation to Badgers including the provision of an artificial sett.

The current area of their (retained) sett is identified as a potential play area / open space. Badgers have adapted well to the urban context and it should be borne in mind that they will dig latrines and forage around their setts so there is a potential clash of interests in using this area as a play space. Suitable shrub planting should be undertaken around the area of the sett to prevent human and

preferably dog access from causing disturbance. The detailed layout and landscaping of the play area/open space can be dealt with at the reserved matters stage.

Tree Preservation Orders cover a small length of the western tree belt and 3 isolated trees towards the north of the site. Two of the latter are off-site and not affected. The other protected trees are safeguarded by the proposal. A condition will be added to any planning permission granted to ensure that no trees are removed prior to the approval of the reserved matters submissions.

## **8. Unilateral Undertaking**

The Residential Calculator has been applied to the housing element and separately to the flats in Block A. The Commercial Calculator has been applied to the commercial element with the exception of the care home, but produces a nil requirement in view of the floorspace loss.

The provision of 71 affordable housing units is required in line with the Planning Obligations Strategy. The applicant is agreeable to the proposed affordable housing level and other financial contributions but requests that a clause is inserted into the legal agreement allowing for a viability assessment to be undertaken prior to the commencement of development.

The legal agreement would also secure the submission and implementation of a travel plan and the provision of the pedestrian and cycleway links to The Mall and the busway stop.

The applicant has agreed contributions to education and leisure, recreational open space and green infrastructure based on the formula set out in the SPD. The contributions would be calculated on the formula at reserved matters stage when the exact number of each size of dwelling is known. The applicant has made this request as the formula is based on the number of bedrooms or people per dwelling. Based on the information in the application the education contribution would be £542,251 and the leisure, recreational open space and green infrastructure contribution would be £288,666.

The other contributions would be:

Health Facilities - £243,600

Social and Community Infrastructure - £142,912

Waste Management - £19,488 plus the provision of a bring site within the development and a contribution of £3528 for the signage and containers for the bring site

Emergency Services - £42,021

Public Realm & Community Safety - £44,868

Sustainable Transport - £30,000

The proposed level of contributions is therefore £1,627,329 subject to change at reserved matters stage when the exact mix of housing is known.

Sport England have objected to the application on the basis that the required contributions to indoor and outdoor sports provision have not been secured. The applicant is willing to enter into a legal agreement which would secure the level of contribution based on the formulas in the Planning Obligations calculator.

## 9. Comments on objections

Objectors raise concern that their quality of life will be reduced as a result of additional traffic and noise. The application site has been in use for many years and it is not considered that the redevelopment for mainly residential purposes would lead to an unacceptable level of noise and disturbance.

Concern has been raised that the link to The Mall would become a through road to the detriment of the safety and amenities of residents of The Mall. This application proposes that the link to The Mall would only be for pedestrians and cyclists. However if it were decided that the link needed to be used as an access for emergency vehicles a suitable barrier such as bollards would be installed to prevent unauthorised access.

Some objectors comment that the parking situation will get worse. The level of parking for the proposed dwellings, offices, retail etc will be dealt with at reserved matters stage. It is however considered that the site is large enough to accommodate the proposed level of development and the necessary level of parking provision.

With regard to grass cutting the Local Authority is not responsible for this site and therefore a management plan for such works would need to be in place.

A resident of Kingsway requested that a boundary fence be erected between their properties and the application site. The details of boundary treatments will be included in the plans prepared at reserved matters stage.

It is not considered that any of the objectors comments raise matters that cannot be resolved at reserved matters stage or by conditions.

## 10. Other Issues

The proposal is technically in conflict with the South Bedfordshire Local Plan policy E1 and therefore has been advertised as a departure to the development plan. It is therefore important to note that should the Council be minded to approve this application as set out in the recommendation, the application will need to be referred to the Government Office to establish whether they wish to call-in the application for determination by the Secretary of State.

## Recommendation

That Outline Planning Permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

- information as specified in Paragraph 4.2.6 of British Standard BS 5837 : 2005 (*Trees in Relation to Construction - Recommendations*);
- any proposed pruning, felling or other work;

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

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



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

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

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

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

- 5 Development shall not commence until a tree protection plan, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the canopy spread of all retained trees, has been submitted to and approved in writing by the Local Planning Authority. The fencing shall form a construction exclusion zone (as specified in Section 9 of BS 5837 : 2005) which shall be demarcated by protective barriers (as specified by Figure 2 of BS 5837 : 2005). These measures shall be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by plant and machinery.

**Reason:** To safeguard the rooting medium, natural canopy spread and health of trees marked for retention on the site layout plan and which are considered to be strategically important.

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

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

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

The scheme of supervision shall be carried out as agreed.

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

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

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

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

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

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

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

- 10 Prior to the submission of any reserved matters application a scheme of mitigation in relation to badgers, including details of the provision of a replacement artificial sett, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall then be implemented prior to the commencement of the development and thereafter retained in accordance with the approved scheme.

Reason: To ensure the adequate protection of protected species.

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

Reserved matters applications and the implementation of the development shall thereafter accord with the approved Design Code details.

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

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

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

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

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

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

- 1) **A preliminary risk assessment which has identified:**
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) **A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- 3) **The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- 4) **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term**

**monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

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

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

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

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

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

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

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

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

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

scheme shall be implemented as approved.

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

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

Reason: To protect occupants from externally generated noise.  
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

- 20 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA<sub>90</sub> background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise shall be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property.

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

- 21 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied unless the works have been carried out in accordance with the foul water strategy so approved unless otherwise agreed in writing by that Authority.**

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

- 22 **Development shall not commence until a detailed waste audit addressing issues in respect of waste generated by the construction phase and subsequent occupation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:**
- 1. The anticipated nature and volumes of waste that the development will generate;**
  - 2. Measures to maximise the re-use on-site of waste arising from demolition, engineering and landscaping;**

3. Steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting storage and recovery and recycling facilities;
4. Any other steps to be taken to minimise the generation of waste throughout any required demolition and during construction of the development;
5. Provision within the proposed development to encourage occupiers to manage their waste effectively and sustainably. This may include provision for waste and recycling storage areas, road and development layouts which allow waste and recyclables to be collected effectively, and provision of community recycling facilities;
6. Provision for monitoring the implementation of steps 1 to 5 above; and,
7. A timetable for implementing steps 1 to 6.

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

- 23 **Development shall not begin until details of the improvements to the junction between the proposed estate roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until those junctions have 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 roads.

- 24 **Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

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

- 25 **No dwelling shall be occupied until all triangular vision splays are provided on each side of all accesses on to the new road and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

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

- 26 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

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

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

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

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

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

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

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

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

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

Reason: In the interest of amenity.

- 32 Visibility splays shall be provided at all road junctions and vehicular access points 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 25m 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.

- 33 **Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.**

**Reason: To ensure that the proposed highways are adequately lit.**

- 34 **Development shall not begin until a scheme to restrict the speed of traffic on the estate road has been approved by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.**

**Reason: In the interests of road safety.**

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

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

- 36 **Development shall not begin until a scheme to include details of Traffic Regulation Orders and parking restrictions on the proposed roads have been approved by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.**

**Reason: To manage on-street parking and thereby safeguarding the interest of the safety and convenience of road users.**

- 37 Before any emergency access which may be provided to and from the site is brought into use, details of a scheme incorporating a control mechanism to prevent its unauthorised use shall be submitted to and approved in writing by the Local Planning Authority; the details shall include information on any repositioning of street furniture or statutory undertakers' equipment that might be required to avoid obstructing the access.

Reason: To avoid excessive use of an access which may not be engineered for general use and to safeguard amenities of local residential properties.



- 38 The permission shall authorise the erection of no more than 203 dwellings plus a 75 bed care home.

The gross floor area of each Use Class shall be restricted as follows:

Class A1 shall not exceed 568sqm

Class A2 and/or Class A3 shall not exceed 505sqm

Class D1 shall not exceed 555sqm

Class B1 shall not exceed 783sqm.

Reason: For the avoidance of doubt.

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

Reason: For the avoidance of doubt.

### **Reasons for Granting**

A similar scheme but with more than double the number of dwellings was approved at appeal in 2007, the Inspector having determined that there was not an overriding need to retain the land in employment use having regard to the benefits of residential development and the availability of existing and proposed employment land elsewhere. This situation has not changed materially in the meantime, the residential potential of the site having now secured it a place in the Council's list of deliverable sites, and there would still be some employment floorspace in the proposal. The policy situation has been reviewed and there appear to be no material changes to make a permission inappropriate. On the other hand, policy changes deliver a more up to date list of infrastructure contributions including towards local recreation projects. Finally, the proposal would enable a timely regeneration of this large site near to Dunstable town centre and deliver affordable housing. The proposal is in accordance with the National Planning Policy Framework, relevant policies of the East of England Plan, South Bedfordshire Local Plan and draft Core Strategy and Design in Central Bedfordshire: A Guide for Development and Planning Obligations SPD.

### **Notes to Applicant**

1. 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).
2. 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.

3. Contamination Assessment The Environment Agency recommends that groundwater monitoring wells are installed and sampled as part of the proposed site investigation. They also recommend that developers should:
1. Follow the risk management framework provided in CLR11, '[Model Procedures for the Management of Land Contamination](#)', when dealing with land potentially affected by contamination;
  2. Refer to their '[Guiding Principles for Land Contamination](#)' documents for the type of information that should be included in a site investigation report;
  3. Refer to their '[Groundwater Protection: policy and practice \(GP3\)](#)' documents.

#### Site Drainage

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

- If contamination is present in areas proposed for infiltration, they will require the removal of all contaminated material and provision of satisfactory evidence of its removal;
  - The point of discharge should be kept as shallow as possible. Deep bored infiltration techniques are not acceptable;
  - The distance between the point of discharge and the groundwater table should be a minimum of five metres;
  - Only clean, uncontaminated water should be discharged into the ground.
4. The Environment Agency has requested that the applicant be made aware that:

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Subject to the approval of the Local Authority, a percolation test should be undertaken to ensure that soakaways will work adequately in adverse conditions. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals should be submitted.

Any above ground oil storage tank(s) should be sited on an impervious base and surrounded by a suitable liquid tight bunded compound. No drainage outlet should be provided. The bunded area should be capable of containing

110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund. Guidelines are available from the Environment Agency.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. If the applicant wishes more specific advice they will need to contact the Environment Management Team at our Hatfield office on 03708 506 506 or look at available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

Refer applicant to Pollution Prevention Guidance for working at Construction and Demolition Sites (PPG6).

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

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

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

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps would include noise mitigation measures such as temporary screening or at source insulation may have to be utilised, all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or

silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

6. The reserved matters application should include further details (a) exploring the use of heating systems which have lower carbon emissions than electricity, (b) how photo-voltaic and solar energy panels would be used to supplement heating systems, and (c) to show that BRREAM excellent would be achieved in the non-residential element.
7. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's expense under S185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
8. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.
9. The applicant is advised that if it is the intention to request the Central Bedfordshire County Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
10. The applicant is advised that in order to comply with Condition 24 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 Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.
11. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Streets", or any amendment thereto.

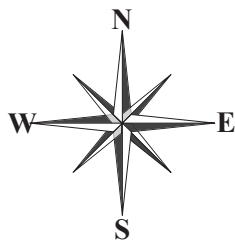
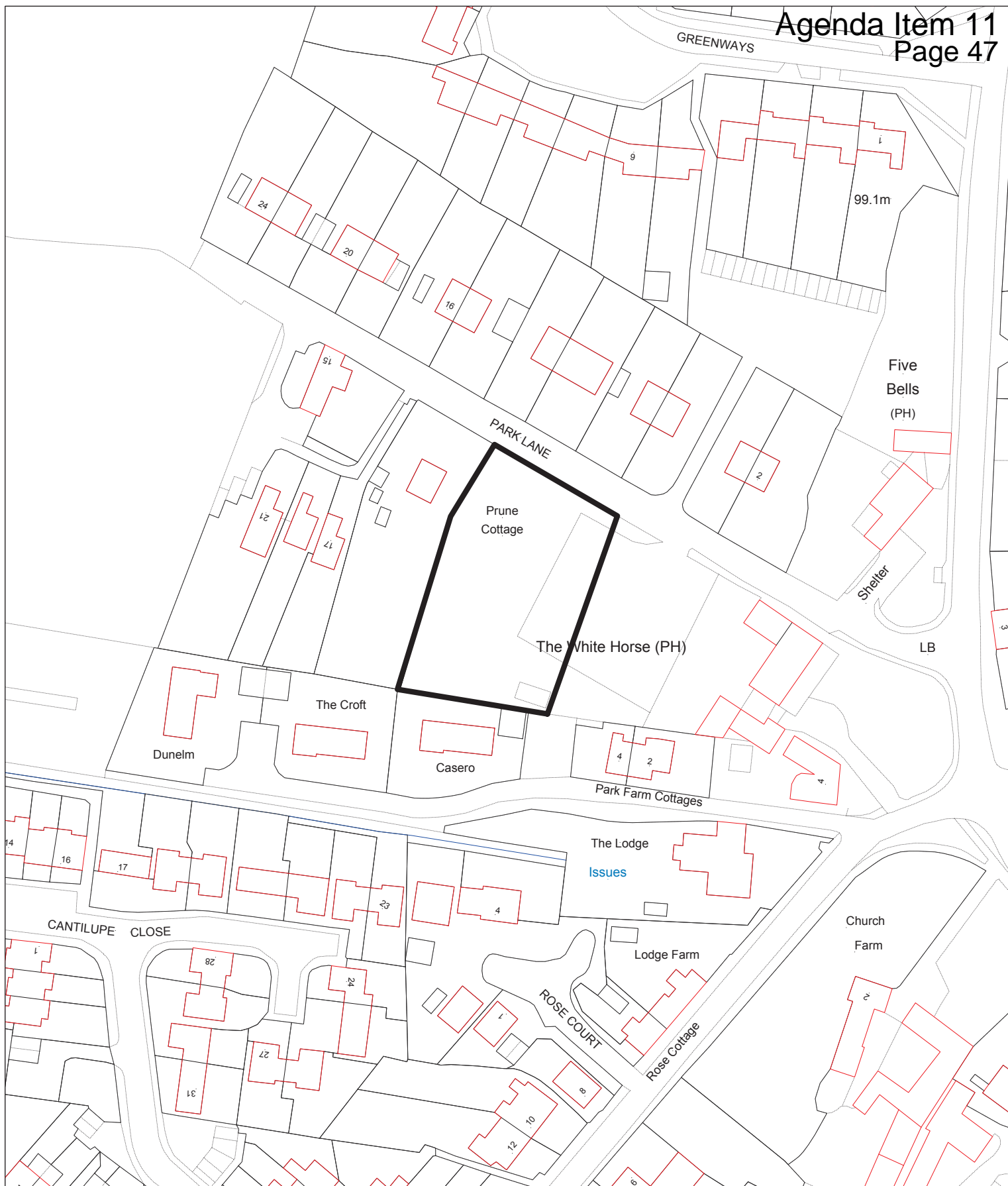
12. This decision is subject to a Section 106 Unilateral Undertaking by the applicant.

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 03:May:2012

Grid Reference: 496838; 220931

Application No.  
CB/11/04496/FULL

Scale: 1:1250

Land rear of White Horse PH, Park Lane, Eaton Bray,  
Dunstable, LU6 2DG

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<b>Item No. 11</b>
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<b>APPLICATION NUMBER</b>	<b>CB/11/04496/FULL</b>
<b>LOCATION</b>	<b>Land rear of White Horse PH, Park Lane Eaton Bray, Dunstable, LU6 2DG</b>
<b>PROPOSAL</b>	<b>Development with 4 houses and all ancillary works and changes to existing pub car park</b>
<b>PARISH</b>	<b>Eaton Bray</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Mustoe</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>05 January 2012</b>
<b>EXPIRY DATE</b>	<b>01 March 2012</b>
<b>APPLICANT</b>	<b>Taylor French Developments Ltd</b>
<b>AGENT</b>	<b>BHD Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Marion Mustoe due to objections on the basis of over-development of site which is in a Conservation Area, poor access and loss of car parking spaces</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site comprises part of the rear curtilage, including car parking, of the White Horse Public House in Eaton Bray and a strip of land adjacent to a cottage to the west of the site. The site fronts onto Park Lane and is bounded by residential properties in the south and west and the Grade II Listed Building public house in the east. The site is within and forms the western boundary to the Conservation Area.

**The Application:**

seeks permission to erect four two storey dwellings as detailed below:

Plot 1

Would be situated next to Prune Cottage to the north western side of the application site. The dwelling would be detached and contain three bedrooms. A single storey detached garage would be located to the south east of this dwelling on the boundary with Plot 2 and a long garden would be provided to the rear .

Plot 2

This plot would comprise a four bedroom detached house with an integral garage to the side situated towards the rear and adjacent to Plot 3.

Plots 3 & 4

These plots would accommodate a pair of three bedroom houses with two detached

garages to the front.

### Access and Parking

The proposed development would be served by a new vehicular access which would take off from Park Lane. The Public House is currently served by 44 car parking spaces. These would be reduced to 21. However, re-designing the car park of the public house would result in the creation of a total of 31 spaces taking into account three spaces located at the front of the building. Each of the proposed dwellings would have two parking spaces made up of a garage and drive way.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (27 March 2012)**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections of the NPPF are considered relevant to this application.

Paragraphs 6 to 17 : Achieving Sustainable Development.  
Section 4 : Promoting Sustainable Transport  
section 6 :Delivering a wide choice of high quality homes.  
Section 7: Requiring good design.  
Section 12: Conserving and enhancing the historic environment.

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

ENV6 The Historic Environment  
ENV7 Quality in the Built Environment  
H1 Regional Housing Provision 2001 - 2021  
SS1 Achieving Sustainable Development

#### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure

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

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them except policy T10.

BE8 Design Considerations  
T10 Parking - New Development  
SD1 Keynote Policy  
H2 Fall-In Sites  
H3 Local Housing Needs

## Supplementary Planning Guidance

1. Planning Obligations Strategy, 23 October 2009
2. Design in Central Bedfordshire: A Guide for Development - Design Supplement 1: New Residential Development
3. Design in Central Bedfordshire: A Guide for Development - Design Supplement 5: The Historic Environment
4. Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places

## Planning History

CB/11/00803/PAPP	Pre-application advice: Erection of eight dwellings and access. Proposal unacceptable.
SB/02/00731	Permission. Retention of two security lights in car park.
SB/96/00764	Permission. Erection of detached dwelling with garage.
SB/95/00520	Refused. Erection of two semi-detached dwellings with integral garages.
SB/91/00331	Refused. Erection of four dwellings with garages (outline).
SB/84/00271	Permission. Extension to existing car park.
SB/83/00513	Withdrawn. Change of use of vacant land to beer garden.
SB/83/0514	Permission. Conversion of outbuildings to form bar, and extension of car park.
SB/83/00023	Listed Building Consent. Conversion of outbuildings to form bar, and extension of car park.

## Representations: (Parish & Neighbours)

### Parish Council

#### Objection

- Over-development of site
- Overdevelopment in a Conservation Area
- Poor access
- Loss of car parking spaces

### Neighbours

The Croft, 10,12,14,16  
Park Lane, 33 Knights  
Close, The White Horse  
Inn,1 Market Square

#### Objection

- Loss of 50% of the Public House's car park
- Increased demand for parking on adjoining roads leading to congestion, nuisance and highway safety hazards
- Pub car park is normally full in the summer months
- Park Lane is a narrow road especially with on-street parking prevalent. It has no footway.
- New plots have inadequate parking provision
- Loss of patronage to the Public House due to loss of parking
- Combined with the Five Bells development, proposal constitutes overdevelopment of a small village

- Loss of privacy
- Opposed to the loss of the existing hedge

Neighbours

Casero, Plot adjoining 4  
Park Farm Cottages

Support

- Development brings in much needed housing
- Benefit from tidying up the area

### Consultations/Publicity responses

Highways Officer

Recommends conditions and informatives.

Tree and Landscape  
Officer

No objection. Recommends a standard landscape condition.

Archaeological Officer

The proposed development is within the historic core of the settlement of Eaton Bray (HER 16884). This is an archaeologically sensitive area and a locally identified heritage asset with an archaeological interest as defined by the *National Planning Policy Framework*.

The applicant has now submitted a *Desk-Based Heritage Assessment* prepared by Albion Archaeology which describes the archaeology of the site and the surrounding area and considers the archaeological potential of the proposed development site. It also describes the impact of the proposed development on the archaeological remains and the significance of the heritage asset they represent. The application, therefore, conforms to the requirements of Policy 128 of the *NPPF*.

The *Desk-Based Heritage Assessment* concludes that the development site has low to moderate potential to contain archaeological remains of post-medieval date and low potential for remains of all other periods. It also suggests that any remains of prehistoric to medieval date would be of local to regional significance and that post-medieval and later remains would be of local significance. The quantity, type and extent of metal detector finds known from the surrounding area suggest that activity and occupation of medieval and post-medieval date in this part of Eaton Bray is likely to be substantial and not the result of casual loss as suggested by the *Assessment*. This means that the archaeological potential of the development site is greater than is indicated in the *Assessment*, with the potential for medieval and post-medieval being moderate to high rather than low or low to moderate. I would also maintain that on the basis of the published *Regional Archaeological Research Frameworks* the significance of finds of these periods is regional rather than local, particularly from clayland environments.

In assessing the impact of the proposal the *Assessment* says that the development will cause an irretrievable loss of surviving archaeological remains leading to a reduction in the significance of the heritage asset. It is suggested that this impact could be mitigated by a programme of archaeological investigation.

The proposed development site has moderate to high potential to contain archaeological remains of the medieval and post-medieval periods. Development will have a negative and irreversible impact on any archaeological remains at the site causing a loss of the heritage asset's significance. This does not represent an over-riding constraint on the proposed development provided that the applicant takes appropriate measures to record and advance understanding of the significance of the heritage asset. This will comprise the investigation and recording of any archaeological remains that are affected by the development. This is in line with Policy 141 of the *NPPF*.

In order to secure this please attach the following condition:

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

Reason: To record and advance understanding of the significance of the heritage asset in accordance with Policy 141 of the *National Planning Policy Framework*.

Conservation Officer

The application site falls fully within the designated village Conservation Area, the site's western boundary forming part of the western boundary of the designated area. The rural character of Park Lane, with its strong hedge line and view north-west to open countryside, forms the immediate setting of the Conservation Area in this part of the village.

The importance of the preservation and enhancement of Conservation Area character, and the importance of Conservation Area setting were both underscored formerly in PPS 5 ('Planning for the Historic Environment') core Policies HE7.5, HE 9.1 and HE 10 and now repeated in the *National Planning Policy Framework*.

In these terms, it is essential that proposed new development should fit well with the 'grain' of existing built form, in layout, scale and massing.

I am quite happy that the proposed development meets these criteria, and happy with the quality of the vernacular design of the proposed dwellings, providing this is matched with the selection of high-quality materials and the quality of detailing (in the case of weatherboarding, for example, the use of boards of sufficient width and depth to provide good 'texture' through shadow lines, and the use of a tar paint finish, not stain).

I consider the quality of external materials, detailing and finishes to be essential to the overall success of the scheme, in both design terms and the consequent impact of the new development upon Conservation Area character, and request that this is therefore secured by Condition (see below).

The importance of the rural aspect of Park Lane, as immediate conservation setting contributing to Conservation Area character, is apparent upon site inspection. The character of the lane is largely 'carried' by the strong hedge line on the south side. This forms the northern boundary of the application site, and in the proposed development requires breaching to provide site access.

I am happy that, as shown on the submitted plot layout plan, the breaching is the minimum necessary and that, providing the vigour of the existing hedge is maintained (and secured by Condition for this purpose) the overall character of the lane, as described above, will not be adversely affected by the proposed development.

On the basis of the above, and on the understanding that the Conditions as summarised below will be applied to control the visual appearance, and impact, of the development in respect of conservation character and setting, I am able to fully support a decision of approval -

Recommended Conditions:

(Prior to commencement) - Agreement of all exterior materials and finishes (including proposed sections of weatherboard cladding).

Drawn details, at an appropriate scale, of porch canopy construction and detailing

The preservation, and maintenance thereafter, of a strong hedge line along the northern boundary of the development site - this is no doubt dealt with in the Trees and Landscape Officer's consultation response.

Environment Agency      No objection.

Internal Drainage Board      Following submission of a Flood Risk Assessment, no objection is raised.

## **Determining Issues**

The main considerations of the application are:

1. Whether or not the proposed development is acceptable in principle
2. Impact on the character and appearance of the historic environment
3. Impact on residential amenity
4. Impact on off-street parking provision and highway safety
5. Other material considerations

## **Considerations**

### **1. Principle of the proposal**

The site lies outside the Green Belt and within the built-up area of Eaton Bray, with housing development to the north, south and west. Policies SD1 and H2 of the South Bedfordshire Local Plan Review encourage the use of such sites to provide additional accommodation. National advice contained in the National Planning Policy Framework encourages the re-use of previously developed sites such as this for more efficient use. Furthermore, the proposed development would preserve the character and appearance of the Conservation Area. Accordingly the proposed residential development of the site is considered to be acceptable in principle and is in accordance with national and local policies which encourage the development of vacant and under-used land in urban areas and villages served by existing facilities.

### **2. Design**

Policy BE8 of the South Bedfordshire Local Plan Review requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. Within the immediate vicinity of the application site, housing design is varied. The proposed development would therefore complement this heterogeneity of design styles to be found hereabout. Furthermore, residential densities in the village can be classed as ranging from medium to low and hence the proposed scheme, being of a medium density, would reflect the general character of the village. The existing hedgerow along the front boundary of the application site is recognised as making positive contributions to the appearance of the area. It is therefore proposed to retain the existing hedgerow feature by opening up only a single access point to serve all the four plots and replacing hedgerow as required to accommodate sight lines and footpath on the Park Lane frontage. Further landscaping is proposed along the boundary with the Public House car park. This would further enhance the appearance of the area.

**3. Residential amenity**

The proposed dwellings would have long rear gardens which would ensure adequate separation distances with the properties that front onto Park Farm Cottages and the common boundary with these properties is well landscaped. The existing houses fronting onto Park Lane have deep front gardens and the proposed dwellings would be set back substantially into the site hence increasing the separation distances with the existing houses. The proposed development would therefore have a satisfactory relationship with the adjoining residential properties and hence no material harm to residential amenities would result.

**4. Highway and Other Issues**

The main issue that has been raised by some local residents and the Parish Council concerns the remaining parking spaces for the public house. Following objections received regarding concerns about the loss of car parking for the Public House, the applicant commissioned a transport consultant to advise on the parking situation. The consultant's report concludes that the loss of the parking spaces would not result in an under provision of parking spaces having regard to the operational requirements of the public house and hence supports the findings of the traffic survey carried out by the previous landlord which concluded that the typical public house requirement is 17 spaces. The Highways Officer accepts the results of the transport consultant's report. The proposed development would make adequate provision for off street parking which would be secured by a planning condition as recommended by the Highways Officer. Furthermore, national advice contained within the NPPF states, at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

**5. Financial Obligation**

Following the adoption of the Planning Obligations Strategy SPD on 23rd October 2009 which was applied to all applications received on or after 5th January 2010, with the support of Structure Plan policy 25, the Council requires either a Unilateral Undertaking or an agreement under S106 of the Town and Country Planning Act 1990 to be submitted with the planning application in order that new development makes commensurate contributions towards new and improved local infrastructure where that development will add to infrastructure needs and requirements. The applicant has signed the Unilateral Undertaking and consented to pay £19,396 in line with the requirements of the Planning Obligations strategy.

**6. Other considerations**

The objections raised by the Parish Council and some local residents have been noted and addressed in the relevant sections of this report. The application was, as detailed in the Design and Access Statement, the subject of pre-application discussions in which the level of development was agreed. It is not considered that this amount of development constitutes overdevelopment of the site. It should also be noted that two local residents have written in support of the application. Furthermore, a similar development closely following the principles of the current proposal was approved by the Council at the Five Bells Public House, (reference **CB/10/01470/FULL**), that lies to the north east of the site, also within the Conservation Area.



## Recommendation

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

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

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

- 2 **Before development begins and notwithstanding any details submitted with the application, further drawn details of the porch canopy construction and external finish and samples of the materials to be used for the external walls and roofs of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

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

- 3 **Before development begins, the positions of the buildings shall be pegged out on site and their positions approved in writing by the Local Planning Authority. The development shall thereafter be implemented according to the agreed positions.**

Reason: To enable consideration to be given to the precise layout of the development.  
(Policy BE8 S.B.L.P.R).

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

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

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

Reason: To record and advance understanding of the significance of

**the heritage asset in accordance with Policy 141 of the *National Planning Policy Framework*.**

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

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

- 7 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of any of the properties hereby permitted without the grant of further specific permission from the Local Planning Authority.

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

- 8 **Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

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

- 9 **Development shall not begin until details parking arrangement for 10 cars within the confines of the site has been approved by the Local Planning Authority and no building shall be occupied until those parking spaces have been constructed in accordance with the approved details.**

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

- 10 The new vehicular access shall enter the public highway at the boundary at such a level as shall be agreed in writing by the Local Planning Authority. Any necessary gradient shall be constructed on the application site entirely outside highway limits.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

- 11 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 25m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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

- 12 Visibility splays shall be provided at the junction of the existing car park access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 25m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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

- 13 **Development shall not begin until details of a scheme showing the provision of a 1.5m footway on the south side of Park Lane across the site frontage has been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the footway has been constructed in accordance with approved details. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.**

**Reason: In the interests of road safety and pedestrian movement.**

- 14 Any gates provided shall open away from the highway and be set back a distance of at least 5.0 metres from the nearside edge of the carriageway of the adjoining highway.

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

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

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

- 16 The development shall not be brought into use until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

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

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

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

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

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

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SC-001.7 Rev C, PL-012.7, SC-002.7 Rev C, SC-003.7 Rev C, SC-004.7 Rev A, SC-005.7, SC-006.7, SC-007.7 Rev A, SC-008.7, SC-009.7, SC-010.7 Rev A & SC-011.7 Rev A.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development would enhance the character and appearance of the Conservation Area, would not be harmful to residential amenity and would not be prejudicial to highway safety thereby conforming with the development plan comprising Policies ENV6, ENV7, H1 and SS1 of the Regional Spatial Strategy for the East of England, Policy 25 of the Bedfordshire Structure Plan, Policies BE8, SD1, H2, H3, and T10 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Planning Obligations supplementary planning document.

### **Notes to Applicant**

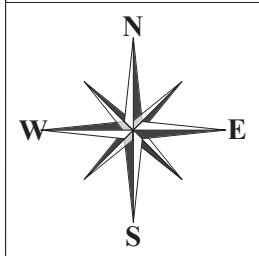
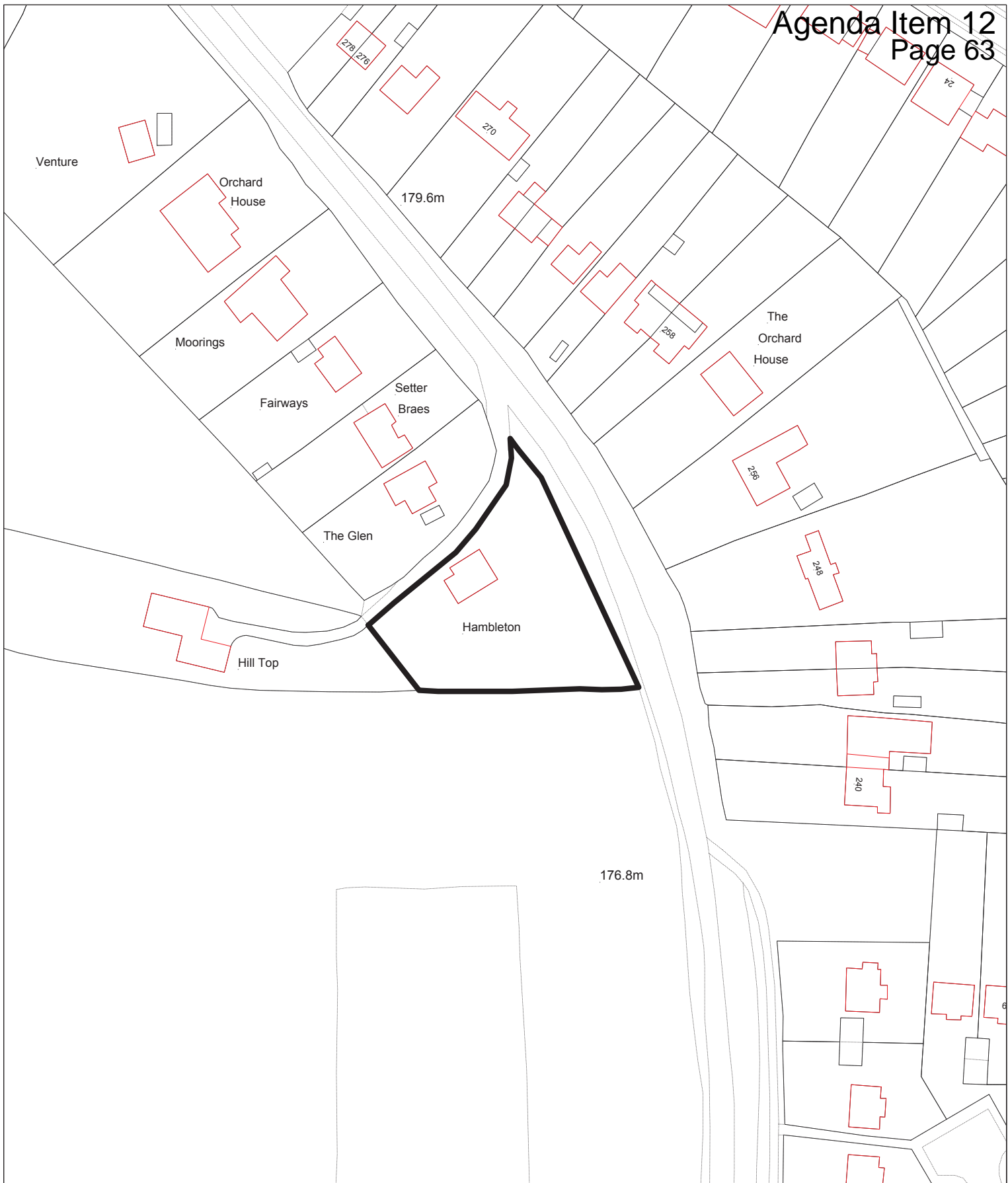
1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional

Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

2. 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.
3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
4. 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 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
7. The applicant is advised that in order to achieve the vision splays required by this permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Highways Helpdesk on 0300 300 8308 to request the removal of the overhanging vegetation on the public highway.
8. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 04:May:2012  
Grid Reference: 501727; 216964

Application No.  
CB/12/01160/FULL

Scale: 1:1250

Hambleton, Dunstable Road, Studham, LU6 2QJ

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<b>Item No. 12</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01160/FULL</b>
<b>LOCATION</b>	<b>Hambleton, Dunstable Road, Studham, Dunstable, LU6 2QJ</b>
<b>PROPOSAL</b>	<b>Erection of two storey side extension, porch extension and first floor side gable extension.</b>
<b>PARISH</b>	<b>Studham</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Gammons &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Nicola McPhee</b>
<b>DATE REGISTERED</b>	<b>23 March 2012</b>
<b>EXPIRY DATE</b>	<b>18 May 2012</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs Hadland</b>
<b>AGENT</b>	<b>A. P Whiteley Consultants Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Richard Stay, stating that he is of the view that there are very special circumstances pertaining to this application and that the planning authority have inappropriately interpreted the guidelines for extensions.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

**Site Location:**

The property is a much altered detached dwelling located to the west of Dunstable Road. The site is flanked to the north by 'The Glen', to the west (rear) by 'Hill Top' and to the south by open fields.

**The Application:**

Planning permission is sought for the erection of a two-storey side extension with the first floor accommodation being located in the roofspace with a rear (south) facing dormer window. The extension would have a footprint measuring 5.0 metres wide by 6.5 metres deep with a pitched roof.

Also proposed is the addition of a side gable to provide additional roofspace to accommodate a first floor bathroom.

**RELEVANT POLICIES:**

**National Planning Policy Framework 2012 (NPPF)**

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

ENV7- Quality in the Built Environment

## Bedfordshire Structure Plan 2011

None

## South Bedfordshire Local Plan Review

BE8 Design Considerations  
H8 Extensions to Dwellings

(In accordance with 'Annexe 1: Implementation,' paragraph 215, of the National Planning Policy Framework, the above policy is considered to be broadly consistent with the NPPF and has therefore been given significant weight in the determination of this application.

## Supplementary Planning Guidance

Central Bedfordshire Design Guide 2010

## Planning History

Under previous name of 'Deneley'

LRD/50/33 - Permission for erection of single storey rear extension.

SB/TP/83/0021 - Refusal for construction of cattery building. Appeal withdrawn.

SB/TP/84/0958 - Permission for erection of replacement detached garage.

SB/TP/85/0210 - Permission for refurbishment and extension to existing 2 bedroom bungalow to form 4 bedroom house.

SB/TP/97/0919 - Refusal for erection of two-storey side extension.

SB/TP/02/0168 - Permission for erection of conservatory to rear.

As 'Hambleton'

SB/TP/06/0823 - Permission for erection of first floor rear extension, rear balcony and installation of dormer window to side

SB/TP/09/05723 - Permission for the erection of two storey side extension, porch extension and first floor side gable extension.

CB/11/04148/FULL- Withdrawn application for the erection of a two storey side extension, porch extension and first floor side gable extension.

## Representations: (Parish & Neighbours)

Studham Parish Council (18/4/12)

Following their deliberations, the committee offers the following observations:

The Councillors were grateful to have been kept informed of the very minor changes to the application but do not wish to add any further comments to those made previously:

(30/12/11)

Whilst the proposal shows a significant

increase in size of the property it was felt that technically it offers a nice design which sits on a large plot, is not overlooked or overlooking others therefore would not be likely to be offensive to anyone.

Neighbours

None received

### **Consultations/Publicity responses**

Natural England                      No objection  
(13/04/12)

### **Determining Issues**

The main considerations of the application are;

1. Principle of Development
2. Design
3. Impact Upon Residential Amenity

### **Considerations**

#### **1. Principle of Development**

The application site is washed over by the Green Belt, where both national and local planning policy make provision for extensions to dwellings where they would 'not result in disproportionate additions over and above the size of the original building'. (Paragraph 89 of NPPF.)

The dwelling on the site has previously been significantly altered and extended, particularly in the mid 1980's when it was enlarged from being a two-bedroom bungalow to a four bedroom dwelling. These works have resulted in the footprint of the dwelling being cumulatively increased by approximately 53% over and above that originally built, and the overall floorspace being some two-and-a-half times larger than the original dwelling.

An application for a two storey side extension was approved by Members in 2009. This application proposed to raise the ridge of an approved extension (SB/TP/06/0823) to match the existing dwelling and to omit the set back. This current application proposes the addition of a gable to the side of the bungalow to provide the roofspace to accommodate the first floor bathroom.

The 2009 approved extension would result in the footprint of built development being increased to 93% larger than that of the original dwelling with the overall floorspace being increased to almost three-and-a-half times that of the original dwelling.

The 2009 approved permission expires in September 2012 and could still be implemented. The addition of the front gable would represent a further 4.5 square metre increase. That increase, plus the extensions approved in 2009 is considered to represent a level of enlargement which cannot be considered as being either modest or proportionate, and therefore clearly represents

inappropriate development in Green Belt, that is by definition harmful to openness and contrary to the provisions of both the NPPF and Policy H13 of the Local Plan.

The applicant has submitted a Design and Access Statement in which he draws attention to recent planning decisions in relation to other properties in the locality. However it is a well established principle that each and every planning application is judged on its own merits having regard to the particular circumstances of the site. Accordingly, it is considered that the planning permissions referred to are not of particular relevance and do not constitute any reason to grant planning permission for development that is clearly contrary to long established planning policy.

**2. Design**

This design of the proposed gable is considered to detract from the modest proportions of the original house, changing the overall character from a one and a half storey dwelling to a two storey house.

The site is located within both the Chilterns Area of Outstanding Natural Beauty and a designated Area of Great Landscape Value but in terms of design and impact on visual amenity, the proposed works are acceptable.

**3. Impact Upon Residential Amenity**

The proposal has been designed such that the proposed works would not have any significant impact on the living conditions of the occupiers of adjacent dwellings.

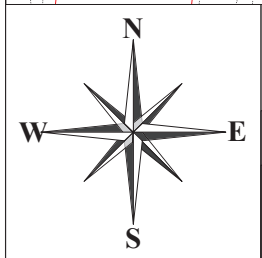
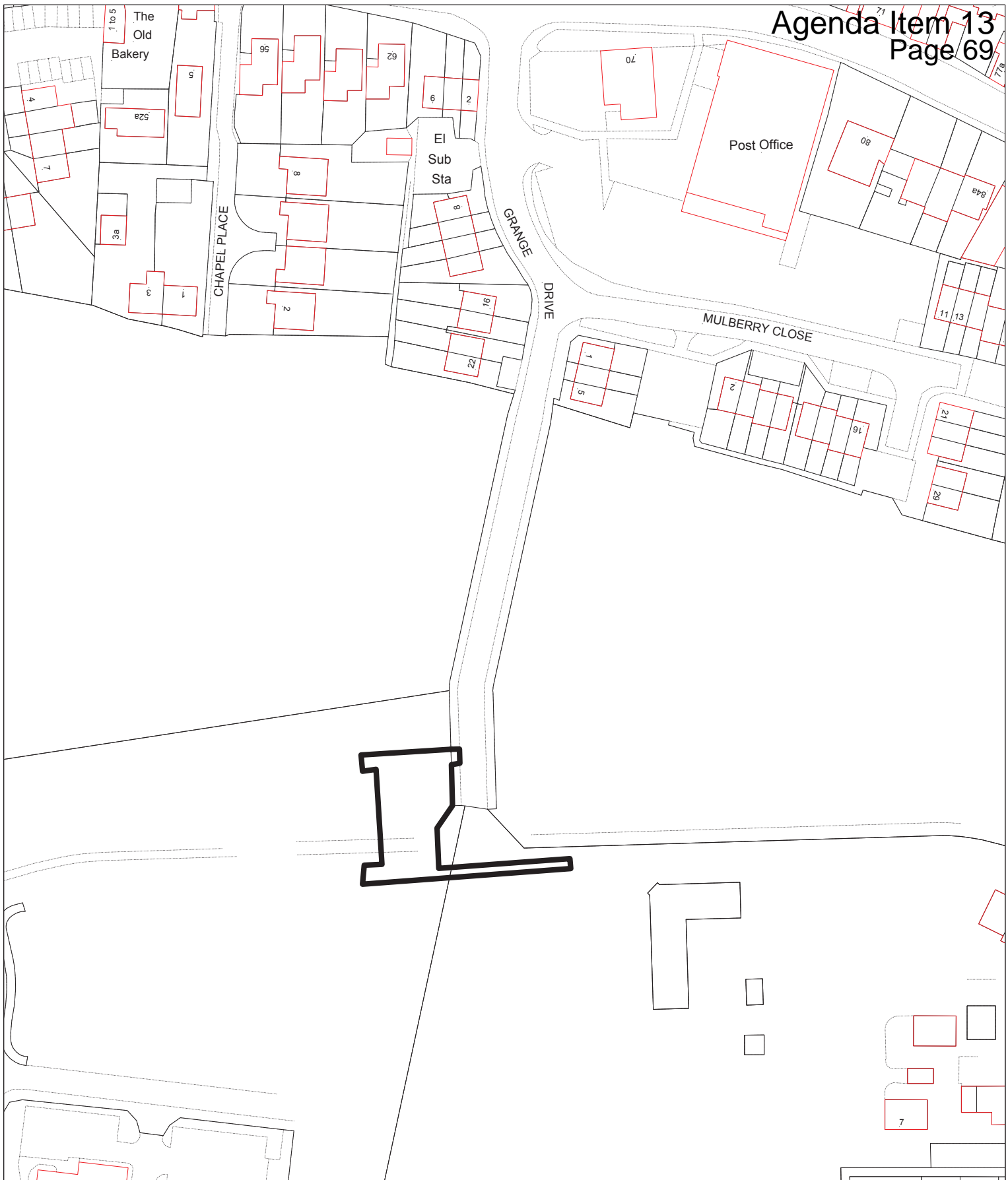
**Recommendation**

That Planning Permission be REFUSED for the following reason:

- 1 The site lies within the South Bedfordshire Green Belt and the proposed extensions would, taken together with the previous extensions constructed and granted to this property, result in a dwelling extended to a cumulatively disproportionate degree having regard to the level of restraint appropriate within the Green Belt. The proposal therefore represents inappropriate development, harmful to the openness of the Green Belt, and contrary to the advice contained within the National Planning Policy Framework and Policy H13 of the South Bedfordshire Local Plan Review.

**DECISION**

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Date: 04:May:2012

Grid Ref: 521711 236337

Application No.  
CB/12/00726/FULL

Scale: 1:1250

Land South Of Stotfold, Norton Road, Stotfold

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**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/12/00726/FULL</b>
<b>LOCATION</b>	<b>Land South Of Stotfold, Norton Road, Stotfold</b>
<b>PROPOSAL</b>	<b>Erection of a new building on 0.04ha site to include 1 No. one bedroom flat, 2 No. two bedroom flats, 151m2 (gross internal) A1 shop and 4 No. car parking spaces together with parking bay on main street</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Clarke, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Richard Murdock</b>
<b>DATE REGISTERED</b>	<b>21 February 2012</b>
<b>EXPIRY DATE</b>	<b>17 April 2012</b>
<b>APPLICANT</b>	<b>Taylor Wimpey (South Midlands)</b>
<b>AGENT</b>	<b>Mark Reeves Architects Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Request by Councillor Brian Saunders in light of the concerns expressed by Stotfold Town Council</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The site lies within the Land South of Stotfold development on the north west corner of Main Street and Grange Drive and is currently an undeveloped part of the site. The surrounding land benefits from permission for residential development and a community centre on the land to the south.

**The Application:**

Planning permission is sought for the erection of a new building which will include 1 no. one bed flat and 2 no. two bed flats, an A1 shop and 4 no. car parking spaces together with a parking bay on the Main Street.

The development brief for the site, which was adopted by Mid Bedfordshire District Council in January 2003, identifies the provision of a shop to serve the development and wider Stotfold residents. This was taken forward as part of the outline planning consent for the site, which specifically included consent for the shop.

The proposed building is two storeys in height. The ground floor comprises the shop, store room area and cycle store with the residential above. Access to the rear parking will be taken from Grange Drive and will be through a drive through with access controlled by a gate.

**RELEVANT POLICIES:**

**National Policies**

National Planning Policy Framework 2012

**Central Bedfordshire Core Strategy and Development Management Polices**

Policies CS14 and DM3 apply

**Supplementary Planning Guidance**

Design Guide for Central Bedfordshire 2009

**Planning History**

MB/02/00242/OUT	Outline: Comprehensive development comprising up to 650 dwellings, up to 2.27 Hectares of employment land (Class B1 Business), neighbourhood centre, a shop (150 square metres), public open space including sports pitches, equipped play areas and informal open space and access. All matters reserved except access. Approved 21/04/2006
CB/11/01587/FULL	Full: Erection of building on 0.04ha site to include 1 No one bedroom flat, 2 No two bedroom flats and 158m2 (gross internal) A1 shop and three car parking spaces. Withdrawn

**Representations:  
(Parish & Neighbours)**

Stotfold Town Council:	Object to insufficient parking for residents and staff. No safeguard of parking opposite the site for shop only. If further land is available adjacent and not being used for housing, this should be utilised for shop parking and deliveries. If land is not available, additional space should be suitably located. Concerns about location of the shop in relation to safer routes to school and there are concerns about pedestrian safety and drivers when deliveries are made.
------------------------	---

Neighbours Site Notices Displayed	No comments received 12/03/2012
--------------------------------------	------------------------------------

**Consultations/Publicity responses**

CBC Highways:	The proposal is for a shop and a one bedroom and 2 two bedroom flats with previously agreed associated parking provision to the rear of the site. Further information required concerning:
---------------	--

- Refuse storage for the shop will be located.
- Cycle parking needs to be secure;



- To allow for pedestrian/driver intervisibility from the access, where pedestrian splays can not be incorporated into the design, some means of pedestrian deflection (bollard, granite ball etc) should be located at the frontage either side of the access into the site.

The parking bays to the rear of the site will be required to be allocated with one space per flat and one for the shop. This can be dealt with via a condition if planning permission is issued.

CBC Waste:

Six bins will be sufficient for the three flats but will need to be enclosed to prevent misuse. There is no indication as to where the shop is supposed to store their commercial waste, can the applicant please provide details of this.

The applicant will need to provide details of the proposed bin collection point for the three flats, as they are on individual bins it will be the residents responsibility to present their bins on collection day.

CBC Public Protection:

I am concerned that the proposed residential flats will suffer detriment to amenity from noise from traffic along Main Street/Grange Drive Link and customer noise from customers entering and leaving the shop and the community hall opposite. Flat 3 may suffer detriment from residents using the car parking access as their kitchen/living/dining room is over the traffic access route. The proposed flats may also suffer detriment to amenity from noise from the commercial shop premises on the ground floor beneath them.

I would therefore advise conditions relating to noise protection measure be attached to safeguard amenity:

Beds & River Ivel No comments received

Drainage Board:

Environment Agency: No comments to make

## Determining Issues

The main considerations of the application are;

1. Character and appearance of the area
2. Amenity of adjoining occupiers
3. Parking and highway safety
4. Other Issues

## Considerations

### 1. Character and appearance of the area

The design of the proposed building is considered to be appropriate and in keeping with the surrounding form of development that has already been approved. This is a feature building within the development in a key location

opposite the community building, also providing a link between new and old development.

In developing the scheme, the architects have sought to respond to this, providing a building with a double frontage with detailing to the shop window that is reflective of the local vernacular. A feature corner turret has been proposed to provide legibility for local people and marking this building as gateway between the new development and the existing Stotfold development.

The design is considered acceptable representing a suitable response to the context of the site within the wider development.

## **2. Amenity of adjoining occupiers**

The form of development relates well to approved residential development that adjoins this site. That development has not yet commenced. Given the relationship as proposed there will be no impact upon the amenities of future occupiers of those dwellings by reason of overlooking, overbearing impact or any loss of daylight or sunlight.

The Environmental Health Officer has raised concerns regarding proposed occupiers of the flats above the shop. This is a common form of development and any concerns can be resolved by way of conditions.

The proposal is acceptable in this regard.

## **3. Parking and highway safety**

The parking provision for the proposed flats has been agreed with the Highways Officer with one space per flat. The other space will serve the shop. These are located within a courtyard that has restricted access controlled by a gate. The provision of the gate also provides security for the cycle parking, resolving the concerns expressed. Cycle parking for patrons of the shop is provided adjacent to the main entrance.

The applicant has agreed to provide additional bollards adjacent to the site entrance to safeguard pedestrian safety and this will be secured by condition.

With regard to servicing, a parking bay with space for six vehicles is provided on the opposite side of Main Street. This is considered adequate to service the shop and provide parking for visitors to the shop.

## **4. Other Issues**

Revised information is required with regard to additional bin storage for the shop. The applicant has agreed to provide this. This can be secured by planning condition.

The applicant will also be required to enter into a Unilateral Undertaking to meet the requirements of the Council's Planning Obligations Strategy by contributing to local infrastructure. This will be completed prior to the issuing of any decision. The applicant has stated that this will be completed as per the requirements.

## Recommendation

That Planning Permission be granted subject to the following conditions and completion of a Unilateral Undertaking:

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

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

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

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

- 3 Details, including acoustic specifications, of all fixed plant, machinery and equipment such as compressors, generators, air conditioning units, refrigeration plant or plant and equipment of a like kind, installed within or external to the shop premises, shall be submitted to the Local Planning Authority for written approval prior to installation.

Reason: To safeguard the amenities of adjoining occupiers.

- 4 **Prior to the commencement of the residential development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme for limiting the transmission of noise between;**
  - a) the car parking access road and the built over first floor residential unit above them (Flat 3 Kitchen/Living/Dining)
  - b) the ground floor shop and the first floor residential units
  - c) main street/grange drive link, external customer noise and the residential units.

**Any works which form part of the scheme approved by the Local Planning Authority shall be completed in accordance with the details approved before any permitted development is occupied, unless an alternative period is approved in writing by the Authority.**

**Reason: To ensure adequate insulation against transmission of noise from the car parking access road, ground floor shop and road traffic/customer noise in main street/grange drive link and the residential units and therefore provide an acceptable internal noise environment for future occupiers.**

- 5 **Details of bin storage to be provided in association with the A1 use hereby approved shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented prior to the commencement of the use and retained at all times thereafter.**

**Reason: To ensure adequate provision of bin storage facilities within the site.**

- 6 **Details of the allocation of the off-street parking provision hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details prior to the first occupation of the uses hereby approved.**

**Reason: To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.**

- 7 **Prior to the commencement of development details of the bollards or alternative measures to be provided at the vehicular access shall be submitted to and approved in writing. The approved details shall be implemented prior to occupation of the uses hereby approved and retained thereafter.**

**Reason: In the interests of highway safety.**

- 8 **Prior to the commencement of development a scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the uses hereby permitted is commenced**

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

- 9 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 08 870 - SO01 Rev B, 08 870 - SK01 Rev E, 08 870 - SK02 Rev C, 08 870 - SK04 Rev D, 08 870 - SK05 Rev D, 08 870 - SK06 Rev B, 08 870 - SK07 Rev C, 08 870 - SK08, 08 870 - SK10 Rev F, 08 870 - SK20 Rev A, 08 870 - SK21 Rev A.**

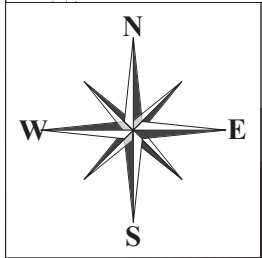
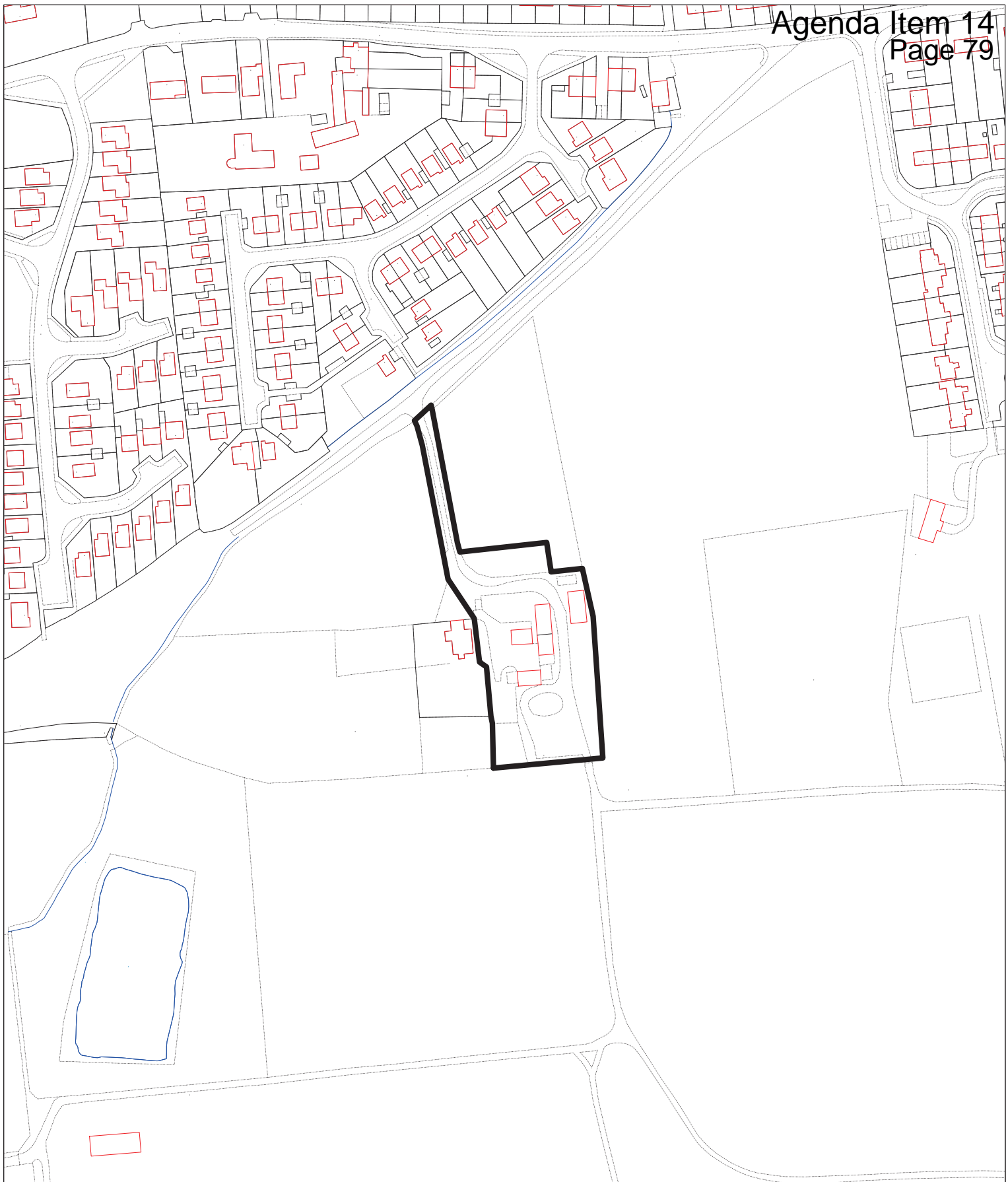
**Reason: For the avoidance of doubt.**

**Notes to Applicant**

**DECISION**

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Date: 03:May:2012

Grid Ref: 517072 245686

Application No.  
CB/12/01266/FULL

Scale: 1:2500

Water Lane Farm, Biggleswade Road, Upper Caldecote, SG18 9BP

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<b>Item No. 14</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01266/FULL</b>
<b>LOCATION</b>	<b>Water Lane Farm, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BP</b>
<b>PROPOSAL</b>	<b>Proposed Farm Office Building and Car Parking</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Turner</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>10 April 2012</b>
<b>EXPIRY DATE</b>	<b>05 June 2012</b>
<b>APPLICANT</b>	<b>GJ Maudlin and Sons</b>
<b>AGENT</b>	<b>Richard Beaty (Building Design) Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Applicant is related to a Councillor.</b>
<b>RECOMMENDED DECISION</b>	<b>Approve subject to conditions</b>

**Site Location:**

A working farm to the south of Water Lane and set back from it by 67m. The site comprises Water Lane Farm house and a number of barns of different sizes and orientations to the west of the house. There is a large informal parking area to the north of the farm house. Planning permission was granted in 2006 for an agricultural store/farm office building to the northeast of the farm house and that development has been implemented, but not completed (the building comprised of three sections and the western section has been built Foundations have been laid for the remaining two sections). The entrance to site is demarked by a tall hedge on either side of the access road. The eastern hedge is showing signs of disease. There is a public right of way that runs down from Water Lane, along the northern part of the site and then south, past the existing barns. The site is designated as falling within an Area of Archaeological Interest.

**The Application:**

There would be a single-storey building that would be a maximum of 24.8m wide, 6.6m deep and 6.1m tall. It would comprise of three sections and would be located to the northeast of the farm house and to the northwest of the existing barns, immediately to the south of the path that runs along the north of the site and that is a public right of way. The existing tall hedge on the eastern side of the access to the site would be removed and replaced with ten parking spaces that would be screened to the north by a landscaped area.

The building would be used for purposes ancillary to the use of the farm, including offices, a meeting room, a store and a workshop. The applicant has achieved successes in wildlife and habitat conservation and the building would be used to accommodate visitors with an interest in the methods that the farm has employed in this respect.

Whilst the proposed building would be of a comparable scale and design and would be used in a similar, ancillary way that which was approved in 2006, the NPPF (2012) and the Council's Core Strategy and Development Management Policies (2009) have subsequently become material planning considerations and so a new assessment of the proposal is required.

**Relevant Policies:**

National Planning Policy Framework (NPPF) (2012)

3 Supporting and prosperous rural economy

Core Strategy and Development Management Policies (2010)

CS11 Rural Economy and Tourism  
DM3 High Quality Development  
DM16 Green Infrastructure

**Planning History:**

MB/06/00931/FULL Agricultural storage building/farm office  
Approved: July 2006 (implemented but not completed)

**Representations:**

Town Council None

Neighbours (a site and  
press notice were  
displayed) None

**Consultee responses:**

Council's Archaeologist No Heritage Asset Assessment required

**Determining Issues:**

The considerations in the determination of this application are:

1. Principle of the development
2. Appearance
3. Neighbours
4. Parking
5. Rights of Ways
6. Archaeology

**Considerations:**

**1. Principle**

Para. 28 of the NPPF (2012) states that Local Planning Authorities should support the sustainable growth and expansion of all types of business and

enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and should promote the development and diversification of agricultural and other land-based rural businesses.

These objectives are reinforced by the Council's Core Strategy and Development Management Policies (2009) in policy CS11 (Rural Economy and Tourism) where it states that the Council will seek to support the rural economy by supporting its diversification.

In this case, the proposed building would allow for the farm to diversify to provide training and information for interested parties including local community and school groups on the farm's wildlife and habitat conservation methods. Further, it would provide office space that would improve the functioning of the farm overall and so the proposed building would be acceptable in principle.

The principle of the use of the building for independent commercial activity has not been established as acceptable and so a condition would restrict the use to that ancillary to the commercial use of Water Lane Farm.

## **2. Appearance**

The building would be of a comparable scale and appearance to other ancillary buildings at the site and the use of appropriate materials would ensure that the appearance of the building would conform to the character of the wider site. The differing ridge heights and roof types would create visual interest and break up the bulk of the building. The building would be 88m from Water Lane and so views of it would be very limited. Although near to the public footpath running through the site, the building would not appear oppressive or harmful for users of the public right of way.

The tall hedge on the eastern side of the access would be removed and whilst it does make a positive contribution to the appearance of the site overall, it is showing clear signs of disease and so its removal would not be resisted, subject to acceptable replacement landscaping which would be controlled by condition.

The introduction of parking spaces to the north of the site would result in a modest impact on the appearance of the site, subject to the use of appropriate materials, which would also be conditioned.

## **3. Neighbours**

The building would be far enough away from any neighbouring houses outside of the site to ensure that no harm would be caused to living conditions at them. It would be at least 7.5m away from the farm house and positioned to the northeast of it. That, when taken together with the height of the building would ensure that it would cause no harm to living conditions at that house.

## **4. Parking**

An additional ten parking spaces would be provided to add to the existing informal parking area to the north of the house. The use of the proposed building is likely to be of a relatively low intensity and this parking provision would meet the need of the use. There would be no pressure placed on on-street parking by

the development.

## 5. Rights of Way

Policy DM16 (Green Infrastructure) of the Core Strategy and Development Management Policies (2009) states that the Council will protect and promote green infrastructure, including public rights of way.

Whilst the building would be near to the public right of way (adjoining its southern boundary), it would not encroach upon it and would not prevent its use. As a result, no harm would be caused to local green infrastructure.

## 6. Archaeology

The site is designated as falling within an Area of Archaeological Interest but the scale of the development would ensure that no harm would be caused to archaeological remains and no Heritage Asset Assessment was required as part of the application.

### Recommendation:

That Planning Permission is granted subject to the following conditions:

- 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 The materials used in the construction of the external surfaces of the development shall match those shown on drawing 08.201.01 unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the building is satisfactory.

- 3 The building shall be used solely for commercial purposes ancillary to the use of Water Lane Farm and shall not be used for any other purpose.

Reason: To prevent potentially inappropriate independent commercial uses at the site.

- 4 **Before the development commences, a landscaping scheme to include any hard surfaces and the approved parking area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping.**

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [08.50.OSmap, 08.201.01].

Reason: For the avoidance of doubt.

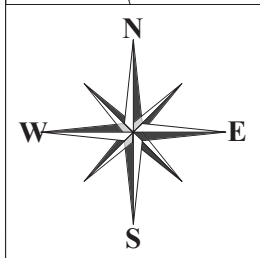
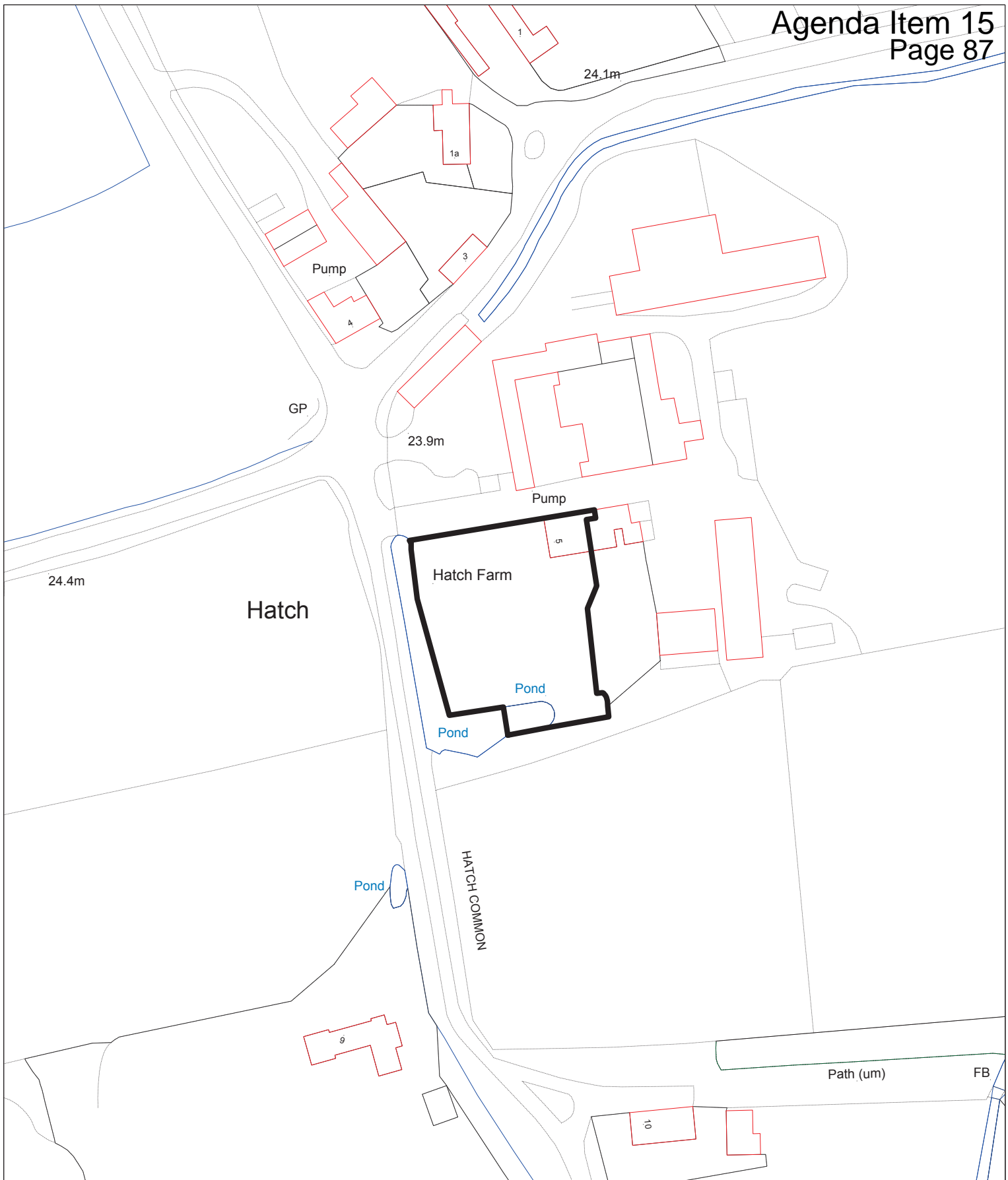
**Reason for approval:**

The development would cause no harm to the appearance of the site, would cause no harm to living conditions at neighbouring houses and would help to support the rural economy. It would be in accordance with the National Planning Policy Framework (2012) and policies CS11 (Rural Economy and Tourism), DM3 (High Quality Development) and DM16 (Green Infrastructure) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

**DECISION**

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Date: 03:May:2012

Grid Ref: 515755 247847

Application No  
CB/12/00914/FULL

Scale: 1:1250

Hatch Farm, Hatch Common, Hatch, Sandy

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**Item No. 15**

**APPLICATION NUMBER** CB/12/00914/FULL  
**LOCATION** Hatch Farm, Hatch Common, Hatch, Sandy, SG19 1PS  
**PROPOSAL** Single storey side extension  
**PARISH** Northhill  
**WARD** Northhill  
**WARD COUNCILLORS** Cllr Mrs Turner  
**CASE OFFICER** Nicola Stevens  
**DATE REGISTERED** 19 March 2012  
**EXPIRY DATE** 14 May 2012  
**APPLICANT** Mr Maudlin  
**AGENT** Richard Beaty, Building Design Ltd  
**REASON FOR COMMITTEE TO DETERMINE** The applicant is related to a Central Bedfordshire councillor.

**RECOMMENDED DECISION** Full Application - Granted

**Site Location:**

The site is located on the eastern side of Hatch Common within open countryside. It appears to be part of a larger farm complex, with farm buildings to the north and east, and open fields to the south and west. The building has a two storey dwelling 'Paws Cottage' attached on the eastern side of the building.

**The Application:**

The application seeks full consent for a single storey side extension.

**RELEVANT POLICIES:**

**National Policies**

National Planning Policy Framework (NPPF) (March 2012)

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

**Core Strategy and Development Management Policies Adopted November 2009**  
CS14 High Quality Development  
DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes

## Supplementary Planning Guidance

Design Guide for Central Bedfordshire & DS4 Residential Alterations & DS7  
Movement Streets and Places Adopted Jan 2010

### Planning History

None relevant

### Representations: (Parish & Neighbours)

Northill Parish Council      No comments received

Neighbours/Site Notice      No comments received

### Consultations/Publicity responses

IDB                                      No objection, on the understanding that the applicant will set finished floor levels no lower than those existing and resilience and resistance techniques are incorporated in the construction. In the event that ground conditions are not suitable for soakaway drainage any direct discharge into nearby watercourse will require the Boards prior approval. A suitably worded condition should be attached.

Environment Agency              No comments received

### Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Other issues

### Considerations

#### 1. Principle of development

The application site lies outside the settlement envelope of nearby Northill or Sandy as defined in the Core Strategy and is located in open countryside. There is a general policy constraint at both national and local planning policy for new development in the open countryside. However, this proposal is for the enlargement of an existing dwelling. NPPF states that planning should recognise the intrinsic character and beauty of the countryside (para 17) and states in paragraph 56 that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively

to making places better for people. Paragraph 64 of the same document states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy DM3 of the Core Strategy states that all proposals for new development including extensions will be appropriate in scale and design to their setting. The enlargement of this dwelling may be acceptable in principle provided that other planning policies which will be discussed below.

## 2. Visual impact

The property is a large two storey dwelling (considered to be early Victorian) constructed of orange brick with a slate roof. It has an existing single storey flat and pitched roof extension to the side which would be demolished. It also appears to have a two storey addition to the rear which is a separate dwelling.

It is proposed to erect a fairly large single storey side extension to create a utility room, kitchen and dining room enlarging the ground floor living accommodation. The extension will measure approx 5.4m wide, 8.9 deep, 2.6m to the eaves and 4.4m (at the highest point). Two rooflights are proposed on the side and one on the rear of the extension. As it would be to the side of the dwelling it would be clearly seen in the streetscene.

The Council's design document "A Guide for Development (2010) – Design Supplement 4 (Residential alterations and extensions)" states that "*The proposed extensions should not dominate the existing building: in other words they should normally be subservient, and appear as additions in a 'supporting' role. The existing building should not be dominated by the bulk or volume of the extension*".

The extension would only be stepped back from the main front elevation marginally (approx 0.1m) but being single storey would be stepped down from the main ridgeline and therefore be subservient in appearance. Whilst the design is not considered ideal with a flat roofed section providing a rather awkward relationship with the main dwelling, the removal of the attractive ground floor sash window, and the hipped roof partly obscuring the first floor windows, on balance it is not considered it is sufficient to warrant refusal. This is because given the width of the extension which is similar to that existing (at 5.1m) the flat roof does provide separation from the main hipped roof element of the extension which matches the main roof of the dwelling, the dwelling is not listed and the main ground floor window is already obscured from the streetscene by the existing extension, also the roof materials will match the main house being slate, clements rooflights are normally of a traditional pattern in relation to Victorian properties and fairly flush with the plane of the roof, and cambridgeshire white reclaimed facing brick is proposed which would match the existing single storey extension. Given the above, overall it is not considered the extension would be unduly harmful to the character and appearance of the area.

## 3. Residential amenity

Paws cottage adjoins the application site and has a first floor bedroom window and ground floor living room window on its rear elevation nearest the boundary. There is a 1.8m fence with trellis along the shared boundary where the extension is proposed.

Whilst the existing extension is offset from the boundary, the single storey extension the subject of this application would be sited on the boundary measuring approx 5.4m in depth and 2.6m to the eaves. The flat section of the roof immediately adjoining the house would be 3.5m tall increasing to 4.4m where fully hipped. Given the orientation and proximity to the boundary there would be some loss of light later in the day for the ground floor living room window at Paws Cottage, but given the large size of that window, its distance from the boundary and the design of the extension including the roof it is not considered there will be any undue loss of light.

The extension would be blank sided with only a rooflight so there will be no loss of privacy.

Although it will be 5.4m long on the boundary given that it will be single storey and given the shape and height of the roof it is not considered there would be any undue overbearing impact. As such the relationship is considered satisfactory in this context.

No other surrounding properties will be unduly harmed due to the distances involved.

#### **4. Other issues**

Sufficient private amenity space will be retained.

There would be no increase the number of bedrooms as a result of this proposal. On site parking remains unchanged.

The site falls within flood zones 2 and 3. The Environment Agency has not objected to the proposal. The IDB have no objection provided the generic details in the Householder Flood Risk Assessment are provided which could be conditioned. It is not considered a condition on the method of surface water drainage is required as this is covered by separate legislation, however a note to applicant could be attached.

#### **Recommendation**

That Planning Permission be Approved subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
- 2 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

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

- 3 Development shall be implemented in accordance with the details set out in the Flood Risk Assessment.

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

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [12.02.OSmap, 12.02.02, FRA ].

Reason: For the avoidance of doubt.

**Reasons for Granting**

The proposal would not have a negative impact on the character or appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies CS14, DM4 and DM3 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework (March 2012); Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

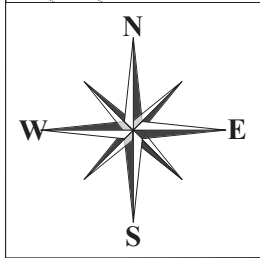
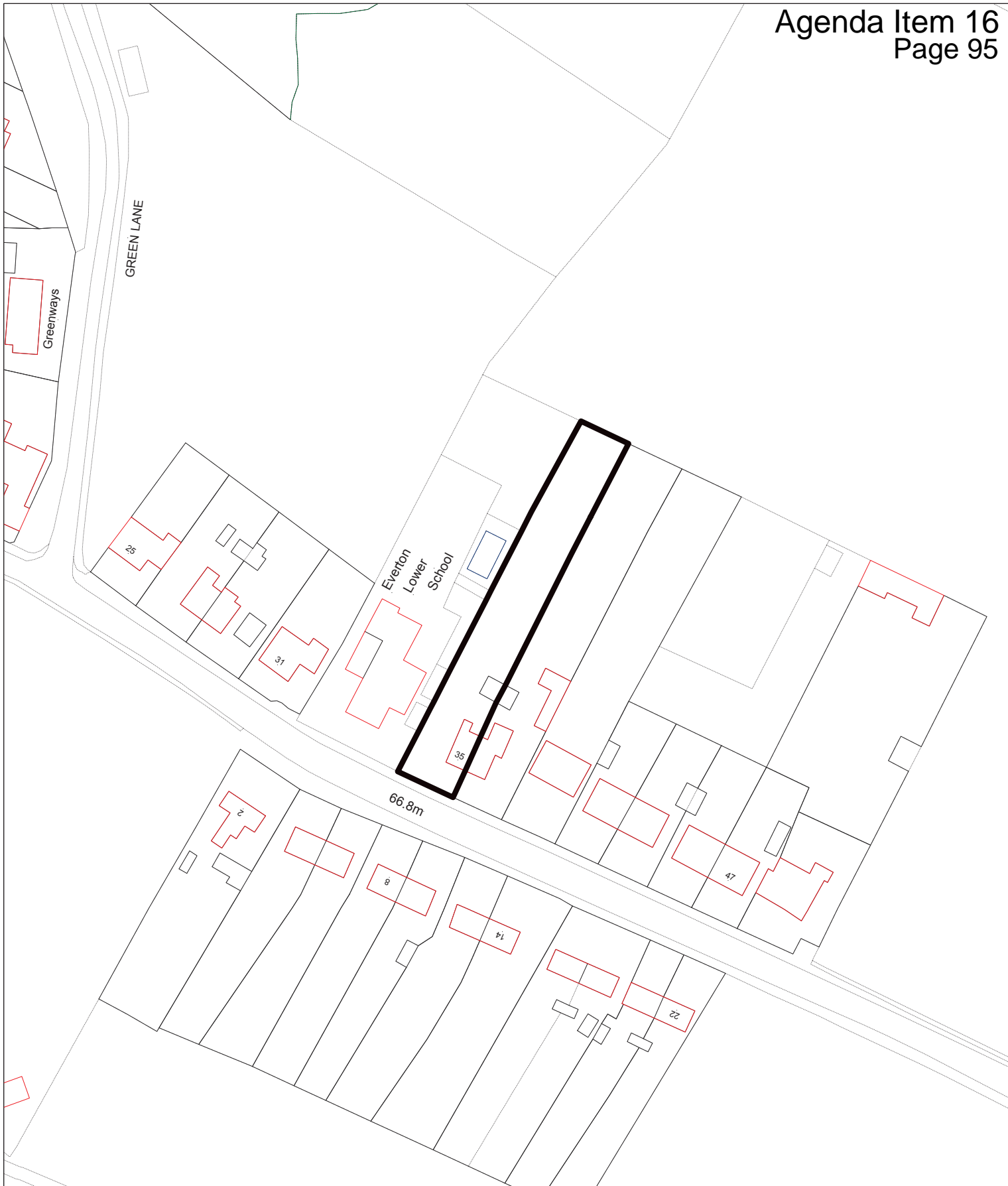
**Notes to Applicant**

- . You are advised to note the comments of the Internal Drainage Board as set out in the enclosed letter.

**DECISION**

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Date: 04:May:2012

Grid Ref: 520522 251070

Application No.  
CB/12/00756/FULL

Scale: 1:1250

35 Potton Road, Everton, Sandy, SG19 2LE

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**Item No. 16**

<b>APPLICATION NUMBER</b>	<b>CB/12/00756/FULL</b>
<b>LOCATION</b>	<b>35 Potton Road, Everton, Sandy, SG19 2LE</b>
<b>PROPOSAL</b>	<b>Two storey front, side and rear extension, porch to front, plus erection of detached garage to rear of rear garden</b>
<b>PARISH</b>	<b>Everton</b>
<b>WARD</b>	<b>Potton</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Gurney &amp; Zerny</b>
<b>CASE OFFICER</b>	<b>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>01 March 2012</b>
<b>EXPIRY DATE</b>	<b>26 April 2012</b>
<b>APPLICANT</b>	<b>Mr Barua</b>
<b>AGENT</b>	<b>JPT Design Consultants</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Gurney has called the application to Committee on the grounds of adverse impact on the character and appearance of the area and neighbour amenity, including the adjacent School grounds</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is located at 35 Potton Road in Everton, and comprises a two storey, semi-detached Victorian dwelling constructed of red brick with a tiled roof. The dwelling has been previously extended to the side with a single storey, flat roof, side extension accommodating a garage, and a two storey flat roof rear extension.

The site is bounded to the west by Everton Lower School and other residential properties to the east and south. Open fields lie to the north.

Two Lime trees are located on the western boundary with the School, although these are not protected by a Tree Preservation Order.

The site is located within the Everton Settlement Envelope.

**The Application:**

This application seeks permission for the erection of a two storey side and rear extension, and the erection of a detached garage within the rear garden.

**RELEVANT POLICIES:**

**National Planning Policy Framework**

7 - Requiring good design

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

DM3 - High Quality Development  
DM4 - Development Within and Beyond Settlement Envelopes

### Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for Development, 2010  
Design Supplement 4 - Residential Alterations and Extensions

### Planning History

MB/77/01223/FA FULL: GARAGE/STORE EXTENSION. **Granted.**

### Representations: (Parish & Neighbours)

- |                        |   |
|------------------------|---|
| Everton Parish Council | <p><b>Object</b> to the proposal on the following grounds:</p> <ul style="list-style-type: none"><li>- Distance from the plot - access will create a nuisance and pollution to neighbours from noise and exhaust fumes</li><li>- There are plans for the first floor of the garage which is at odds from the stated intention for use of the building as a garage.</li></ul>  |
| Everton Lower School   | <ul style="list-style-type: none"><li>- Concerns regarding the purpose of the proposed outbuilding - it is a sizeable unit which will overlook the school's swimming pool</li><li>- Impact on tree roots</li></ul>  |
| Neighbours             | <p>Impact on the amount of light afforded to the school</p> <p>Two letters of <b>objection</b> have been received from the occupiers of No. 37 and No. 39 Potton Road on the following grounds:</p> <ul style="list-style-type: none"><li>- Garage is outside the building line</li><li>- Garage is intrusive in this location</li><li>- Dormer window in the garage will overlook neighbouring properties</li><li>- Garage will require driveway to the length of the garden</li><li>- Garage will significantly shade the school grounds, reducing the usable grassed area in an already compact play area</li><li>- Amenity of quiet rural position will be adversely affected by vehicle operations required for the garage</li><li>- The location is in the darkest part of the village and in present times, darkness is valuable and increasingly rare amenity, this will be adversely affected by lighting required for the garage</li><li>- Single storey rear extension will cause significant loss of light into both the developed property and the adjoining property. It will remove any view from a living room in the adjoining property and its loss will have an adverse impact on the residential amenity of the adjoining property.</li></ul> |

- Though described as a two storey extension, three storeys are proposed. The three storey extension to the rear of the building will have a pitched roof and its bulk will be out of scale with the original building
- At least 7 trees are within falling distance of the proposed buildings
- A Lime tree in the school grounds will require pruning to allow proposed building works
- Foundation diggings may cause damage to the Lime tree roots
- The Lime tree is one of a substantial pair which contribute significantly to the character of the area
- The front porch will adversely affect the design/streetscene of the original pair of houses
- Several tall silver birch trees on the school grounds are close enough to fall on the proposed garage development
- Garage is too large and may be intended for business use
- Cars may be parked on the road outside whilst awaiting work or collection which would affect highway safety

### Consultations/Publicity responses

Tree and Landscape Officer      No objections, subject to conditions relating to special foundations to protect the adjacent Lime and Birch trees.

### Determining Issues

The main considerations of the application are;

1.      **Impact on the character and appearance of the surrounding area**
2.      **Impact on the residential amenity of neighbouring properties**
3.      **Any other material planning considerations**

### Considerations

1.      **Impact on the character and appearance of the surrounding area**

#### Two storey side and rear extensions:

The site is located within the settlement envelope for Everton. This part of Everton is characterised by predominantly linear residential development along Potton Road. The dwellings generally have deep rear gardens which then back onto open fields.

The application property forms a pair of semi-detached, Victorian dwellings. No. 37, the adjoining property has already extended at two storey to the side.

This application proposes to extend the property to the side at two storey level, although there would also be accommodation in the roofslope. The extension would have a width of 4.4metres, with a set back of 0.7metres from the original front building line. The roofline of the extension would also be set 0.5metres lower than the existing ridgeline. The extension would in fact replicate No. 37's

side extension, and would accord with the Council's Adopted Design Guide which seeks to ensure that all new extensions appear in-keeping with the character and appearance of the existing property, whilst remaining visually subservient.

The proposed rear extensions would comprise of a 2.5 storey rear extension which comprises of the rear of the proposed two storey side extension, and the existing flat roof, two storey rear extension. Whilst having quite a wide span, the roofpitch would remain lower than both the existing and two storey side extension ridgeline, and would incorporate the existing flat roof two storey extension. The rear extensions would be rendered over to be able to incorporate the existing extensions and ensure that there is consistency in the overall appearance to the rear.

The application also seeks permission for a small front porch. This is considered to be a modest addition to the dwelling which will not have a significant impact on the character and appearance of the dwelling.

Subject to the use of matching materials and detailing, the design of the proposed extensions is considered to be acceptable to preserve the character and appearance of the existing dwelling and general streetscene.

Detached Outbuilding:

The application site has a deep rear garden, and it is proposed to erect an outbuilding at the end of this garden, approximately 48metres from the main dwelling. The building would be used for garaging purposes on the ground floor, with a small office at the first floor.

The building would have a depth of 13 metres, a width of 5metres and a height of 2.2metres to the eaves and 5.2metres to the ridge. The building would be sited 1metre away from the west boundary with Everton Lower School.

Concern has been raised with respect to the distance of the proposed outbuilding from the main dwelling. The garage has been sited so that it is located away from the school buildings at the far end of the garden. The building would remain within the settlement envelope boundary and would still fall within the domestic curtilage of the application property. In terms of the character and appearance of the surrounding area, it is noted that there are other large buildings located on a similar building line, close to the edge of the settlement envelope, and thus it is not considered that the siting of this building in this location would appear visually incongruous.

It is noted that this is a large outbuilding, however, aside from the small office proposed on the first floor, the remainder of the building would be full height, single storey, and used to store the applicant's collection of cars.

It should also be noted that if the garage were to be sited 2metres away from the boundary, planning permission would not be required for an outbuilding of a similar size, providing that the total height didn't exceed 4metres. In this case, the simple design of the outbuilding is not considered to be visually intrusive within the character and appearance of the surrounding area.

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

The neighbouring properties considered to be potentially most affected by the proposal are Everton Lower School to the west, and No. 37, the adjoining property to the east. All other neighbouring properties are considered to be adequately removed to not be affected by the proposal.

Everton Lower School:

Loss of privacy:

The front of the school buildings facing Potton Road are the closest part of the school to the proposed two storey side extension. A second floor window would be inserted into the side facing elevation, however, this would replace an existing second floor window which already overlooks the school grounds. This window would overlook predominantly, existing roofslopes and any views from it would be restricted by the mature Lime tree located on the boundary, which would also be opposite the window.

Concern has been raised regarding the potential overlooking of the school grounds from the proposed outbuilding. The elevation facing the school grounds would not contain any openings, and thus the potential for overlooking or a loss of privacy to the school, would not occur.

Outlook and Overbearing Impact:

The proposed outbuilding would be located close to the west boundary with the School, and adjacent to a grassed play area. The building would be set off the boundary by 1metre and whilst the total height would be 5.2metres, the roofslope would slope away from this boundary and it is not considered that the building would appear over-bearing within the outlook from this part of the school.

Loss of Light:

The building may have a small impact on the amount of light afforded to this part of the school grounds, however, it is considered that this will be minimal because of the siting and orientation of the buildings in relation to the sun's light.

37 Potton Road:

This is the adjoining property located to the east. This property has a ground floor window serving a habitable room located 0.7metres away from the side boundary with the application property. A 1.8metre close boarded fence screens this boundary.

Loss of Light:

The proposal does not seek to extend the first floor accommodation any further to this side boundary than as existing. A pitched roof is proposed over the existing flat roof, however, by reason of the degree of separation, this will not have a significant impact on No. 37. The proposed single storey rear extension would however, be 0.5metres closer to this boundary. A 1.6metre distance

would remain between the single storey rear extension and this boundary however. The single storey extension would breach the 45 degree line horizontally, but not vertically.

By reason of the degree of separation between the proposed single storey extension and closest window on No. 37, and the existing boundary treatment which already restricts much of the light from the west into this property, it is not considered that the proposal would have an increased, adverse impact on the amount of light afforded to this dwelling.

Loss of privacy:

The proposed extensions would not contain any side facing windows which could overlook or reduce the amount of privacy to No. 37.

The proposed outbuilding would contain a first floor dormer window to serve an office. Views from this window would be directed towards the end of No. 37's rear garden. The east boundary with No. 37 is well screened by existing tree planting and by reason of the distance of this part of the garden from the main house and the fact that they use of this part of the building would be as an office, it is not considered that this window would result in a significant level of overlooking or loss of privacy to the occupiers of No. 37.

Outlook and Overbearing Impact:

The building would be set off the eastern boundary by 6metres, and whilst the total height would be 5.2metres, the roofslope would slope away from this boundary. By reason of the degree of separation from No. 37's rear garden and distance from the main dwelling, it is not considered that the building would appear over-bearing within the outlook from this dwelling.

**3. Any other material planning considerations**

Impact on trees:

The proposed two storey side extension would be located close to two Lime trees located on the boundary with Everton Lower School. The Council's Trees and Landscape Officer has been consulted and has advised that the new foundations for the two storey side extension would fall within the root protection area of the first Lime tree on the boundary. Within this distance, a non invasive foundation system is required and it is recommended that should permission be granted, a condition be imposed which ensures that a suitable system such as a block and ground beam is used along the west foundation of the proposal, and that the existing foundations along this boundary are retained at just below ground level to avoid disturbance to roots that may have grown up to the foundations.

The proposed outbuilding would be located within 1metre of the western boundary of the site. The adjacent Birch trees on within the school grounds are also likely to have roots encroaching into the footprint of this garage. It is recommended that foundations for the west side of the garage are also of a similar construction method to ensure that roots are not damaged.

Whilst none of these trees are statutorily protected and do not fall within a conservation area, it is considered that they make a positive contribution to the surrounding visual amenity and thus it is recommended that these conditions are imposed to ensure their protection.

Highways:

The existing dwelling has three bedrooms and on-plot parking for three cars to the front. The proposal will increase the bedroom numbers to 6 which would require at least 4 on-plot parking spaces. The proposed garage can accommodate up to three additional cars and thus, there would be adequate parking provision to meet the Council's parking standards.

There are no further issues.

**Recommendation**

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

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

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

- 2 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building, as outlined on the application forms. The rear extensions shall be finished in cream or white painted render as outlined on the application drawing.

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

- 3 Prior to the first occupation of the building, the first floor and second floor bathroom windows in the north, rear elevation of the development hereby permitted shall be fitted with obscured glass of a type to substantially restrict vision through it at all times where the window height is less than 1.7metres above the floor level in the room where the window is installed. No further windows or other openings shall be formed in the elevation.

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

- 4 The foundation structure of the two storey side extension hereby approved shall be of a block and groundbeam method of construction along the west foundation, and the existing garage foundations along this boundary shall be retained at just below ground level. Block and groundbeam foundations shall

also be used for the west side of the garage hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of the Lime and Birch along the west boundary, and in particular to avoid unnecessary damage to their root systems.

- 5 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 35 Potton Road, Everton, and it shall not be occupied as a separate independent dwelling, or business use.

Reason: The ancillary accommodation created by the development is not suitable, because of the circumstances of the site, to be used as a separate, independent residential or business unit, and in order to comply with the Council's Planning Obligation Strategy.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: JPT/DB/0212/001 Rev A; JPT/DB/0212/002 Rev A.

Reason: For the avoidance of doubt.

**Reasons for Granting**

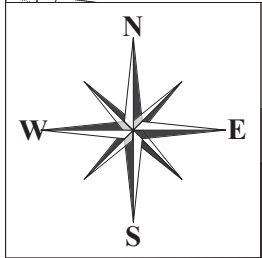
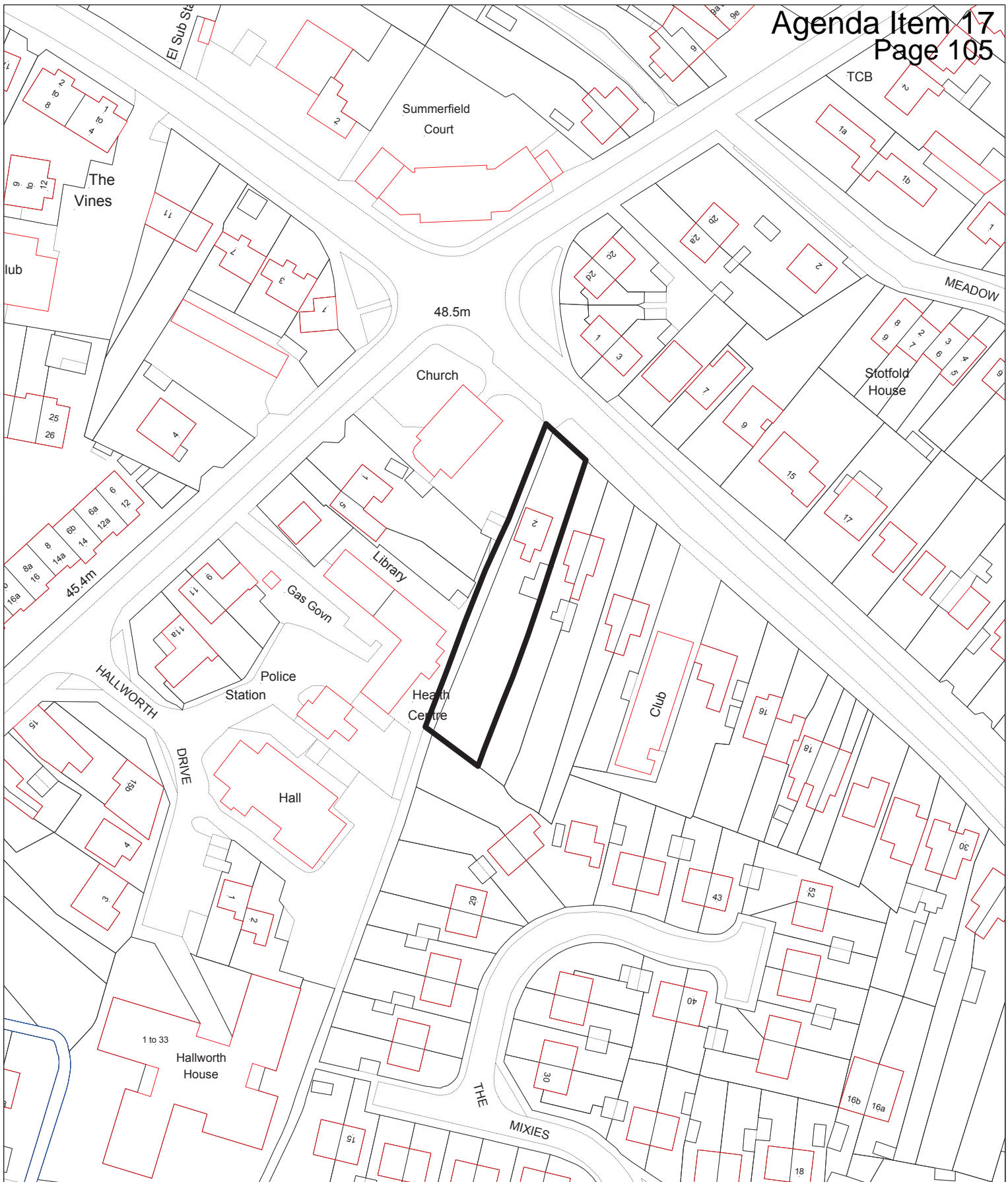
The proposed two storey side extension, 2.5 storey rear and single storey rear extensions, front porch and outbuilding, would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties. The proposal is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009, and the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

**Notes to Applicant**

**DECISION**

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Date: 03:May:2012

Grid Ref: 521427 236707

Application No.  
CB/12/00466/FULL

Scale: 1:1250

2 High Street, Stotfold, Hitchin, SG5 4LL

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**Item No. 17**

<b>APPLICATION NUMBER</b>	<b>CB/12/00466/FULL</b>
<b>LOCATION</b>	<b>2 High Street, Stotfold, Hitchin, SG5 4LL</b>
<b>PROPOSAL</b>	<b>Erection of one detached dwelling</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Clarke, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Richard Murdock</b>
<b>DATE REGISTERED</b>	<b>09 February 2012</b>
<b>EXPIRY DATE</b>	<b>05 April 2012</b>
<b>APPLICANT</b>	<b>Mr McNeill</b>
<b>AGENT</b>	<b>Aragon Land &amp; Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Councillor Brian Saunders request based on the form of development and the impact upon the amenities of the adjoining occupier.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

**Site Location:**

The site measures 0.2ha and lies to the rear of no. 2 High Street, Stotfold. That property is a two storey detached pebble dashed dwelling with a plain tiled roof. The property benefits from a long back garden which will be approximately halved to create the application site.

The surrounding area comprises a church and civic/public buildings to the west, separated from the site by a public footpath that extends from High Street to the south of the application site. To the east and south of the site is existing residential development.

**The Application:**

Planning permission is sought for a detached two bedroom bungalow, proposed to be sited at the southern end of the site. Access is to be derived from the High Street using an existing crossover and there will be parking provided to both the front and side of the dwelling with a turning area also to the front.

The applicant has submitted an appeal against non-determination and this report seeks endorsement of the reason for refusal should an appeal not have been submitted. The resolution of the Committee will form the basis of the evidence the Council will submit to the Planning Inspectorate.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

National Planning Policy Framework 2012

Policies DM3, DM4, CS1, CS2 and CS14 apply.

### Supplementary Planning Guidance

Design Guide for Central Bedfordshire (Jan 2010)

Planning Obligations Strategy (2009)

### Planning History

CB/11/03668/LDCP	Lawful Development Certificate - Erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building. Granted 25/11/2011
CB/10/03477/FULL	Full: Detached dwelling to the rear garden of existing house. Refused 12/11/2010/ Appeal dismissed 07/03/2011

### Representations: (Parish & Neighbours)

Stotfold Town Council: No objections subject to neighbours being consulted

Neighbours: One letter submitted on behalf of adjoining occupiers at nos. 4 and 6 High Street, Stotfold making the following objections:

- the approach that a permitted development garage then allows for an alternative use building is flawed;
- CBC did not approve the building, it accepted that it was permitted development;
- PPS 3 discourages garden grabbing, which this development is;
- Proposal results in substantial loss of garden land and is overdevelopment of the site;
- Will result in an alien form of development, not in keeping with surrounding character;
- Does not accord with Policy DM3 due to being an inappropriate form of design, not in keeping with surrounding area and makes no contribution to the site and its setting;
- It will affect the amenity of adjoining properties due to loss of privacy, loss of outlook and deterioration of views;
- Light pollution from vehicle movements associated with dwelling and exhaust fumes close to windows, patio and garden;
- Contrived vehicular access which impacts upon character of the area;
- Car dominated plot with no real garden area and

provision of geo textile membrane for parking will dominate the site;

- Limited opportunity for soft landscaping;
- The previous appeal is important where it was stated that the siting of the dwelling was out of keeping with linear pattern of development along this part of the High Street and therefore an intrusive structure that would harm the street scene.
- Inspector concluded that the development would have an adverse impact on the character and appearance of the area.
- The Inspector also considered that the vehicle access would give rise to a significant increase in noise and disturbance and that this would give rise to an unacceptable loss of privacy and increase in noise and disturbance at no. 4 High Street to the detriment of living conditions.

One letter of support on the basis that there is a need for more housing, it should be within existing developed areas rather than in open countryside. This application deals with previous concerns and it will not be intrusive to neighbours.

Site Notice Displayed 20/01/2012

### Consultations/Publicity responses

CBC Highways	No objections subject to conditions
CBC Footpath:	No comments received

### Determining Issues

The main considerations of the application are;

1. Planning History
2. Principle of development
3. Impact upon character and appearance of the area
4. Impact upon the amenities of adjoining properties
5. Highway safety and access
6. Other Issues

### Considerations

#### 1. Planning History

The site has been subject to recent planning history which is worth highlighting in the consideration of this application.

In 2010 a full planning application was submitted for a detached dwelling on this site. It was for a two storey dwelling albeit in a contemporary style such that the ridge height would be lower than a traditional two storey house. Central Bedfordshire Council refused planning permission for the following reasons:

1. *The proposal by reason of its size, siting and design, would result in cramped form of inappropriate backland development harmful to the character and appearance of the surrounding area. As such, the proposal is contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Planning Policy Statement (PPS3-Housing).*

2. *The proposed development by reason of its size, siting and design, would result in an unacceptable loss of amenity by way of loss of light, loss of privacy and overshadowing to adjacent dwellings. As such, the proposal would be contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).*

The decision was appealed and subsequently dismissed by the Planning Inspectorate. A copy of the decision notice is appended to this report. However, it is worth highlighting some key comments by the Inspector in reaching his decision.

With regard to the impact upon the character and appearance of the area, the Inspector considered that the dwelling would be out of keeping with the generally linear pattern of development along this part of the High Street. It would be large enough to be visible from gaps between buildings and therefore an intrusive that would harm the street scene.

In respect of the living conditions of adjoining occupiers, the Inspector did consider that the proposal would result in an unacceptable loss of amenity from the first floor window given the difference in levels. With regard to noise and disturbance, the Inspector stated that the manoeuvring of vehicles would cause a significant increase in noise and disturbance in an area expected to be a quieter part of the property. This was based on the proximity of the vehicle turning area to the boundary with no. 4 and its raised patio area. Overall the Inspector considered that the proposal would cause significant harm to the occupiers of no. 4 High Street.

Following the dismissal of the appeal, a lawful development certificate was submitted and granted for the erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building. That building was the same size, in both footprint and height, as the dwelling the subject of this application and sited in virtually the same position at the bottom of the garden.

## **2. Principle of development**

The site does lie within the Settlement Envelope for Stotfold and as such there is a presumption in favour of new residential development. The previous decisions by the Council and the Planning Inspectorate did not state that the principle of development was unacceptable. Rather it was the size, siting and appearance of development that was inappropriate.

Since the determination of that application, the Government has published the National Planning Policy Framework (NPPF) which supersedes all PPS's and PPG's. That document states that Council's should consider the case for setting out policies to resist inappropriate development of residential gardens, where for example it would cause harm to the local area.

Currently there are no policies restricting the development as proposed and therefore the principle of development is considered acceptable. The acceptability of the proposal rests upon the detailed aspects as set out below.

### **3. Impact upon character and appearance of the area**

One of the reasons the previous appeal was dismissed was due to the intrusive appearance that the development would have upon the character and appearance of the area. The Inspector commented that the siting behind the existing building would be out of keeping with the linear pattern of development along the High Street. This was compounded by the fact that the proposal was a two storey development that would be visible between buildings and therefore it would appear intrusive.

The current proposal is lower in scale and as such it will be less visually intrusive upon the street scene when viewed from the High Street. On this point, regard must be had to the granting of the lawful development certificate for the ancillary outbuilding. That building along is the same footprint and height as the proposed dwelling. However, the LDC is for an ancillary outbuilding that forms part of no. 2 High Street. This proposal is for a new dwelling and subdivision of the plot to form two separate residential plots.

As such, each plot must have adequate space so as not to result in a cramped form of development. On balance, no. 2 High Street would maintain a reasonable amount of private amenity space to the rear. However, the proposed dwelling would not have that benefit. The building is located directly adjacent to the western boundary of the site, 2.5m from the east boundary and as close as 2m to the southern boundary. There is minimal usable space provided to the rear of the dwelling and to the front of the building is provided a parking space and grass crete turning area. The result is that overall, the dwelling has minimal amenity space and appears as a cramped form of development that is located close to side and rear boundaries.

In light of the above considerations the proposal would result in a cramped form of development. Whilst not viewed particularly from the High Street, this would be apparent from the public footpath to the west. This would appear different than if the building was an ancillary outbuilding within the curtilage of no. 2 High Street.

This would adversely affect the character and appearance of the area and be contrary to Policy DM3.

### **4. Impact upon the amenities of adjoining properties**

The previous planning application was refused and dismissed on appeal based on the impact upon the amenities of the adjoining property, no. 4 High Street. In assessing the impact from the revised proposal, regard is had to the changes in the proposal and the fact that an LDC is in place.

There are no windows to the rear or side (west) elevations of the proposed dwelling but there are three rooflights on the south elevation. To the east elevation are two windows serving a bedroom and a bathroom respectively. To

the north elevation is a bedroom window, front door and full height glazed door serving a living area.

This proposal is single storey in height and sited further back into the plot compared to the previous scheme. Given the amendments it is not considered that the proposed building would adversely impact upon the amenities of no. 4 High Street such that it would warrant refusal. There are no first floor windows that will directly overlook the patio area and the front to back relationship between no. 4 and the proposed dwelling is 22.5m.

Immediately to the rear of no. 4 is a raised patio area and concern has been raised regarding a loss of privacy. However, the distances accord with current design guidance and whilst the fence separating the two properties is lower than average at 1.6m, a higher fence could be secured by condition to assist this situation. The side windows of the proposed dwelling would not result in an unacceptable amount of overlooking into the rear part of the garden of no. 4.

The other issue highlighted by the Inspector was the level of noise and disturbance resulting from vehicles manoeuvring adjacent to the boundary and patio area of no.4. The difference between this application and the previous appeal is that the turning area is twice as far away from the patio area of no. 4 such that vehicles manoeuvring will not be directly adjacent to the rear patio area of no. 4. The access road will still extend adjacent to the side boundary with no. 4. The relationship as proposed is identical to that which would result should the outbuilding be built as per the LDC.

That relationship is not uncommon in instances where tandem development is constructed. On balance, the relocation of the turning area further away from the patio area of no. 4 is considered acceptable and it would be difficult to substantiate a refusal based on noise and disturbance. The resultant form of development would not be materially different compared to a scenario whereby the LDC were to be implemented.

The other adjoining property to the rear will not be adversely affected by the proposed dwelling. Whilst the dwelling is close to that boundary the roof is hipped away and the only windows facing south are rooflights. In view of this relationship and the scale of the building, it will not adversely affect the amenities of no. 33 The Mixies to the south.

There are no other adjoining residential properties that will be affected by the proposed development given the distances that they are located away from the proposed dwelling.

Overall, on balance, the proposal is considered acceptable with regard to its impact upon adjoining properties.

## **5. Highway safety and access**

As with the previous application, there are no objections to the proposal on highway grounds. The access is considered adequate and sufficient off street parking is provided to serve both the no. 2 High Street and the proposed dwelling to the rear.



Subject to the attachment of relevant conditions, the proposals is acceptable in this regard.

**6. Other Issues**

The application has been accompanied by a Unilateral Undertaking that is in accordance with the adopted Planning Obligations Strategy and is therefore acceptable in this regard.

A public footpath adjoins the site directly to the west but this will be unaffected by the proposed development.

**Recommendation**

That had an appeal for non-determination not been submitted, then Planning Permission would have been refused for the following reason:

- 1 The development by reason of its size and siting and lack of rear amenity space would result in a cramped form of development that would harmful to the character and appearance of the surrounding area. As such, the proposal is contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

**Notes to Applicant**

**DECISION**

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## Appeal Decision

Site visit made on 28 February 2011

by **Martin Whitehead LLB BSc(Hons) CEng MICE**

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

Decision date: 7 March 2011

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**Appeal Ref: APP/P0240/A/10/2142428**

**2 High Street, Stotfold, Hertfordshire SG5 4LL**

- 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 David McNeill against the decision of Central Bedfordshire Council.
  - The application Ref CB/10/03477/FULL, dated 20 September 2010, was refused by notice dated 10 November 2010.
  - The development proposed is detached dwelling to the rear garden of existing house.
- 

### Decision

1. I dismiss the appeal.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area; and its effect on the living conditions of the occupiers of adjacent dwellings, with particular regard to matters of sunlight, daylight, outlook, privacy, noise and disturbance.

### Reasons

#### *Character and Appearance*

3. The appeal site consists of a traditional detached house that is sited on a relatively deep plot. There is a driveway at the side of the house with some outbuildings behind. The site fronts High Street, and the house is set well back from the road at the end of a staggered line of buildings which, apart from the large Liberal Club building, are mainly in residential use. These buildings sit on plots of diminishing depth and the houses that front the Mixies cul-de-sac to the rear are visible through the gaps between them.
4. The surrounding area includes two distinctly different patterns of development, which are separated by the public footpath that is adjacent to the west boundary of the appeal site. The development to the west, which is mainly accessed from Hitchen Road, is mixed with a varied pattern. It includes a large public building, called the Simpson Centre, which is sited behind other buildings, and a church that is sited on the corner of the junction of Hitchen Road with High Street. The development to the east, which includes the appeal site, has a more linear pattern with buildings fronting the adjacent roads.
5. The proposed detached dwelling would have a contemporary design which would result in a lower ridge height to the sloping roof than would be the case with a traditional 2 storey house. Whilst its design would be acceptable within

the context of the varied designs of the surrounding buildings, including the Simpson Centre, its siting behind the existing building on the site would be out of keeping with the generally linear pattern of development along that part of High Street. Although it would be on lower ground than High Street, it would be large enough to be visible through the gaps between buildings, and it would replace a green planted area in these views. As such, it would appear as an intrusive structure that would harm the street scene.

6. Taking the above into account, I find that the proposal would have an adverse effect on the character and appearance of the surrounding area. Also, it would fail to accord with the Central Bedfordshire Core Strategy and Development Management (CBCSDM) Policy DM3, as it would not contribute positively to creating a sense of place.

#### **Living Conditions**

7. I am satisfied that the proposed house would be low enough and far enough away from the rear patio area and windows of the adjacent house at 4 High Street to ensure that there would be no unacceptable loss of sunlight, daylight or outlook to the occupants of that property. However, as the house and patio at No 4 are on higher ground than the appeal site, I am concerned that the boundary fence would be insufficient to prevent overlooking of the more private areas at the rear from the first floor bedroom window on the north elevation of the proposed house. Given that the distance between this window and the rear facing window of the single storey extension of No 4 would be about 13m, the proposal would result in an unacceptable loss of privacy.
8. With regard to noise and disturbance, the driveway and vehicle turning area would be close to the boundary with No 4. The proposal would result in vehicles manoeuvring adjacent to the raised patio area, which would cause a significant increase in noise and disturbance in what would be expected to be a quieter part of the property. Therefore, due to the unacceptable loss of privacy and increase in noise and disturbance at 4 High Street, I find that the proposal would have a significant harmful effect on the living conditions of the occupiers of an adjacent dwelling. As such, it would fail to accord with the CBCSDM Policy DM3 in this respect.

#### **Other Matters**

9. The appellant has provided a signed and dated S106 unilateral undertaking, but I am not satisfied that it has been entered into by all the parties with an interest in the property, as it has not been signed by the mortgagee. I have therefore given it little weight. The Council has indicated that it requires contributions to be made to local infrastructure, but has not provided any details.
10. The CBCSDM Policy CS2 expects contributions from new development which would necessitate additional or improved infrastructure or exacerbate an existing deficiency. The appellant has not disputed that infrastructure contributions should be made and I accept that the occupants of the proposed dwelling would generate significant additional use of local infrastructure and facilities. Therefore, in the absence of any acceptable mechanism to mitigate the impact of the development, the proposal would have an unacceptable effect on local infrastructure.

***Overall Conclusions***

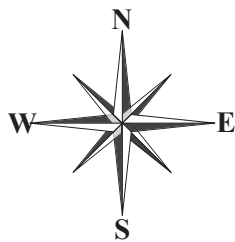
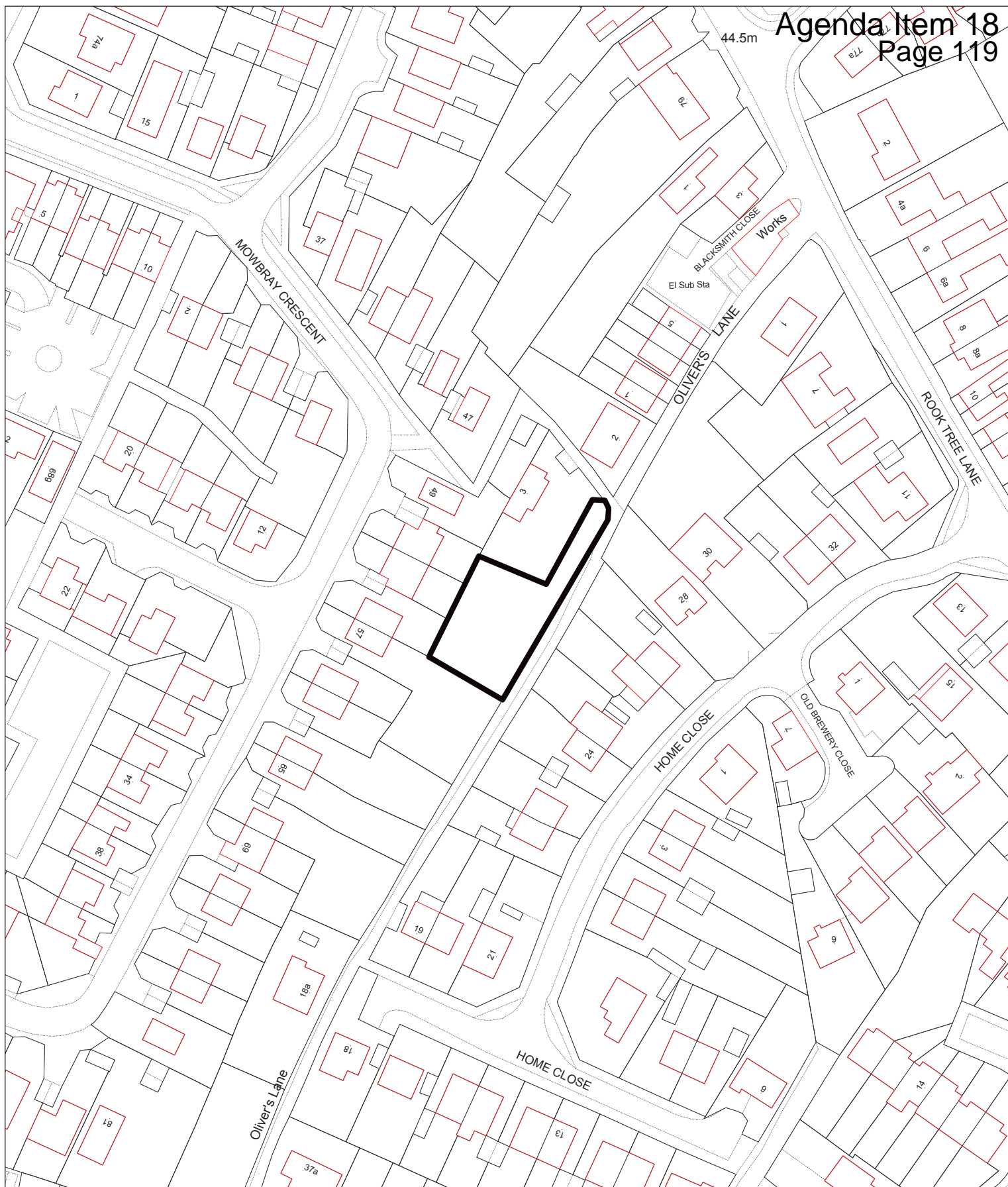
11. For the reasons given above, I have found that the proposal would have a harmful effect on the character and appearance of the surrounding area and on the living conditions of the occupiers of an adjacent dwelling. Therefore, having regard to all matters raised including the Council Officer's recommended approval, I conclude that the appeal should fail.

*M J Whitehead*

INSPECTOR



44.5m



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Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 04:May:2012

Grid Ref: 521836 237044

Application No.  
CB/12/01007/FULL

Scale: 1:1250

Land at 3 Oliver's Lane, Stotfold, Hitchin, SG5 4DH

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<b>Item No. 18</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01007/FULL</b>
<b>LOCATION</b>	<b>Land at 3 Olivers Lane, Stotfold, Hitchin, SG5 4DH</b>
<b>PROPOSAL</b>	<b>Erection of 3 bedroom dwelling</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Clarke, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>14 March 2012</b>
<b>EXPIRY DATE</b>	<b>09 May 2012</b>
<b>APPLICANT</b>	<b>DPS Prestige Developments Ltd</b>
<b>AGENT</b>	<b>G C Planning Partnership Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Brian Saunders on the basis of the objection reasons made by the Town Council (overdevelopment, design, footpath safety, overlooking)</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site comprises land adjacent to 3 Olivers Lane, Stotfold. This property is a detached two storey residential dwelling with a significant sized front/side garden. The site is accessed via Olivers Lane, which is a single track road serving the application site and a number of other dwellings. It is located at the end of Olivers Lane where the vehicular access terminates and it becomes a public footpath between houses in Mowbray Crescent and Home Close. The site is surrounded by predominantly two storey residential properties.

**The Application:**

This application seeks permission for the construction of a detached 3 bed dwelling with associated attached garage and parking.

This is a revised application following approval of a previous scheme for a smaller 2 bed house (CB/10/00113/FULL). A subsequent application (CB/11/01185/FULL) was submitted based on a larger footprint than the 2010 approval and an altered access/parking layout for a 3 bed house. That application was refused but **only** on the basis of inadequate infrastructure contributions. The design, scale, appearance, impact on neighbours, access and parking, were all considered acceptable.

An appeal was submitted in respect of the 2011 refusal (see Appendix to this report) where the Inspector considered the Council's single reason for refusal relating to the absence of an acceptable legal agreement. The Council argued that contributions towards education and leisure were necessary. In addition, the Council considered that the first floor accommodation, described in the application as a study, had the potential to be occupied as a bedroom and as such the contributions were to be calculated on the basis of a 3 bed dwelling and not the 2 beds as argued by the applicants.

In determining the appeal the Inspector agreed with the Council that because the study was capable of being used as a bedroom without any alterations, it should be considered as a 3 bed property.

The Inspector also agreed with the Council that there was justification for seeking contributions towards education, recreational open space/childrens play space, and outdoor sport. However, the Inspector did not consider that contributions towards indoor sport were justified in this particular case.

This application seeks permission for a larger footprint than the 2011 application by incorporating an attached double garage and a loft storage area above with additional hardstanding. A draft legal agreement has been submitted which would provide for contributions towards those areas which the Inspector considered necessary.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (2012)**

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

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

Nb. (In accordance with Annexe 1: "Implementation", paragraph 215, of the National Planning Policy Framework, the above policy is considered to be broadly consistent with the NPPF and have therefore been given significant weight in the determination of this application.

### **Supplementary Planning Guidance**

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

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

### **Planning History**

MB/00/01657	Full: Two storey side extension incorporating garage – Approved 20.11.2000
MB/07/01673	Full: Two storey rear extension and pitched roof to part of existing flat roof – Approved 05.12.2007
MB/09/05494	Full: Erection of one dwelling – Refused 16.09.2009
CB/10/00113	Full: Erection of 1 no. 3 bed dwelling with associated access – Approved 10.03.2010

Full: Erection of detached dwelling. Refused (Appeal dismissed 3.11.2011). A copy of the appeal decision is attached as an Appendix.

**Representations:  
(Parish & Neighbours)**

- |                       |  |
|-----------------------|--|
| Stotfold Town Council | Object. "The application represents an overdevelopment of the site, there is inadequate parking. This does not represent a cottage style development in keeping with other properties in Olivers Lane. The property is situated at the end of a well used footpath that is a route to school, potentially causing problems with traffic generated by property. The fence line is now in excess of the previous fence line and is now encroaching onto footpath. This development would overlook properties in Mowbray Crescent in an intrusive manner".  |
| Adjacent Occupiers    | 5 letters of objection received, the comments of which are summarised as follows: <ul style="list-style-type: none"><li>• Encroaches on public land in Olivers Path</li><li>• Potential for large number of bedrooms.</li><li>• Overlooking of 51, 53 55 Mowbray Crescent</li><li>• Impact on amenity of 55 Mowbray Crescent from gable wall</li><li>• Disturbance to adjacent properties in Mowbray Crescent from use of access/parking area</li><li>• Concern about additional use of Olivers Lane for vehicular traffic</li><li>• Too large for plot</li><li>• Impact on wildlife</li><li>• Unecessary additional space for cars</li><li>• Inadequate access for fire engines</li></ul> |

**Consultations/Publicity responses**

- |                       |  |
|-----------------------|--|
| Highways              | No objections subject to conditions being attached to any consent granted                  |
| Rights of Way Officer | No objections in principle   |
| Ecology               | No objection but request informative to prevent harm to any possible wildlife at the site. |

**Determining Issues**

The main considerations of the application are;

1. The principle of development;
2. The effect on the character of the area;

3. The impact that the proposal will have on the residential amenity of neighbouring properties;
4. Any other implications of the proposal.

## Considerations

### 1. Principle of development

The principle of residential development has already been established under planning application numbers CB/10/00113/FULL and CB/11/01181/FULL. There have been no material policy changes since the previous applications and therefore the principle of residential development on this site is still considered acceptable, with the site located within the Stotfold settlement envelope.

The issue is therefore whether the proposal with the amended design and additional footprint created by the garage is still acceptable in terms of its impact on the character of the area and neighbouring amenity. Also whether the proposed contributions as set out in the draft legal agreement are acceptable, taking account of the 2011 appeal decision.

### 2. Character and Appearance of the Area

The site is located within the residential curtilage of 3 Olivers Lane. As with the approved 2010 and the subsequent 2011 application, it is proposed to subdivide the plot and construct a 1½ storey dwelling, with access from Olivers Lane.

The main difference between this application and that considered otherwise acceptable in 2011 (apart from the matter of an unacceptable legal agreement) is the addition of an attached doubled garage (5.5 x 7m) the same width and roof height as the projection previously considered. The north west facing projection in the 2011 application was shown as a flank elevation whilst the current proposal would have garage doors.

In addition, the other difference from the 2011 application is a change to the north west facing elevation from a hip to a full gable, and the addition of a chimney.

The new dwelling would retain a separation distance of 13.5m from the closest property and be surrounded by an amenity space totalling approximately 190sqm, with space retained around the building to the boundaries. The retained plot and amenity area for 3 Olivers Lane would be the same as previously.

The forward projection to enable the garage is not considered significant in terms of the appearance of the site, particularly given that the projection would still be set back some 29m from the entrance to the site and the public footpath. Whilst there would be a marginal increase in the hardstanding to facilitate access to the garage, and a loss of amenity space, it is not considered that such changes make the proposal unacceptable or unduly harmful to the layout of the site or the character of the area.

In visual terms it is not considered that the change to the north west facing elevation would harm the character of the area, and indeed the addition of the chimney is visually considered an enhancement.

Given the size and location of the site and the low height of the dwelling, it is considered that notwithstanding the additional built form and footprint from that previously considered acceptable the proposal would still fit comfortably within the plot and have no detrimental impact on the character and appearance of the area.

### **3. Residential Amenity of Neighbouring Properties**

The siting of the dwelling within the site remains unchanged from that previously considered acceptable. The dwelling is sited approximately 13.5m from the rear building line of No's 53 and 55 Mowbray Crescent, with the closest window (bed 3) being a distance of approximately 22m, as previously the case, and would not result in any unreasonable overlooking.

Whilst the change to the gable on the south west elevation and addition of the chimney would increase the visibility of the proposal from the rear of No.55 it is not considered that in light of the low height of the gable end (6.4m) at a distance of 13.5m that this would be overbearing, or result in any significant loss of amenity.

The properties in Home Close are located approximately 19m from the proposed dwelling, separated by the public footpath. The elevation (south east) facing the rear gardens of the properties in Home Close would have 3 no. velux windows in the roof slope. It is considered that there would be no adverse overlooking to these properties given the siting and type of windows. Whilst the addition of the garage would add to the amount visible from the properties in Home Farm it is not considered that this would be harmful to amenity.

No. 3 Olivers Lane would be sited in excess of 25m from the north east facing dormer windows and as previously such a distance is considered acceptable to prevent any undue overlooking. It is not considered that the change to the north west elevation and the addition of the garage would have any undue impact on No.3.

As with the previous proposal there would be a parking area immediately adjacent to the rear fence of No's 51,53 Mowbray Crescent and the side/rear garden of 3 Olivers Lane. This would be unchanged from what was previously considered acceptable, with only a minimal use being unlikely to cause any unreasonable noise or disturbance. .

On the basis of the above there would be no significant adverse impact on the residential amenities of any neighbouring properties, subject to conditions relating to future alterations and extensions.

### **4. Any Other Implications**

#### Highways

The access remains the same as previously approved, whereby the vehicular access along Olivers Lane was considered acceptable. Highways have raised no objection subject to conditions which include a requirement for appropriate visibility splays at the site entrance, an adequate turning space for delivery/service vehicles within the site, and details of access for construction vehicles.

Wildlife

The site has mostly been cleared and it is not considered that the proposal would result in any harm to known wildlife within the site.

Rights of Way Officer

The Rights of Way Officer raised no objections in principle and it is not, as previously the case, considered to be any harm to the public footpath, subject to the appropriate visibility splays required by Highways.

Planning Obligations

On the basis of the Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008) and Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) this application for an additional dwelling attracts a requirement for Planning Obligations. The agreement offers contributions towards education, recreation open space and children's play space, and outdoor sport. This takes account of the Inspectors considerations in the 2011, highlighted at the beginning of this report.

Whilst the application only shows 3 bedrooms on the first floor the layout and the introduction of the storage area above the loft introduces the possibility of creating an additional bedroom, which would generate a requirement for an additional contribution. However, it is not considered likely that a fourth bedroom could be created without further alterations to the roof in the form of new openings. As such, in the light of the previous appeal decision and the Inspectors considerations it is considered appropriate to remove permitted development, such that consent would be required for any additional windows within the roofspace and as such may generate a requirement for further contributions.

**RECOMMENDATION**

APPROVE Planning Permission subject to the following condition:

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

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

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

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

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved**

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

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

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

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

- 5 **Before the development commences a triangular vision splay shall be provided on each side of the access of no. 3 Olivers Lane and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8, measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

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

- 6 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to be agreed in writing by the Local Planning Authority. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway or into the main drainage system.

**Reason:** In order to minimise the impact on highway safety.

- 7 The development shall not be brought into use until a turning space suitable for service/delivery/ambulance sized vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

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

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

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

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

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

- 10 The velux windows in the south east facing elevation shall be fitted with obscure glazing where the window height is less than 1.7m above the floor level in the room where the window is installed.

Reason: In the interests of neighbouring amenity.

- 11 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension of the building hereby approved nor any material alteration of their external appearance including any further windows until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties and on the basis that the infrastructure contributions are based on a 3 bedroom dwelling.

- 12 The garage hereby permitted shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure adequate parking within the site, in the interests of highway safety.

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

**Reason: To ensure a satisfactory standard of landscaping.**



- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [SC/02-P1, SC/01-P4].

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development is considered acceptable in form, design and scale and would not cause harm to the amenities of neighbouring properties or to highway safety. As such the proposal is in conformity with the National Planning Policy Framework and policies CS1, CS2, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; A Guide for Development - *Design Supplement 1: New Residential Development* (2009). The proposal is therefore acceptable and planning permission should be granted subject to conditions.

### **Notes to Applicant**

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
  
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
  
3. Care should be taken when moving rubble piles within the site to prevent any harm to animals that may be sheltering. Removal of any trees within the site should be avoided during the nesting season (March to August inclusive)
  
4. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**DECISION**

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## Appeal Decision

Site visit made on 28 October 2011

by **Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEnvSc**

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

Decision date: 3 November 2011

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**Appeal Ref: APP/P0240/A/11/2157033**

**Land adjacent to Ivy Cottage, 3 Oliver's Lane, Stotfold, Hitchin,  
Hertfordshire, SG5 4DH**

- 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 S Anderson against the decision of Central Bedfordshire Council.
  - The application Ref CB/11/01188/FULL, dated 28 March 2011, was refused by notice dated 11 July 2011.
  - The development proposed is erection of detached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr S Anderson against Central Bedfordshire Council. This application is the subject of a separate decision.

### Main Issue

3. The main issue is the effect on infrastructure.

### Reasons

4. Core Strategy Policy CS2 states that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate an existing deficiency. The nature and scale of development for which contributions will be sought, the level of such contributions and the mechanism for securing will be set out in the Planning Obligations Strategy. In this respect, the Council is seeking contributions from the appeal development with regard to education, leisure and recreational open space.
5. The appellant is challenging the necessity for such contributions. Attention has been drawn to the Community Infrastructure Levy Regulations 2010 and to the requirement for planning obligations to be directly related to the proposed development. It is also argued that limited weight should be accorded to the Supplementary Planning Document on planning obligations. In addition, the basis of calculation (bedroom count) is disputed.
6. I start with consideration of the Supplementary Planning Document (SPD). The first edition was adopted in 2008 with the SPD being "reviewed and approved" in November 2009. Although the appellant contends that there is limited detail

to conclude that the 2009 review followed any formal consultation, the Council's evidence states that any significant changes, additions or alterations identified would be subject to public consultation and consideration prior to their adoption.

7. Reliance has been placed, by the Council, on the 2009 version of the SPD. Taking education contributions as an example, the charge for school extensions is based on the standard charge set by the Department for Children, Schools and Families and is the current guidance on the cost per pupil place for 2008/9 for extensions to existing school facilities. In this and all other respects, I have no reason to suppose that the contributions sought by the Council are based on anything other than sound evidence. I shall give the SPD significant weight in this appeal.
8. The contributions sought are based on the number of bedrooms that there would be within the appeal development. The appellant argues that there would be two bedrooms. A third room on the first floor would be used as a study. If the related window had obscure glazing, this would prevent the use of the room as a bedroom.
9. In my opinion, the room could still be used as a bedroom albeit with an inappropriate loss of amenity if the window were obscure glazed. This detached property would be a large dwelling. In addition to a large lounge and kitchen / diner, accommodation on the ground floor alone would include a games room, cinema room and two bathrooms. In my judgement, the "study" on the first floor (with adjacent bathroom) could well be used as a bedroom. It would be appropriate to regard this house as a three bedroom dwelling.
10. I now return to the central question of whether the contributions sought would be directly related to the development proposed. In terms of education contributions, I can see<sup>1</sup> that Stotfold is a parish where both lower and middle school provision is needed. On lower schools, contributions would be made towards the costs of additional places at schools within the parish including Roecroft Lower School. At middle school level, an extension of the school that will be required as a result of housing developments within the Etonbury catchment is the focus of attention.
11. To my mind, there is a reasonable indication of how any monies would be spent and on what. In this respect, and having regard to parental choice, I do not consider that evidence at the level of individual school catchments is necessary. Confirmation of the expenditure trail, and the timing of provision, would appropriately be provided within a planning obligation (agreement). The agreement would also provide for the return of funds if the expenditure did not happen.
12. Turning to leisure and recreational open space, part of the contribution sought would go towards indoor sport and leisure, in particular, a new leisure centre at Flitwick. The Flitwick Leisure Centre would attract users from the western half of the district. However, Stotfold parish is on the eastern fringe of the district and outside the 15 minute drive time from Flitwick.<sup>2</sup> In my opinion, there would be no obvious relationship between the development in Stotfold and expenditure at Flitwick.

<sup>1</sup> Background Paper, November 2009, Pages 12 and 13

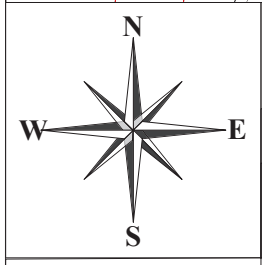
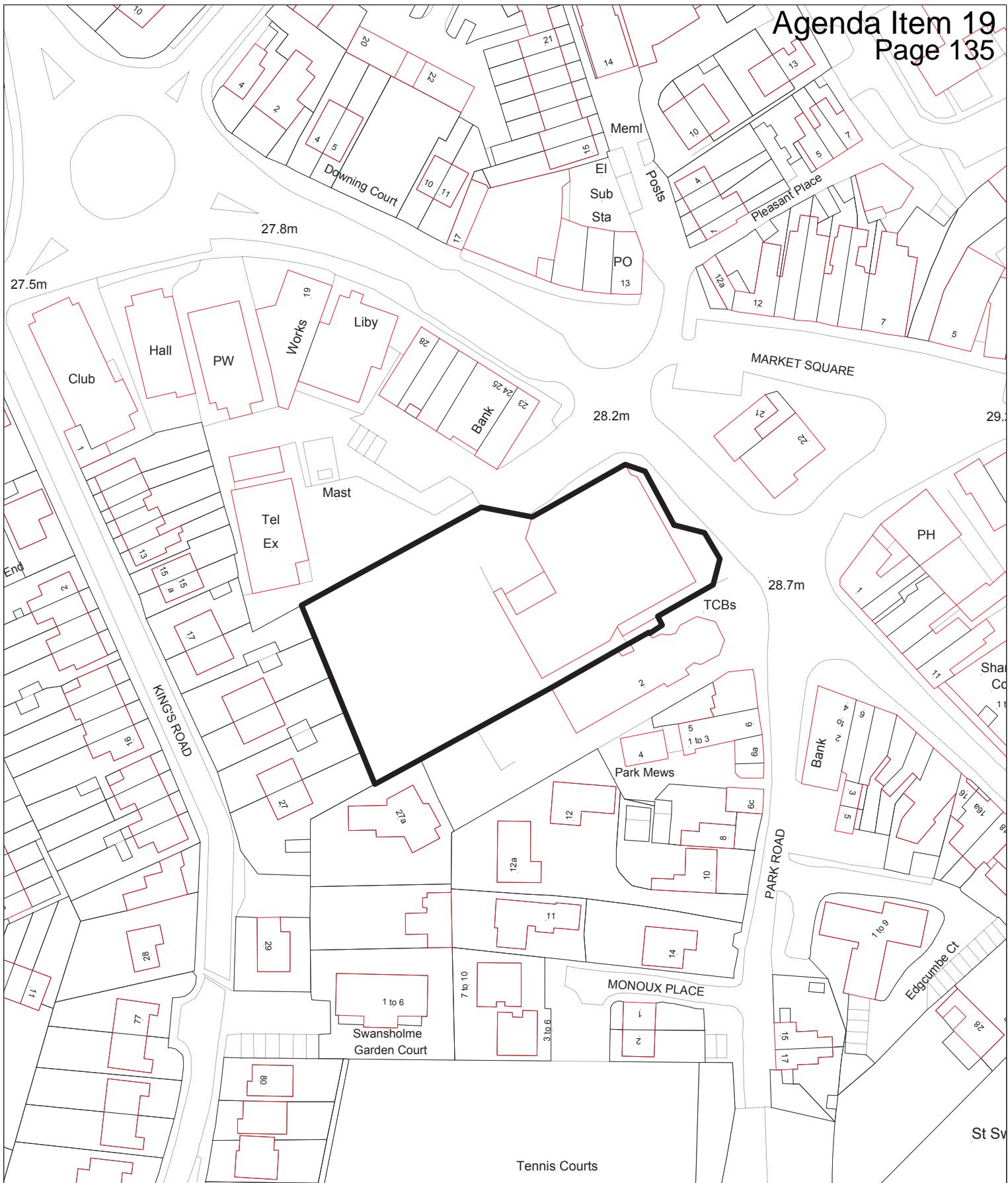
<sup>2</sup> Ibid, Page 48

13. There is also inadequate justification for a contribution towards informal open space. In this regard, the Planning Obligations SPD Background Paper at Page 53 indicates a surplus of related amenity space at Stotfold.
14. The situation with regard to children's play space and outdoor sporting open space is somewhat different. The Background Paper shows a deficiency in both these categories (Page 53). This deficiency is confirmed in the Council's appeal statement. In terms of provision on the ground, I can see that the Parish Council would be the provider, drawing on contribution funds. I see this as an appropriate response given that the Parish Council is likely to be the owner of the majority of the open space within Stotfold. However, within any planning obligation, it would be necessary to ensure that provision for children's play and outdoor sport is actually being made with the return of funds in the absence of timely implementation.
15. I conclude that the appeal development would place demands on education, children's play and outdoor sport. I am satisfied that, in principle, the development should be making contributions of the order suggested towards these facilities. Without related infrastructure, service provision could be unacceptably affected and existing deficiencies could be compounded.
16. I acknowledge that, to be lawful, provision made within any planning obligation should be directly related to the proposed development. From the evidence before me, I am satisfied that there would be a direct link between the demands of the development and proposed infrastructure provision. In this regard, I would expect the related obligation to set out the expenditure trail and make provision for the return of funds in the absence of timely project implementation. In the absence of provision for contributions, I find that there would be an unacceptable effect on infrastructure contrary to Core Strategy Policy CS2. The appeal should be dismissed.

*Andrew S Freeman*

INSPECTOR

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Central Bedfordshire Council  
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Date: 08:May:2012

Grid Ref: 517221 249202

Application No.  
CB/12/00796/FULL

Scale: 1:1250

Budgens Stores Ltd., Market Square, Sandy SG19 1JA

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**Item No. 19**

<b>APPLICATION NUMBER</b>	<b>CB/12/00796/FULL</b>
<b>LOCATION</b>	<b>Budgens Stores Ltd, Market Square, Sandy, SG19 1JA</b>
<b>PROPOSAL</b>	<b>Proposed sub division of existing Budgens Store and new entrance doors and section of shopfront.</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Aldis, Maudlin &amp; Sheppard</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>01 March 2012</b>
<b>EXPIRY DATE</b>	<b>26 April 2012</b>
<b>APPLICANT</b>	<b>Musgrave Retail Partners GB</b>
<b>AGENT</b>	<b>Lynwood Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Aldis on the grounds of: Public interest, concern at the reduction of food retail provision, impact on the streetscene.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site comprises a modern retail supermarket, located within the Sandy town centre and Conservation Area.

**The Application:**

This application proposes a new shopfront, comprising glazed entrance doors and a window on the front elevation of the building, facing Market Square. At present there is a brick infill where it is proposed to create the new openings.

The proposal would enable the provision of a separate customer access to serve an additional retail unit within the same building.

Deliveries to the proposed new unit would be via an existing delivery door at the rear, whilst parking would share the existing parking area to the rear.

**RELEVANT POLICIES:**

**National Planning Policy Framework**

**Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document 2009**

DM3	High quality development – including extensions
DM13	Heritage in development
CS12	Town Centre and Retailing
CS15	Heritage

Nb. In accordance with Annexe 1: "Implementation", paragraph 215, of the National Planning Policy Framework, the above policy is considered to be broadly consistent with the NPPF and have therefore been given significant weight in the determination of this application.

### **Supplementary Planning Guidance**

Design Supplement 5 - The Historic Environment, Design Supplement 6 - Shopfronts and Signage

### **Relevant Planning History**

None relevant.

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

Sandy Town Council                      Do not want to see a net reduction in retail space within the town centre or a reduction in the amount of food on sale until after Tesco has arrived. Disappointed in the proposed reduction to the store size.

Neighbours                      No comments received.

### **Consultations/Publicity responses**

None

### **Determining Issues**

The main considerations of the application are;

1. Effect on the character and appearance of the surrounding area
2. Impact on retail provision
3. Impact on any neighbouring dwellings
4. Any other relevant matters

### **Considerations**

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

The proposed changes would result in the replacement of a "dead" brick frontage with a glazed door and shopfront window which would reflect the existing shop openings. The proposed changes would provide a more "active" frontage to the building which would enhance the appearance of the site within the town centre and Conservation Area. The Council's Conservation Officer has raised no objections.

As such the proposal is in accordance with Policy DM3 DM13 and CS15 of the Core Strategy and the NPPF.

**2. Impact on retail provision**

The applicants state that the proposal has resulted from a desire to minimise the likely impact on Budgens business resulting from the building of a new Tesco store in Sandy.

Policy CS12 of the Core Strategy seeks to encourage new retail provision and states that such provision should be focussed within town centre boundaries. This proposal relates to a site located centrally within Sandy town centre, Whilst the existing supermarket would be reduced in size the overall retail space would remain virtually unchanged, the existing shop having a ground floor area of 1033sqm, with the retained supermarket having a floorspace of 578sqm and the new unit a floorspace of 451sqm. Furthermore, there would be no planning reason to prevent the new unit similarly being taken up by a food retailer.

In addition to retaining an almost identical overall retail floorspace, the proposal would result in the net provision of one additional retail unit, adding to the retail mix within Sandy.

As such the proposal is in accordance with Policy CS12 of the Core Strategy and the NPPF.

**3. Impact on any neighbouring dwellings**

Due to the nature of the proposal and its location it is not considered that there would be any impact on the privacy or amenity of any neighbouring properties.

**4. Any other relevant matters**

The proposal would result in no additional parking requirements given that the net retail floorspace would remain unchanged. The store deliveries would be from the same area as the existing store and as such there are not considered to be any resultant highway implications.

As such the proposal is in accordance with Policy DM3 of the Core Strategy and the NPPF.

**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 The proposed new doors and window shall match as closely as possible those used in the existing building frontage, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is in keeping with the existing building.

**Reasons for Granting**

The proposed sub division of the existing store and alteration to the shop front would preserve the character of the Conservation Area and would not result in the net loss of shopping facilities within Sandy town centre. The proposal therefore complies with the National Planning Policy Framework and policies DM3, DM13, CS12 and CS15 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document (2009).

**Notes to Applicant**

**DECISION**

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