

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



please ask for Helen Bell  
direct line 0300 300 4040  
date 14 June 2012

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 27 June 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 24 May 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 scheme of public participation set out in Annex 2 in Part 4 of the Constitution.

## REPORTS

Item	Subject	Page Nos.
6	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	* 9 - 14

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

## Planning and Related Applications

To consider the planning applications contained in the following schedules:

7      **Planning Application No. CB/12/01255/FULL**      \*      15 - 44

**Address:**      53 North Street, Leighton Buzzard

Demolition of existing house, outbuildings and boundary wall and redevelopment with 12 houses and 1 flat and all ancillary works and reconstruction of boundary wall to No. 51 North Street

**Applicant:**      Trustees of the Leighton Buzzard Townlands Trust

8      **Planning Application No. CB/12/01275/LB**      \*      45 - 54

**Address:**      53 North Street, Leighton Buzzard

Demolition of boundary wall to No.51 North Street and reconstruction using salvaged materials in the denoted position to allow the construction of site access road. Works to include the retention of the existing dedication plaque.

**Applicant:**      Trustees of the Leighton Buzzard Townlands Trust.

9      **Planning Application No. CB/12/01238/VOC**      \*      55 - 62

**Address:**      4 Hillside Road, Leighton Buzzard

Variation of Condition: Condition 3 retention of garage in order to create a sensory room. (Application SB/01/1042)

**Applicant:**      Macintyre Care

10      **Planning Application No. CB/11/03933/FULL**      \*      63 - 82

**Address :**      Land at Vimy Road, Linslade

Construction of 32 No. small flats in a four storey block with associated parking.

**Applicant:**      W E Black Ltd

- 11      **Planning Application No CB/12/01650/FULL**      \*      83 - 108
- Address:**      Former Dunstable Fire Station, Brewers Hill Road, Dunstable.
- of training/education and demonstrator centre with a set of business incubation units, training and parking area.
- Applicant:**      Central Bedfordshire Council
- 12      **Planning Application No. CB/12/01799/ALT**      \*      109 - 116
- Address:**      Victoria Allotments, West Street, Dunstable.
- Certificate of Appropriate Alternative Development: Compulsory Purchase Order in connection with extension of West Street cemetery, Dunstable, Bedfordshire.
- Applicant:**      Central Bedfordshire Council
- 13      **Planning Application No. CB/12/00718/VOC**      \*      117 - 140
- Address:**      The Marston Vale Millennium Country Park, Station Road, Marston Moretaine.
- Variation of Condition: Removal of Condition 9 (refers to noise levels) of planning permission CB/11/04077/Fulil (Erection of a wind turbine, up to 120.5 metres in height, and ancillary infrastructure).
- Applicant:**      Blue Energy Marston Vale Ltd
- 14      **Planning Application No. CB/12/01125/FULL**      \*      141 - 170
- Address:**      Bridge Farm, Ivel Road, Shefford.
- Erection of 85 residential dwellings, garages and associated works.
- Applicant:**      Bovis Homes Ltd
- 15      **Planning Application No. CB/12/1123/OUT**      \*      171 - 192
- Address:**      Bridge Farm, Ivel Road, Shefford.
- Outline Application: Commercial development for B1 office floor space after demolition of existing buildings at the site with all matters reserved.
- Applicant:**      Bovis Homes Ltd

- 16      **Planning Application No. CB/12/0938/FULL**      \*      193 - 200
- Address:**      Shefford Lower School, Bloomfield Drive,  
Shefford.
- Extensions and alterations to the rear and to the side, creation of two new play areas, extending car parking area together with internal modifications along with additional windows and doors to the existing building.
- Applicant:**      Central Bedfordshire Council
- 17      **Planning Application No. CB/12/00645/OUT**      \*      201 - 218
- Address:**      Stables Rear of 50 High Road, Shillington.
- Outline Application: Residential development following demolition of existing garage and stable building. All matters reserved except access.
- Applicant:**      City and County Projects Ltd.
- 18      **Planning Application No. CB/12/00925/LB**      \*      219 - 224
- Address:**      10 Market Square, Potton
- Listed Building: Erection of sign to side of building.
- Applicant:**      Mrs Patricia King
- 19      **Planning Application No. CB/12/00356/ADV**      \*      225 - 230
- Address:**      10 Market Square, Potton
- Advertisement Consent: Board advertisement on wall (retrospective).
- Applicant:**      Mrs Patricia King
- 20      **Planning Application No. CB/12/01201/FULL**      \*      231 - 240
- Address:**      64 High Road, Beeston
- Erection of two warehouses (use class B8)
- Applicant :**      B G Timber

- 21      **Planning Application No. CB/12/01268/LB**      \*      241 - 246
- Address:**      16 Ickwell Green, Ickwell
- Proposed First Floor Link Internal Alterations.
- Applicant:**      Mr Turner
- 22      **Planning Application No. CB/12/01267**      \*      247 - 254
- Address:**      16 Ickwell Green, Ickwell
- Proposed First Floor Link Internal Alterations.
- Applicant:**      Mr Turner
- 23      **Planning Application No. CB/12/10329/RM**      \*      255 - 268
- Address:**      Land off of Chapel Close, Clifton.
- Details of reserved matters (appearance, landscaping, layout and scale) for the erection of 11 houses with associated parking and landscaping pursuant to outline planning permission CB/09/06296/OUT dated 30/11/2010 for residential development of up to 12 dwellings with all matters except access reserved.
- Applicant:**      Warden Developments Ltd
- 24      **Planning Application No. CB/12/01510/FULL**      \*      269 - 278
- Address:**      2-6 High Street, Biggleswade.
- Part demolition rear outbuilding, reconstruction of outbuilding including pitched roof, construction of external staircase within courtyard, change of use to part first floor and ground floor to holistic health centre, change of use part ground floor from residential to commercial cafe kitchen use, change of use from hairdressing salon to hot food cafe and refurbishment various elements of building.
- Applicant:**      Ms Kenny

25 **Planning Application No. CB/12/01511/LB** \* 279 - 286

**Address:** 2-6 High Street, Biggleswade.

Part demolition rear outbuilding, reconstruction of outbuilding including pitched roof, construction of external staircase within courtyard, change of use to part first floor and ground floor to holistic health centre, change of use part ground floor from residential to commercial cafe kitchen use, change of use from hairdressing salon to hot food cafe and refurbishment various elements of building.

**Applicant:** Ms Kenny

26 **Planning Application No. CB/12/1007/FULL** \* 287 - 298

**Address:** Land at 3 Olivers Lane, Stotfold.

Erection of 3 Bedroom Dwelling.

**Applicant:** DPS Prestige Developments Ltd

27 **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 18 July 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:** 27<sup>th</sup> June 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 27th June 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, Totternhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal dismissed	3-May-11	<b>Part complied,</b> container and some materials removed	Site being monitored, but no further action at present
<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	Appeal dismissed, compliance extended	29-May-13		Check compliance after 29/3/13
<b>4</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. New planning application received.
<b>5</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>6</b>	CB/ENC/11/0418 <b>Case to be closed</b>	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>Complied</b> (turning space)	1. Turning space constructed. 2. Notice withdrawn for access road junction, under construction.
<b>7</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
<b>8</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

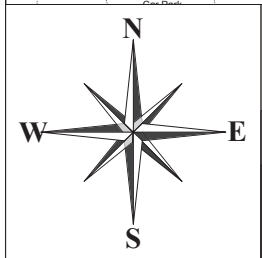
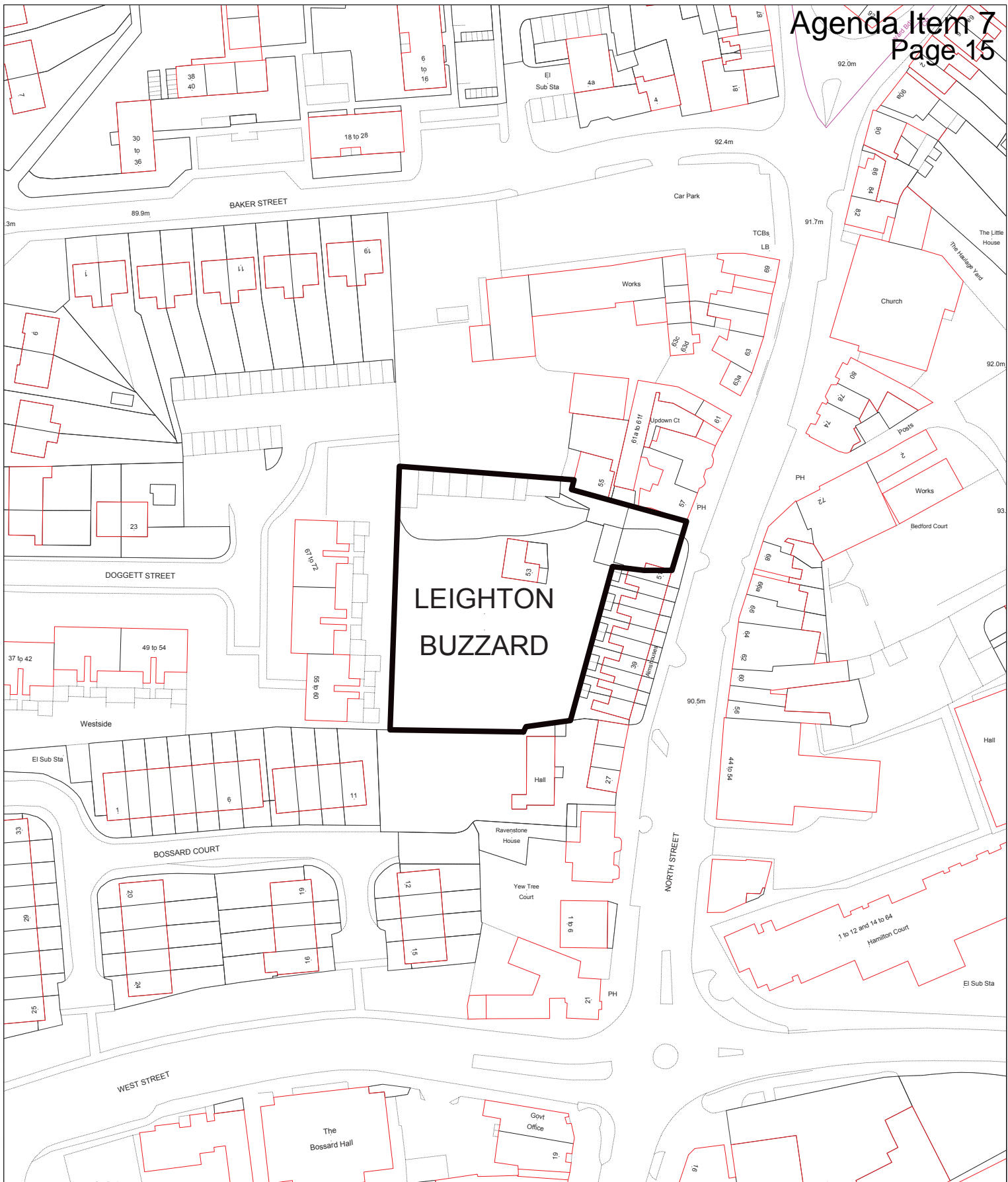
## Planning Enforcement formal action (DM Committee 27th June 2012)

	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	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	<b>Not complied</b> Successful direct action to remove hard standing 27/4/12 to 30/4/12	Action being taken to recover cost of direct action
<b>10</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>11</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>12</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>13</b>	CB/ENC/12/0057	Land at The Drovers, Flitwick Road, Steppingley	Enforcement Notice - Terracing of land and installation of timber retaining walls	30-May-12	30-Jun-12	30-July-12 30-Aug-12				Check compliance after 30/7/12 and 30/8/12
<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	Appeal received 10/5/12			Await outcome of 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 27th June 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 sent to 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. Monitor site and action on completion of M1 roadworks if there is a breach of planning control.
<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	LDC proposed granted 22/3/12	Prosecuted and fined October 2011. In process of altering to comply with proposed LDC.

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 01:June:2012  
Grid Reference: 492180; 225308

Application No.  
CB/12/01255/FULL

Scale: 1:1250

53 North Street, Leighton Buzzard, LU7 1EQ

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**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/12/01255/FULL</b>
<b>LOCATION</b>	<b>53 North Street, Leighton Buzzard, LU7 1EQ</b>
<b>PROPOSAL</b>	<b>Demolition of existing house, outbuildings and boundary wall and redevelopment with 12 houses and 1 flat and all ancillary works and reconstruction of boundary wall to No. 51 North Street</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>20 April 2012</b>
<b>EXPIRY DATE</b>	<b>20 July 2012</b>
<b>APPLICANT</b>	<b>Trustees of the Leighton Buzzard Townlands Trust</b>
<b>AGENT</b>	<b>BHD Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of Cllr Shadbolt due to concerns regarding the impact on the Listed Almshouses</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The site is located to the north of Leighton Buzzard town centre, on the western side of North Street. The site is approximately 70m from the town centre boundary.

The site is currently occupied by a single dwelling surrounded by grassland with a number of outbuildings along the northern boundary. There is also a small single storey building within the site which is a former fire station. The site is located to the rear of the Almshouses which face onto North Street. The Almshouses consists of a terrace of ten cottages with small front and rear gardens. The Almshouses are listed buildings and the walls surrounding the dwellings are also listed due to their proximity to the dwellings.

To the north of the site is the Wheatsheaf Public House and other commercial buildings with the Baker Street car park beyond. To the west of the site is a three storey flat block. To the south of the site the boundary is defined by an old stone wall approximately 2m in height with some large trees screening views. Beyond the wall the Quaker Meeting House can be seen.

The whole site falls within the built up area of Leighton Buzzard and immediately adjacent to the Conservation Area. The site is also influenced by the existence of a number of listed buildings close to or adjoining the boundaries.

## **The Application:**

The application seeks consent for the demolition of the existing house, outbuildings and boundary wall and redevelopment of the site with 12 houses and 1 flat and all ancillary works and reconstruction of boundary wall to No.51 North Street.

The application proposes the demolition of the existing 3 bed house and the erection of 7 x three bed houses, 5 x two bed houses and 1 x one bed flats. The 1 bed flat would be above the car port on the western side of the site. The houses would be arranged in terraces to the northern and southern sides of the site. The road and parking provision would be within the centre of the site.

This application is similar to that refused by the Development Management Committee on 4th January 2012 reference CB/11/0334/FULL for 10 houses and 5 flats. The reasons for refusal were that:

- the development would place an unacceptable burden on local education services due to the lack of mitigating financial contributions,
- that inadequate provision would be made for off street parking within the site to meet the existing and emerging guidance, and
- that the provision of amenity space for plots 5 and 6 and the flats would be inadequate and reflect the overdevelopment of the site.

This application seeks to overcome the reasons for refusal by seeking to increase the level of parking from 15 to 13, increasing the size of the rear amenity space and reducing the number of units on site. The application is accompanied by a legal agreement offering a financial contribution towards education.

## **RELEVANT POLICIES:**

### **National Planning Policy**

National Planning Policy Framework

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

ENV7 - Quality in the Built Environment

### **Bedfordshire Structure Plan 2011**

No relevant policies

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

BE8 - Design Considerations

T10 - Controlling Parking in New Developments

H1 - Making Provision for Housing - Allocation Site No. 25, Land off Baker Street / Rear of 53/69 North Street.

H3 - Meeting Local Housing Needs

H4 - Provision of Affordable Housing

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.

**Luton and southern Central Bedfordshire Core Strategy - (November 2010) as amended/approved for Development Management purposes by Executive, August 2011**

CS1 - Development Strategy  
CS3 - Developer Contributions for Infrastructure  
CS6 - Housing For All Needs  
CS8 - Quality of Design

**Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development

**Planning History**

CB/11/03341/FULL      Demolition of existing house, outbuildings and boundary wall and redevelopment of site with 10 houses and 5 flats and all ancillary works and reconstruction of boundary wall to No. 51 North Street. Refused 4/1/12

**Representations:  
(Parish & Neighbours)**

Leighton-Linslade Town Council	Object on the following grounds: <ul style="list-style-type: none"><li>- detrimental impact on the visual amenity of the Listed Building</li><li>- detrimental impact on the streetscene</li><li>- overdevelopment;</li><li>- detrimental effect on the security of residents of the Almshouses;</li><li>- loss of privacy for nearby residents;</li><li>- loss of on-street parking on North Street;</li><li>- premature piecemeal application: this is only part of a site originally designated for housing in the Local Plan. The original designated site had proposed access from Baker Street and indicated a lower density of housing;</li><li>- detrimental impact on trees and wildlife.</li></ul>
Neighbours	6 letters of objection against the proposal have been received in connection with the application. The reasons for objection are set out below: <ul style="list-style-type: none"><li>- the existing house should be renovated rather than demolished;</li><li>- highway safety;</li></ul>

- the removal and relocation of the boundary wall would result in an unacceptably small rear garden to number 51;
- loss of on-street parking in the layby;
- 6 cars belonging to residents of the Almshouses currently park on the application site which would be lost due to the development;
- new trees would reduce light to the occupiers of the Almshouses;
- loss of light to Almshouses due to new dwellings close to the boundary;
- loss of privacy to occupiers of the Almshouses due to overlooking;
- noise associated with construction;
- noise associated with the occupation of the development;
- reduced security due to access being possible from the rear of the Almshouses;
- no details of lighting;
- questions over whether there is sufficient space within local schools;
- adverse impact on wildlife on the site;
- the demolition of the wall would have a detrimental impact on the area;
- loss of on-street parking would lead to unauthorised parking;
- loss of on-street parking would have a detrimental impact on businesses on North Street;
- loss of garden to no.51;
- loss of privacy to no.51 due to the access road;
- loss of privacy to no.55 due to footpath passing in front of their house;
- impact on history of the site and loss of historic buildings;
- concern over the increasing population density in the town centre;
- no more flats should be built in the town;
- concern that the structural integrity of the Wheatsheaf public house may be affected
- access to the site should be taken from Baker Street or Westside.

## **Consultations/Publicity responses**

### **Archaeology**

The proposed development site is located within the core of the historic town of Leighton Buzzard. It is an archaeologically sensitive area and a locally identified heritage asset with an archaeological interest as defined by National Planning Policy Framework (NPPF).

The site has been shown to contain a number of archaeological features mainly relating to the post-medieval and modern use of the site. There is no evidence that the site was occupied in the Saxon or medieval periods. The heritage asset these archaeological remains represent is of relatively low significance. Although the construction of the proposed development will have a negative and irreversible impact on the archaeological remains it will not cause a major loss of significance of the heritage asset.

The officer has no objection to the proposal on archaeological grounds.

Waste Services	No response received
Environment Agency	Planning permission should only be granted subject to conditions dealing with contamination of the site, surface water drainage and foundation techniques.
Leighton Buzzard Society	Object - overdevelopment of the site, inappropriate design within this area, the only reasonable access to the site should be from Baker Street to avoid the need to demolish the existing house, outbuildings and wall.
Tree and Landscape	Recommends conditions to secure a tree protection plan and arboricultural method statement, ensure the installation of new services in root protection areas does not have an adverse effect on trees and the submission of a landscaping scheme.
Highways Development Control	<p>The applicant is proposing to improve the existing narrow access serving the site, to a standard which may be adopted as public highway. The improvement works to the access will involve the removal of the parking lay by, in front of the Almshouses, however the applicant is providing two replacement parking spaces within the new site layout. There is also a public car park which is approximately 70m away from the site, therefore I consider the effect of the relocation of the lay by has been kept to a minimum and would not be detrimental to highway safety.</p> <p>The junction improvement works will be subject to a section 278 agreement and will involve the realignment of the kerb line in front of the Wheatsheaf Public House and the kerbing of the lay by. The proposed layout is intended to be a shared space and will therefore have no vertical deflection where the carriageway would normally meet the footway/service margin. Instead it is proposed to construct the blockwork to the footway/service margin using a stretcher bond and the carriageway to a</p>

herringbone bond. The site layout has been designed to potentially adoptable standards and incorporates a turning area which is of sufficient size to accommodate a refuse type vehicle.

There are various existing traffic regulation orders in the vicinity of the site entrance which will be reviewed and amended as necessary within the Section 278 works, the cost of which will be borne by the developer.

In terms of the proposed level of parking for the new development the Central Bedfordshire Council's Design Supplement 7 recognises that sites with good access to facilities and public transport may be considered with a lower parking standard provided that local data for car ownership can justify it. It also states that the over provision of car parking is both wasteful of land and is less likely to encourage the use of alternative modes of transport.

With this in mind the applicant has submitted his parking calculation based on the Residential Car Parking Research Document (commissioned by the Department for Communities and Local Government May 2007) and qualified this with the local data from the census database for car ownership within the local ward. The parking calculation also takes in to account the effect of unassigned parking, that is to say if one dwelling has no vehicle but has one assigned parking space, this space would not be used and therefore could be considered wasteful. Unassigned parking spaces takes this in to account and can therefore attract a slight reduction in overall parking provision. Please note that it is essential that the parking bays denoted with the letter 'V' are to remain unassigned and I would suggest a condition is imposed to cover this.

The existing residential unit referred to as No 55 will also be provided with two parking spaces and two replacement parking spaces denoted as HV1 and HV2, which are intended to be adopted as public highway, have been provided due to the re-kerbing of the lay by. I am content that the proposed parking levels comply with current parking guidance.

I would also suggest that in order to address any concerns regarding indiscriminate parking within the new site, blocking the turning head or causing obstruction to potential highway users, a traffic regulation order shall be implemented appertaining to the potentially adoptable highway. I shall suggest a suitable condition is imposed to secure the implementation of the traffic regulation order.

In terms of the amount to be secured for Sustainable Transport I would suggest that this is based on the figure referred to in the previous application. This is based on the Planning Obligations, Supplementary Planning Document (north) and the amount to be secured is £5,762.

#### English Heritage

Whilst English Heritage does not object to the principle of developing the site, the proposals will have some impact on the Conservation Area, principally associated with the new access. Currently there is a narrow single vehicle driveway at this point which hardly interrupts the enclosure on the west side of North Street. This enclosure is reinforced by a 1.5m high stone wall and a mature tree. Forming the new access would result in the loss of part of this stone wall and the tree and will open up views into the new development. These views terminate on unit 1 where the projecting bay will provide an appropriate visual stop. It will be important to ensure the enclosure to the rear garden to plot 1 on its east side is formed by a brick wall at least 1.5m high. This revised design shows the parking bays visible from the Conservation Area will be screened by planting which is an improvement.

Due to the limited number of dwellings the access would serve consideration should be given to forming it as a shared surface roadway. Such a solution would allow for the width of the opening to be reduced, thereby allowing a greater length of historic wall to be retained.

The former fire engine house has been extensively rebuilt over time and little of the historic fabric remains today. It is still a building of some local interest and should be recorded before it is demolished and that record placed on the HER.

The new housing draws on traditional materials and details, and this should include setting the sash windows back 100mm into the brickwork reveals. In order to protect the setting of the Conservation Area and adjacent Listed Almshouses good quality traditional materials should be used for the development, including clay roofing tiles or natural slate (not concrete).

#### Ecology

The officer has considered the Ecological Walkover Survey Report and is satisfied that the proposals will not have a detrimental impact on the ecological interest of the site. Mitigation strategies detailed in chapter 6 of the report should be followed during the development process. The report also makes further

recommendations for ecological enhancements to the development which would be welcome additions.

## Conservation

The application site is allocated housing land in the South Beds. Local Plan Review, January 2004, under guidelines that any development must take account of the location of the site on the edge of the Town Centre Conservation Area, and the setting of the listed North Street almshouses and Friends Meeting House.

The current scheme seeks to redevelop the site with these guidelines in mind and the applications need to be considered on this basis, but the proposed North Street access additionally entails demolition and reconstruction, on a new alignment, of the sandstone rubble built flank wall of the North Street almshouses, to form a site access between this listed group and the listed Wheatsheaf Public House adjacent.

I am broadly happy with the design aspects of the proposed development, assuming that the usual Conditions will be applied to any permission minded to be granted, to ensure high-quality materials and detailing, and will confine my comments to the issues of demolition and site layout.

The application site contains several buildings proposed for demolition, all shown on the historic Ordnance Survey Town Plan 1880 (annotated copy supplied to accompany report), and therefore requiring assessment.

Fire Engine House (Building D) – this is the historic precursor of the formal fire station, and therefore of potential significant social-historical value. Examination of the existing building has revealed that it has been almost exclusively rebuilt, with just one gable end, with chimney, appearing original, and has therefore lost its architectural integrity. Consequently, there are insufficient grounds for opposing demolition, but the existence of the structure should clearly be commemorated at the site (see suggested Conditions, below).

Onion Shed (Building B) - a record for a Onion Shed at the site is held within the Historic Environment Record (HER). Upon site inspection, the building is not typical of the specific 'Onion Shed' building type which is so distinctive in the Ivel valley, but is rather the historic ad hoc adaptation of an existing building for a small-scale market-garden operation. Consequently, there are insufficient grounds for opposing demolition of the building.



Almshouses boundary wall (E) – this is a robust boundary wall constructed in the locally distinctive coursed sandstone rubble. On the North Street frontage return, it incorporates a historic wallplaque (F), now largely unreadable and concealed by shrubbery, which may commemorate the construction of the earlier group of almshouses on the site. The wall clearly has both historic and townscape value. The 1880 Ordnance Survey Town Plan, however, shows the layout of the almshouse group in some detail, and from this it is evident that repositioning of this wall, as proposed, would not affect the rhythm of individual house and back garden that appears to be basis of the layout.

The success of reconstruction of this wall, as proposed, and including the historic wall plaque, will be dependant upon the quality of the work and the use of appropriate coursing and mortar bedding. This should be an absolute condition of any permission for demolition.

Conservation Area setting – in terms of historic townscape, the current access to the site is an interesting ‘lane’ of intimate, semi-rural character, that contributes positively to the wider Conservation Area setting.

Although a widening of the access, as proposed, would weaken the intimate character of the lane, I feel that sufficient remediation will be gained through the careful choice of surfacing materials, preferably combined with the informality of a shared access, and the use of strong planting lines to soften long views into the site, and do not think, therefore, that the proposed alteration of the existing site access is sufficient grounds for refusal of the application.

#### Suggested Conditions

If Permission/Consent is minded to be granted, I recommend the following Conditions to be applied:

- Pre-demolition building recording – a full photographic and a drawn record (elevations and floor plans) should be made of all buildings proposed for demolition.
- Drawn details to be submitted showing the constructional method and mortar mixes for the boundary wall to be reconstructed, including details of the incorporation of the relocated historic almshouses wallplaque.
- A sample panel in respect of the boundary wall reconstruction shall be produced and agreed.

- The existing almshouse rear boundary wall, forming the eastern boundary of the site, shall be protected during constructional works and any damage or necessary repairs shall be carried out in an agreed manner.
- Full constructional details of the access road including, as appropriate, the method of protecting the wall fabric and foundations of adjoining listed buildings, both during and after construction, to be submitted and approved.
- Drawn details of a historical plaque, to permanently commemorate the site and function of the Fire Engine House to be submitted and agreed by the LPA in consultation with local amenity groups.

#### Education

There is insufficient capacity to accommodate any additional pupil yield from new housing on this development site. Contributions are therefore required at all levels, early years, lower, middle and upper schools. Based on the details provided a total contribution of £97,895.52 would be required.

#### Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of the Conservation Area & Streetscene
3. Impact on Listed Buildings
4. Impact on Amenities of Nearby Residents
5. Archaeology & Ecology
6. Highways, Access and Parking
7. Section 106 Requirements
8. Other Issues

#### Considerations

##### 1. Principle of Development

The site is within the built up area of Leighton Buzzard and is part of a site allocated for residential development in the South Bedfordshire Local Plan Review.

South Bedfordshire Local Plan Review (SBLP) policy H1 allocates a site (No.25) of 0.49ha described as land off Baker Street/rear of 55-69 North Street, Leighton Buzzard. The application site is approximately 0.28ha and constitutes the southern part of the allocated site only. A few years ago all landowners of the allocated site prepared a scheme for the whole site however the owner of the land forming the northern part of the site, near Baker Street, decided that they did not wish to go forward with the scheme. The landowner of the southern part of the site therefore developed the scheme which is the subject of this application. Some objectors state that the access to the site should be taken

from Baker Street as set out in the Local Plan. However, the proposals map shows the extent of the site allocation which meets a public highway on Baker Street and the (proposed) private access off North Street. The 'Guidelines' in the Local Plan are silent on the matters of access and in these circumstances an access to the site other than Baker Street access should not be automatically discounted.

Core Strategy, policy CS1 states that sites in the existing urban areas of the main conurbations and Leighton-Linslade will be the priority for new development.

The demolition of the wall, outbuildings and former fire station is acceptable in principle providing that their loss is not considered to have an unacceptable adverse impact on the Conservation Area, Listed Buildings, historic interest or streetscene.

Overall the principle of the proposal is considered to be acceptable as the site is allocated for residential development by SBLP policy H1 and is supported by Core Strategy policy CS1. The detail of the scheme is considered below.

## **2. Impact on Character and Appearance of the Conservation Area & Streetscene**

The majority of the application site is outside of the Conservation Area, with only the first approximately 20m of the driveway falling within the Conservation area. The Conservation Area boundary does however run along the eastern boundary of the site along the rear of the Almshouses land, in front of the dwelling at number 55 and along the southern boundary of the site. Any development on the site could therefore have an impact on the character and appearance of the Conservation Area. Planning policy requires that development within Conservation Areas preserves or enhances the area. A Conservation Area review has recently been undertaken in Leighton Buzzard and has been out to public consultation. The review highlights the importance of the Almshouses within the Conservation Area and notes the unusual use of ironstone for the boundary walls.

The application site is located to the rear of the Almshouses and therefore views from North Street would be limited. Views along the access to the site, which would be located between the Almshouses and The Wheatsheaf PH, would be the main view of the development. The view would terminate on unit 1 where the projecting bay would provide an appropriate visual stop. English Heritage comment that it will be important to ensure the enclosure to the rear garden to plot 1 on its east side is formed by a brick wall at least 1.5m high. This revised design shows the parking bays visible from the Conservation Area will be screened by planting which is an improvement. English Heritage and the Conservation Officer both consider that a shared surface roadway as shown in the application would be appropriate for the access to the site and would reduce the urbanising influence of the access.

The design of the proposed dwellings is considered to be appropriate and is sympathetic to the design style of the wider area. The materials to be used for the development have not been specified however they will need to be of high quality due to the location adjacent to the Conservation Area and Listed

Buildings. The details of the materials can be secured by condition. This view is supported by the Conservation Officer.

The outbuildings along the northern boundary of the site are the subject of a planning statement accompanying the application. The outbuildings are of varying ages and materials however the statement does not highlight any feature or historic interest which would make their demolition unacceptable. The Conservation Officers comments support this view but recommend a condition requiring the recording of the buildings prior to demolition.

The former fire station building has also been assessed and the conclusion drawn that although the site has a historic use as a fire engine house very little remains of the original fabric. The building is not worthy of retention as it has lost its architectural integrity. Therefore it is not considered that there is any reason why the building cannot be demolished. English Heritage support the view that the fire engine house is not worthy of retention but do advise that it should be recorded before demolition and the record placed on the Heritage Environment Record. This view is supported by the Conservation Officer who also considers that the existence of the building should be commemorated by a plaque.

### **3. Impact on Listed Buildings**

The application involves the demolition and relocation of an existing boundary wall to no.51 North Street. The wall is listed due to its proximity and relationship to the listed Almshouses. The demolition of the wall is the subject of a separate Listed Building Consent application (CB/12/01275/LB).

The proposed development would be located to the rear of the listed Almshouses and would involve the demolition of part of the boundary wall. The Conservation Officer comments that the wall clearly has both historic and townscape value. The 1880 Ordnance Survey Town Plan (attached to this report) shows the layout of the Almshouse group in some detail and from this it is evident that the repositioning of the wall would not effect the rhythm of the individual house and back garden that appears to be the basis of the layout.

The success of the reconstruction of the wall is dependant on the quality of the work and the use of appropriate coursing and mortar bedding.

Subject to conditions as set out in the consultation response above the Conservation Officer has no objection to the proposal.

### **4. Impact on Amenities of Residents**

SBLP policy BE8 requires that new development does not have an unacceptable adverse impact on general or residential amenity or privacy. A number of objectors raise concern regarding the impact of the new dwellings on their privacy and general amenity.

The proposed new dwellings would be located to the rear of the Almshouses on North Street. The closest new dwelling to the Almshouses would be a house on plot 13 which would be 12 metres away. This dwelling would be orientated side on to the Almshouses and would not have any side facing windows at first floor level and only one obscured glazed wc window at ground floor. In relation to

this dwelling there would not be any adverse impact on privacy on the occupiers of the Almshouses.

The dwelling on plot 1 is some 20m from the Almshouses. Windows to two of the bedrooms would provide views towards the Almshouses. Whilst some views towards the Almshouses would be possible it is not considered that the level of views possible would have such an adverse impact on privacy to justify refusing planning permission.

Views from the flat above the garage at the west end of the site towards the Almshouses would be possible however these views would be over a distance of 45m. It is therefore not considered that this would lead to an unacceptable loss of amenity or privacy.

A three storey block of flats on Westside is located immediately to the west of the application site. The proposal has been designed to take into account the presence of the flatted development and is inward facing. There are no clear glazed windows on the western end elevations of the dwellings. The privacy and amenity of existing residents on Westside and future residents on the application site are safeguarded.

Number 55 is located to the north of the application site and the occupiers have raised concern that their privacy would be affected as the footway along the access road would be immediately outside of their house. The front elevation of number 55 would be approximately 4m from the back edge of the footpath and this is not an unusual situation in residential development. For example the Almshouses are set back only around 3m from the back edge of the pavement. It is accepted that the occupiers of number 55 would have more people and vehicles passing their dwelling but it is not considered that this would have a sufficiently adverse impact on their amenities to justify refusing planning permission.

The occupier of Number 51 North Street, the most northerly of the Almshouses, is concerned about the loss of amenity space. The area of garden to the side of this property appears from historical plans to have been a kitchen garden area probably shared by all the dwellings in the terrace.

Some objectors raise concern regarding noise from the development both during construction and on completion. Noise and disturbance during construction work would be controlled by conditions, such as working hours etc. Noise following completion of the development would be limited to the normal activities of residents. It is not considered that the level of noise generated by residents would be sufficiently high to cause unacceptable disturbance to other local residents.

It is possible that the Wheatsheaf pub located to the north of the application site could have an adverse impact on the future residents of the site by reason of live music at the pub. There are existing residents within close proximity to the pub who would already be affected by the noise from the pub. As the proposed dwellings would be further away and designed to face into the site it is unlikely that the level of disturbance could be demonstrated to be so severe as to warrant refusing planning permission.

Concern is raised regarding loss of light to the Almshouses. There would not be a significant loss of light as a result of the location of the proposed dwellings as the closest would be 12 metres from the Almshouses. There is limited planting proposed along the boundary between the Almshouses and the development with additional landscaping only shown on the northern corner of the boundary. It is therefore not considered that additional landscaping would result in an unacceptable loss of light.

One of the reasons for refusal on the previous application was the lack on amenity space to two of the plots indicating overdevelopment of the site. A number of the dwellings on the previous application had rear gardens which were less than 50m<sup>2</sup> in size. Design in Central Bedfordshire: A Guide for Development, design supplement 1 sets out that amenity space should be appropriate to the size of dwelling but should not be less than 50m<sup>2</sup>. This application seeks to address this issue and the number of dwellings on the site has been reduced providing more land for each dwelling and enabling the provision of a higher level of outdoor amenity space.

Overall it is considered that the proposal would not have an unacceptable impact on residential or general amenity or privacy for existing or future residents.

## **5. Archaeology & Ecology**

The site is within an area of archaeological sensitivity and a locally identified heritage asset and as such the application was accompanied by an archaeological report in accordance with NPPF.

The archaeological officer comments that the report submitted incorporates the results of an archaeological field evaluation comprising the excavation of a series of trial trenches.

The site has been shown to contain a number of archaeological features mainly relating to the post-medieval and modern use of the site. There is no evidence that the site was occupied in the Saxon or medieval periods. The heritage asset these archaeological remains represent is of relatively low significance. Although the construction of the proposed development will have a negative and irreversible impact on the archaeological remains it will not cause a major loss of significance of the heritage asset.

The proposal is therefore considered to be appropriate in terms of archaeology.

Section 40 of the NERC Act 2006 requires Local Authorities to consider the impact of development on biodiversity. It is acknowledged that part of the site is grassland forming amenity space around the existing dwelling. The land does have the potential to accommodate biodiversity. A walkover survey of the site was completed and a report on the findings submitted as part of the application. The Council's Ecologist has reviewed this report and has advised that the site is of low ecological value and no protected species would be harmed as a result of the development. The report included an ecological mitigation strategy and recommendations for ecological enhancements. The mitigation strategy includes a precautionary approach to site clearance and a specific approach to

searching for species. The enhancements include bird and bat boxes, bird feeders, insect and hedgehog houses and an appropriate landscaping scheme. The Ecologist has no objection providing the mitigation and recommendations are undertaken. The mitigation and enhancement can be secured by condition.

## **6. Highways, Access and Parking**

Access to the site is proposed to be taken from North Street at the northern end of the Almshouses. There is an existing single width access which leads to the existing dwelling on the application site. The applicant is proposing to improve the existing narrow access serving the site, to a standard which may be adopted as public highway. The improvement works to the access would involve the removal of two spaces within a parking lay by, in front of the Almshouses, however the applicant would provide two replacement parking spaces within the new site layout. There is also a public car park which is approximately 70m away from the site, the effect of the relocation of the parking spaces has therefore been kept to a minimum. The Highways Development Control officer is satisfied that this arrangement would be acceptable and would not be detrimental to highway safety.

The junction improvement works would involve the realignment of the kerb line in front of the Wheatsheaf Public House and the conversion of the lay by into footway.

Within the site the proposed layout is intended to be a shared space with blockwork to the footway using a stretcher bond and the carriageway to a herringbone bond. The site layout has been designed to potentially adoptable standards and incorporates a turning area which is of sufficient size to accommodate a refuse type vehicle. Once adopted the roads and paths would be the responsibility of the Highway Authority.

In terms of the proposed level of parking for the new development the Central Bedfordshire Council's Design Supplement 7 recognises that sites with good access to facilities and public transport may be considered with a lower parking standard provided that local data for car ownership can justify it. It also states that the over provision of car parking is both wasteful of land and is less likely to encourage the use of alternative modes of transport. With this in mind the applicant has submitted his parking calculation based on the Residential Car Parking Research Document (commissioned by the Department for Communities and Local Government May 2007) and qualified this with the local data from the census database for car ownership within the local ward.

The parking calculation also takes in to account the effect of unassigned parking, that is to say if one dwelling has no vehicle but has one assigned parking space, this space would not be used and therefore could be considered wasteful. Unassigned parking spaces takes this in to account and can therefore attract a slight reduction in overall parking provision.

The existing residential unit referred to as No 55 (which is outside of the application site) would also be provided with two parking spaces as the proposed development would impact on their existing parking arrangements. A further two parking spaces have been provided due to the loss of the lay by.

The Highways Development Control Officer is content that the proposed parking levels comply with current parking guidance in light of the evidence submitted regarding car ownership. It is considered that the site's town centre location would result in a lower level of car ownership as residents would have easy access to public transport.

In order to address any concerns regarding indiscriminate parking within the new site, blocking the turning head or causing obstruction to potential highway users, a traffic regulation order could be implemented appertaining to the potentially adoptable highway, this can be secured by condition.

The majority of objectors have raised concerns that the development would have an adverse impact on parking provision and therefore highway safety. The proposals would result in the removal of an existing layby on North Street which provided 2 off-street parking spaces. Two spaces would be provided within the development to replace those lost. Number 55 which is located immediately north of the development site would be allocated 2 parking spaces within the application site. The occupiers of this dwelling state that they currently have three parking spaces which appear to be provided on the existing access road rather than within their property. It is considered that providing 2 dedicated spaces for the dwelling is acceptable as there would be other parking spaces within the development the occupiers could utilise. The occupiers of the Almshouses currently park up to 6 cars on the application site via an informal arrangement. It is accepted that the proposal would mean that this would no longer be possible. The arrangement has been an informal one and it is therefore considered disproportionate for the developer to provide 6 off-street parking spaces for existing dwellings which only use the land informally.

Due to the limited level of parking provided within the site it is considered necessary for the development to make a contribution towards sustainable transport provision. This is discussed in more detail below.

Overall, subject to conditions recommended by the Highways Development Control Officer, it is considered that the proposal is acceptable in terms of highways, access and parking.

## **7. Section 106 Requirements**

South Bedfordshire Local Plan policy H4 requires that affordable housing is provided on sites of 1ha or more or where 25 plus houses are proposed. The application site is less than 1ha and only proposes 15 dwellings, no affordable housing is therefore required. Core Strategy policy CS6 requires that 35% affordable housing is provided on sites of 4 or more dwellings in Leighton Linlade and in the rural area. As pre-application discussions on the development of this site have been ongoing for sometime and the application was submitted before the Core Strategy was ratified it has been accepted that no affordable housing will be provided.

There are various existing traffic regulation orders in the vicinity of the site entrance which will be reviewed and amended as necessary within the Section 278 works, the cost of which will be borne by the developer. The Section 287 would cost approximately £3500.



Other contributions would also be required towards education, sustainable transport, open space, sports provision, green infrastructure, community buildings, cemeteries, emergency services. The Planning Obligations Calculator sets out that contributions of £40,315 are required, however on schemes of more than 10 dwellings the education contribution is calculated by the Education department. The education contribution in this case is £97,895.52.

The applicant has submitted information seeking to show that the scheme is unviable if the total planning obligations requirement of £136,085.52 is paid. The applicant has submitted a legal agreement offering £40,315 which can either be divided between the relevant service areas or given as a lump sum towards education.

Consideration and discussion regarding the viability assessment is ongoing and an update will be provided on the late sheet.

## **8. Other Issues**

Some occupiers of the Almshouses raise concern that to the rear of their properties is currently secured as the access is gated and that this would no longer be the case. Residents of the Almshouses are concerned that the rear boundary to their properties would be vulnerable. The land to the rear of the Almshouses is currently occupied by a single dwelling and although the access is secured by a gate it is not substantial enough to prevent a determined intruder. The use of the site for residential development would mean more people being present on the land providing natural surveillance. In addition the development would include lighting which is not present on the current site and could include additional boundary planting along the wall to provide a further deterrent.

The landlord of the Wheatsheaf pub raises concern that the rear of his building would be less secure than at present. It is considered that appropriate measures to secure the rear of the pub could be put in place on land within the ownership of the pub. In addition the increased number of people passing the building and the additional local residents would provide natural surveillance.

The landlord of the Wheatsheaf pub also raised concern over the structural integrity of the pub building and the impact the access road would have on it. Any works to form the access road close to the pub would be subject to the requirements of the Party Wall Act and is outside of the planning system.

## **Recommendation**

That subject to the prior completion of a satisfactory Section 106 Agreement to provide for contributions towards Council services as outlined above and secure a Traffic Regulation Order, that planning permission be granted subject to the following:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not

continue in existence indefinitely if the development to which it relates is not carried out.

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

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

- 3 **Before development commences details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.  
(Policy BE8, S.B.L.P.R).**

- 4 **Development shall not begin until details of a traffic regulation order to control parking within the proposed estate road have been approved by the Local Planning Authority and no building shall be occupied until the traffic regulation order has been implemented in accordance with the approved details.**

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

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

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

- 6 **Development shall not begin until the detailed plans and sections of the proposed road, 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.**

- 7 **No development shall commence until the apparatus for wheel cleaning has been provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The apparatus for wheel cleaning 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.**

- 8 **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.**

- 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 **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 the Local Planning Authority for that phase:**

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: To protect the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document.

- 11 Prior to the commencement of 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 the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document.

- 12 Prior to any demolition work a full photographic and drawn record (elevations and floor plans) of all buildings proposed for demolition shall be made and submitted to the Local Planning Authority for retention on the Historic Environment Record.

Reason: In order to record the historic buildings prior to demolition.

- 13 Prior to the commencement of development drawn details of the constructional method and mortar mixes for the boundary wall to be reconstructed shall be submitted and approved in writing by the Local Planning Authority. The wall shall then be reconstructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

- 14 **Prior to the commencement of development details of the protection of the rear boundary wall of the Almshouses, forming the eastern boundary of the development site, shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall remain in place throughout the duration of works on site. Any damage or necessary repairs to the wall shall be undertaken within 6 months of the completion of the development in accordance with details previously agreed in writing by the Local Planning Authority.**

**Reason: In order to protect and maintain the Listed Building.**

- 15 Prior to the reconstruction of the boundary wall hereby permitted a sample panel of the proposed boundary wall shall be produced and agreed in writing by the Local Planning Authority. The boundary wall shall then be constructed in accordance with the approved sample panel unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

- 16 Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

- 17 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 43m measured both sides, 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 which is likely to use it.

- 18 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.

- 19 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.

- 20 The turning space for vehicles illustrated on the approved Plan PL-001 rev C shall be constructed before the development is first brought into use.

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

- 21 The maximum gradient of any 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.

- 22 The parking bays denoted with the letter V on plan PL-10.1 shall be kept as unassigned parking for the use of residents in plots 1 to 13 inclusive. They shall be kept in an open condition, fully available for this purpose and no bollard, barrier or similar device or designation signs shall be erected thereon.

Reason: To ensure the permanent availability of car parking spaces for residents and visitors.

- 23 The parking bays shown as HV1 and HV2 on plan PL-10.1 shall be kept as unassigned parking, in an open condition, fully available for this purpose and no bollard, barrier or similar device shall be erected thereon.

Reason: To ensure the permanent availability of car parking spaces.

- 24 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 alterations to the carports hereby permitted, including the insertion of a garage door, roller shutter or gate, shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of users of the highway by overhanging the adjoining public highway.

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

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

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

- 26 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and Planning Policy Statement 23.

- 27 The development hereby permitted shall be undertaken in accordance with the mitigation and enhancement measures set out in the Ecological Walkover Survey Report unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is no detriment to biodiversity and to protect the biodiversity within the site.

- 28 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 approved details.

Reason: To protect groundwater. There have been historic as well as recent contaminative uses and the Chalk aquifer is a sensitive receptor. Contamination found in the soils is likely to prohibit the use of drainage using infiltration to ground.

- 29 Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater. There have been historic as well as recent contaminative uses on site and the Chalk aquifer is a sensitive receptor. At this stage the design of the foundations is not known and should contamination be found in the soils, this needs to be considered in the foundation proposals.

- 30 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL-10.1, PL-11.1, PL-12, PL-13, DA-01A, DA-13A & DA-14A.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The site is part of a site allocated for residential development in Policy H1 (25) of the South Bedfordshire Local Plan Review. The proposed development would not detrimentally impact upon the character and appearance of the Conservation Area or wider streetscene nor would there be any adverse impact on the amenities of neighbouring residents. The proposed development would not have any adverse impact on the adjoining Listed Buildings or the setting of the Listed Buildings. The proposal would not result in any highway, parking or other issues. The scheme by reason of its siting and design is in conformity with the National Planning Policy Framework and South Bedfordshire Local Plan First Review policies BE8, T10, H1, H3 and H4. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development".

### **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 in order to comply with Condition 4 of this permission for a new traffic regulation order, the applicant must apply in writing 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 the Road Traffic Regulation Act 1984 to be implemented, the cost of which shall be borne by the developer.
4. The applicant is advised that in order to comply with Condition 5 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 Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing



evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers' expense to account for extra surface water generated. Any improvements must be approved by the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

6. 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.
7. 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.
8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
9. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance - July 2010".
10. The applicant is advised that if it is the intention to request Central Bedfordshire 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 and any proposed traffic regulation orders, shall be submitted to the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . 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.
11. Model procedures and good practice. The Environment Agency recommends that developers should:
  - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
  - 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information required in order to assess

risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

- 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

## 12. Sustainable Drainage Systems

In accordance with the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document, we offer the following advice on Sustainable Drainage Systems (SUDS).

- Soakaways must be constructed in line with guidance provided in Building Research Establishment 365 (BRE365) – Soakaway Design.
- SUDS must be constructed in line with guidance provided in Construction Industry Research and Information Association C697 (CIRIA C697) - The SUDS Manual.
- Direct discharges into groundwater of surface water run-off are not acceptable.
- All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) should be constructed to as shallow a depth as possible to simulate natural infiltration. The maximum acceptable depth for infiltration structures is two metres below existing ground level with the base of these infiltration structures at least 1.2 metres above the highest seasonal groundwater-table. Deep bore and other deep soakaway systems are not considered by the Environment Agency to be appropriate in areas where groundwater constitutes a significant resource (i.e. where aquifer yield may support or already supports abstraction). Infiltration structures must not be constructed in contaminated ground. Only clean, uncontaminated water should be discharged to any infiltration structure. Infiltration structures should only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved in writing by the Local Planning Authority (LPA).
- Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination should be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor and should discharge to separate infiltration systems to those used for road and vehicle parking areas. Any SUDS from car or lorry parking areas would need to incorporate suitable measures for the protection of water quality, this is likely to include measures to mitigate the discharge of hydrocarbons to surface water or ground. Details of treatment techniques are outlined in CIRIA Report C609. The Environment Agency would wish to be consulted on any protection measures. Any oil interceptors should include separate provision for the interception and removal of sediment (as collection of solids within the interceptor will reduce the capacity and function of the interceptor). Any oil interceptors/sediment chambers should be regularly maintained in accordance with manufacturers guidelines.

13. **Piling**

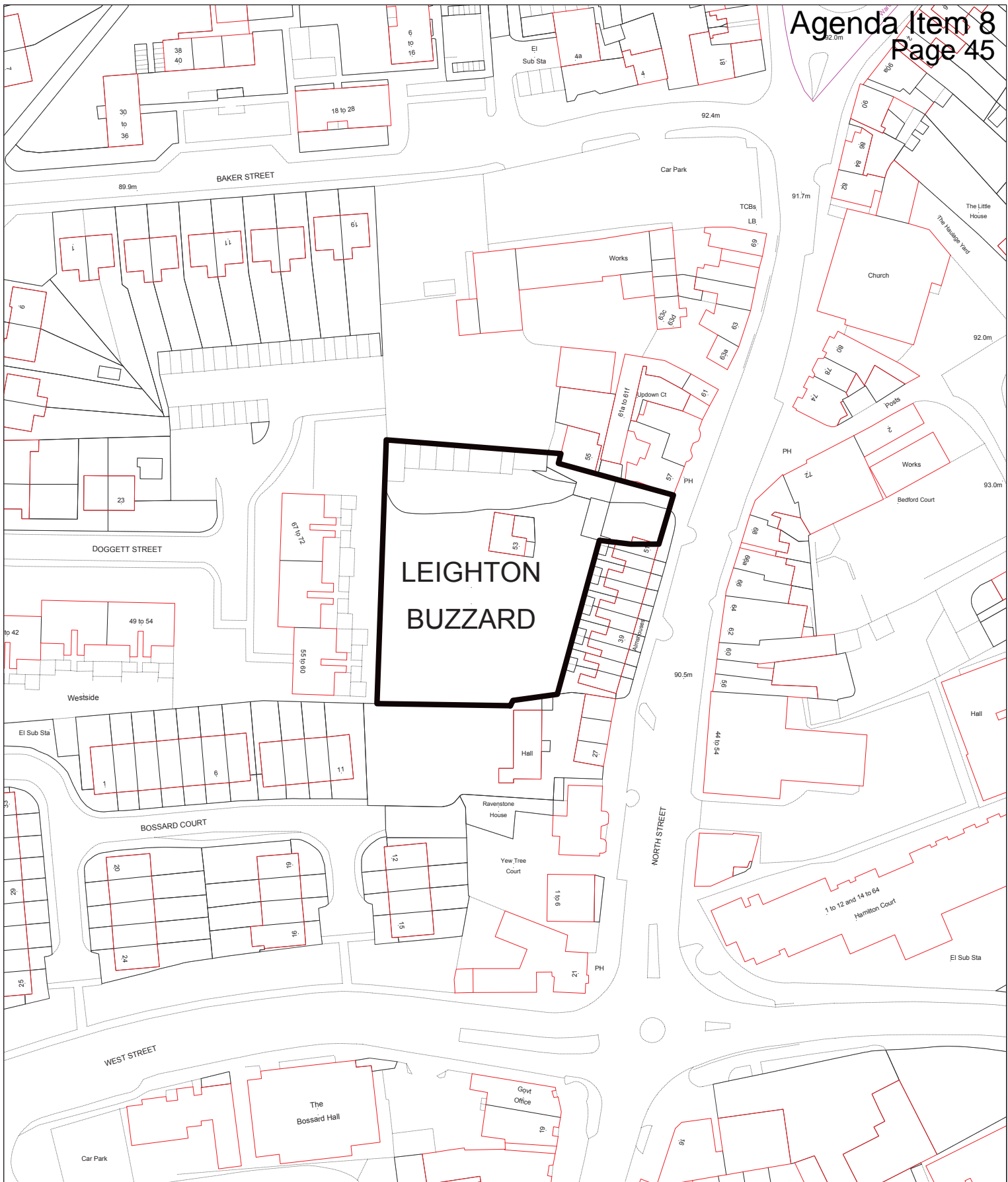
In accordance with Policy 10-3 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document we recommend that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a " Foundation Works Risk Assessment Report" which should be submitted to and approved by the Local Planning Authority before development commences.

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

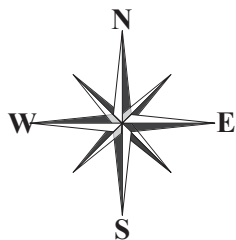
**DECISION**

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**LEIGHTON  
BUZZARD**



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Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 31:May:2012

Grid Reference: 492180; 225308

**Application No.  
CB/12/01275/LB**

Scale: 1:1250

**51 North Street, Leighton Buzzard, LU7 1EQ**

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**Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/12/01275/LB</b>
<b>LOCATION</b>	<b>51 North Street, Leighton Buzzard, LU7 1EQ</b>
<b>PROPOSAL</b>	<b>Demolition of boundary wall to No.51 North Street and reconstruction using salvaged materials in the denoted position to allow the construction of site access road. Works to include the retention of the existing dedication plaque.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>10 April 2012</b>
<b>EXPIRY DATE</b>	<b>05 June 2012</b>
<b>APPLICANT</b>	<b>Trustees of the Leighton Buzzard Townlands Trust</b>
<b>AGENT</b>	<b>BHD Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of Cllr Shadbolt due to concerns regarding the impact on the Listed Almshouses</b>
<b>RECOMMENDED DECISION</b>	<b>Listed Building - Granted</b>

**Site Location:**

The site is located to the north of Leighton Buzzard town centre, on the western side of North Street. The site is approximately 70m from the town centre boundary.

The application site is a small area of land on which stands a boundary wall located to the north of the Almshouses. The application is made in connection with a full application for residential development, CB/12/01255/FULL.

The whole site falls within the built up area of Leighton Buzzard and the boundary wall falls within the Conservation Area.

**The Application:**

The application seeks consent for the demolition of boundary wall to no.51 North Street and reconstruction using salvaged materials in the denoted position to allow the construction of site access road. Works to include the retention of the existing dedication plaque.

The wall consists of three parts, the frontage wall enclosing the front garden area, the enclosure wall (of the rear garden) and the return wall. The frontage wall is a low wall of some 450mm in height built of red brickwork. The enclosure wall is some 2.1m high where it meets the frontage wall but due to the increase in the level of the land it is only 1.5m where it meets the fire engine house to the rear. The wall is constructed from local sandstone. The return wall is similar in construction and height to the enclosure wall.

An approximately 6m length of existing frontage wall will be removed to provide sufficient space for the proposed widened access to the development site. A 5m length of the return wall and a 15m length of the enclosing wall would be removed. A new wall along the access road would be constructed and tied in to the frontage wall. The wall would be constructed from salvaged materials.

The return wall currently includes a carved dedication plaque which would be incorporated into the new wall.

A previous application for Listed Building Consent (CB/11/03394/LB) was refused on 4/1/12 as the related full planning application for the residential development of the site was refused which meant that there was no justification to grant consent for the demolition of the wall.

#### **RELEVANT POLICIES:**

##### **National Planning Policy**

National Planning Policy Framework (NPPF)  
Section 12 Conserving and Enhancing the Historic Environment

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

ENV7 - Quality in the Built Environment

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

No relevant policies

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

BE8 - Design Considerations

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 above policy is broadly consistent with the Framework and significant weight should be attached to it.

##### **Luton and southern Central Bedfordshire Core Strategy (November 2010 as amended), adopted for Development Management purposes, Executive August 2011**

CS1 - Development Strategy  
CS8 - Quality of Design

##### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development



## Planning History

- CB/11/03394/LB Demolition of boundary wall to No. 51 North Street and reconstruction using salvaged materials in the denoted position to allow the construction of site access road. Works to include the retention of the existing dedication plaque. Refused 4/1/12.
- CB/11/03341/FULL Demolition of existing house, outbuildings and boundary wall and redevelopment of site with 10 houses and 5 flats and all ancillary works and reconstruction of boundary wall to No. 51 North Street. Refused 4/1/12.

## Representations: (Parish & Neighbours)

- Leighton-Linslade Town Council Object on the following grounds:
- detrimental impact on the visual amenity of the listed building;
  - detrimental effect on the streetscene.

- Neighbours 6 letters of objection have been received in connection with the application.

Many objectors made comment on this application and the full planning application in the same response therefore only the comments relevant to this application are included below.

- the removal and relocation of the boundary wall would result in an unacceptably small rear garden to number 51;
- the demolition of the wall would have a detrimental impact on the area;
- impact on history of the site and loss of historic buildings;
- would set a precedent for any developer to remove listed structures which get in their way.

## Consultations/Publicity responses

- Conservation The application site is allocated housing land in the South Beds. Local Plan Review, January 2004, under guidelines that any development must take account of the location of the site on the edge of the Town Centre Conservation Area, and the setting of the listed North Street almshouses and Friends Meeting House.

The current scheme seeks to redevelop the site with these guidelines in mind and the applications need to be considered on this basis, but the proposed North Street access additionally entails demolition and reconstruction, on a new alignment, of the sandstone rubble built flank wall of the North Street almshouses, to form a site access between

this listed group and the listed Wheatsheaf Public House adjacent.

Almshouses boundary wall (E) – this is a robust boundary wall constructed in the locally distinctive coursed sandstone rubble. On the North Street frontage return, it incorporates a historic wallplaque (F), now largely unreadable and concealed by shrubbery, which may commemorate the construction of the earlier group of almshouses on the site. The wall clearly has both historic and townscape value. The 1880 Ordnance Survey Town Plan, however, shows the layout of the almshouse group in some detail, and from this it is evident that repositioning of this wall, as proposed, would not affect the rhythm of individual house and back garden that appears to be basis of the layout.

The success of reconstruction of this wall, as proposed, and including the historic wall plaque, will be dependant upon the quality of the work and the use of appropriate coursing and mortar bedding. This should be an absolute condition of any permission for demolition.

#### Suggested Conditions

If Permission/Consent is minded to be granted, I recommend the following Conditions to be applied:

- Drawn details to be submitted showing the constructional method and mortar mixes for the boundary wall to be reconstructed, including details of the incorporation of the relocated historic almshouses wallplaque.
- A sample panel in respect of the boundary wall reconstruction shall be produced and agreed.
- The existing almshouse rear boundary wall, forming the eastern boundary of the site, shall be protected during constructional works and any damage or necessary repairs shall be carried out in an agreed manner.
- Full constructional details of the access road including, as appropriate, the method of protecting the wall fabric and foundations of adjoining listed buildings, both during and after construction, to be submitted and approved.
- Drawn details of a historical plaque, to permanently commemorate the site and function of the Fire Engine House to be submitted and agreed by the LPA in consultation with local amenity groups.

Leighton Buzzard  
Society

Object. The application must be vigorously refused as the only reasonable access to the site should be from Baker Street.

Tree and Landscape

Recommends conditions to secure a tree protection plan and arboricultural method statement, ensure the

installation of new services in root protection areas does not have an adverse effect on trees and the submission of a landscaping scheme.

Highways Development  
Control

The applicant is proposing to improve the existing narrow access serving the site, to a standard which may be adopted as public highway.

The junction improvement works will be subject to a section 278 agreement and will involve the realignment of the kerb line in front of the Wheatsheaf Public House and the kerbing of the lay by. The proposed layout is intended to be a shared space and will therefore have no vertical deflection where the carriageway would normally meet the footway/service margin. Instead it is proposed to construct the blockwork to the footway/service margin using a stretcher bond and the carriageway to a herringbone bond. The site layout has been designed to potentially adoptable standards. There are various existing traffic regulation orders in the vicinity of the site entrance which will be reviewed and amended as necessary within the Section 278 works, the cost of which will be borne by the developer.

English Heritage

A response was received stating that it is not necessary for English Heritage to be consulted on this application. They did however respond in relation to the full application. The comments relevant to this listed building application are set out below.

Whilst English Heritage does not object to the principle of developing the site, the proposals will have some impact on the Conservation Area, principally associated with the new access. Currently there is a narrow single vehicle driveway at this point which hardly interrupts the enclosure on the west side of North Street. This enclosure is reinforced by a 1.5m high stone wall and a mature tree. Forming the new access would result in the loss of part of this stone wall and the tree and will open up views into the new development. These views terminate on unit 1 where the projecting bay will provide an appropriate visual stop. It will be important to ensure the enclosure to the rear garden to plot 1 on its east side is formed by a brick wall at least 1.5m high. This revised design shows the parking bays visible from the conservation area will be screened by planting which is an improvement.

Due to the limited number of dwellings the access would serve consideration should be given to forming it as a shared surface roadway. Such a solution would allow for the width of the opening to be reduced, thereby allowing a greater length of historic wall to be retained.

## Determining Issues

The main considerations of the application are;

1. Impact on the Listed Building and its Setting

## Considerations

### 1. Impact on the Listed Building and its Setting

The Conservation Officer considers that the existing wall is a robust boundary wall constructed in the locally distinctive coursed sandstone rubble. On the North Street frontage return the wall incorporates a historic wallplaque, now largely unreadable and concealed by shrubbery, which may commemorate the construction of the earlier group of almshouses on the site. The wall clearly has both historic and townscape value.

The 1880 Ordnance Survey Town Plan shows the presence of the wall. The 1880 plan also, however, shows the layout of the almshouse group in some detail. The layout of the almshouses is a regular pattern of a dwelling with a small rear garden. The land to the north of number 51 which would be affected by this application does not appear to form part of the rear garden of number 51 but is ancillary land likely to be common to all dwellings. The Conservation Officer is satisfied that the repositioning of this wall, as proposed, would not affect the rhythm of individual house and back garden that appears to be basis of the layout shown on the 1880 plan. The repositioning of the wall is therefore not considered to be detrimental to the setting of the listed buildings.

The success of reconstruction of this wall as proposed will be dependant upon the quality of the work and the use of appropriate coursing and mortar bedding. It is important that the new part of the wall matches as closely as possible the retained parts. The details required by condition will ensure that the mortar, coursing and general construction are appropriate. To ensure the quality of the new part of the wall a sample panel will be required to be constructed and approved prior to any construction commencing.

The Conservation Officer concludes that the demolition and relocation of the boundary wall is acceptable and would not have a detrimental impact on the listed almshouses. In addition English Heritage has no objection to the proposal and accepts the repositioning of part of the historic wall in order to provide access to the site.

Whilst granting listed building consent would result in the repositioning of part of the historic wall it would not result in the loss of the historic boundary treatment. Listed Building Consent to reposition the wall would not be granted if there was no reason for the repositioning however as the relocation of the wall would provide access to an allocated housing site it is considered acceptable.

In order to protect the rear boundary wall of the almshouses, which forms part of the listed building group, a condition will be added to any planning permission requiring details of the protection of the wall to be submitted and approved. In addition any works to the wall which are necessary in terms of maintenance or due to damage need to be agreed with the Local Planning Authority before they are undertaken.

Listed Building Consent should however only be granted in connection with the residential development to the rear set out in CB/12/01255 as without the residential development there is no justification for the relocation of the wall.

### **Recommendation**

That Listed Building Consent be granted subject to the following:

- 1 The works hereby consented shall be begun within three years of the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to ensure that this consent does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Prior to the commencement of development drawn details of the constructional method and mortar mixes for the boundary wall to be reconstructed shall be submitted and approved in writing by the Local Planning Authority. The details shall include the specification of the incorporation of the relocated historic almshouses wall plaque. The wall shall then be reconstructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and to protect the setting of the Listed Building.**

- 3 **Prior to the commencement of development details of the protection of the rear boundary wall of the almshouses, forming the eastern boundary of the development site, shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall remain in place throughout the duration of works on site. Any damage or necessary repairs to the wall shall be undertaken within 6 months of the completion of the development in accordance with details previously agreed in writing by the Local Planning Authority.**

**Reason: In order to protect and maintain the Listed Building.**

- 4 Prior to the reconstruction of the boundary wall hereby permitted a sample panel of the proposed boundary wall shall be produced and agreed in writing by the Local Planning Authority. The boundary wall shall then be constructed in accordance with the approved sample panel unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

- 5 The works hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number PL-004.2 rev A.

Reason: For the avoidance of doubt.

**Reasons for Granting**

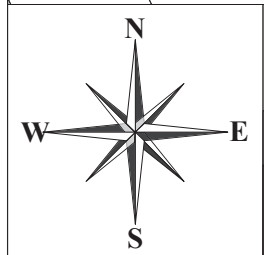
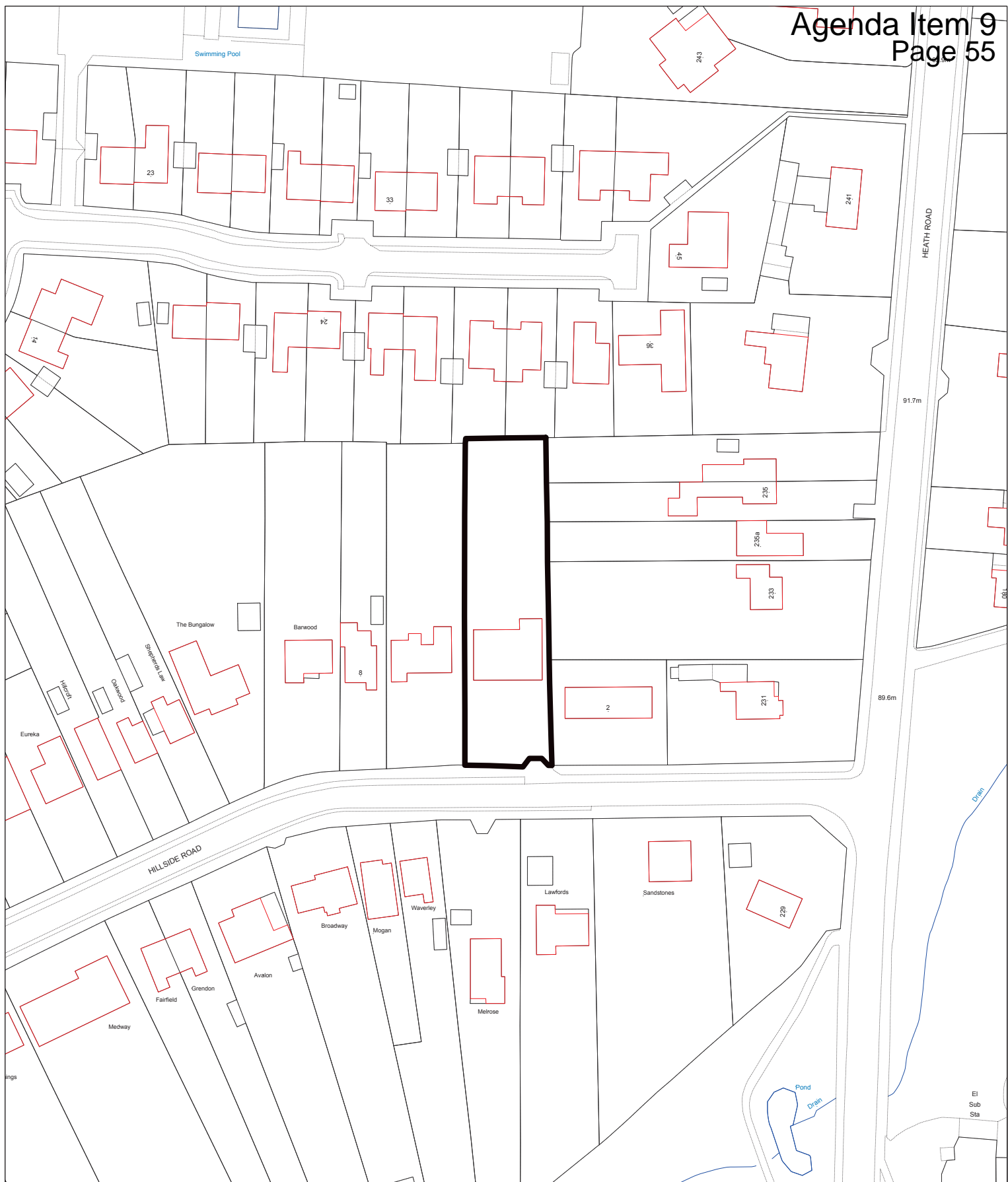
The proposed development would not have an adverse impact on the grade II listed building and associated boundary walling. The proposed works are considered, subject to appropriate conditions, to preserve the special interest, character and appearance of the grade II listed building. The proposal accords with Section 12 of the National Planning Policy Framework.

**Notes to Applicant**

1. This consent relates only to that required under the Planning (Listed Building and Conservation Areas) Act 1990 and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 01:June:2012  
Grid Reference: 492297; 226670

Application No.  
CB/12/01238/VOC

Scale: 1:1250

4 Hillside Road, Leighton Buzzard, LU7 3BU

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<b>Item No. 9</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01238/VOC</b>
<b>LOCATION</b>	<b>4 Hillside Road, Leighton Buzzard, LU7 3BU</b>
<b>PROPOSAL</b>	<b>Variation of Condition: Condition 3 retention of garage in order to create a sensory room. (Application SB/01/1042)</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>12 April 2012</b>
<b>EXPIRY DATE</b>	<b>07 June 2012</b>
<b>APPLICANT</b>	<b>Macintyre Care</b>
<b>AGENT</b>	<b>The Walker Prichard Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of Cllr Shadbolt in response to the level of public interest in the application.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>

**Site Location:**

The application property is a bungalow located to the north of Hillside Road in Leighton Buzzard. The property is flanked by residential properties to the east, west and north.

**The Application:**

The application seeks the removal of condition 3 on planning permission SB/01/01042 to allow the use of the garage as a sensory room for the residents of the dwelling. Condition 3 currently requires the garage to be retained for parking. Part of the garage would be used as a sensory room with the remaining part proposed for storage and plant.

The garage would be used as a sensory room for the residents of the dwelling. Guidance was sought from the Local Planning Authority, by an agent acting on behalf of Macintyre Care, regarding the use of the property to accommodate up to 5 children between the ages of 16-19 years with a resident member of staff living together as a family unit. The advice provided was that the Town and Country Planning (Use Classes) Order (as amended) sets out that Use Class C3 (dwellinghouse) can be occupied by not more than 6 residents living together as a single household where care is provided for residents. On the information supplied to the Local Planning Authority advice was given that the proposed use would not constitute a change of use of the property away from a dwellinghouse and therefore no planning permission was required.

No planning permission is required for the use of a garage for a purpose connected with the use of the building as a dwellinghouse, e.g. games room, study, play room etc. Planning permission is not considered to be required for the use of the garage as a sensory room for the residents of the dwelling, however the condition attached to the 2001 planning permission restricts the use of the garage to parking. The removal of the condition is therefore required to allow the use of the garage as a sensory room.

The application documents set out that aim for the sensory room is to feature a relaxing and stimulating variety of sights, sounds and textures which help children and young people to learn and relax in an environment that suits their needs. Equipment used in the rooms varies depending upon the type, function and needs of the individual using it. Stimuli can include soothing music, vibrating cushions, fibre optics, mirror balls, bubble tubes, water beds, tactile walls, disco lights and projectors to name just a few. Equipment can be set up using switches, pressure, sound and movement which then activate a piece of equipment in the room.

#### **RELEVANT POLICIES:**

##### **National Planning Policy**

National Planning Policy Framework

##### **Regional Spatial Strategy**

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

ENV7 - Quality in the Built Environment

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

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

No relevant policies

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

BE8 - Design Considerations

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 above policy is broadly consistent with the Framework and significant weight should be attached to it.

##### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development  
Design Supplement 7: Movement, Streets and Places

##### **Planning History**

CB/12/00750/NMA      Non Material Amendment to planning permission SB/09/00195 - Erection of first floor extension and conservatory to rear - Minor Amendment for re-configuration of windows/rooflight (size and number), to first floor extension. Retention of consent for future provision of conservatory to rear. Approved 2/4/12.

CB/12/00411/NMA	Non Material Amendment: to planning permission SB/TP/09/00195 reconfiguration of windows (size & no) to first floor extension. Conversion of existing double garage to sensory room and store, installation of a new gated entrance. Withdrawn 23/2/12.
SB/09/00195	Erection of first floor extension and conservatory to rear. Approved 3/6/09.
SB/01/01042	Erection of detached garage. Approved 12/4/02.
SB/96/00526	Permission for the erection of new first floor extension, rear conservatory and detached double garage. Approved 4/10/96.
SB/86/00391	Installation of front bow and dormer window. Approved 30/5/86.
SB/82/01004	Erection of single storey rear extension and alterations. Approved 12/1/83.

**Representations:  
(Parish & Neighbours)**

Leighton Lincolne Town Council  
No objection.

Neighbours

6 letters of objection have been received from local residents. The reasons for objection are:

- the garage has been built in conflict with the deeds of the property and should be removed;
- loss of two car parking spaces which would lead to additional on street parking to the detriment of highway safety;
- the garage is detrimental to the character of the area;
- the sensory room should be accommodated in a building in the rear garden of the property;
- the application is a backhand route to gaining permission for a sensory room.

**Consultations/Publicity responses**

Highways Development Control

It is not clear why the condition was originally imposed as the whole frontage is hard paved and is more than adequate in accommodating the required amount of off-street parking spaces. The officer does not wish to raise any objection.

**Determining Issues**

The main considerations of the application are;

1. Impact on the residential amenity of the adjoining property occupiers
2. Impact on the appearance of the street scene
3. Impact on parking and highway safety

## Considerations

### 1. **Impact on the residential amenity of the adjoining property occupiers**

The application seeks the removal of the condition to allow the use of the existing double garage as a sensory room for the residents of the dwelling. If the condition was removed minor changes to the external appearance of the garage would take place. The garage door would be removed and the opening infilled and would include three windows. These changes would be permitted development not requiring any planning permission. Views towards the neighbouring property at 2 Hillside Road from the windows would be possible. Views would be long range as the garage is around 10m from the site boundary. It is not considered that the views would have any significant adverse impact on the amenities of neighbouring properties. The use of the garage would be by the residents of the dwelling and would therefore have no greater impact on the amenities of nearby residents than the use of a garage for storage or as a games room for example. In addition the supporting information sets out that the sensory room would only be used between 8am and 10pm and would be supervised at all times.

Overall it is not considered that the proposed removal of condition 3 would result in any adverse impact on the amenities of nearby residents.

### 2. **Impact on the appearance of the street scene**

The garage is existing and was granted planning permission in 2001. Some external changes would take place to the garage if the condition is removed. The garage door would be removed and the area infilled. Windows would be inserted into the infilled area and the wall would be finished with white painted horizontal timber boarding to reflect the design of the garage door. It is not considered that the external changes would result in a significant adverse impact on the appearance of the streetscene.

One objector states that the garage has been built contrary to the deeds of the property. This is a legal matter outside of the control of the planning system.

Some objectors have commented that the garage is out of character. The garage was granted planning permission in 2001 and no material changes are proposed to the appearance of the building.

### 3. **Impact on parking and highway safety**

The removal of the condition would lead to the loss of the garage for parking of 2 cars. The parking standards set out in Design Supplement 7 require at least 3 parking spaces for a dwelling with 3 or more bedrooms. The dwelling once extended would have more than 3 bedrooms and therefore must have at least 3 parking spaces. The dwelling is set back more than 15m from the front boundary of the site and this area is already hard surfaced. The submitted plan shows that there is sufficient space for 3 car parking spaces between the dwelling and the garage. There is also sufficient space for other parking in front of the dwelling for visitors. The Highways Development Control Officer confirms that there is no objection to the removal of the condition as there is sufficient off-street parking.

**Recommendation**

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

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 030 and 013 rev E.

Reason: For the avoidance of doubt.

**Reasons for Granting**

The removal of condition 3 of planning permission SB/01/01042 would not have any impact on the character and appearance of the streetscene or on the amenities of neighbouring residents. Sufficient parking provision would be retained within the site to prevent on-street parking and the removal of the condition is therefore acceptable in highway terms.

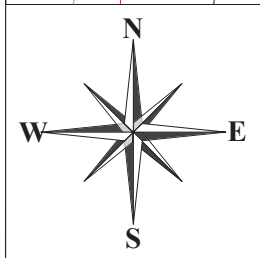
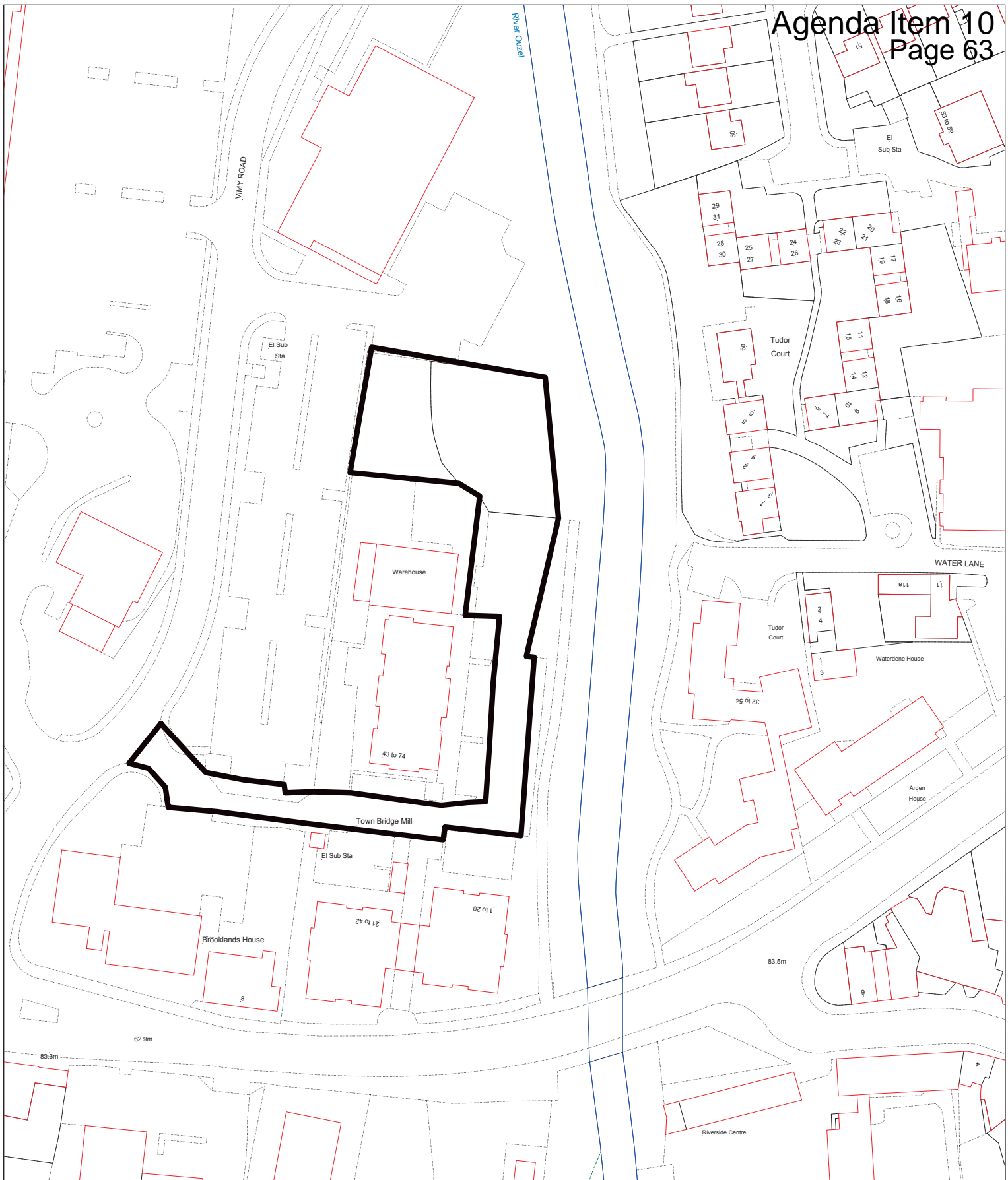
**Notes to Applicant**

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

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 01:June:2012  
Grid Reference: 491742; 225116

Application No.  
CB/11/03933/FULL

Scale: 1:1250

Land at Vimy Road, Linslade, Leighton Buzzard, LU7 1ER

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<b>Item No. 10</b>
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<b>APPLICATION NUMBER</b>	<b>CB/11/03933/FULL</b>
<b>LOCATION</b>	<b>Land at Vimy Road, Linslade, Leighton Buzzard, LU7 1ER</b>
<b>PROPOSAL</b>	<b>Construction of 32 No. small flats in a four storey block with associated parking.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Linslade</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Hopkin, Janes &amp; Warren</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>18 January 2012</b>
<b>EXPIRY DATE</b>	<b>18 April 2012</b>
<b>APPLICANT</b>	<b>W E Black Ltd</b>
<b>AGENT</b>	<b>W J Macleod Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Alan Shadbolt due to public interest and the history of the site</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site lies to the west of Leighton Buzzard Town Centre and is located on former industrial land (Dunham and Haines) to the north of Leighton Road and west of the River Ouzel. The site comprises an irregular shaped plot with a maximum depth of 73m and a maximum width of 46m. To the north and west the site shares its common boundary with Aldi foodstore and Aldi car park. To the west the site also shares a common boundary with Linslade Motor Services. The site draws access from the Townbridge Mill residential development to the south which is accessed primarily from Vimy Road.

In accordance with the Local Plan allocation of this and adjoining land, there has already been some redevelopment on a comprehensive basis for residential purposes by the grant of two permissions. In March 2005, the Committee resolved to grant permission for phase one (erection of one block of 41no. flats SB/TP/02/1308) and in October 2006, the Committee resolved to grant a phase two permission (for the erection of 32no. flats SB/TP/06/0771). Both phase 1 and 2 have been completed with a parking provision of 0.89 spaces per unit, and have been constructed in red brick and slate, and designed with steeply pitched gables, balconies, brick dentil courses and brick arches. Phase 2 is used solely as affordable housing, and is owned and managed by Catalyst Housing Group (Housing Association).

The site is primarily served by a single vehicular access which is taken from Vimy Road. The access road, which is approximately 30m long, also serves Linslade Tyres and Linslade Motor Services together with a building of 8 residential flats along its length. At its junction with Vimy Road, users can either turn left and head

toward Leighton Road (some 60m away) or turn right toward Aldi and Tesco supermarkets and a small business park and residential accommodation beyond. In the determination of the above applications for residential redevelopment, it was considered that the proposed access route off Vimy Road would be acceptable in highway terms subject to necessary and appropriate highway improvements to include the creation of a 1.5m wide footway. The site can also be accessed by vehicles from Leighton Road through an archway. Although there was a condition applied to phase 1 to stop-up the access, a legal ruling has decided that Linslade Motors have a legal right to use it and exercise that right by opening gates on Leighton road, as required.

Over the course of construction the developer has proceeded, at his own risk, and there have been several Breach of Condition Notices served, some of which are now resolved; however, largely due to a complex ownership situation on the access road, including unknown ownership of one section, there remain a number of conditions which have yet to be satisfactorily discharged, specifically the standard of the access road and pedestrian route from Vimy Road. In May 2008, the Planning Committee resolved to refuse permission for the Variation of Condition 19 of planning permission SB/TP06/0771 to permit the retention of the existing access from Vimy Road (SB/TP/07/1459) due to an inadequate pedestrian footway. The developer has now constructed a pedestrian footway curb on the southern side of the access road, measuring approximately 0.7m in width. However, this falls well below the 1.5m width footway required by condition 18 of SB/TP/06/0771.

### **The Application:**

The application is a re-submission of a similar scheme that was rejected by the Council and dismissed on appeal by the Inspector, reference, **SB/TP/08/1116**. The application is identical in all respects except that crucially, following the acquisition of land from Aldi on the north side of the access, the current one proposes modifications to the access to address the sole reason for rejecting the previous scheme. The development would involve the erection of a 3.5 storey building of 32 one bed flats with associated parking, located in an area to the north of phase 2 and Linslade Motors, orientated so that the principal elevations would face east and west. The building would be designed in the same style as phases 1 & 2 with steeply pitched gables, balconies, brick dentil courses and brick arches, constructed in brick and slate and measuring between 13.6 & 15m high, 18m deep and 25m wide. The nearest residential properties are approximately 60m to the west of the proposal site (Tudor Court), across the River Ouzel.

The proposal also includes the provision of 20 parking spaces (0.63 spaces per flat), 2 long stay cycle stores (20 spaces) and a building for the provision of refuse and recycling storage. The proposal would be served via the existing access from Vimy Road, which serves both Phases 1 & 2. The ground floor flats would have private patios, with the surrounding land available as amenity land for all occupiers.

In sustainable transport terms, the proposal would involve the upgrading of Public Footpath No. 28 which runs along the River Ouzel eastern boundary to the site. Conceived as part of enhancement works associated with Phases 1 and 2, the footpath would be upgraded and incorporated as part of the "Sustrans" strategic cycle network for this part of the town.

## **RELEVANT POLICIES:**

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

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.

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

H1 Regional Housing Provision 2001 -2021  
SS1 Achieving Sustainable Development  
ENV7 Quality in the Built Environment  
T14 Parking

### **Bedfordshire Structure Plan 2011**

Policy 25 Infrastructure

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

BE8 Design Considerations  
T10 Parking - New Development  
H2 Fall-In Sites  
H3 Local Housing Needs  
H1 Provision for Housing

### **Supplementary Planning Guidance**

1. Planning Obligations Strategy, 2010
2. Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

### **Planning History**

- SB/TP/08/1116 - Refused. Erection of a four storey block of flats containing 32 residential units and associated parking.(Appeal dismissed).
- SB/TP/07/1459 - Refusal for the Variation of condition 19 of planning permission SB/TP/06/0771 to permit the retention of the existing access from Vimy Road.
- SB/TP/07/1458 - Refusal for the Variation of condition 15 of planning permission SB/TP/06/0771 to permit the retention of the existing access from Vimy Road.
- SB/BCN/07/0009- Issued November 2007, regarding non-compliance with Condition 19 of SB/TP/06/0771.

- SB/TP/06/0771 - Permission for the demolition of existing industrial units and erection of 32 no. flats with associated parking and landscaping. Subject to Section 106 Agreement.
- SB/TP/05/1140 - Refusal for the demolition of existing industrial units and residential re-development comprising 60 flats with car parking and landscaping.
- SB/TP/02/1308 - Permission for the erection of one block of 41no. flats together with associated parking. Subject to Section 106 Agreement.
- SB/TP/89/0771 - Permission for the erection of single storey extensions to provide office, wc, spray unit and plant/storeroom.
- SB/TP/88/1605 - Permission for the change of use from warehouse to general industry (car repairs/re-spraying).
- SB/TP/88/1604 - Permission for the change from warehouse to general industry (printing and ancillary offices).

**Representations:  
(Parish & Neighbours)**

Town Council

Objection

- Overdevelopment of the site.
- Insufficient parking provision for the number of dwellings.
- Inadequate access road to the site: the road must be brought to an adoptable standard and an agreement in place for Bedfordshire Highways to adopt the road.
- Every effort is made to place whatever planning conditions are necessary and feasible so as to ensure that the construction of the access road is completed within a reasonable time.
- The planning conditions placed on the adjacent developments should be complied with before any further development is granted.
- Environmental (pollution/noise) concerns due to the siting and proximity of dwellings to an adjacent business (garage).

Neighbours

6,10 , Flat 45, 64,66,  
67, 68,Townbridge Mill,  
D. Joyce & Sons  
Limited, ALDI, Linslade  
Motor Service

Objection

- No further development on this site should be allowed until an adoptable access and footpath have been constructed due to the hazardous situation.
- If planning is granted, 114 flats would be using the access (42 flats in Phase 1, 32 flats in Phase 2, 32 flats in Phase 3, 8 in Brooklands House, 2 working garages plus many people who now use this as a shortcut to and from Tesco and the town using the River Ouzel footpath and all the equipment and lorries needed for construction.

- Previous conditions were breached and could not be enforced by the Council due to problems in identifying the legal owners of the access. In 2009, permission for Phase 3 was refused again because the access road was considered unsafe for vulnerable pedestrians.
- The access is a single track road with small pavement, continually blocked by cars parking on it and large gates from Brooklands House opening across it thus people and two way traffic share the single access road.
- The developer is proposing 32 flats with 20 parking spaces and 20 cycle spaces. This is unrealistic. Most likely there would be 20 privately owned cars and there will be additional visitors and delivery vehicles resulting in traffic congestion.
- It is however desirable that the site should not be left idle. A maximum of 12 flats would be realistic.
- Access is not safe for emergency vehicles to use.
- More land has not been purchased yet to widen the access so the situation still remains as before when the first application was refused.

### Consultations/Publicity responses

Highways Officer	Recommends conditions and informatives.
Environmental Health Officer	Recommends conditions to deal with any potential land contamination.
Tree and Landscape Officer	The existing planting should be adequately retained. However, loss of these trees would not be enough to justify refusal of permission.
Housing Development Officer	The required level of affordable housing has already been provided in Phases 1 and 2. This should be tied up in a section 106 Agreement.
Waste Planning Officer	<ul style="list-style-type: none"> <li>• Bin store will need to be able to store 12 x 1100 litre bins.</li> <li>• Details of the design of the bin store that shows how the bins will be placed in order to allow residents to access the bins without first having to move other bins.</li> <li>• Tracking details using the Council's collection vehicle specification.</li> </ul>

Environment Agency	No objection subject to 6 conditions to deal with flood risk, land contamination and pollution of controlled waters.
Buckingham and River Ouzel Internal Drainage Board	Recommends an appropriate condition to deal with flooding.

### **Determining Issues**

The main considerations of the application are;

1. Principle of the development
2. Access and parking provision
3. Character and appearance of the area
4. Impact on residential amenity
5. Flood protection
6. Other matters

### **Considerations**

#### **1. Principle of the development**

The site is allocated for residential development (H1-12) in the South Bedfordshire Local Plan Review, therefore there is no objection in principle to residential development. The guidelines in the schedule accompanying Policy H1 include references to the following for the Local Plan site:

- Requirements for flood protection and mitigation measures to be put in place before development begins
- an indicative net capacity of 54 dwellings, but suitable for high density development including flats.
- Low car parking provision is appropriate.
- Section 106 Agreement required for developer contributions for education, social, recreation/leisure and community facilities.

The previous application that was refused by the Council and subsequently dismissed on appeal, reference **SB/TP/08/01116** is also a material consideration. What the appeal decision confirmed is that the principle of residential development on this site is acceptable subject to the provision of an acceptable access. Since the appeal was determined, two fundamental changes have occurred which are material to the determination of the current application. The applicant confirms that additional land has now been purchased to enable the improvement of the access and the Government abolished most of the national policies and replaced them with the National Planning Policy Framework which came into force on the 27th March 2012.

National advice contained within the NPPF at paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land. Together with the earlier phases of development, the proposal would provide a total of 106 units, which is well above the indicative

figure set out in the Local Plan. However, we consider that the scale and character of the development would be compatible with the character of the site and area, and in accordance with national advice we consider that effective use would be made of this brownfield site.

The only issue that remains to be resolved is therefore the improvement of the access to the existing and proposed development.

## 2. Access and Parking Provision

The sole reason for refusing planning permission for the previous application, reference, **SB/TP/08/1116** related to the layout of the means of access as discussed above. This application proposes to increase the number of the flats by 32, to a total of 106 and the use of the Vimy Road access. The application proposes to alter the existing access to address the previous problems and the site plan now shows the whole of the adjoining car park and Aldi site falling within the applicant's control. The applicant states that additional land has been acquired to the north of the existing access road to secure some improvements. The applicant proposes to provide the following :

- a new 2.0m wide footway on the south side of the access;
- a footway protected by bollards to prevent vehicles from parking on it;
- a 4.8m wide carriageway leading to a 3.7m wide "pinch point" at the site access;
- a 1.8m wide parking aisle on the north side which is long enough to accommodate 3 cars; and
- a 0.5m wide margin between the parking aisle and the new fence line.

On the basis of these proposed access improvements, the development would be acceptable subject to the imposition of appropriate conditions and entering into a Section 106 Agreement to ensure that no residential development starts until the approved improved access has been constructed to an adoptable standard and measures are also in place to maintain the access until adoption.

National advice contained within the NPPF at paragraph 203 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Further advice at paragraph 206 is quite clear that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

With regards parking provision, the NPPF places emphasis on the need to promote sustainable means of transport by, among other things, reducing the need to travel. Local Planning Authorities are advised, at paragraph 39 to consider the following factors when setting parking standards:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

The application site is considered highly accessible by public means of transport and the town centre is within walking distance. Whilst the proposed level of parking provision falls below standard, it is considered that a refusal on this basis would be difficult to defend at appeal having regard to the planning history of the site. The scheme has previously been tested at appeal and the Inspector identified the substandard access as the only reason for dismissing the appeal.

The applicant has also agreed to improve the pedestrian access from Townbridge Mill to the River Ouzel footpath to provide for access for all. The continuation of the riverside footpath/cycleway northwards would also be secured by this development and thereby provide an important additional sustainable link for the locality.

**3. Character and Appearance of the area**

National advice contained at paragraph 56 of the NPPF is quite clear that the Government attaches great importance to the design of the built environment stating 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. In this case, the development would sit comfortably in the proposed location and would complement the first two phases of the development. The proposed design includes steeply pitched gables, brick dentil courses and brick arches, which reflect the vernacular style often found along canal/river frontages. Taken with the balconies, the proposal in design terms is considered to celebrate its waterside frontage location.

**4. Residential amenity**

The only concern is with regards potential noise disturbance to the future occupiers of the flats due to the proximity of a superstore and a car breakdown garage. However, it is considered that an appropriate condition would adequately mitigate the potential harm.

**5. Flood Protection**

The application site is located within 10 metres of the River Ouzel, and is shown on the Environment Agency indicative flood zone map as an area within Flood Zone 2&3 (Area of medium and high risk). As a consequence a flood risk assessment was submitted with the application by Westwood Environmental Engineering. The Environment Agency has confirmed that the proposed development lies within an area that poses an unacceptable risk to the environment and as such, recommends appropriate conditions in mitigation.

**6. Other matters**

Whilst the NPPF maintains, at paragraph 12 that the development plan continues to be the starting point in determining applications for development in line with section 38(6) of the Planning and Compulsory Purchase Act 2004, it nevertheless states, at paragraph 14 that Local Planning Authorities should approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in



this Framework indicate development should be restricted. Development Plans adopted outside the framework of the 2004 Planning Act are considered, for purposes of the NPPF, to be out of date. The South Bedfordshire Local Plan Review falls into this category. In such cases, due weight can only be given to relevant policies in the existing plans according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

It is considered that the policies relied upon to determine the current application are broadly consistent with the NPPF and as such, have been given significant weight., other than Policy T10 for controlling parking in new developments.

A petition signed by interested parties was received opposing the proposed development primarily on the grounds that the existing access is not fit for purpose and the proposed development would only make the situation even worse. The matters raised in the petition have planning merit and have been given significant weight in the determination of this application. It is therefore considered that the current application presents a good opportunity to resolve the access issues given that this could not be resolved through the previous permissions. The applicant's agent has confirmed that a Section 106 Agreement which requires the improvement of the access prior to the commencement of the development would be acceptable and also for the Agreement including making financial contributions as detailed below:

- £27, 720.00 towards transportation measures
- £24, 672.00 towards Open space/Community Facilities
- £20, 864 towards Health Facilities
- £8,544.00 towards Social and Community Infrastructure
- £1,664.00 towards Waste Management
- £3,584 towards Emergency services
- £10,000.00 towards the provision of public art
- £12,000 to upgrade the section of FP28 that extends northwards from the edge of the development site to the Vimy Road play area (to intersect with the existing cycleway running alongside the river to Twelve Arches) with tarmac. Alternatively, the developer to upgrade this path.

**Total : £109, 048**

#### Affordable Housing

The proposed development requires that 35% of the dwelling units should be provided as affordable housing and this equates to 11 units. It is noted however that this level of provision has already been met in Phases 1 & 2. The Housing Development Officer concurs and requests that this should be reflected in a section 106 Agreement.

**RECOMMENDED** to authorise the Head of Development Management to issue the grant of **PERMISSION** subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act in respect of:

- upgrading the existing access to an adoptable standard prior to commencing and measures to maintain the access prior to adoption
- Sustainable transportation measures
- Open space/Community Facilities
- Health Facilities
- Social and Community Infrastructure
- Waste Management
- Emergency services
- Public art
- Upgrading Footpath (FP28 )
- Retention of existing Affordable Housing Provision at Phases 1 & 2

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

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

- 3 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings together with details of**

**window frames, reveals and cills shall be submitted to and approved in writing by the Local Planning Authority. The windows which are intended to be opening shall be designed to ensure adequate ventilation for internal areas when closed.**

**Reason: To control the appearance of the buildings and to ensure that the flats are not adversely affected by external noise.  
(Policy BE8, S.B.L.P.R).**

- 4 **Before development begins, a scheme for fencing, to take into account 'Secured by Design' principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

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

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 21 October 2008, reference 940/R03, compiled by Weetwood Environmental Engineering, and the following mitigation measures detailed within the FRA

1. Limiting the surface water run-off generated by the 100-year (plus climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
3. Flood-resilience measures detailed in section 3.3 of the FRA, in the proposed development.
4. Finished floor levels are set no lower than 82.48 metres above Ordnance Datum (AOD).

**Reasons**

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To ensure safe access and egress from and to the site.
3. To reduce the impact of flooding on the proposed development and future occupants.
4. To reduce the risk of flooding to the proposed development and future occupants.

- 6 **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 the Local Planning 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 site overlies a principal aquifer – Woburn Sands Formation. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The regional use of groundwater in the area makes the site vulnerable to pollution. The overlying Secondary aquifer and nearby River Ouzel are also at risk of pollution from this site. The previous uses of the land which include a petrol filling station, engineering works, factories and warehouses suggest that land contamination should be expected until a phased investigation (covering the whole area within the red line boundary of the planning application) concludes otherwise.

- 7
- Prior to construction, 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 the Local Planning Authority.

Reason: Should the proposed intrusive investigation identify any soil or groundwater contamination onsite, a validation report demonstrating satisfactory remediation of the site is required prior to commencement of the proposed development.

- 8 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 ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 9 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.

Reason: To prevent the pollution of controlled waters. In accordance with the Environment Agency Groundwater Protection Policy, direct discharges into groundwater of surface water run-off are not acceptable and only clean uncontaminated water should be discharged into any infiltration structures. We do not allow construction of infiltration structures in potentially contaminated land. All surface water drainage from areas susceptible to oil contamination must be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained.

- 10 Piling or any other foundation designs using penetrative methods shall not be 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 groundwater.

Reason: The site overlies Principal aquifer. We recommend that piling on sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a "Foundation Works Risk Assessment Report" which should be submitted to and approved by the Local Planning Authority before development commences.

- 11 **Before development begins, a scheme of lighting for the car park shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

**Reason: To ensure security of the car park.  
(Policy BE8, S.B.L.P.R).**

- 12 The bin store shall be kept available for the use of all residents unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate facilities for storage .  
(Policy BE8, S.B.L.P.R).

- 13 Before development begins and notwithstanding the details submitted with the application, details of the specification, design and surface finish to Public Footpath No. 28 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the footpath is constructed to an adequate standard.  
(Policy BE8, S.B.L.P.R).

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

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.  
(Policy BE8, S.B.L.P.R).**

- 15 **Before development begins, a scheme showing the special facilities to be provided for the convenience of disabled persons, particularly those in wheelchairs, including the means of access to any building, their parking facilities and access to any outdoor facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use.**

**Reason: To safeguard the interests of disabled persons.  
(Policy BE8, S.B.L.P.R).**

- 16 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.  
(Policy BE8, S.B.L.P.R).

- 17 **No other part of the development hereby approved shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990) until the highway/access improvement works shown on the approved plan - Drawing Number 08/3180/1 Rev A**

have been completed to the written satisfaction of the Local Planning Authority.

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

- 18 **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.

- 19 **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.

- 20 **Before development begins, details of the levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

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

- 21 **Before development begins, the position of the proposed building shall be pegged out on site and its position approved in writing by the Local Planning Authority.**

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

- 22 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**

**a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**

**b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**

- c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.
- d) Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted dwelling is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

Applicants are advised that, should groundwater or surface water courses be at risk of contamination during or after development, Environment Agency (EA) approval of measures to protect water resources must be sought. Waste Licensing and related matters are also in the remit of the EA.

Reason: To protect human health and the environment.

- 23 Before development commences a noise attenuation scheme shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall identify any windows which would need to be fixed closed and rooms which would require acoustic ventilation. The approved scheme shall be fully implemented before the development is first occupied or brought into use.

Reason: To safeguard residential amenity and to ensure a satisfactory relationship between the residential units and the nearby commercial units.

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

- 24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/01, 08/3180/1A, 08/3180/2, 08/3180/3, 08/3180/4 & 08/3180/5.

Reason: For the avoidance of doubt.

### Reasons for Granting

The proposed development would, constitute sustainable development, enable the effective use of land, contribute towards the provision of a wide choice of housing, and through a Section 106 Agreement, would enable the improvement of the access to the existing and proposed development thereby conforming to the



development plan comprising Policies ENV7, H1, SS1, T14 of the Regional Spatial Strategy for the East of England, Policy 25 of the Bedfordshire Structure Plan, 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**

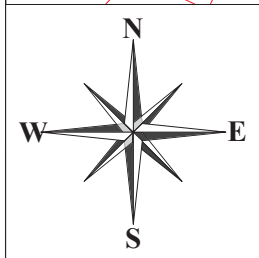
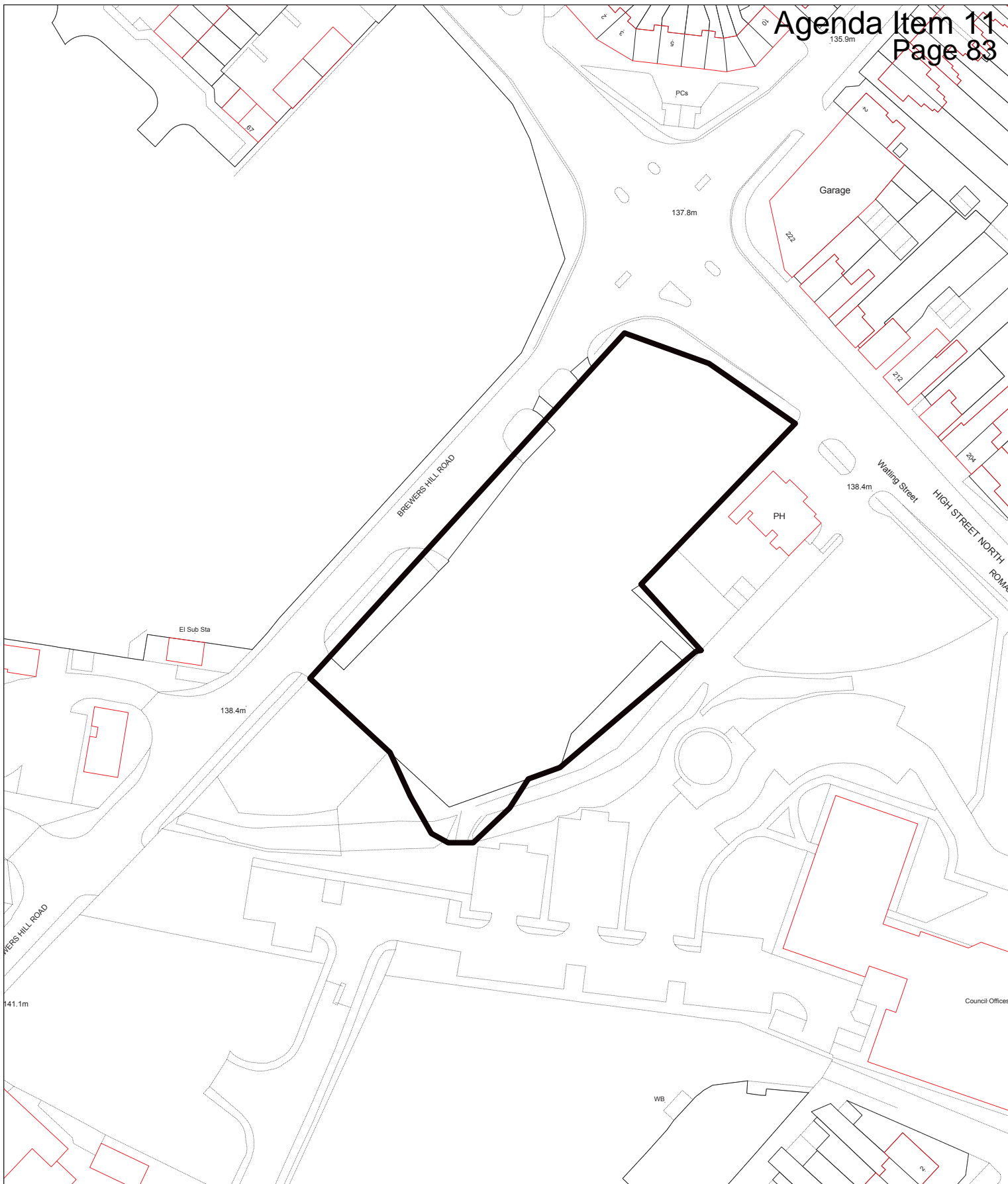
- 1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire 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. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
- 4. 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: 01:June:2012  
Grid Reference: 501066; 222667

Application No.  
CB/12/01650/FULL

Scale: 1:1250

Former Dunstable Fire Station, Brewers Hill Road, Dunstable, LU6 1AA

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<b>Item No. 11</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01650/FULL</b>
<b>LOCATION</b>	<b>Former Dunstable Fire Station, Brewers Hill Road, Dunstable, LU6 1AA</b>
<b>PROPOSAL</b>	<b>Construction of training/education and demonstrator centre with a set of business incubation units, training and parking area.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Green &amp; Murray</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>08 May 2012</b>
<b>EXPIRY DATE</b>	<b>03 July 2012</b>
<b>APPLICANT</b>	<b>CBC</b>
<b>AGENT</b>	<b>Aragon Land and Planning UK LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Nigel Young as the Portfolio holder due to the Council's interest in the development</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is land which previously accommodated the Dunstable Fire Station, which has now been moved to a new location along Brewers Hill Road. The site is now currently in use as an overflow car park for Council employees. (Replacement car parking for the Council is to be sought on alternative land at Brewers Hill Road). The land is bounded on its eastern side by High Street North(A5) and on its western side by Brewers Hill Road. To the south east of the site is the Central Bedfordshire Council Dunstable Offices. To the east of the site is the Mulberry Bush Public House. To the north west of the site is the former Trico site which is currently being developed by Bloor Homes. The site is part of several derelict or underused pieces of land that the Council has identified in the Brewers Hill Road Planning and Development Brief for re-development. It is a prominent location at the junction of a major intersection and gateway into Dunstable. To the east of the site are two mature trees which are both protected by Tree Preservation Orders (TPOs). The site is roughly rectangular measuring approximately 100m deep along the northeast to southwest boundary and 50m wide.

**The Application:**

The application seeks planning permission for the construction of a building for use as an education and demonstration centre with a set of business incubation units, training facilities and associated parking area. The building would be two storey high with a ridge height of approximately 10 metres at the highest point and would have a gross internal floor area of about 2124.78 square metres. Being trapezium shaped, the building would have a north facing orientation towards the A5/Houghton

Road intersection and would be set back from the adjoining Mulberry Bush Public House by about 6.6 metres. A roughly triangular piece of amenity space would be retained to the front of the building together with a Beech Tree which is protected by a Tree Preservation Order (TPO). The north west elevation fronting onto Brewers Hill Road would zigzag to maximise internal light levels. The Willow Tree which currently stands next to the Beech Tree would be removed to accommodate the proposed development.

The existing access off Brewers Hill Road would be retained and would form the sole vehicular access shared with the gritting compound to the immediate south west of the site. Car parking spaces numbering 47 including 4 disabled spaces and 20 covered bike racks would be provided to the south west of the building and an external teaching area would be situated next to the building. It is also proposed to plant trees along Brewers Hill Road.

#### Ground Floor

The ground floor of the building would contain :

4 classrooms  
2 meeting rooms  
demonstration area  
1 cafe and  
ancillary space

#### First Floor

20 incubator units  
4 break out zones  
kitchen and  
ancillary space

Supporting information has been submitted with the application and is contained in the following documents :

1. Design and Access Statement
2. Planning Statement
3. Statement of Community and Stakeholders Involvement
4. Tree Report
5. Energy Statement
6. Building Research Establishment Method (BREEAM)
7. Transport Assessment
8. Travel Plan
9. Heritage Statement
10. Ecological Report
11. Desk Study and Ground Investigation

#### Background to the application

- The application follows recommendations made by consultants commissioned by the Council in 2010 to explore the feasibility of developing an enterprise centre in Dunstable or surrounding areas. The report focused on assessing the nature of any market failure with respect to the provision of space and services for the creation of enterprise and growth in Dunstable and the surrounding area. Once

the market failure had been understood the report went on to look at and broadly appraise the optimum solution.

- The research found that an enterprise culture needs to be fostered in Dunstable and the surrounding area to support regeneration and stimulate job growth and that a number of market failures exist in the area. However evidence shows that a well managed enterprise facility can create demand for start up business/enterprise units and stimulate a local entrepreneurial culture as it becomes an enterprise destination and the centre for wider business growth activities. These factors combine to increase the level of new business start ups and resulting job growth in an area. Such a centre would provide a step change in the type and quality of commercial premises available in Dunstable and surrounding areas.
- The research considered that in addressing the wider market failures there would need to be a number of fundamentals (“must haves”) that the centre would need to provide such as easy-in/easy-out terms; flexible space for business units; shared, community facilities; high quality facilities that can help to increase the footfall through an awareness of the centre beyond the tenants and across a wider network of businesses; fast internet connections and an effective programme of business support.
- The research findings were shared with Central Bedfordshire College, who at the time were developing a European Regional Development Fund (ERDF) Axis 3 Priority project focusing on the provision of a new enterprise facility and a low carbon technology demonstrator space in sustainable construction, to help support the growth agenda and meet local skill needs. Priority Axis 3 funding is part of the €110.9 million 2007-13 East of England ERDF approved programme and seeks to identify and implement best practice in reducing the carbon footprint of businesses, communities and settlements, focusing efficient use of resources, development of clean or renewable energy sources and support for eco-friendly design. The Priority project will also seek to improve overall competitiveness and economic performance.
- This proposed Incuba Centre would provide specialist facilities, start up advice and support, accommodation and wider environment for business growth, whilst demonstrating state-of-the-art renewable energy technologies, low carbon construction and energy efficiency

The Council at its Executive on 23 August 2011 agreed to support the project by putting its land into the development. This would be by way of a long lease at a nominal rent, without capital receipt but to receive a return on the land value from a share of the income from the completed development.

#### **RELEVANT POLICIES:**

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

The National Planning Policy Framework (NPPF) was published on the 27th March 2012 and replaced the previous national planning policy documents, PPGs and PPSs.

##### **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.

E1 - Job Growth.

E2 - Provision of Land for Employment.  
T4 - Urban Transport.  
T6 - Strategic and Regional Road Networks.  
T8 - Local Roads.  
T9 - Walking, Cycling and other Non-Motorised Transport.  
T14 - Parking.  
ENV7 - Quality in Built Environment.  
ENG1 - Carbon Dioxide Emissions and Energy Performance.  
ENG2 Renewable Energy Targets

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

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

Strategic Policy 3: Sustainable Communities.

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

### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure

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

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, with the exception of policy T10, and significant weight should be attached to them.

BE8 Design Considerations  
T10 Parking - New Development  
SD1 Keynote Policy

### **Supplementary Planning Guidance**

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

Planning Obligations Strategy, 2010

Brewer's Hill Road Dunstable, Planning and Development Brief, Adopted 15 May 2012

### **Planning History**

CB/10/04499/REG3	Withdrawn. Installation of 10 metre high lighting columns in car park.
CB/10/03736/REG3	Withdrawn. Installation of 10 metre high lighting columns in car park.
SB/TP/06/00733	Appeal dismissed. Installation of a 12.5 metre high telecommunications column and equipment cabinet. Land adjacent to the Fire Station.



SB/TP/04/00988      Permission. Erection of a 12.5 metre high telecommunications street furniture sectored column incorporating antennas and equipment cabinet and ancillary ground level development.

**Representations:  
(Parish & Neighbours)**

Town Council	Will be reported at the meeting.
Neighbours 21 Lancot Drive	Objection A 2 metre strip of the road should be taken to eliminate the bottleneck and traffic jams at this location.

**Consultations/Publicity responses**

Economic Policy Manager	Provided detailed comments about the background to the Incuba project and the economic benefits to be had.
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Tree and Landscape Officer	I refer to the arboricultural report in respect of the impact on trees at the proposed development of the Incuba Centre Site, Brewers Hill Road, Dunstable (Report Ref TC/1-38-2883), as prepared by John Cromar's Arboricultural Company Limited and dated 29th February 2012.
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It is noted that Section 05.02 of the report discredits the existing Willow tree by referring to the fact that the main branches fork at 2m above ground level, rendering it to be of inferior form. The report also suggests that previous heavy pruning of this tree has been made in an attempt to address the "very poor form" of the tree, and recommends that even further heavy pruning will now be required to prevent biomechanical failure.

I consider that this recommendation is a somewhat extreme and unwarranted response to the characteristics of this tree, since it is observed that the two main trunks do not form a tight fork union, so has no inherent structural weakness associated with this type of defect. I also consider that the previous pruning has not exposed large wounds, and therefore I would not interpret such previous pruning treatment as "extreme crown reduction" that requires it to be considered under the recommendations found in Annex C.4.1 of BS 5837 : 2005, which relates to addressing problems under the heading "*Extreme crown reduction, topping and re-coppicing*".

I also believe that the reference to Section 7.7.3 of BS 3998 : 2010 Tree Work -Recommendations, headed "*Follow-up work after crown reduction or re-shaping*"

suggests a somewhat negative interpretation of this part of the British Standard, as Section 7.7.3 actually refers to a number of crown pruning objectives that can be implemented following previous crown reduction of a tree, many of which allow the tree to retain its natural appearance and desired shape.

It was also noted that Section 05.03 of the report refers to the opportunity to provide generous tree planting between the High Street North elevation and the public footway, suggesting the use of a *Metasequoia glyptostroboides* and *Crataegus lavalleyi* 'Carrierei'. It should be recognised that these trees are not of the same stature or spreading habit of the Willow, and will not provide the same degree of crown size that is such an influence on amenity value (Ref. Arboricultural Association Guidance Note 4 - "Visual Amenity Valuation of Trees and Woodlands", by R Helliwell).

In summary, I do not accept that the report justifies the felling of the Willow tree on the basis of its growth form and previous pruning management, and consider that the loss of this tree will not be compensated by the proposed replanting of trees recognised as having less stature and crown size, thereby leading to a loss of visual amenity on the street scene.

Highways Officer

The proposal is for a facility as an extension to the educational offering of the college. The facility will provide around 2,200m<sup>2</sup> GIA, with a further 1,200m<sup>2</sup> of external education/innovation space.

The new Centre will provide a combination of classrooms, rental 'Incubator' office spaces, flexible meeting/conference rooms, a large multi functional demonstrator area, cafe, break out collaboration areas, an outdoor training area as well as administration offices.

It is stated that in relation to parking it is intended that this will be allocated partly to the different component uses; a division of car parking spaces will occur and will provide for the users:- of the ground floor of the building; of the Incubation Units and for teaching staff.

The layout shows 47 parking spaces and a further 4 disabled spaces, although due to the innovative nature of the application there is not any evidence of how much parking would be required and for that reason I would not recommend refusal on the grounds of insufficient parking. There are a total of 20 covered bicycle parking spaces. This is insufficient and should be increased and conditioned in the travel plan that if required should be increased further.

Access is by way of a simple junction from Brewers Hill Road some 100m from its junction with the A5 (High Street North).

Within the Transport Assessment (TA) a total vehicle trip rate in the AM and PM peak is predicted to be 70 and 54 respectively. The TA states that due to the existing flows on the network at this point the increase is immaterial. I do not consider this to be an acceptable approach, however regardless of this statement a model was completed for the A5/Brewers Hill Road junction. I could take issue with this but the implications could be considered marginal and if accepted by the Highway Agency and considering this road is under the jurisdiction of the Highway Agency I will not comment further.

However, the proposed junction into the site from Brewers Hill Road has not been modelled and considering that this junction would experience a total flow of 70 in the AM peak (as well as the high flow on Brewers Hill Road) I am concerned about this and have required the applicant to carry out modelling to demonstrate if there would be a need to install a simple junction with a right turn lane. We will report on this matter further at the Committee and if necessary, the improved junction could be provided through a Section 106 Agreement.

Having looked at the drawing there is not a proposal to close off the existing accesses from the site to Brewers Hill Road (which served the old fire station). This is an oversight and must be done. However it is noted that there is quite an expanse of existing accesses to be closed off and it may be more appropriate to convert part of these old accesses to either a bus stop lay-by or lay-by for setting down and picking up. It may be that this may require alterations to the existing Traffic Regulation Order. This could be covered by way of condition and/or within the Section 106 Agreement.

There is a new pedestrian controlled crossing point proposed in the location of the site and it will need to be ensured that this does not interfere with the proposed new junction. This can be dealt with by way of a condition.

There is a cycle way/footpath along the new Luton/Dunstable bus way and it would be appropriate to promote this route and for that reason there should be a contribution towards upgrading the link from this site to this facility.

Sustainable Transport	<p>There is no bus service serving the proposed development at this time and it is unlikely that the existing service would be diverted as it would then no longer serve the existing market. However plans are currently being drawn up for the new services associated with the guided busway which will offer the potential for a service along this section of Brewers Hill Road. It is therefore desirable that a bus stop and lay by capable of taking guided busway passengers is provided as part of this development. The busway is planned to open in 2013 at which time service patterns will be clearer which should tie in with the opening of the Incuba site. We also need to consider pedestrian access to the site in the context of the planned crossing of Brewers Hill Road and also pedestrian access to the busway. The proposed pedestrian/cycle route from the A5 north to the busway is not of the best possible standard and therefore this is a material consideration when access by sustainable modes is considered. It is also important that cyclists have a safe route to the development site and until the cycle route is delivered along its length from Brewers Hill Road through the site to A5 North there is a need for a shared use path along the site frontage.</p>
Highways Agency	<p>Recommends conditions for the submission of a revised Travel Plan.</p>
Sustainable Growth Officer	<p>The Energy statement does not seem to be adequate, it has quite a few shortcomings:</p> <ul style="list-style-type: none"><li>- no information provided how the annual energy demand for the building was calculated (Table 2) and therefore I cannot verify whether what is proposed will actually achieve the required 10% energy from renewable or low carbon sources;</li><li>- conversion factors used in Table 1 are from the previous Building Regs (PART L 2006), this should be updated to 2010;</li><li>- no information on how the costs and benefits of considered energy solutions were calculated (the cost of energy seems to be out of date - the quoted prices are very high);</li><li>- there is no information on why the PV and solar hot water has been recommended.</li></ul> <p>In regards to any potential conditions attached to a planning permission I can think of 2:</p> <ol style="list-style-type: none"><li>1. The building should achieve BREEAM Excellent rating.</li></ol>

2. 10% of energy demand of the building should be supplied from low or zero carbon sources.

Building Control

The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.

Some of the information provided may be part M compliant but from the limited information provided it is hard to determine.

Archaeologist

The proposed development fronts on to Watling Street (HER 5508) on the line of the present A5. Watling Street was one of the main arterial routes of Roman Britain running from London to the north west of the Province. It is a heritage asset with archaeological interest as defined by the *National Planning Policy Framework*. There is also evidence for extensive prehistoric, Roman and Saxon occupation in the broader surrounding area and the Roman and medieval towns of Dunstable lie to the south east partly on the alignment of Watling Street.

Policy 128 of the *NPPF* says that local planning authorities should require an applicant to describe the significance of any heritage assets affected by the proposed development. Where the proposal includes or has the potential to include heritage assets with archaeological interest the applicant should submit an appropriate desk-based assessment or where necessary a field evaluation. A *Heritage Statement* has been submitted as part of the application so it conforms to the requirements of Policy 128 of the *NPPF*.

The *Heritage Statement* refers to the Development Brief for the site, a desk-based assessment prepared some years ago on behalf of EEDA and pre-application discussions with the Archaeology Team. It concludes that the proposed development site has low archaeological potential and that as that as no heritage assets with archaeological interest will be affected by development of the site no further archaeological investigations will be required.

The site's location beside a major Roman road just beyond the limits of a Roman town in an area known to contain extensive remains of prehistoric, Roman and Saxon occupation mean that it does have archaeological potential. However, previous uses of the site, including as fire station and the surrounding industrial uses such as a gas works mean that the ground is likely to be heavily

disturbed, which will probably have had a substantial impact on the survival of archaeological remains. This is borne out by the geotechnical report included in the application which shows that there is a considerable depth of made ground following extensive ground disturbance. As site conditions mean that archaeological deposits probably will not to survive to any extent the proposed development is unlikely to have a serious impact on archaeological remains that would result in a loss of significance to heritage assets with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.

Environmental Health  
Officer

No objections. The applicant's consultants have carried out a desk study ground investigation and have recommended:

- Discussions with the local authority with regards to ground gas and human health risks
- Discussions with the Environment Agency with regards to the risk to controlled waters
- Soil infiltration rate testing in trial pits in accordance with BRE 365
- The writing of a Remediation Method Statement
- Remediation of the site (cover system) and
- Validation of remediation works

A condition tying these issues in the permission is therefore appropriate.

The Design and Access Statement states that the use of the building will not create any significant noise disturbance to adjoining properties and that no other pollution emissions are identified. A B1(c) use is one of the uses proposed therefore a separate noise condition should not be necessary.

Environment Agency

We consider that planning permission should only be granted to the proposed development as submitted if the appropriate planning conditions are imposed as recommended by the Agency. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

**Advice to LPA (1)**

The site is located on the chalk principal aquifer (part of the Upper Bedford Ouse Chalk groundwater body, a Water Framework Directive drinking water protected area). Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They support water supply and river base flow

on a strategic scale. The overlying soils at the site are classified as having a high leaching potential, meaning they can readily transmit a wide variety of pollutants to the groundwater.

The regional use of groundwater in this area makes the site highly vulnerable to pollution.

Potential sources of contamination have been identified to include former fuel tanks. Contaminants associated with this source include hydrocarbons. Hydrocarbons have the potential to move from the soil into the groundwater at this site. Although elevated levels of hydrocarbons were not found to be present on site, the nature of soil and groundwater contamination is such that even where comprehensive site investigation is undertaken, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered. See also Reason 1.

#### **Advice to LPA (2)**

It is important that remediation works, if any, are verified as completed to agreed standards to ensure that controlled waters are suitably protected. If the works to comply with our Condition 1 find no contamination or that the risks from any such contamination are acceptable, then works to comply with this condition will not be required. See also Reason 1.

### **Determining Issues**

The main considerations of the application are;

1. Principle of the development
2. Impact on the character and appearance of the surrounding area
3. Impact of the development on the preserved trees
4. Impact on residential amenity
5. Impact on the provision of sustainable modes of transport and highway safety
6. Other material considerations

### **Considerations**

#### **1. Principle of the development**

The principle supporting the re-development of the site is clearly established in the recently published National Planning Policy Framework (NPPF) which carries a presumption in favour of sustainable development. At the heart of the NPPF is a commitment by the Government to secure economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and meeting the twin challenges of global competition and of a low carbon future.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should therefore be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities are therefore required to plan proactively to meet the development needs of business and support an economy fit for the 21st century.

The Incuba project reflects these national objectives in many ways which have been articulated in the Brewers Hill Planning and Development Brief. The brief was adopted by the Council's Executive on 15 May 2012, with the aim of guiding and promoting the regeneration of a number of opportunity sites in Brewers Hill Road. Ancillary development on adjoining sites at Brewers Hill could include grow-on space for the small and start-up businesses once they become more established and have a need to grow.

The new centre would provide training and demonstration space and lettable incubation space within 26 business units. The demonstration space would include a number of low carbon technologies for their adoption by businesses or for training to individuals on these new technologies. Within the ERDF Business Case it is estimated that the Incuba project would deliver 125 new direct jobs and support 205 businesses to either start up or grow by 2013, in addition to wider skills development and business innovation activities stemming from the centre, stimulating further local jobs and business growth. These figures are based on experience from similar historic projects, expected employment densities from floor space available and through consultation with business support providers. The project will play a significant part in attracting new private sector investment to the area and developing an enterprising culture in the Dunstable/Houghton Regis area.

#### Summary of the Economic benefits

The project addresses the findings of the Council's Local Economic Assessment (January 2011) relating to the need to stimulate business growth and take up of business support.

This will be achieved through providing local access to dedicated support and funding programmes, providing business networking and best practice learning opportunities and offering a step change in the quality and quantity of business start up accommodation in the area. Through the provision of targeted business support the Incuba project seeks to support women and black and minority ethnic communities to maximise business start up in these groups.

The project directly supports the Council adopted Economic Development Plan (November 2011) through positively contributing to the following work streams:

- **Setting the direction:** The Incuba project directly demonstrates the Council's commitment to supporting economic growth and support partners to deliver jobs and skills growth locally, in addition to providing new high quality commercial facilities.



- **Maximising Investment:** The Incuba project has secured £1,934,000 from ERDF funding with Central Bedfordshire College providing £2,495,000 of funding from their own resources, for the construction and operation of the centre, representing a significant capital investment into the area. This external investment and the potential longer term impact of the investment in terms of significant private sector investment and multiplier effects would support the on going regeneration of Dunstable
- **Business Support and Sustainable Growth :** Encouraging businesses to seek and access advice and support is essential to business success. The Incuba project will directly provide business support to local business, enhancing and building on nationally available support services. Furthermore, the project will specialise in the Low Carbon economy and supporting Central Bedfordshire businesses respond to the challenge of adapting to climate change. In addition it would strengthen the local economy through supporting the development of this key growth sector in Central Bedfordshire and help address local business concerns over higher energy costs, through the adoption of more efficient process and reducing waste. The Incuba project seeks to save 14.2 tonnes of CO2 emissions within Central Bedfordshire.
- **Promoting Enterprise and Career Opportunities:** Helping people to be more entrepreneurial in developing their careers is underpinned by promoting local success and celebrating achievement of all our people and local businesses. The Incuba Centre will provide high quality information, advice and guidance on the opportunities to develop skills and start business, addressing the highlighted market failure.
- The Incuba project through its focus on the provision of skills and engagement with local businesses, will also address the Council's work streams on meeting business skills needs and employer engagement.
- The project also supports the wider Council objective of educating the local community and providing young people with opportunities, through supporting the College's ambitions for the area and the provision of additional high quality demonstrator space for learning opportunities and promoting business and education collaboration. Furthermore, the project aligns with the Central Bedfordshire University Technical College in the area, complementing Dunstable and Houghton Regis's growth educational offer and importantly further meeting government and local priorities to support business engaging and vocational training opportunities.
- In terms of future growth aspirations for the area, the North Houghton Regis growth area will provide 7,000 homes and 40ha of employment land, providing future students and businesses to access the Centre's support services. This development at Brewers Hill Road complements the wider work taking place to regenerate Dunstable Town Centre through the Masterplan to guide and encourage future regeneration and investment in the area.

- Data from Jobcentre Plus on the type of jobs available locally through their offices in Dunstable, Leighton Buzzard and Biggleswade, shows that at the end of 2011 around 600 construction jobs were advertised in Central Bedfordshire, but only 10 people were seeking this type of work. This demonstrates the importance of a centre to train students in sustainable construction skills to meet local demand in an area with high levels of unemployment.
- Central Bedfordshire Council's support for the project will enable the delivery of a new exemplar Enterprise facility to stimulate the local economy, deliver jobs and training and support the developing low carbon sector. Support will realise £4.5million of externally secured funding, and help stimulate new business growth and enterprise within the Dunstable and Houghton Regis area, thus making an essential contribution to the delivery of the Council's adopted Economic Development Plan.

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

South Beds Local Plan policy BE8 states that proposals should complement and harmonise with local surroundings. In terms of its overall height and siting in a prominent location, the building would be an appropriate landmark feature when approaching Dunstable town centre from the north. The building is also designed to achieve maximum energy efficiency ratings. However, the building would result in the need to remove one of the protected trees which makes a significant contribution to the character and appearance of the area. The importance of the Willow tree and indeed the Beech tree which stands close to it is recognised in the Design Brief which was recently adopted by the Council. This Brief is a material planning consideration. The Tree and Landscape Officer advises on the need to resist any development that would result in the loss of the tree. Whilst it is acknowledged that the removal of the tree would cause detrimental harm to the character and visual appearance of this prominent site, it is considered that this harm would be mitigated by replacement trees that could be planted in different positions along Brewers Hill Road. Furthermore, the proposed building would be aesthetically pleasing and hence would add interest to this prominent site.

**3. Impact on the preserved trees**

The Brief identifies the need for new developments to take into account the retention of the existing protected trees on site which are considered to provide a valuable natural asset that adds character to an otherwise monotonous road junction. The development proposals should recognise the importance of the protected trees in this corner location and landmark buildings provided on the corner of Brewer's Hill Road would also aid this. The application is accompanied by a tree report which concludes that the Willow Tree is not of a good enough quality to merit retention. The report also considers that replacement trees could be planted to mitigate any visual harm arising from the loss of the tree. The Council's Tree and Landscape Officer has however refuted the conclusion of the Tree Consultant. The tree was protected for its benefit to the visual appearance of the surrounding area. While this is an important consideration, it has to be weighed against the benefit to be had from the development. As discussed above, the proposed development offers immense economic and educational benefits and in design terms, the building would improve the appearance of this prominent gateway site. Although the replacement trees would not afford the

same level of visual amenity as the Willow Tree to be removed, a condition requiring the implementation of a landscaping scheme would ensure that adequate mitigation is available.

**4. Impact on the amenities of nearby residents**

South Beds Local Plan policy BE8 states that proposed development should not have an unacceptable adverse effect upon general or residential amenity and privacy.

The closest residential property to the proposed development would be the residential accommodation at the public house which would be separated from the building by about 6.6 metres. There are also residential properties on the opposite side of High Street North around 100 metres from the lighting columns. The former Trico site currently being developed on the opposite side of Brewers Hill Road has the residential element of the development around 900 metres from the site and the original proposal includes employment premises between the residential properties and Brewers Hill Road.(The Brewers Hill Development Brief does not provide for residential development of that land either).

It is considered that due to the distances between the proposed building and existing and proposed residential properties and the proposed use of the building there would not be an adverse impact on the residential amenities of nearby residents. It is considered that the proposal is in accordance with policy BE8.

**5. Impact on the provision of sustainable modes of transport and highway safety**

The scheme makes provision for 47 off-street parking spaces, 4 disabled spaces and 20 covered cycle storage racks. The site is highly accessible by public means of transport. The Planning and Development Brief identifies the site as one that is well served by different modes of public transport. There are bus stops along the A5/High Street North, Houghton Road and Brewers Hill Road. These routes provide a link to the Dunstable town centre and the surrounding settlements like Houghton Regis, Luton, Leighton Buzzard and Milton Keynes. All the roads surrounding the application site have footpaths although it is noted that there are no formal pedestrian crossing facilities at the A5/Houghton Road/Brewers Hill junction. National Cycle Network 6 Route runs close to the site. Furthermore, the Luton Dunstable Busway which is under construction will run close to the site and will terminate at the Portland Ride Stop, approximately 600 metres from the site. The Busway will aim to provide a frequent and dependable high quality bus service linking Dunstable, Houghton Regis and Luton. It is therefore considered that appropriate conditions and a Section 106 Agreement to secure improvements of the site access and the revision of the Travel Plan and financial contributions to upgrade the cycle and pedestrian network would ensure an adequate provision of sustainable modes of transport. With the implementation of measures contained in the Section 106 Agreement and Travel Plan, the development would not be prejudicial to highway safety.

**6. Other material considerations**

The proposed development has been the subject of pre-application discussions and consultations which pre-dated the publication of the National Planning Framework. During discussions and in exchange of correspondence with the

applicant's agent, the Council's position with regard the need to explore alternative solutions that would preserve the Willow Tree remained consistent. An alternative scheme which would have saved the tree was presented but was faulted on several design grounds. The NPPF which came into force on the 27th March requires that having regard to the benefits to be had from a proposed development, local planning authorities should adopt a presumption in favour of sustainable development.

The objection received from a local resident is noted. However, it is considered that this concern is adequately addressed in the Planning and Development Brief under the heading, 'Traffic Impact' in paragraphs 13.5 -13.10. The Brief recommends that any new development should be extremely sustainable. As already discussed, the site is well placed to promote sustainable modes of transport. Travel planning is also identified in the Brief as a key factor in reducing the vehicular impact at the A5/Brewers Hill/Houghton Road junction. This will be the subject of planning conditions and an Agreement under Section 106.

## **7. Conclusion**

Section 14 of the National Planning Policy Framework states that at the heart of the framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-making. For decision - taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or
  - specific policies in this Framework indicate development should be restricted.
- It is the case that the South Bedfordshire Local Plan Review is out of date within the meaning of paragraph 215 of the NPPF.

Under the circumstances, a development proposal can therefore only be rejected after carrying out a balancing exercise and concluding that the impact would demonstrably be so adverse as to significantly outweigh the benefits of the development. In this case, the benefits of the development are :

- Employment creation
- Provision of a much needed educational facility
- Efficient use of land compared to its current use as a car park
- Revenue to be derived from the development
- Improvement of the appearance of this prominent corner site by erecting a building that would provide an iconic feature in this gateway location into Dunstable

The harm associated with the proposed development relates to the removal of the Willow Tree which is protected by a Preservation Order for the contribution that it makes to the visual appearance of an otherwise monotonous junction.

It is considered that the benefits to be had from approving the development far outweigh the visual harm resulting from the loss of one of the protected trees. It is also worth noting that there are currently two protected trees on the site and one of them will not be affected by the development. This remaining tree will continue to have a positive impact on the appearance of the surrounding area and the proposed landscaping would enhance the character and appearance of the locality.

**RECOMMENDED to authorise the Head of Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act in respect of sustainable transportation measures and provision of a bus stop and lay by, and 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 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

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

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

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

- 4 **Before development begins, the position of the building shall be pegged out on site and its position approved in writing by the Local Planning Authority. The development shall thereafter be implemented in the agreed position.**

**Reason: To enable consideration to be given to the precise layout of the building in the interests of preserving the protected tree and residential amenity.  
(Policy BE8 S.B.L.P.R).**

- 5 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**
- a) **A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
  - b) **Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
  - c) **Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
  - d) **Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted dwelling is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.”**

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

**Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.**

**Reason: To protect human health and the environment.**

- 6 **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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.**

Reason: To protect human health and the environment.

- 7 No occupation shall take place until a verification report demonstrating completion of works set out in an approved remediation strategy and the effectiveness of the remediation has been 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, particularly the Upper Bedford Ouse Chalk groundwater body, from potential pollutants associated with current and previous land uses (including the fire station as identified in submitted documents) in line with Environment Agency Groundwater Protection (GP3:2008) position statements P1-4 and P9-5 to P9-7 inclusive.

- 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.**

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

- 9 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.

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

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

- 11 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.

- 12 **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.

- 13 **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.

- 14 **No development shall take place until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following :**

**The identification of targets for trip reduction and modal shift;**

- **The mechanisms for monitoring and review;**
- **The mechanisms for reporting**
- **The penalties to be applied in the event that targets are not met;**
- **The mechanisms for mitigation including budgetary provision;**
- **Implementation of the Travel Plan (until full occupation) to be agreed timescale or timescale and its operation thereafter;**
- **Mechanisms to secure variations to the Travel Plan following monitoring and reviews.**
- **Mechanisms for managing the Travel Plan and coordinating with other Travel Plans in the development area.**

**The completed development shall be occupied in accordance with the approved Travel Plan which shall be retained in place thereafter unless otherwise amended in accordance with a review agreed in writing by the Local Planning Authority in conjunction with the Highways Agency.**

**Reason :** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.



- 15 Before the development is brought into use, the Travel Plan is to be reviewed by the Local Planning Authority in consultation with the Highways Agency to take on board conditions prevailing at the time and adjustments made to accommodate them.

Reason : To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

- 16 10% of energy demand of the building should be supplied from low or zero carbon sources.

Reason : To meet regional and national targets for reducing climate change emissions  
(Policies, ENG1 & ENG2 E.O.E.P and BE8 S.B.L.P.R)

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1038/12/1, 1002 Rev A, 1100 Rev B, 1110 Rev A, 1111 Rev A, 1112 Rev A, 1120, 1121, 1122 &1130.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development would, constitute sustainable development, enable the effective use of land, contribute towards widening employment and educational opportunities and through a section 106 Agreement, enable the improvement of the cycle and pedestrian network and would not be prejudicial to highway safety and would not harmful to residential amenity thereby conforming to the development plan comprising Policies ENV7, SS1, SS3, SS5, E1, E2, T4, T6, T8, T9, ENG1, ENG2 and T14 of the East of England Plan, Policy 25 of the Bedfordshire Structure Plan, BE8, SD1, 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, the Planning Obligations supplementary planning document and the Brewer's Hill Road Dunstable, Planning and Development Brief, adopted 15 May 2012.

### **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. **Model procedures and good practice:**

The Environment Agency recommends that developers:

1. Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination;
2. Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
3. Refer to our "Verification of Remediation of Land Contamination" report;
4. Refer to our "Groundwater Protection: policy and practice (GP3)" documents (<http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>) (please note that an updated version was consulted upon in late 2011 and the revised position statements may take precedence over the existing policies when we come to review any reports or proposals);
5. Refer to our 'Position Statement on the Definition of Waste: Development Industry Code of Practice'; and
6. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

4. **Removal of former fuel tanks**

The Environment Agency recommends that all redundant fuel tanks are removed from site during its development to reduce the level of risk posed to controlled waters from potential contaminants associated with them.

5. **Decommissioning of redundant boreholes**

The Environment Agency recommends that all redundant boreholes on site are appropriately decommissioned to prevent them from creating preferential pathways for contaminants to move through into the underlying principal aquifer. We recommend that you refer to our "Decommissioning Redundant Boreholes and Wells" report.

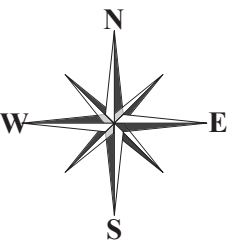
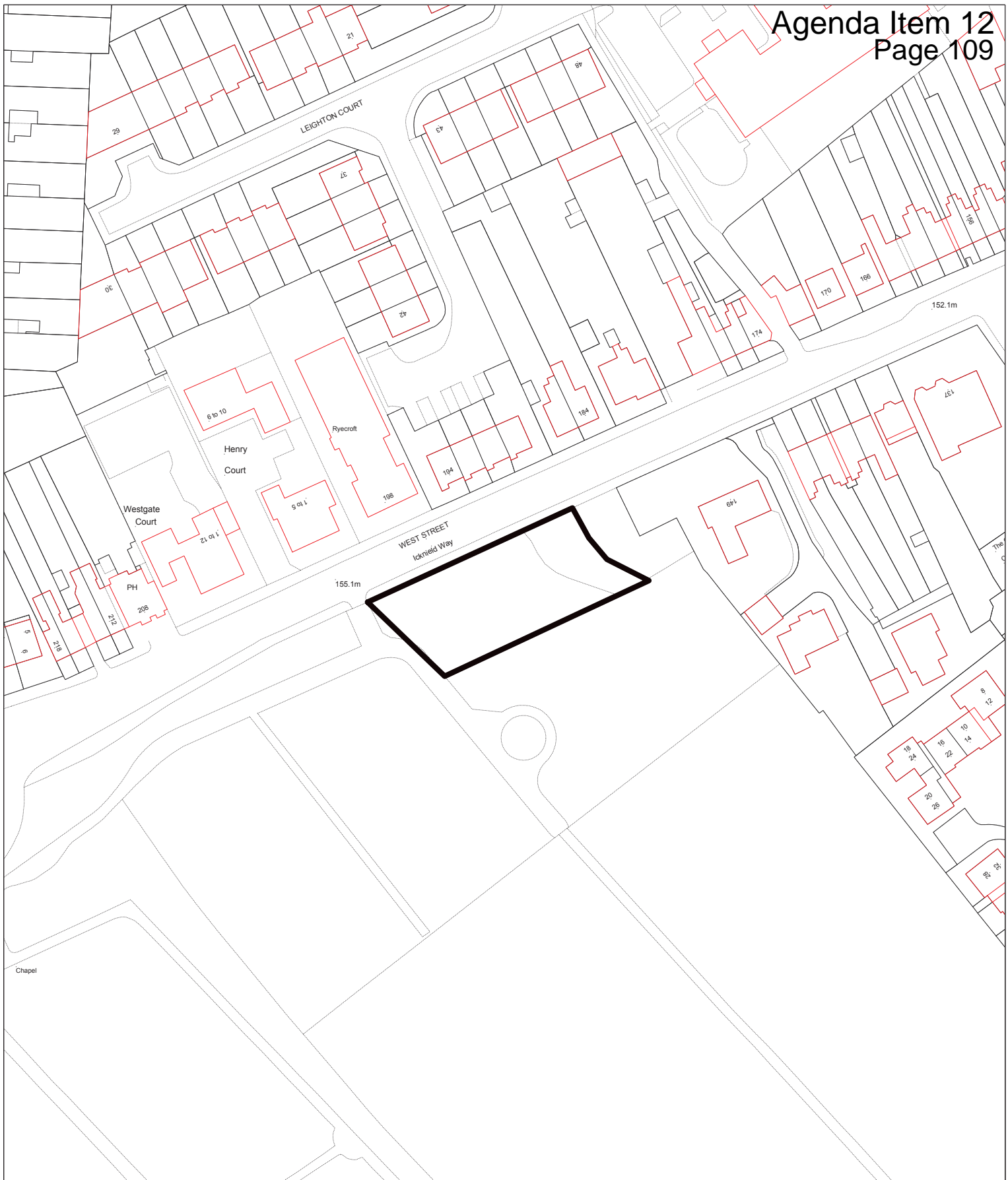
6. The Environment Agency advises that any reference to controlled waters includes inland freshwaters, coastal waters and relevant territorial waters plus groundwater as may be relevant for the proposed development site.
7. The applicant is advised that it will be necessary for the developer of the site 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.
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 Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.

- 9. 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.
- 10. The building should achieve BREEAM Excellent rating.
- 11. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.
- 12. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.
- 13. 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: 01:June:2012

Grid Reference: 501293; 221600

Application No.  
CB/12/01799/ALT

Scale: 1:1250

Victoria Allotments, West Street, Dunstable, Beds

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<b>Item No. 12</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01799/ALT</b>
<b>LOCATION</b>	<b>Victoria Allotments, West Street, Dunstable, Beds</b>
<b>PROPOSAL</b>	<b>Certificate of Appropriate Alternative Development: Compulsory Purchase Order in connection with extension of West Street cemetery, Dunstable, Bedfordshire.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Central</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Hegley</b>
<b>CASE OFFICER</b>	<b>Adam Davies</b>
<b>DATE REGISTERED</b>	<b>30 April 2012</b>
<b>EXPIRY DATE</b>	<b>25 June 2012</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Outside Scheme of Delegation</b>
<b>RECOMMENDED DECISION</b>	<b>Certificate of Alternative Development - Granted</b>

**Site Location:**

The irregular shaped Application Site comprises part of the former Victoria Allotments located on the southern side of West Street between No. 149 and the cemetery (“the Site”). Planning permission was granted in August 2004 for the use of the frontage section of the allotments (extending to approximately three quarters of a hectare) as an extension to the cemetery. At this time the whole of the Victoria Allotments site was privately owned and largely overgrown to scrub land. Subsequently in 2005, the required land was acquired through compulsory purchase by South Bedfordshire Council on behalf of Dunstable Town Council for use as an extension to the cemetery. The Site has now been laid to grass with areas of hard standing providing vehicular access from the cemetery to the west and from West Street to the remaining allotments at the rear.

**The Application:**

The Application is made under Section 17 of the Land Compensation Act 1961 (amended by Section 63 of the Planning & Compensation Act 1991) and seeks a Certificate of Appropriate Alternative Development for the land to establish what planning permissions, if any, would have been granted had the land not been acquired compulsorily.

A Certificate of Appropriate Alternative Development (“a Certificate”) is in effect a hypothetical planning permission provided solely for valuation purposes when a public authority acquires land compulsorily. The classes of development indicated in a certificate can briefly be described as those with which an owner might reasonably

have expected to sell his land in the open market if it had not been publicly acquired. Local Authorities can either refuse to issue a Certificate or grant with or without hypothetical conditions. An application must specify what classes of development are to be considered appropriate but the Local Planning Authority may issue a Certificate for the uses specified or conclude that there is no development for which planning permission would have been given.

The Application states that, in the applicant's opinion the use of the Site as allotments, cemetery or informal open space would be appropriate for the land. It is therefore necessary to consider whether these classes of development or any other classes of development would be appropriate immediately or at a future time

The Application is brought about at the request of Dunstable Town Council, to assist in a dispute over land compensation value. The Application has been included on the agenda partly in the interests of transparency because the application came about at the request of the said Town Council and partly due to the history of the Site which was compulsorily purchased.

#### **RELEVANT POLICIES:**

##### **National Planning Policy**

National Planning Policy Framework

##### **Regional Spatial Strategy**

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

ENV1 Green Infrastructure

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

R12 Protection of Recreational Open Space

##### **Planning History**

DB/TP/73/356 – 18 flats. Refused.

SB/TP/75/116 – 48 flats. Refused.

SB/TP/87/1271 – Residential development. Refused.

SB/TP/88/1373 – Residential development. Refused (Proposal should address designation as non-statutory allotments; incongruous and would prevent comprehensive treatment of similar land in locality).

SB/TP/96/0140 – Residential development. Refused (Loss of important open space; detrimental to character of locality; precedent).

SB/TP/01/0144 – Use of land for residential development. Withdrawn.

SB/TP/03/1226 – Change of use of allotments to cemetery use. Withdrawn.

SB/TP/03/453 – Mixed development incorporating residential development, a cemetery extension and recreational land. Refused (Loss of important open space; contrary to Local Plan Review; residential development detrimental to character of area; insufficient information to address implications for archaeological remains, ground water protection, flooding and traffic).

SB/TP/04/812 – Change of use of allotment gardens to cemetery use. Permission.

SB/TP/07/1481 – Erection of two storey dwelling with detached double garage. Refused. (Would prejudice future comprehensive development of the wider site; loss of important area of open space, to detriment of character of area).



CB/09/06215/FULL – Construction of vehicular access to serve future development. Refused (Loss of important area of open space; to detriment of character of area; detrimental to highway safety).

**Representations:  
(Parish & Neighbours)**

Town Council                      None received at time of drafting report.

Neighbours                        None received at time of drafting report.

**Consultations/Publicity responses**

Leisure services - Play        None received at time of drafting report.  
and open space

**Determining Issues**

In this instance the only issue for consideration is the principle of development on the site.

**Considerations**

**1. Principle of development**

The main purpose of the Certificate is to state what, if any, classes of development would have been granted planning permission had the land not been compulsorily purchased. In determining this, the Local Planning Authority should exercise its planning judgement, taking into account those factors which would normally apply to consideration of planning applications such as the character of the development in the surrounding area, any general policy of the current and foreseeable Development Plan, and national planning policy along with other relevant considerations where the site raises more complex issues which it would be unreasonable to disregard. Case law has established that these issues must be considered at the date when the land is proposed to be acquired.

A further purpose of the Certification procedure is to provide a basis for determining the development value to be taken into account in assessing the compensation payable on compulsory acquisition and as mentioned above the amount of compensation payable by Dunstable Town Council.

The planning history for the Site encompasses several previous planning applications for residential and mixed use development which were refused on the grounds that the proposal would have resulted in the loss of an important area of open space, protected under the Development Plan, and would have been to the detriment of the character of the area.

Section 17(7) of the 1961 Act provides that where land is allocated in the Development Plan for the use for which it has been acquired, a Certificate may not be refused for a particular class of development solely on the grounds that it would be contrary to the relevant Development Plan. In such cases, the Local Planning Authority must ignore Development Plan policies with no function

beyond the acquisition scheme. However, the decision maker may take account of broader policies if these imply that the classes of alternative development suggested by the applicant would not have been acceptable.

This Site is not subject to a specific allocation in the Development Plan but is protected as urban open space under Policy R12 of the South Bedfordshire Local Plan Review 2004. The South Bedfordshire Local Plan Review formed part of the Development Plan for the area at the time the land was compulsorily acquired and remains in force. Policy R12 states that planning permission will not be given for use of open space for non-open recreational purposes except where relatively small scale and essential for the improvement, enhancement or enlargement of an existing open or recreational space. Policy R12 is broadly in line with the National Planning Policy Framework which, in general terms, seeks to protect existing open space, sports and recreational buildings and land and encourage access to high quality open spaces and opportunities for sport and recreation which make an important contribution to the health and well-being of communities (paragraphs 73 and 74). In the interest of the health and well being of communities, the emerging Development Strategy for Central Bedfordshire also seeks to protect existing open space. Draft Policy 22, which concerns leisure and open space provision, states that planning applications that contain proposals that would adversely affect existing accessible open space will not be permitted.

The openness of the Site plays an important part in the character of the area with some views towards the Downs from West Street. Any development which would result in the loss of the openness of the Site would be to the detriment of this character. The principle of reuse for allotments, cemetery use or informal open space in terms of the impact on local amenities and access is considered to be acceptable given the existing adjoining cemetery use and the continued use of the same access arrangements.

The Council's Archaeological Officers have previously noted that the Site is adjacent to the Roman town of Dunstable (HER 135) and to the Icknield Way (West Street), a prehistoric routeway (HER 353), both of which are archaeologically significant areas. Between 2004 and 2009 a series of archaeological investigations were carried out on the land to the south west of the Site. These investigations confirmed the presence of features associated with the Icknield Way, a burial and Roman settlement activity. However, provided that adequate provision is made as part of any planning permission for the investigation and recording of any archaeological remains that may be affected, the Local Planning Authority has considered that this does not present an over-riding constraint to development on this site. The same considerations would also apply to the use of the site as allotments, cemetery or informal open space.

Having regard to the Development Plan, the size and location of the Site, the character of the area and the planning history for the Site, it is considered that, had the land not been compulsorily acquired, planning permission would have been given for its use as allotments, cemetery or informal open space, and would not have been granted for any other development. A Certificate for the specified classes of development should therefore be granted.

**Recommendation**

That a Certificate of Appropriate Alternative Development be GRANTED for development as allotments, cemetery or informal space and no other class of development.

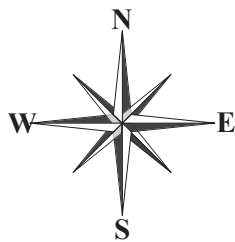
**Reasons for Granting**

Having regard to the Development Plan, the size and location of the Site, the character of the area and the planning history for the Site, had the land not been compulsorily acquired, planning permission would have been given for its use as allotments, cemetery or informal open space, and would not have been granted for any other development.

**DECISION**

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Date: 12:June:2012

Map Sheet No

Application No:  
CB/12/00718/VOC

Scale: 1:7500

The Marston Vale Millennium Country Park, Station Road, Marston  
Moretaine.

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**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/12/00718/VOC</b>
<b>LOCATION</b>	<b>The Marston Vale Millennium Country Park, Station Road, Marston Moretaine, Bedford, MK43 0PR</b>
<b>PROPOSAL</b>	<b>Variation of Condition: removal of condition 9 (refers to noise levels) of planning permission CB/11/04077/FULL (Erection of a wind turbine, up to 120.5 metres in height, and ancillary infrastructure)</b>
<b>PARISH</b>	<b>Marston Moretaine</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllr A Bastable, Cllr S Clark, Cllr K Matthews</b>
<b>CASE OFFICER</b>	<b>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>28 February 2012</b>
<b>EXPIRY DATE</b>	<b>29 May 2012</b>
<b>APPLICANT</b>	<b>Blue Energy Marston Vale Ltd</b>
<b>AGENT</b>	<b>AMEC Environment and Infrastructure</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application with an objection from the Parish Council.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>

**Site Location:**

The application site is situated at the Marston vale Millennium Country Park, Station Road, Marston Moretaine. The Forest Centre building sits within the country park and operates as a visitor centre, cafe and office/training facilities. The building is of a modern, almost contemporary design with weatherboarding and a rendered finish. The park has a circular cycle route, horse trail and a wetlands area.

The site lies within the Forest of Marston Vale which is one of 12 community forests established by central government in 1991.

Planning permission was granted on the 2nd February 2012 of this year, reference number CB/11/04077/FULL for the erection of a wind turbine, up to 120.5 metres in height, and ancillary infrastructure in Marston Vale Millennium Country Park.

**The Application:**

This application seeks to remove condition 9 of the planning permission which relates to Excess Amplitude Modulation (EAM).

In terms of the application the principle of development is acceptable and there have been no other changes to the application. It is therefore considered that the assessment made under application CB/11/04077/FULL is current and there have been no material changes that necessitate these issues being re-assessed.

Therefore the only issue for consideration in this application is whether condition 9 meets the test of conditions set out in the National Planning Policy Framework and given the evidence submitted whether the condition is still seen as necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## **RELEVANT POLICIES:**

### **National Policies**

National Planning Policy Framework

### **Regional Spatial Strategy**

East of England Plan (May 2008)

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

CS3: Healthy and Sustainable Communities

CS4: Linking Communities

CS11: Rural Economy and Tourism

CS13: Climate Change

CS15: Heritage

CS16: Landscape and Woodland

CS17: Green Infrastructure

CS18: Biodiversity

DM1: Renewable Energy

DM4: Development within and beyond settlement envelopes

DM14: Landscape and Woodland

DM15: Biodiversity

DM16: Green Infrastructure

DM17: Accessible Greenspaces

### **Supplementary Planning Guidance**

Mid Bedfordshire District Landscape Character Assessment Final Report August 2007

### **Planning History**

MB/97/00807/FULL	Full: Creation of a cycle path and horsetrail around perimeter of site. creation of wetland habitat. Proposed visitor centre (including one wardens flat) and associated car parking and access. Approved:
MB/98/01203/FULL	Full: Erection of visitor centre, construction of car park and pergola. (revision to planning permission ref. 29/97/807 dated 4.11.97). Approved: 03/11/1998
MB/03/01771/ADV	Advertisement Consent: Replacement main entrance sign, 3 no. access road signs (one double sided) and one wall mounted entrance sign on building. Approved: 15/12/2003
MB/04/00183/FULL	Full: Change of use of land for retention of existing shipping container for storage of country park machinery and tools.



	Approved: 09/04/2004
MB/04/02239/FULL	Full: Alterations to cycle, pedestrian and wheelchair access to Country Park. Approved: 11/02/2005
MB/05/01818/FULL	Full: Erection of temporary meteorological mast up to 30 metres in height. Approved: 12/01/2006
MB/06/02012/FULL	Full: Formation of secure store under existing observation deck. Approved: 23/01/2007
MB/07/00195/FULL	Full: Retention of an existing temporary 30m meteorological mast for a further period of up to two years. Approved: 21/03/2007
MB/07/01136/FULL	Full: Extension to kitchen. Approved: 10/08/2007
CB/09/06918/FULL	Full: Construction of surfaced footpath to the wetlands. Erection of 3 ground level bird hides, 1 tower hide with associated ramp. 3 wooden board walks across wetlands. Approved: 05/02/10
CB/10/01359/FULL	Erection of a 120.5m high wind turbine and ancillary infrastructure. Approved: 12/11/10
CB/11/04077/FULL	Erection of a wind turbine up to 120.5 metres in height and ancillary infrastructure. Approved:

### Representations:

### Town and Parish Councils

Marston Moretaine PC	<p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• third application in relation to this wind turbine, it is felt by the Parish Council that the original application was flawed in that it did not include provision for a substation, and as such had to be re-submitted along with an amendment for the height of the turbine;</li> <li>• the local planning authority include planning conditions when granting permission for good reasons and feel that businesses must be made to adhere to them in the same way that local residents are expected to;</li> <li>• the removal of condition 9 would enable the applicant to be unaccountable for its responsibilities to the local community should a noise issue occur.</li> </ul>
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### Neighbours

Objection	<p>There has been 1 letter of objection on the following grounds:</p> <ul style="list-style-type: none"> <li>• By seeking to remove the condition the applicant in our opinion is making a statement that noise will be a problem for residents;</li> <li>• Concern that habitats around the turbine site will be considerably more affected;</li> <li>• Will effectively take away any rights by residents regarding noise pollution.</li> </ul>
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Consultations/Publicity responses

Publicity

Site Notice posted  
Application advertised

### Internal

Public Protection                      Object to the application to remove the excess amplitude modulation condition. Using a precautionary approach and based on the consultants advise it is considered that the condition should remain in place to protect residents against potential noise disturbance.

### Aviation

National      Air      Traffic      No safeguarding objection to the proposal  
Services  
Cranfield Airport                      No comments received

### Determining Issues

The main considerations of the application are;

1.      Background - Policy and Principle
2.      What is Excess Amplitude Modulation (EAM) to which condition 9 relates?
3.      The tests of a condition as set out in the National Planning Policy Framework and Circular 11/95
4.      Whether condition 9 meets the tests set out in the National Planning Policy Framework and Circular 11/95?

### Considerations

#### 1.      **Background - Policy and Principle**

##### Background

Planning permission was granted in November 2010 for the erection of a 120.5m high turbine from base to tip, planning reference CB/10/01359/FULL. All the relevant planning issues and considerations were considered by the Development Management Committee and planning permission was granted in accordance with the Officers recommendation.

A subsequent application was submitted in November 2011 for the erection of a wind turbine up to 120.5 metres in height and ancillary infrastructure. This application allowed for a potentially smaller turbine to be erected. All the relevant planning issues and considerations were considered by the Development Management Committee and planning permission was granted in accordance with the Officers recommendation.

##### Policy

Sustainability and climate change, and the need to increase renewable energy generation and reduce carbon emissions, are key components of current planning policy. Therefore this must carry considerable weight in determining the application. The development will contribute towards the renewable energy and carbon reduction targets for Central Bedfordshire and should be encouraged in

accordance with the national, regional and local policies specified. Tackling climate change is a key Government priority. Accordingly, the planning policy context, at all levels, is supportive of renewable energy schemes.

The National Planning Policy Framework states in paragraph 97 that to help increase the use and supply of renewable energy and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. Paragraph 98 states that 'when determining planning applications, local planning authorities should: ...approve the application if its impacts are (or can be made) acceptable.'

Policy DM1 states that the Council will consider favourably proposals for renewable energy installations, provided that they fit the following criteria:

- Have good accessibility to the transport network;
- Not be harmful to residential amenity, including noise and visual amenity;
- Be located and designed so as not to compromise the landscape and scenic beauty of the Chilterns AONB;
- In other areas identified through the Landscape Character Assessment as having high sensitivity, be located and designed so as to respect the character of the landscape.

In terms of the above criteria:

- The site is close to the transport network;
- The impact on residential amenity shall be assessed later in the report;
- The site is not located so as to compromise the landscape and scenic beauty of the Chilterns AONB;
- The Mid Bedfordshire District Landscape Character Assessment (August, 2007) characterises the landscape as the North Marston Clay Vale (5d). The overall landscape character sensitivity is considered to be moderate. In visual terms, the report notes that the landscape is considered to be moderately sensitive to change. The impact on the character of the landscape shall be assessed later in the report.

The principle of development is therefore considered to be acceptable. The issues in terms of landscape character, aviation, cultural and archaeological considerations, ecology, hydrology, geology, flood risk, contamination, traffic generation, telecommunications and the impact on public rights of way have all been considered in detail within the previous two applications and there have been no material changes to these areas within this application.

The main consideration for this application is whether condition 9 which relates to Excess Amplitude Modulation of the planning permission CB/11/04077/FULL meets the tests set out in the National Planning Policy Framework and Circular 11/95.

**2. What is Excess Amplitude Modulation (EAM) to which condition 9 relates?**

Noise is a sensitive subject and is discussed in detail during the determination of planning applications for wind turbines. It has also been debated at length

through the appeal process and there have been numerous appeal decisions which have discussed the issue of noise at length.

Excess Amplitude Modulation (EAM) and the need for a condition to control it has been one of the topics heavily debated through the appeal process. EAM is commonly referred to as blade swish. It would involve the control of noise that might occur over and above the normal level of blade swish noise. The appeal decision in relation to the Langford Wind Farm which was allowed on appeal states *'Amplitude Modulation (AM) or "blade swish" is an aspect of the aerodynamic noise from wind turbines that can be particularly noticeable or insistent but which is still not fully understood'*.

The companion guide to the former PPS22 states in paragraph 42 *' there are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air'*. The paragraph concludes by saying *' Aerodynamic noise from wind turbines is generally unobtrusive - it is broad-band in nature and in this respect is similar to, for example, the noise of wind in trees'*.

It is common knowledge that there have been instances at some wind farms of reported noise characteristics which could not be attributed to normal blade swish. The Government commissioned a study into the phenomenon which was undertaken by the University of Salford, the findings were published in 2007. The research suggested a relatively low incidence of occurrences (evident in 4 and possibly another 8 sites out of a total of 133), however, these findings were based on descriptions of noise characteristics and later re-interpretation of the data suggested that the incidence might be as high as 25%.

Whilst several potential causes have been identified, despite the research undertaken by Salford University, there remains no consensus as to the trigger for excess amplitude modulation. The Appeal Decision in relation to Land at Cotton Farm, St Neots which was allowed on appeal states that 'Based on the findings of low incidence and the number of people affected being small, the Government's view is that there is not a compelling case for more work on AM and that the minimisation of increases in noise through the use of ETSU-R-97 remains appropriate.

Various factors are considered to be possible causes of excess AM these include - squat turbine designs, linear turbine arrangements, turbines too closely spaced together, high levels of wind shear, reflective surfaces close to the receiver, topography, distance from dwellings, wind direction and background noise levels.

It can be seen from the information above that there is little agreement over the causes of excess amplitude modulation and given the University of Salford's research it is considered that the incidence of it occurring is relatively low. Although after re-interpretation this increased to potentially 25% of the 133 sites that were examined.

### **3. The tests of a condition as set out in the National Planning Policy Framework and Circular 11/95**

The National Planning Policy Framework states in paragraph 206 that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. This guidance reflects the advice set out in Circular 11/95.

Circular 11/95 sets out that there are six tests for conditions, as a matter of policy the Circular states that conditions should only be imposed where they satisfy all of the tests. The tests are discussed in detail within paragraphs 14-42 of the Circular. These explain that conditions should be:

i) necessary - the guidance is that Local Planning Authorities in considering whether a particular condition is necessary, should ask themselves whether planning permission would have to be refused if that condition were not to be imposed.

ii) relevant to planning - the guidance is that conditions should be relevant to planning, any condition which has no relevance to planning is ultra vires. Guidance also states in paragraph 22 that other matters are subject to control under separate legislation and a condition which duplicates the effect of other controls will normally be unnecessary.

iii) relevant to the development permitted - a condition must fairly and reasonably relate to the development permitted. If it is not considered to relate to the development permitted it is considered ultra vires.

iv) enforceable - the guidance states that a condition should not be imposed if it cannot be enforced. There are two aspects of this, the practicality of enforcement and whether compliance is reasonable. In terms of the practicality of enforcement, this relates to whether it is possible to detect a contravention and prove a breach of its requirements. In terms of whether compliance is reasonable, in applying a condition it is necessary to consider whether the person carrying out the development can reasonably be expected to comply with it.

v) precise - a condition must be worded so that it is precise in terms of being able to ensure that a condition is enforceable and also to ascertain what must be done to comply with it.

vi) reasonable - a condition may be unreasonable even though it may be precisely worded and apparently within the powers available. It may be unreasonable because it is unduly restrictive or so onerous that as a matter of policy it should be avoided.

As set out above conditions should only be imposed on the grant of planning permission if they meet all six of the tests set out. Therefore, in applying a condition and similarly in assessing whether a condition should be removed, it is necessary to consider whether it is necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects. The guidance is very clearly set out in Circular 11/95 in that in applying a condition or assessing whether it should be removed authorities should ask themselves whether planning permission would have to be refused if that condition were not imposed. The argument that a condition will do no harm

is no justification for its imposition; as a matter of policy a condition ought not be imposed unless there is a definite need for it.

The following section will look at condition 9 in detail and assess whether it is considered appropriate to remove the condition. To conclude this section, paragraph 15 of Circular 11/95 states: 'The same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A (of the Act): a condition should not be retained unless there are sound and clear-cut reasons for doing so.'

#### **4. Whether condition 9 meets the tests set out in the National Planning Policy Framework and Circular 11/95?**

Condition 9 of planning permission CB/11/04077/FULL the subject of this application states that:

*The wind turbine shall not emit greater than expected amplitude modulation. Amplitude modulation is the modulation of the level of broadband noise emitted by a turbine at blade passing frequency. These will be deemed greater than expected if the following characteristics apply:*

a) *A change in the measured LAeq 125 milliseconds turbine noise level of more than 3dB (represented as a rise and fall in sound energy levels each of more than 3dB) occurring within a 2 second period.*

b) *The change identified in (a) above shall not occur less than 5 times in any one minute period provided that the LAeq, 1 minute turbine sound energy level for that minute is not below 28dB.*

c) *The changes identified in (a) and (b) above shall not occur for fewer than 6 minutes in any hour.*

*Noise emissions at the complainant's dwellings shall be measured not further than 35m from the relevant dwelling building, and not closer than 10m of any reflective building or surface other than the ground, or within 1.2m of the ground.*

i) *Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling which relates to amplitude modulation, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess whether there is greater than expected amplitude modulation from the wind farm at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this condition, the wind farm operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in Guidance Note 1(e).*

ii) *Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the*

iii) *Prior to the submission of the independent consultants assessment of the rating level of noise emissions in accordance with the requirements of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions.*

iv) *The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, or are identified as causing greater than expected amplitude modulation, having regard to the written request of the Local Planning Authority, and such other conditions as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.*

v) *The wind farm operator shall provide to the Local Planning Authority the independent consultants assessment of greater than expected amplitude modulation within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultants assessment of the rating level of noise emissions.*

vi) *The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.*

vii) *Once the Local Planning Authority has received the independent consultants noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as*

*reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.*

*Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.*

Applicants position

The applicant has stated that they believe the condition is unlawful and therefore should be removed. They have stated that they believe the condition is not necessary or reasonable and that it would struggle to be considered precise and enforceable, therefore not meeting the tests of a condition as set out in the National Planning Policy Framework and Circular 11/95. They also state that condition 8 of the planning permission ensures compliance with ETSU-R-97 derived noise limits in the interests of protecting the amenity of local residents.

Amplitude modulation is recognised within ETSU-R-97 'The Assessment and Rating of Noise from Wind Turbines' which is used throughout the UK to assess operational noise from wind turbines. However, the applicant acknowledges that the issue of EAM, a level of amplitude modulation of blade passing noise outside of the levels anticipated in ETSU, has been recognised as an isolated phenomenon.

They refer to the University of Salford commissioned research that has been discussed earlier, highlighting that on the basis of the research the Government concluded that although EAM cannot be fully predicted, the incidence of EAM resulting from wind farms is low. There was therefore no compelling case for any further research and the Government continued to support the approach set out in the former PPS22. This approach is for local planning authorities to ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels through the use of the 1997 report by ETSU to assess and rate noise from wind energy developments.

The applicant highlights further research in terms of the AECOM report commissioned by DEFRA to examine the use of statutory nuisance when dealing with wind farm noise complaints (released in April 2011). The AECOM report notes that the various risk factors which might give rise to EAM have been suggested, including linear layout of turbines, turbine spacing and high wind shear or a combination of these factors. The report concludes by stating that *"despite research by numerous investigators over the last 20 years, there is to date no universally accepted explanation as to the causes of AM or means to predict its occurrence"*. It also states that whatever the actual number of occurrences of EAM, it only occurs at a minority of wind farm sites for some of the time.

The applicant states that there are isolated examples of Swinford and Denbrook where the EAM condition has been imposed, although these appear to be at odds with virtually every appeal decision since, namely, the Secretary of State's decisions at Wadlow, Barmoor, Sober Hill, Greenrigg/Ray and Crook Hill where no EAM condition has been imposed. The issue of an EAM condition was considered by the Inspector within the Spaldington decision. In this decision the Inspector stated that:



*'Whilst both schemes would display some of the characteristics thought to be associated with EAM, the current situation can be summed as, there is no agreement over what the cause of the phenomenon is, there is no agreement over what the level of risk is in relation to any one particular wind farm and there is no agreement how to measure it. Here, the evidence does not suggest that these sites pose any greater risk of EAM so as to adopt an approach that differs from ETSU. Moreover, where such an approach has been taken, I am aware of the problems that have arisen in attempting to construct appropriate conditions'.*

The applicant concludes by assessing the condition in relation to the tests set out in Circular 11/95. The applicant states that in light of the evidence before us, given the small number of sites where EAM has been identified and the absence of any proven risk factors, it is statistically highly unlikely that EAM would be an issue at the proposed development. The imposition of a condition cannot therefore be justified as necessary or reasonable.

In addition to this in light of the fact that there is no consensus on a robust assessment methodology for detecting EAM, it is not currently possible to draft a condition which includes a robust and tested means of determining the presence of EAM which would meet the tests of precision and enforceability.

The applicant concludes their evidence by stating that 'the imposition of a condition on the basis that it will do no harm is not sufficient justification. It would not be appropriate to apply the precautionary principle unless there is objective scientific evidence to demonstrate that there is a real risk of EAM occurring on the application site. Such evidence does not exist. It is therefore our firm view that condition 9 is unnecessary, unreasonable, imprecise and unenforceable; and therefore outside of Circular 11/95 and unlawful'.

### Public Protection

Public Protection have objected to the removal of condition 9 on the following grounds; using a precautionary approach and based on the consultants (MAS Environmental) advice the condition should remain in place to protect residents against potential noise disturbance.

The condition was imposed on the original application on the advice of Public Protections' consultant. Public Protection have consulted the same consultant on this application and they have recommended that the condition remain in place, consistent with their original advice to the authority. The consultant used for both this application and the original application, was also used in terms of the Langford Wind Farm application and presented evidence to the Public Inquiry in relation to noise on behalf of the Council.

The consultants advice is that the advice given in relation to this condition is not based on a matter of routine but based on *'my expert opinion which in turn is informed by measurements at 6 sites where EAM has been directly identified and measured by me'*. Therefore, his recommendation at Marston is based on his findings of EAM in the field.

The consultant states that there has been significant progress on EAM since ETSU-R-97, including the work of Professor Frits van den Berg in 2003 onwards

to a series of papers and his own work which continues.

MAS Environmental are of the opinion that there is a foreseeable risk of EAM at this site due to the wind shear element, topography and turbine height. The consultant continues by stating that *'In more recent times I have been able to examine incidence's of EAM and correlate them with meteorology and actual wind speeds. In the case of Marston there is sufficient evidence the conditions and meteorology occurs that are likely to lead to EAM. The valley and the open expanses of water are exacerbating factors'*.

The consultant draws on the examples of Langford, where in their opinion the Inspector simply ignored the research put forward by them. MAS Environmental state that since that decision there has been further research published which strongly supports their findings. In paragraph 1.38 of the consultants advice it states *' If the condition is removed then there is no way back and the ability to control this foreseeable risk is lost. However, on the current performance and decisions of the Inspectorate, any Inspector is on balance likely to remove the EAM condition and leave communities unprotected, even with the expert experienced opinion there is a problem.'*

MAS Environmental conclude by stating *'My expert opinion is that there is a significant risk of EAM that requires control in this case and that a 3dB peak to trough level allows adverse impact. It is not the cut off point but a point of significant intrusion. The likelihood however, of it occurring in this case is certainly less than 50% and probably about 15-25%'*. The consultant however, also notes in the closing paragraph that *'Equally I am aware that Inspectors are not supporting controls and the risk of them overturning a condition on appeal is quite high'*.

### Conclusion

In reaching a recommendation, it is necessary to consider the evidence submitted with the application, the objection received from Public Protection and any relevant appeal decisions to reach a balanced view as to whether condition 9 is lawful and meets the tests as set out in the National Planning Policy Framework and Circular 11/95.

Since the original decision was made and this condition was imposed the Langford Wind Farm was allowed on appeal. During the Public Inquiry evidence was presented by MAS Environmental on a number of noise issues in relation to the application. One of these included the need for a EAM condition. MAS Environmental raised concerns at the Inquiry and during the application process that there is a particular risk of EAM at Langford and that if the appeal proposal were approved it should be controlled by condition. The Inspector's decision discussed this in detail in paragraph 56 of his decision stating that *'although the Council's acoustic witness contended that there was a general acceptance that EAM occurred at 10-16% of wind farms nationally, no cogent evidence was advanced to support that figure'*. The Inspector goes on to emphasis that there is not any real evident reason why the appeal site should be particularly prone to EAM. MAS Environmental suggested it was likely to be common in flat eastern

parts of the country and could be exacerbated by wind shear and linear layout particularly spacing of turbines. The Inspector states that the assertions made by the Council's witness were not supported by evidence.

The Inspector in this case concludes that *'as I am not convinced that there is a real possibility of EAM at the site I consider that the Council's suggested condition to control it does not pass the test of necessity in Circular 11/95. If there is no clear need for it, it cannot be justified on a precautionary basis or because to impose it would "cause no harm"...I also have doubts as to whether the condition would meet the Circular tests of enforceability and precision in that, despite what the Council's acoustic witness said about being able to identify EAM and distinguish it from other noise, this would appear to depend so heavily upon individual judgment as to render the approach unsafe'*.

The applicants provided a further appeal decision in which the issue of EAM being controlled by condition was discussed. The Woolley Hill decision was issued in March 2012. MAS Environmental point out in their response to the Council that there was no detailed discussion in relation to noise during the Inquiry and the issue only arose when noise conditions were discussed. The appeal was to consider the erection of 4 three bladed wind turbines, up to a height of 130.5m, at a site known as Land east of Whiteleather Lodge, Woolley Hill, Ellington, Huntingdon. In the Inspectors decision it refers to the Salford University research and the re-interpretation of the data suggesting that the incidence might be as high as 25%.

The Inspector discussed the condition in detail and emphasises that the recognised guidance for wind farm noise assessment is ETSU-R-97 which accepts a certain level of increased noise at residential properties. It also anticipates an element of amplitude modulation which is widely claimed to be no longer adequate for modern, much larger turbines. However, it remains current guidance, endorsed by the Government, and there is nothing of material weight to supplement it or to replace it.

In terms of necessity, the Inspector emphasises that in line with Circular 11/95 a condition ought not to be imposed unless there is a definite need for it. The Inspector in this case rules that the likelihood of excess amplitude modulation manifesting itself cannot be predicted, and there is nothing to suggest that Woolley Hill would be particularly prone, or even likely, to such tendencies, the imposition of a condition cannot be claimed to be necessary in the sense of mitigating foreseeable impacts.

The Inspector continues by stating in paragraph 193 of the decision that *'none of these aspects, compounded by the lack of understanding on excess amplitude modulation, provide good reason for the imposition of a condition as a matter of routine or precaution. To my mind, on the basis of the evidence before me, the test of necessity has not been fully met'*. The Inspector also states that the condition would be unreasonable, as there is no agreed methodology for measuring excess amplitude modulation, based on convincing research and therefore it would be unreasonable to impose a condition on such an uncertain basis.

The Inspector concludes the discussion on EAM by stating:

*'In conclusion, despite the findings of the Inspector in the Den Brook case, the evidence presented to me does not provide convincing justification that an excess amplitude modulation condition would be necessary. In addition, such a condition, if imposed, would be unreasonable given the current limited knowledge and understanding of excess amplitude modulation and a lack of consensus beyond the guidance of ETSU-R-97.'*

The last appeal decision that is worthy of note is that of Land at Cotton Farm, St Neots. The appeal was to consider the refusal of planning permission for 8 wind turbines with a height to blade tip of 127m. On this occasion the Local Planning Authority did not refuse the application on noise grounds, however substantial objections to the noise impact of the development were made by the Cotton Farm Alliance (CFA) and many local residents. CFA were represented at the Inquiry by MAS Environmental in terms of the noise objections. This decision was released 14th December 2010.

The Inspector in this decision notes that much of the debate in relation to noise conditions was concerned with the need for a condition to control excess amplitude modulation. It is acknowledged that this appeal decision was sometime ago, however, the issues raised are similar. CFA argued at the Inquiry that the uncertainty, coupled with specific locational and design characteristics, point to a risk of excess AM at the appeal site, and that this warrants a precautionary condition which would require the problem to be addressed if it was to occur. In paragraph 88 of the decision the Inspector states *'In this particular case it seems to me that some (but not all) of the postulated risk factors are present, to some degree, in the design and layout of the Cotton Farm proposal. I was also advised, however, that such factors are exhibited at other wind farms where excess AM has not been identified. This apparent lack of a consistent or identifiable pattern exemplifies the problem – in short, based on the current knowledge it is simply not possible to predict in advance the likelihood that a particular proposal would give rise to excess AM'*.

In the majority of appeal decisions before us, the Inspectors have noted that whilst they have misgivings, the Statutory Nuisance route open to Local Authorities is at present the best means currently available for resolving the phenomenon of EAM and not through condition.

In terms of condition 9 meeting the tests of a condition, the following can be seen:

i) necessity – there has been no actual evidence provided in terms of EAM actually occurring at the site, MAS Environmental have stated that in their opinion there is foreseeable risk due to the wind shear element, topography, and height of the turbine. They also state that the valley and open expanses of water are exacerbating factors. However, there is no agreement over what causes EAM and as the Inspector stated in the Cotton Farm decision such factors are also exhibited at other wind farms where excess AM has not been identified. MAS Environmental state that in their opinion there is a 15-25% of EAM occurring at the site. The same concern was expressed at Langford and Cotton Farm, and both Inspectors ruled that there is no evident reason why the appeal sites should be particularly prone to EAM. The assertions were not supported by evidence and the same could be said for the site the subject of this application.

It is therefore considered that in the absence of any real possibility of EAM at the site, it is not considered that the condition to control it would not be justified in terms of necessity.

ii) relevant to planning – condition 9 could be seen as being unnecessary as the guidance states in Circular 11/95 that if matters can be controlled under separate legislation then a condition which duplicates this control would not be necessary. Whilst the consultant acting on behalf of Public Protection has their misgivings regarding Statutory Nuisance, appeal decisions have stated that the Statutory Nuisance route is the best means currently available for resolving the phenomenon of EAM. Therefore, whilst condition 9 would not necessarily duplicate the control under the Statutory Nuisance route, it would impose a condition for which there are controls outside of the planning system.

iii) relevant to the development permitted – condition 9 would meet this test in terms of being relevant to the development permitted.

iv) enforceable – Concerns have been expressed by the applicant that there is no consensus on a robust assessment methodology for detecting EAM, and therefore it is not possible to draft a condition which includes a robust and tested means of determining the presence of EAM. The consultant acting on behalf of Public Protection has stated that in his opinion there is no subjectivity in the wording of the condition and that EAM can be identified and measured as the condition states. This has not been supported at appeal, with the appeal decisions referred to in this report all concluding that if the condition was imposed it would be unreasonable given the current limited knowledge and understanding of excess amplitude modulation. The Inspector in the Langford appeal decision stated *'I also have doubts as to whether the condition would meet the Circular tests of enforceability and precision in that, despite what the Council's acoustic witness said about being able to identify EAM and distinguish it from other noise, this would appear to depend so heavily upon individual judgment as to render the approach unsafe'*. It is therefore considered that given the appeal decisions and the lack of agreement regarding a robust assessment methodology for detecting EAM that the proposed condition would not meet the test of enforceability as it is uncertain that the detection of EAM is possible and therefore there are issues over the practicality of enforcement.

v) precise – the wording of condition 9 is said by the consultant on behalf of Public Protection to be precise and that there is no subjectivity. The applicant argues that as there is currently no agreed robust assessment methodology for detecting EAM, the condition would not meet the test of precision as it would not be clear as to how to proceed in identifying EAM and measuring it. Given the recent appeal decisions and in particular that stated within the Langford appeal decision, it is considered that the condition would struggle to meet the tests of precision given the uncertainty over the methodology for identifying and measuring EAM and the subjectivity this introduces.

vi) unreasonable – the appeal decisions that have been discussed in this report clearly emphasise that an EAM condition would be unreasonable due to the uncertainty in methodology for measuring EAM and the lack of agreement over the causes of EAM and therefore the predictability of it occurring at any given site. Given the recent appeal decisions and the evidence presented within this application by both the applicant and the consultant on behalf of Public

Protection it is considered that to continue to impose condition 9 would be unreasonable.

In light of the above assessment it is considered that condition 9 fails to meet all the tests set out in Circular 11/95. Given the evidence discussed in the application; from the applicant, the consultant on behalf of Public Protection and the appeal decisions it is considered on balance that the condition would not meet the tests of necessity, enforceability, precision and reasonableness. It can also be seen that appeal Inspectors consider that Government guidance does not go beyond that of ETSU-R-97 and that should EAM occur it can be dealt with outside of the planning system through the Statutory Nuisance route.

Condition 8 which relates to noise levels in particular, would remain and afford adequate protection in terms of the overall impact of noise on residential properties. The removal of Condition 9 only relates to Excess Amplitude Modulation and would not remove the more specific noise condition which offers protection for residential properties in terms of noise levels.

Given that the condition does not meet all the tests set out in Circular 11/95, it is considered that it may be unlawful and therefore the application should be approved and the condition removed.

### 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 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: In the interests of visual amenity and landscape protection.

- 3 **No development shall take place until full details of the turbine, including make, model, design, power rating, sound power levels and tonal assessment have been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure that the turbine is in accordance with the details submitted in the Environmental Statement and protect the amenities of the neighbouring residential properties.**

- 4 **No development shall take place until details of the external appearance and colour finishes of the turbine and details of the design, including samples of the external materials and the associated infrastructure hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.**

**Reason: To protect the visual amenities of the area.**

- 5 The maximum height of the turbine hereby permitted, when measured from the turbine base to the blade tip in the vertical position, shall be no greater than 120.5 metres.

Reason: For the avoidance of doubt.

- 6 Not later than 3 months from the date that the planning permission hereby granted expires, or if the turbine ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing with the Local Planning Authority, it shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure that the turbine is removed at the end of its operational life and to safeguard the character of the locality.

- 7 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction vehicle routes, site accesses, the management of junctions with, and crossings of, the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. Development shall be carried out in accordance with the approved CTMP including any agreed mitigation measures and reinstatement/improvements of the highway works along the route.**

**Reason: To ensure the development is undertaken safely and without undue disturbance to the local community.**

- 8 The rating level of noise emissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling for any relevant 10m height 10 minute mean above ground level measured integer wind speed between 1-12m/s and:

- A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

- B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
- D. Prior to the submission of the independent consultants assessment of the rating level of noise emissions in accordance with paragraph (E), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:
- (i) the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions; and
  - (ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component
- The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
- E. The wind farm operator shall provide to the Local Planning Authority the independent consultants assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data



to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultants assessment of the rating level of noise emissions.

- F. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultants assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
- G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- H. Once the Local Planning Authority has received the independent consultants noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

For the purposes of this condition, a “dwelling” is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

Reason: To ensure that the amenities of occupiers are not prejudiced by excessive noise.

- 9 The turbine shall be fitted with 25 candela omni-directional red lighting at the highest practicable point and this shall be retained for the lifetime of the turbine.

Reason: In the interests of air safety.

10 The Applicant shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority within 3 months of the date of this permission and the erection of the wind turbines shall not occur until this confirmation has been given:

- i) the proposed date of commencement of the development
- ii) the maximum extension height of any construction equipment

Reason: In the interests of aviation safety.

11 Within 14 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence and the Civil Aviation Authority:

- i) date of completion of construction
- ii) the height above ground of the highest potential obstacle
- iii) the position of that structure in latitude and longitude
- iv) the lighting details of the site

Reason: In the interest of aviation safety.

12 The turbines hereby consented shall be positioned within 10m of the co-ordinates stated in the application and the location of the turbine shall be approved in writing by the Local Planning Authority in advance of the turbine being constructed. No further movement of the location shall be undertaken without the written approval of the Local Planning Authority.

Reason: To ensure an acceptable siting of the turbine and the appropriate ground conditions.

13 **No construction activity shall take place until a detailed Ecology Monitoring Programme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Natural England. This will include details of automated data gathering for bats, and use of suitably experienced ecologists to carry out collision searches and monitor the activity of bats and birds in the vicinity of the turbine over the period beginning April to the end of October. Following two years of monitoring, the results shall be formally submitted to the Local Planning Authority, and used to modify turbine operating protocol if necessary.**

**Reason: To ensure that biodiversity interests are protected.**

14 **No construction activity shall take place until the mitigation measures outlined in the Ecological Assessment to minimise ecological impacts during the construction process have been gathered together into a single 'Construction Environment Management Plan' and have been submitted to and agreed in writing by the Local Planning Authority. This shall include a protocol for avoiding impacts to protected and notable species, such as timing constraints and procedure for undertaking construction activities in an ecologically sensitive manner, and a clear point of contact for ecological advice during the works. All contractors must be formally briefed on this document prior to their**

commencing work on site.

**Reason: To ensure that biodiversity interests are protected.**

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

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

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

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

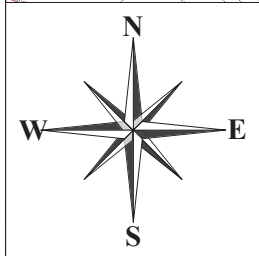
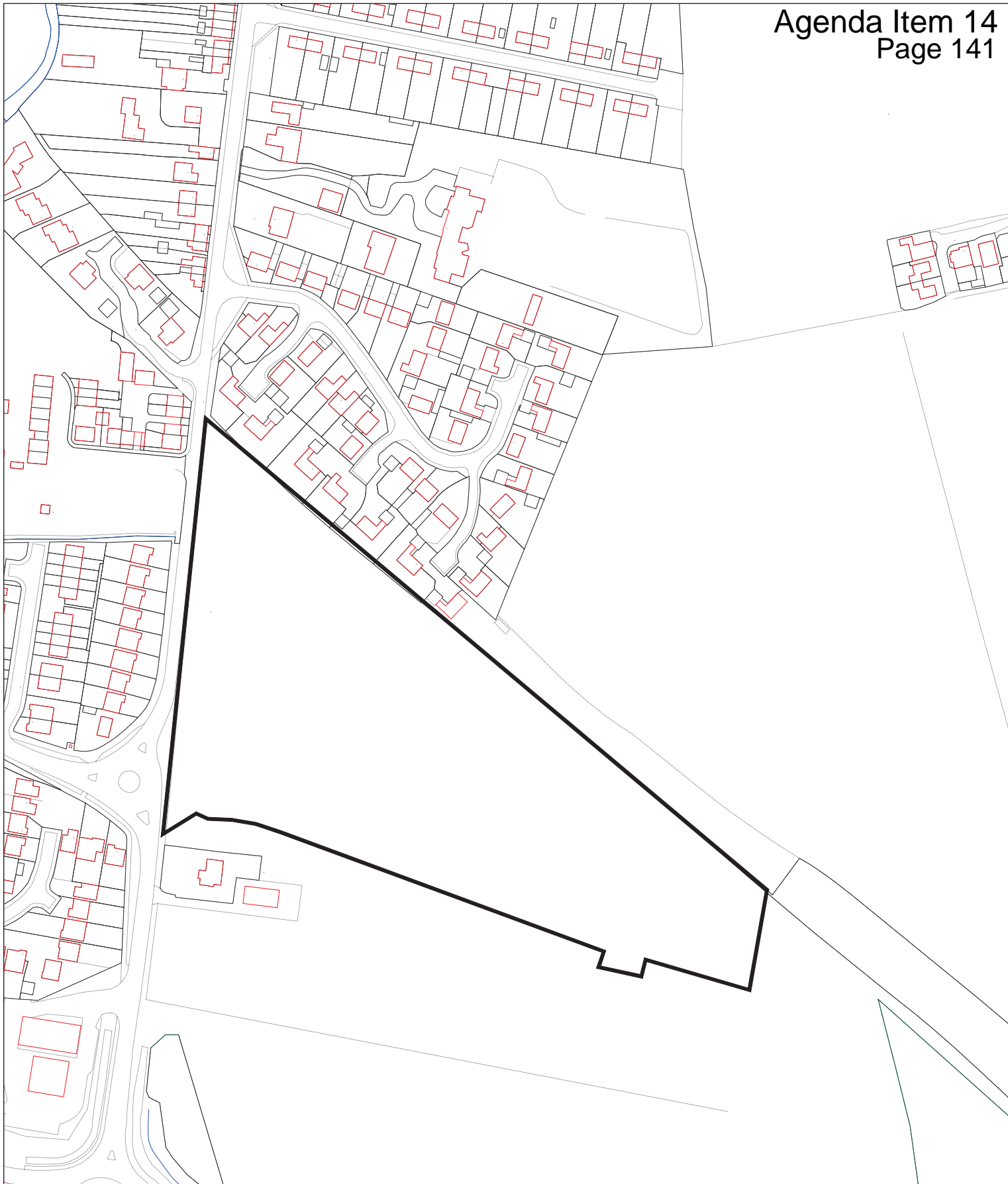
- 16 **Prior to the commencement of development, a baseline television reception study in the Marston Moretaine area shall be undertaken by a qualified television engineer and submitted to the Local Planning Authority. Details of works necessary to mitigate any adverse effects to domestic television signals in the Marston Moretaine Area caused by the development shall also be submitted to and approved in writing by the Local Planning Authority. Any claim by any person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind turbine, shall be investigated by a qualified television engineer and the results submitted to the Local Planning Authority. Should any impairment to the television reception be determined by the qualified engineer as attributable to the wind turbine on the basis of the baseline reception study, such impairment shall be mitigated within 3 months of this decision according to the mitigation scheme outlined.**

**Reason: To ensure that the impact of the turbine on broadcast systems are adequately mitigated.**

- 17 **The wind turbine hereby approved shall operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and approved by the Local Planning Authority prior to the operation of any wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the local planning authority confirms that shadow flicker effects would not be**

experienced within habitable rooms within any dwelling.

**Reason:** To ensure shadow flicker is adequately mitigated.



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Date: 12:June:2012

Grid Reference: 514612, 238464

CB/12/01125/FULL

Scale: 1:2500

Bridge Farm, Ivel Road, Shefford, Beds SG17 5LB

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<b>Item No. 14</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01125/FULL</b>
<b>LOCATION</b>	<b>Bridge Farm, Ivel Road, Shefford, Beds. SG17 5LB</b>
<b>PROPOSAL</b>	<b>Erection of 85 residential dwellings, garages and associated works.</b>
<b>PARISH</b>	<b>Shefford</b>
<b>WARD</b>	<b>Shefford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Birt &amp; Brown</b>
<b>CASE OFFICER</b>	<b>Richard Murdock</b>
<b>DATE REGISTERED</b>	<b>10 April 2012</b>
<b>EXPIRY DATE</b>	<b>10 July 2012</b>
<b>APPLICANT</b>	<b>Bovis Homes Ltd</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Cllr Brown due to the level of public interest</b>
	<b>Full Application - Granted</b>

**Site Location:**

The Bridge Farm site is located on the southern edge of Shefford. It lies to the north of the A507 and to the east of Ivel Road. The site is currently agricultural land and is occupied by a two storey farmhouse with associated garden and a single storey agricultural building to the rear.

To the north of the site is existing residential development in Queen Elizabeth Close, comprising two storey properties which are predominantly red brick. Those properties back onto the site apart from the eastern most property no. 23, which is side on. There is a levels change between those properties and the application site, ranging from 2.8m at the eastern end to 3.6m at the western end. There is not a consistent change in levels with a halfway point between showing a level difference of 2m. All of these figures are based on proposed floor levels for the dwellings, and the floor levels of the existing dwellings.

To the west of the site is Ivel Road, a main route in and out of Shefford. To the other side of Ivel Road is existing residential development. This comprises recent and ongoing development of the former Shefford Town Football Club and residential development from the late 1990's. There is also a petrol filling station which has a shop which sells goods such that it could be described as a small supermarket. The site slopes upwards from Ivel Road so that it is elevated above those properties on the other side of Ivel Road, which themselves lie below the level of Ivel Road.

To the south of the site is agricultural land, relatively narrow in depth, separating the site from the A507 which runs in an east west direction. To the east of the site is further agricultural land and a woodland.

The site is subject to significant level changes rising from the Ivel Road on the western boundary towards the woodland which lies just beyond the eastern boundary. The level change is approximately 10-12m.

## **The Application:**

The site is an allocated site within the Site Allocations Development Plan Document 2009 for a mixed use development comprising the following the provision of a minimum of 70 dwellings and 2ha of employment land.

This application is a full application for 85 dwellings with garages and associated works. A separate outline planning application has been submitted for the commercial part of the site. The site has been split into two parcels, residential to the north and commercial to the south, separated by a main spine road running through the site.

The development comprises 85 dwellings of which 30 are affordable. The mix is as follows:

### Private Units

4 no. 2 bed houses;  
25 no. 3 bed houses;  
13 no. 4 bed houses;  
13 no. 5 bed houses.

### Affordable Units

8 no. 2 bed apartments;  
12 no. 2 bed houses;  
10 no. 3 bed houses.

The units comprises a mix of terrace, semi-detached and detached units. The apartments are contained within two blocks of four apartments. For the most part the dwellings are two storeys in height apart from four units which are two and a half storeys in height. They are located more centrally within the site fronting onto the central area of open space.

It is proposed to provide a central area of open space within the site within which will be provided a LEAP (Locally Equipped Area for Play). It is also proposed to provide a flood attenuation area within this area in addition to another attenuation area in the north west corner. Both of these areas will remain dry apart from very extreme instances of flood.

The majority of the dwellings proposed will be accessed from the roundabout on Ivel Road. This roundabout will be reconfigured to provide a fourth arm into the site linking to a main road through the site. This road will then have two principal roads branching off to the north which then cascade into mews and shared surface roads. To the south of the main access road is the commercial land which will have separate accesses.

In addition to the main access from the roundabout, the twelve plots that front onto Ivel Road will be accessed will be accessed directly from that road via three new access points which will serve 5 plots, 4 plots and 3 plots respectively.

The application includes full landscaping proposals with significant new planting across the development and additional planting along the northern boundary to supplement the existing hedgerow.



## **RELEVANT POLICIES:**

### **National Policies**

National Planning Policy Framework (2012)

This document has replaced the suite of Planning Policy Guidance Notes and Planning Policy Statements. The key policy guidance statements seek to promote the following:

- A clear presumption in favour of sustainable development;
- Approve proposals that accord with the development plan;
- Secure high quality design and good standards of amenity;
- Mixed use development;
- Sustainable transport;
- Pre-application engagement and front loading of the planning process;
- A wider choice and mix of housing;
- Mitigate flood risk on developments and elsewhere;
- Minimise impact upon biodiversity and heritage assets.

### **Regional Spatial Strategy**

East of England Plan (May 2008)

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

The following policies are relevant:

CS2 – Developer contributions;  
CS3 – Healthy and sustainable communities;  
CS4 – Linking communities – Accessibility and Transport;  
CS5 – Providing homes;  
CS7 – Affordable housing;  
CS9 – Providing jobs;  
CS10 – Location of employment sites;  
CS13 – Climate change;  
CS14 – High quality development;  
CS15 – Heritage;  
CS16 – Landscape and woodland;  
CS17 – Green infrastructure;  
CS18 – Biodiversity and geological conservation;  
DM1 - Renewable Energy  
DM2 – Sustainable construction of new buildings;  
DM3 – High quality development;  
DM9 – Providing a range of transport;  
DM10 – Housing mix;  
DM13 – Heritage in development;  
DM14 – Landscape and woodland;  
DM15 – Biodiversity;  
DM16 – Green infrastructure.

## Site Allocations Development Plan Document (2009)

The site is allocated within this development plan document under Policy MA6 and states:

*Land at Bridge Farm, Ivel Road, Shefford, as identified on the Proposals Map, is allocated for mixed-use development providing a minimum of 70 dwellings and 2 hectares of employment land to be developed for uses compatible with the neighbouring residential area. In addition to general policy requirements in the Core Strategy and Development Management Policies DPD and appropriate contributions to infrastructure provision in the Planning Obligations SPD, development on this site will be subject to the following:*

- *On site provision of recreational open space; and*
- *A route to be safeguarded through the site in order to allow sufficient future access and services to land to the east and south.*

### Supplementary Planning Guidance

Design Guide for Central Bedfordshire – Design Supplement (2009)

### Planning History

None relevant

### Representations: (Parish & Neighbours)

- |                       |  |
|-----------------------|--|
| Shefford Town Council | Object to the development on grounds that: <ul style="list-style-type: none"><li>• Vehicular access should be solely limited to the roundabout;</li><li>• No plan for safe pedestrian crossing at the roundabout;</li><li>• Driveways should not exit onto Ivel Road and informed Bovis Homes at the time of their presentation;</li><li>• Do not want to see grass verges.</li></ul>  |
| Neighbours            | Seventeen letters of comment/objection on the following grounds: <ul style="list-style-type: none"><li>• Speeds and traffic levels along Ivel Road;</li><li>• Need safe pedestrian crossings along Ivel Road;</li><li>• Site sections are incorrect;</li><li>• Increased flood risk;</li><li>• Sewage capacity concerns;</li><li>• Density of development adjacent to Queen Elizabeth Close is too high;</li><li>• Need to safeguard against overlooking;</li><li>• Planting along boundary with Queen Elizabeth Close needs to be mature;</li><li>• Maintenance of landscaping needs to be addressed;</li><li>• Question accuracy of levels along boundary with</li></ul> |

- Queen Elizabeth Close;
- Infrastructure in Shefford is inadequate regarding education, roads, traffic, sewerage, doctors, police, fire, supermarkets;
  - Should only be one access via the existing roundabout and not three new access points on Ivel Road;
  - Noise pollution from the roundabout, roundabout should be offset into the site;
  - Measures to secure crossings on Ivel Road and traffic calming should be introduced.
  - Queries over what the commercial area is to be used for;
  - Concern over HGV's to the commercial area;
  - Noise levels along Ivel Road;
  - Access to the site should be from A507;
  - Limited leisure benefits or green infrastructure;
  - Footpath along northern boundary should be secured as a public right of way to connect to the countryside;
  - Developer should not be allowed to connect into existing infrastructure, rather should provide new infrastructure for the development of a sewage treatment plant.
  - Concerns regarding on street parking in front of plots 1-16, speed of traffic on Ivel Road, safety for pedestrians
  - Additional development will add to frequency of power outages, unless additional capacity is provided
  - Anti-social behaviour is already a problem in the town

One letter and one email on behalf of adjoining landowner supporting the scheme but raising the following concerns

- That the proposed link does not meet relevant highway standards as it is likely that in the future there could be a desirable route through to Hitchin Road. This concern relates to both the location of houses relevant to the road and the width of the road; and
- The proposed link should be secured as adopted highway land as without this there could be a ransom strip situation that could prejudice the link ever being provided. There are alternative access options (through Queen Elizabeth Close) that could be used as an alternative.

Two letters received on behalf of an adjoining landowner, objecting on grounds that:

- unsure of preservation of drainage rights;
- Question provision of open space;
- No reference to how the link required as part of Policy MA06 will be provided;
- Concern that scheme does not have due regard to

form of development beyond the site and bringing forward that land at a future date;

- The scheme is not conducive to ensuring that high quality development is delivered at this site at the entrance to Shefford;
- Need to provide 10% of energy from renewable sources and dwellings to meet Lifetime Homes.
- Unclear as to how development enhances accessibility by non-car modes e.g. cycle links to Shefford.
- No details regarding Heads of Terms for a S106 agreement, or details of open space on site
- Does not comply with policy MA6, nor the NPPF regarding safeguarding a route to the adjoining land to the south and east
- If only a strip of land of land is reserved on the application it is likely to be a barrier to bringing forward future development, the Council should require roads and services to adoptable standards to the boundaries of the application sites, both routes should be secured by legal agreement to ensure good planning a sustainable form of development

Site Notices Displayed  
Application Advertised

### **Consultations/Publicity responses**

Highways Agency  
CBC Highways

No objection subject to travel plan condition

The assessment carried out on the effect of the proposed residential and commercial development is generally accepted. The numbers of vehicles generated will not adversely affect the local road network.

As indicated in the TA the site is convenient for pedestrian and cycle access to the town centre. Pedestrian and cycle access to the town centre needs to be improved along Ivel Road. The traffic speed along parts of the road tend to be low due to on-street parking but the nature of the road changes to the south where there is less frontage development. The proposed development will in itself change the nature by having properties accessing onto Ivel Road via shared accesses. Slowing features and a 20 mph limit on Ivel Road would reinforce this and provide a safer and more attractive route to encourage pedestrian and cycle trips into the town centre and permit the use of a raised zebra crossing on Ivel Road.

#### General Site Layout

The main access road is 6.0 metres wide and generally straight. The other residential roads are 5.5 metres. Shared drives are 4.8 metres wide. The main access

road will require slowing features to keep traffic to around 20 mph and this will need to be conditioned.

There are three shared driveways that access directly on to Ivel Road. There is an adequate shared access at each site to allow private cars to enter and turn around within the site but service vehicles will be required to stop on Ivel Road. There is no objection to this in principle but a scheme will be required to reduce the speed of traffic on Ivel Road.

Drawing number 249-E004 'Proposed S38 Adoption Areas' is unclear in its indication of what is proposed to be put forward as adopted highway.

Drawing 249-E005 Vehicle Tracking Assessment indicates that the turning head at the eastern end of the main access road is inadequate. The refuse vehicle can only complete a three point turn by encroaching into an area outside the red line.

The number of allocated parking spaces conforms to current guidance.

The overall number of visitor parking spaces on the site is adequate. There is a shortage of visitor spaces locally at the eastern end of the site but there is generally space within the shared private areas to cater for occasional visitor parking in this area.

If the inadequate turning facility at the eastern end of the main access road cannot be addressed then would have to recommend a refusal on highway grounds. If this can be adequately addressed then would ask for conditions to be added to any permission granted.

CBC  
Transport

Sustainable

The site needs to have a range of travel options to reduce reliance on car given its location and mitigate impact upon surrounding roads. Site needs to be assessed from an accessibility perspective and measure put in place in terms of infrastructure and a travel plan to support different alternatives. Recommend the following:

- provision of a 3m wide shared use footpath connecting site entrance to Churchill Way roundabout and provision of formal crossing for pedestrians and cyclists to access the town centre;
- improvements to pedestrian and cycle route along Ivel Road by an extension of the town wide 20mph limit up to the roundabout is recommended which would enable raised zebra crossing;
- Provision for crossing point to access the small supermarket would be desirable as part of the roundabout particularly to serve the needs of the commercial layout.

	Travel plan needs to be amended to be acceptable. This can be dealt with by a planning condition.
CBC Landscape	<ul style="list-style-type: none"> <li>• Hedgerow along Ivel Road should be retained where possible;</li> <li>• Need to maintain green corridor along old railway line and ideally have it within the public realm;</li> <li>• Attenuation area should be attractive natural area and form part of public realm;</li> <li>• Attenuation area within centre of site is positive and should form part of a landscaped area for play;</li> <li>• Would like to see links to surrounding countryside;</li> <li>• Needs to incorporate SUDs.</li> </ul>
CBC Ecology	Satisfied that no protected species are affected by the proposals. Habitats on site are of limited value and there are limited opportunities for enhancements. Would like to see field maple or blackthorn species incorporated in any additional planting. Support the provision of bird boxes and more wildflower species in the attenuation area in the north west corner.
CBC Public Protection	No objections to the proposed development. Sound levels in properties need to meet the Good Standard in BS 8233. Recommend conditions.
CBC Archaeology	No objection subject to a conditions.
CBC Education	No objection, request s.106 contributions
CBC Housing	Support the development and provision of 30 affordable properties
CBC Waste	Request further details regarding rear access for bins, collection points, tracking details for vehicles and details of communal bin stores
Environment Agency	No objections subject to conditions regarding detailed surface water drainage scheme.
Beds and River Ivel Drainage Board	No objection. As it is proposed to discharge storm water runoff to the an adjacent field drain controlled by the IDB, all flows must be controlled to Greenfield runoff rates. If the intention is to discharge directly to the adjacent field ditch the consent of the lead flood authority is required. That consent is currently undertaken by the IDB. Please include a suitably worded condition.
Anglian Water	No comments received
Ramblers	No comments received

### Determining Issues

The main considerations of the application are;

1. Principle of development
2. Character and appearance of the area:
  - Layout;and
  - Scale and Design
3. Amenities of adjoining properties

4. Access and highway safety
5. Landscaping
6. Flood Risk
7. Ecology
8. Heritage
9. Other Issues
10. Section 106

## Considerations

### 1. Principle of development

The site has been allocated for mixed use development as part of the Council's Local Development Framework. The Site Allocations DPD (2009) allocate the site under Policy MA6, the details of which are set out above.

The site has been allocated for a mixed use development and whilst this application is for residential development, members also have before them an outline planning application for B1 development on the southern part of the site.

The policy allocates the site for a minimum of 70 dwellings and this application proposes 85 dwellings. This equates to a density of 27 dwellings per hectare. In an edge of settlement location such as this, the density proposed is considered to be acceptable. The density is slightly increased as the scheme includes 8 apartments and the mix includes a number of terraced properties.

The scheme also provides an area of open space located centrally within the development, which will provide amenity space and include a LEAP (locally equipped area for play). This sits beside an attenuation area which will only hold water in extreme events when it will not be used anyway. This will form a gentle bowl area that will be landscaped and comprise usable open space. In this respect the proposal is acceptable.

The final specific requirement is that the site provides safeguarded access sufficient to access land to the east and south. In this respect the proposal does identify two future access points. It should be noted that the outline planning application for the commercial land makes reference to providing an access to the south. This requirement was inserted by the Inspector following the Public Examination into the Site Allocations DPD.

As part of the consultation process, the adjoining landowners seeking to promote the sites for future development have made representations. One party is generally supportive but expressed concerns regarding the link and whether it meets highway standards and that it should be adopted to ensure the delivery of the access. They have stated that there is alternative access options (through Queen Elizabeth Close) that could be used. The other party has also raised concerns regarding the safeguarding of the link.

Taking the points in turn, the Environmental Health Officer in commenting on the application has had regard to future access through the site and the implications upon occupiers of the dwellings. There is no objection to this following confirmation from the applicant regarding sound levels within the dwellings and

the specification of glazing.

With regard to the width of the road, the proposal is considered sufficient to serve the development as proposed. The adjoining land has no planning status and it is not known at this stage the quantum of development that may come forward.

On the second point, the links will be safeguarded as part of the section 106 legal agreement. It is not for the Local Planning Authority to get directly involved in dictating the value of land.

The proposed development provides an acceptable mix of properties. With regard to the affordable units, the mix has been agreed with the Council's Housing Officers and the distribution/clustering throughout the development is acceptable.

In light of the above considerations, the specific requirements of the allocation policy have been met and the proposal is acceptable in this regard. The detailed considerations of how the proposed development accords with other policies is discussed further in this report.

## **2. Character of the area**

The site lies on the south east edge of Shefford, on land that is currently agricultural land with an existing dwelling that will be demolished as part of the proposals. The site experiences significant level changes sloping up from Ivel Road and from the site to the properties in Queen Elizabeth Close. The site is relatively open to the south but is partly screened by an existing hedgerow. To the eastern boundary there is minimal planting but just beyond this is significant planting in a woodland. Adjacent to the northern boundary of the site is significant landscaping and planting along the formed railway embankment that screens the application site.

The context for development of this site is characterised by residential development to the north and west, a petrol filling station to the south west and open land to the south and east. The properties to the north in Queen Elizabeth Close are raised above the site and are predominantly red brick. There is existing planting along that boundary. To the west, the dwellings are late 90's properties set back from Ivel Road. They are sited below the level of Ivel Road and are accessed from several points along Ivel Road.

### Layout

The site layout is characterised by frontage development along Ivel Road, similar in character to existing properties in that they are set back from the road frontage and accessed from Ivel Road. These accesses serve 12 properties. The Design and Access Statement explains that the mix of short terraces and semi-detached and detached plots seeks to mimic that of the properties opposite. The provision of these three access points along Ivel Road has generated strong objections. From a visual point of view, the additional accesses are considered acceptable given the landscaping proposals and existing form of development opposite. The highway safety aspect will be discussed later in this report.



The remaining plots are accessed via the roundabout on Ivel Road which will create a central spine road extending through the site and terminating in a future link to land to the south and east. To the south of the road is the employment land with residential to the north. There are three access points along this road to serve the residential properties.

Along the northern boundary of the site, new development will back onto Queen Elizabeth Close. In order to create frontage development within the site this form of development is logical, whilst having regard to securing good standards of amenity for existing and proposed properties.

The road layout has been designed to ensure permeability and reduce vehicle speeds. There is only one cul-de-sac at the north east corner of the development, which will be a private drive. The remainder of the layout secures movement through the site, particularly for pedestrians so that access is not solely along the main spine road. A pedestrian link to Ivel Road is provided in the north west corner which links into the new footpath along the site frontage.

The parking provision comprises a mix of on plot, on street and courtyard parking with no particular type dominating. The courtyard areas provide no more than 14 spaces and on street provision is broken up by landscaping in the street.

It is necessary for servicing requirements to provide rear accesses for some properties. These will serve no more than 5 properties and it would be appropriate to provide gated entry points so that only those properties have access. This can be secured by condition.

### Scale and Design

The proposed development is predominantly two storeys in scale with only four two and a half storey units. Those units are located facing the central area of open space. The applicant was requested to provide street scene elevations of these units to illustrate how they relate to the two storey dwellings and they show that the difference in height is such that they will not be overly intrusive in the street scene or to the wider surrounding area. Originally, two other two and a half storey units were proposed that fronted onto the main road through the site. These have been removed following concerns and discussions with the applicant.

The Design and Access Statement in considering the design and appearance of the plots has looked at the wider character of Shefford, assessing both traditional and more recent development. Overall, there are five character areas, where the design of the properties are slightly different in terms of the elevational treatment but there is a consistent theme in terms of the materials proposed to ensure that the different character areas are harmonious in terms of overall appearance.

The palette of materials comprises mainly red and buff brick with occasional use of render and plain roof tiles in either red or grey. The boundary treatment plan submitted also illustrates minor variations between the different areas with hedging to be provided along the Ivel Road frontage (keeping with existing),

more formal railings around the area of open space. Elsewhere, front boundaries and gardens will be characterised by low edging and planting to soften the appearance and create a less formal streetscene.

The individual plots will be predominantly timber panel fencing to the rear gardens. On those boundaries which are prominent in the streetscene, boundary screen walls are proposed in materials to match the adjoining plots.

Overall, the development by its very nature will have an impact upon the character and appearance of the area. The existing landscaping within the site along the northern boundary will be retained and enhanced and the hedging along the western boundary will be retained as much as possible. Wider views from the north east and east are screened by existing planting.

For the above reasons, it is not considered that the proposal would have an adverse impact on the character of the area.

### **3. Amenities of adjoining properties**

The site directly adjoins existing residential development to the north in Queen Elizabeth Close and there are also existing properties on the other side of Ivel Road.

There are changing levels across the site and it was requested that the application be accompanied by site sections to illustrate the relationship between existing and proposed properties along the north and western boundaries of the site. Queries have been raised as part of the consultation process regarding the accuracy of levels along these boundaries. The accuracy of site sections along the northern boundary relate to adjacent gardens is considered a reasonable reflection of the situation.

However, the site sections along Ivel Road with the existing properties opposite have been found to be incorrect and those properties are lower than originally shown. Revised plans have been submitted and the relevant properties have been consulted for further comment. It is worth noting that those plans include revised landscaping along the Ivel Road frontage that includes the retention of the existing hedge where possible and additional planting and reduce intervisibility.

To the north the existing properties in Queen Elizabeth Close are elevated above the application site. The majority of those properties back onto the application site apart from the end property which is side on. The boundary comprises a mix of planting which includes well established hedgerows and a variety of tree planting, that screen the rear properties of existing properties to the application site.

The proposed layout along the northern boundary comprises properties backing onto the boundary. The distance of separation between existing and proposed properties (back to back relationships) is a minimum of 22m, considered sufficient and in accordance with the Council's adopted Design Guide to retain privacy between the properties. The end property, no. 23, is side on and the back to side relationship is 19m. That property has a small covered patio area

leading out from a utility room that is adjacent to the boundary. In light of the level difference, the proposed enhancement of existing landscaping and proposed landscaping it is not considered that there will be any significant impact upon the amenities of that property. The property at the western end of Queen Elizabeth Close will back onto the proposed attenuation area and there is a significant distance of separation between that property and the nearest proposed plot, such that there will be no unacceptable impact upon the amenities of that property.

With regard to overlooking into gardens, the distances of separation are also considered acceptable. Whilst the gardens in Queen Elizabeth Close are raised they are well screened to the application site by existing planting. To further enhance privacy, additional planting is proposed along this boundary at various points, where there are existing gaps to allow this. This includes supplementing the existing landscaping and new planting in a number of the proposed rear gardens to reduce intervisibility. The species proposed will be established specimens and the precise details of locations will be dealt with by condition.

The landscaping details have been revised following discussions with officers and are now considered acceptable in principle. A condition is necessary to agree the precise locations of planting along the northern boundary following detailed consideration on site.

There will be no overbearing impact, overshadowing or loss of light given the distance of separation and the scale of development proposed.

The properties on the other side of Ivel Road will not be adversely affected by the plots proposed opposite. The minimum distance between existing and proposed is 28m, a distance more than sufficient to ensure no loss of privacy, overbearing impact or overshadowing. As stated above, the initial site sections submitted did not accurately reflect the relationship. Revised plans have been submitted by the applicant. There is a difference in levels of 1.4m as shown on one cross section and some properties are set further below this. However, given the distance of separation this would not materially impact upon the considerations as described above. Furthermore, the applicant has amended the landscaping details to include planting along the Ivel Road frontage that will reduce intervisibility between existing and proposed properties.

The Environmental Health Officer in his response has assessed the potential future living conditions of occupiers of the proposed dwellings in light of their proximity to the main access road through the site and the commercial development proposed opposite. This assessment also takes account of future development and increased traffic levels should the land to the east and south come forward for development.

There are no objections to the development on these points. The applicant has provided further information to demonstrate that noise levels within the proposed dwellings will be acceptable. The commercial site is subject to a separate planning application for B1 development. However, whichever use is developed on the site it will be determined with full regard to safeguarding the amenities of the occupiers of the new development and also, importantly, those of existing residential properties close to the site.

Concern has been raised regarding noise from Ivel Road and the roundabout. The proposal will include highway works and proposals to deliver a 20mph zone along Ivel Road. This will reduce speeds and therefore noise, which will result in a betterment to the area. Overall, the proposal would not have an unacceptable impact on the character of the area.

#### **4. Access and highway safety**

The application is accompanied by a Transport Assessment which assesses both the residential development of 85 dwellings and the commercial development, based on 3, 247 square metres of B1 space.

As already stated access to serve the development will be via Ivel Road and a reconfigured roundabout. In addition, three new accesses are proposed from Ivel Road to serve 5 plots, 4 plots and 3 plots respectively. The provision of these accesses has generated strong objection.

With regard to highway capacity, the highway officer is satisfied that the numbers of vehicles generated will not adversely affect the road network. A common theme through the public exhibition and the consultation process as part of the application is the impact upon Ivel Road and the local views of problems with Ivel Road in terms of traffic volumes and speeds. However, as stated the impact upon Ivel Road is considered acceptable.

As discussed above, the volumes of traffic generated by the development (both residential and commercial) are considered acceptable. With regard to speeds, the northern part of Ivel Road has slower speeds due to on street parking but on the southern part of the road, the speeds rise where there is less frontage development.

The provision of the new access points along the Ivel Road will change the character of this part of Ivel Road by providing more frontage development. The location of the site and its relationship to the town centre and public transport links results in a key priority of needing to maximise sustainable transport links for pedestrians and cyclists. This can be best achieved by making the immediate environment more pedestrian/cycle friendly.

In light of the above considerations, the introduction of a 20mph zone and slowing features is an important part of the development, going some way to address the concerns of local people regarding this stretch of road. The applicant will be required to enter into a s.278 agreement to secure this. In addition, this will cover the footpath and crossing points within the public highway. This will deliver enhancements to the immediate road network.

With regard to the general site layout, the development is acceptable. The plots accessed from Ivel Road have adequate turning areas off the road but any servicing would need to take place on Ivel Road. As the road would be 20mph there would be no objection to this.

The parking provision allocated for the dwellings is in accordance with the Council's adopted Design Guide and in some cases provides spaces over and above the standards. The garages as provided meet the Council's minimum

guidelines. The provision is as follows:

- 2 Beds - 48 required, 48 provided;
- 3 Beds - 70 required, 70 provided;
- 4 Beds - 39 required, 43 provided;
- 5 Beds - 39 required, 45 provided.

The overall number of visitor spaces is adequate providing 23 spaces against a requirement of 21. The only comment here is that there is a shortage of visitor spaces at the eastern end of the site but the highways officer considers that there is generally space within the shared private areas to cater for occasional visitor parking.

Subject to the applicant entering into a s.278 agreement and satisfying conditions as set out in this report, the application is on balance acceptable in terms of its impact on highway safety.

## **5. Landscaping**

A full landscaping plan and strategy has been submitted with the application. The key elements include the retention of planting along the northern boundary and Ivel Road frontage, allowing for new development. This will be supplemented by additional planting, particularly along the northern boundary.

The landscaping plan as submitted with the application was not considered wholly acceptable and following comments from the Tree and Landscape Officer, revised plans were submitted. The key issues identified were:

- Better and increased planting within and adjacent to rear gardens along northern boundary; and
- Amended planting within open space including compensation for loss of oak tree to facilitate the roundabout;

The applicant has submitted a revised landscaping which addresses the majority of the points raised. However, following further consideration of the relationship with properties opposite on Ivel Road, additional details of planting have been submitted. These are broadly acceptable but need to be conditioned to secure agreement over some minor changes regarding species and locations. Overall, subject to some further details to be secured by condition, the landscaping scheme as submitted is acceptable.

A condition is attached to secure the implementation and management of the buffer screen along the northern boundary of the site. The applicant has confirmed that they would seek to establish the planting along the northern boundary within the first planting season following any planning permission and this will be written into the condition.

## **6. Flood Risk and Drainage**

The site lies wholly within Flood Zone 1, classified as an area with low fluvial flood risk. It is outside the influence of other identified sources of flood risk and therefore in light of these considerations the major risk in this area will be the management of storm water resulting from the development.

The applicant has had pre-application discussions with the Bedfordshire River Ivel Drainage Board as they are responsible for the adjacent watercourse. The re-use of the existing sewer has been agreed in principle subject to restricting the flow of storm water to 3l/s/ha. In order to achieve the required discharge rate, the residential development needs to provide a certain amount of storage on the site.

In considering the use of Sustainable Urban Drainage Systems (SuDS), the SuDS Manual and guidance from the Environment Agency applies a sustainability hierarchy to the various types of SuDS systems. The hierarchy is as follows:

1. Living roofs;
2. Basins and ponds;
3. Filter strips and swales;
4. Infiltration devices;
5. Permeable surfaces and filter drains; and
6. Tanked systems.

The proposals as submitted include two attenuation areas within the site and these are to be included within adoptable areas of open space. They will only hold water in extreme weather conditions. The depth of the area adjacent to Ivel Road is 1.5m. It would only hold water of that depth in a 1 in 100 year event and 1m of water in a 1 in 30 year storm.

The Flood Risk Assessment has also looked at the commercial development, subject of a separate application. It is not known at this stage the precise attenuation works to be provided. However, the commercial scheme has the flexibility to provide individual unit attenuation systems. The commercial land will have separate outfalls for foul and surface water to ensure each unit can be developed independently, although they will flow to the same watercourse and adopted drainage systems.

The Environment Agency and the Drainage Board have both responded stating no objection to the proposed development. A condition requiring full details of the surface water drainage scheme shall be secured by planning condition. The Drainage Board have confirmed that subject to control over discharge rates being limited to those stated within the FRA, they are content. The formal consent of Central Bedfordshire Council will be required (consenting undertaken by the Drainage Board) to discharge to adjacent field ditch. Subject to a suitably worded condition the application is acceptable with regard to surface water drainage.

Concerns have been raised by respondents concerning existing problems with sewage infrastructure along Ivel Road. Anglian Water's comments are awaited. The applicant will be required to enter into agreement with Anglian Water to adequately deal with this issue. A connection into the public sewer is the only viable option for a site of this size.

It is not within the authority of Central Bedfordshire Council as Local Planning Authority to dictate the method of foul drainage if Anglian Water are satisfied with the applicants proposals.

## **7. Ecology**

The Ecology Report has been prepared following a site visit in February 2012 and completion of an Extended Phase 1 Habitat and Protected Species Survey.

The report concluded that the site has habitats of limited value to wildlife, common and widespread within the local area. The hedgerow and scrub habitats provide commuting routes, nesting and foraging opportunities. The report recommends retaining the hedgerow and mature trees and supplementing that with new planting to enhance biodiversity.

No evidence of badgers, great crested newts or reptiles was observed and the site offers limited potential given its isolated location. In order to safeguard any birds, the report recommends removal of vegetation outside the breeding season (March – September inclusive) or if not possible, under the supervision of a suitably qualified ecologist.

The Council's Ecologist has reviewed the report and accepts the findings that no protected species will be affected. The building that may accommodate roosting bats is within the employment site and this will be dealt with by a planning condition attached to any consent on that site. Any landscaping should take the opportunity to enhance ecological potential on the site

## **8. Heritage**

The site is not within a conservation area nor is there any listed buildings close by. However, the site is within an area of archaeological interest and as a result the applicant has submitted a Heritage Asset Assessment and following advice from the Council's Archaeologist a geophysical survey and programme of trial trenching has been undertaken to establish the site archaeological potential.

Following the field investigations, a report has been submitted reporting the findings of the work undertaken. This has been reviewed by the Archaeologist and approved. A subsequent condition is recommended to secure a Written Scheme of Investigation.

## **9. Other Issues**

The application has been accompanied by other technical reports that include Energy and Sustainability, Air Quality, Waste Management and Ground Conditions.

These reports do not raise any concerns or objections. One of the representations received states that the development should be achieving 10% from renewable's and lifetime homes standard, in accordance with Policy DM1 of the Core Strategy. It is considered appropriate to impose a condition requiring compliance with this.

## **10. Section 106 Planning Obligation**

The starting point for determining the level of infrastructure contributions required is the Council's Planning Obligations Strategy (POS), but for sites of

this size discussions are largely based on site specifics, having regard to requirements of Regulation 122 of the Community Infrastructure Levy (CIL). For planning obligations to be CIL compliant they must meet the following three tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related to the scale and kind to the development.

Section 106 discussions with the applicant have secured contributions totalling £938'344. This includes the off-site highway works which amount to contributions totalling some £159'000. Some of the works included are over and above those reasonably required to make the development acceptable, and have been identified through the consultation process associated with the planning application. It has been necessary for the Council to take into account the additional highway works in negotiating the overall level of infrastructure contributions required as part of the proposal. In addition, the Council has been asked to justify fully all the contributions requested, and this had led to some reduction in contributions where detailed evidence does not exist to require all the sums sought.

The applicant has agreed to provide 30 affordable dwellings which represents just over 35% of the dwellings to be provided on the land, and this will be secured in the Section 106 planning obligation.

#### Education

A contribution of £611'847 has been secured towards early years, lower, middle and upper school. The contribution meets the requirements as set out by the Council's Education Team.

#### Sustainable Transport

Section 278 works to include new footpath along Ivel Road, additional crossing points at the revised roundabout, a zebra crossing, provision of a 20mph zone along Ivel Road. The works correspond to a financial contribution of £159'000.

#### Community Facilities

A contribution of £40'000 has been agreed which will be directed towards the new Shefford Memorial Hall building project on Ivel Road. This sum is in accordance with the POS.

#### Green Infrastructure, Forest of Marston Vale & Open Space

The POS requires contributions of £143'329 (Green Infrastructure), £64'579 (Marston Vale) and £87'432 (Indoor and Outdoor Sport). The applicant in their submissions has offered £97'000 towards these three areas on the basis that the landowner has undertaken tree planting in recent years in the vicinity of the site costing in the region of £68'000.



Health Facilities

A contribution of £26'000 has been proposed to go towards existing facilities in Shefford. This equates to approximately 25% of the POS requirement.

Cemeteries

A contribution of £684 has been agreed which is in accordance with the POS

Waste Management

A contribution of £ 3'998 has been agreed which is in accordance with the POS.

Community Cohesion

A contribution of £1'615 has been agreed which is in accordance with the POS.

Employment Land

The two hectares of employment land are considered to be a very important aspect of policy MA6, as it will help to ensure an appropriate balance of housing and employment in the local area. In order to encourage and facilitate the development of the employment land, the submission and approval of a marketing strategy will be secured as part of the planning obligation for this application for housing.

Overall the level of infrastructure contributions proposed by the applicant are considered appropriate for the scale of the development, and the highway works proposed for Ivel Road will have a beneficial impact on highway safety.

**Recommendation**

That Planning Permission be approved subject to the following conditions and completion of a section legal agreement to secure the obligations and contributions as set out above:

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

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

- 2 **No development shall commence until the detailed plans of a scheme to reduce traffic speed on Ivel Road to a level appropriate for a 20 mph speed limit have been approved by the Local Planning Authority and no dwellings accessing Ivel Road via a shared access shall be occupied until the scheme has been constructed in accordance with the approved details.**

**Reason: To make the accesses safe and convenient for the traffic which is likely to use them and to encourage pedestrian and cycle access to the town centre.**

- 3 **No development shall commence until details of the roundabout junction between the proposed estate road and Ivel Road have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

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

- 4 No dwelling accessing onto Ivel Road shall be occupied until visibility splays are provided at the junction of the accesses with Ivel Road. 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 33m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the duration of the development remain free of any obstruction to visibility.

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

- 5 Before any of the accesses are first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

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

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

- 7 **No development shall commence until the detailed plans and sections of the proposed roads, including gradients, method of surface water disposal and a scheme to reduce the speed on the main access road**

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.**

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

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

- 9 **No development shall 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.**

- 10 No dwelling shall be occupied until a site wide travel plan has been submitted to and approved in writing by the Council, such a travel plan to include details of:
- Baseline survey of site occupants in relation to these current/proposed travel patterns;
  - Predicted travel to and from the site and targets to reduce car use.
  - Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
  - Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
  - Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
  - Plans for monitoring and review, annually for a period of 5 years at which time the resulting revised action plan shall be submitted to and approved in writing by the planning authority.
  - Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
  - Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
    - Site specific travel and transport information,
    - Details of sustainable incentives (e.g. travel vouchers)
    - Maps showing the location of shops, recreational facilities, employment and educational facilities
    - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.

- Copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
- Details of the appointment of a travel plan co-ordinator.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

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

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

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

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

- 13 Before any dwelling hereby permitted is occupied, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

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

- 14 **No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the**

surface water run-off generated up to and including the 1% AEP (100-year return period) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be based upon the criteria, principles and parameters as set out within the Flood Risk Assessment (dated March 2012, reference J-B0348-R03, compiled by Opus International Consultants (UK) Ltd), and include the following:

- Full calculations detailing the existing surface water runoff rates for the Q<sub>BAR</sub>, Q<sub>30</sub> and Q<sub>100</sub> storm events, and further demonstration that the system functions given the 3 l/s/ha limit;
- Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the Q<sub>BAR</sub>, Q<sub>30</sub>, Q<sub>100</sub> and Q<sub>100</sub> PLUS CLIMATE CHANGE storm events, of the critical storm season and duration;
- Full results of detailed modelling of the proposed drainage system in the above-referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;
- Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;
- Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and – where a vortex flow control is used – the manufacturer’s design flow curve;
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;
- Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.

**Reason:** To prevent the increased risk of flooding, both on and off site.

- 15 **Details of the method of disposal of foul sewage for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans.**

**Reason:** To ensure that adequate foul water drainage is provided to prevent pollution of the surrounding environment.

- 16 **No development shall commence 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 with archaeological interest in accordance with Policy 141 of the *National Planning Policy Framework*.**

- 17 Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority. The bin storage/collection point shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interest of highway safety.

- 18 **Notwithstanding the landscaping details as submitted, revised details of planting along the west and north boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details shall include:**

- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows , indicating those to be retained and the method of their protection during development works; and**
- **measures to secure the management and maintenance of the landscape buffer along the northern boundary of the site.**

**Notwithstanding condition no. 19, the landscaping works thereby approved shall be implemented within the first planting season following the granting of planning permission and shall be carried out in accordance with the approved details.**

**Reason: In the interests of the visual amenities of the area and the amenities of adjoining properties.**

- 19 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

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

- 20 No removal of trees or hedgerows shall be carried out on site between March and September (inclusive) of any year unless previously agreed in writing by the Local Planning Authority.

Reason: To safeguard and protect the wintering/roosting/feeding/resting/breeding locations of protected species.

- 21 The boundary treatment scheme hereby approved shall be completed in accordance with the approved scheme before the building(s) is/are occupied.

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

- 22 Prior to the occupation of any dwelling details of the security measures to limit access to proposed rear pedestrian accesses of properties shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to the occupation of the relevant plots.

Reason: In the interests of security.

- 23 **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.**

- 24 **Prior to the Commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external road traffic noise shall not exceed 35 dB LAeq 07.00 – 23.00 in any habitable room or 30 dB LAeq 23.00 – 07.00 and 45 dB LAmax inside any bedroom and that external noise levels from road traffic noise sources shall not exceed 55 dB LAeq (1 hour) in out door amenity areas.**

**i. Any works that form part of the scheme approved by the Local Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

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

- 25 **Prior to the commencement of development full details of the open space, including the play area, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:**

- **design and locations of seating and bins to be provided;**
- **design, height and location of fencing; and**
- **full details of equipment to be installed; and**
- **details of signage to be provided; and**
- **a future maintenance and management regime.**

**The completed development shall accord with the approved details and**

in a timescale to be agreed in writing with the Local Planning Authority

**Reason: In the interests of the visual amenities of the area.**

- 26 **No development shall commence until a sustainability strategy has been submitted which demonstrates that a minimum of 10% of the energy needs of the development will be met from renewable or low carbon technologies. The development shall be implemented in accordance with the measures approved.**

**Reason: In the interests of securing sustainable forms of development.**

- 27 **No development shall commence until details of the layout and design of the play area shown on the approved drawing, including the equipment, furniture, surfacing, and boundary treatment to be installed, and also details of its future maintenance and the maintenance of the other open space areas within the site, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented as approved and in a timescale to be approved with the Local Planning Authority.**

**Reason: To ensure the provision of adequate play and children's recreation facilities.**

- 28 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SHEF-02-100 Rev A, SHEF-02-105, SHEF-02-150 Rev A, SHEF-02-160 Rev A, SHEF-02-180 Rev A, SHEF-02-200 Rev A, SHEF-02-215/1 Rev A, SHEF-02-215/2 Rev A, SHEF-02-300 Rev A, SHEF-02-310 Rev A, SHEF-02-400, SHEF-02-700, SHEF-02-800, SHEF-02-900, SHEF-03-100 Rev A (Sheet 1 of 2), SHEF-03-100 Rev A (Sheet 2 of 2), SHEF-03-101, SHEF-03-102, SHEF-03-103, 249-E001 Rev B, 249-E004 Rev B, 249-E005 Rev B, 249-E006, 249-E007, SHEFF/200/01 Rev A, SHEFF/200/02 Rev A, SHEFF/200/03 Rev A, SHEFF/200/04 Rev A, SHEFF/200/05 Rev A, SHEFF/200/06, SHEFF/200/07 Rev A, SHEFF/200/08 Rev A, SHEFF/200/11 Rev A, SHEFF/200/12, SHEFF/200/13, SHEFF/200/14, SHEFF/200/15, SHEFF/200/16 Rev A, SHEFF/200/17 Rev A, SHEFF/200/18 Rev A, SHEFF/200/19 Rev A, SHEFF/200/20 Rev A, SHEFF/200/21, SHEFF/200/22, SHEFF/200/23 rev A, SHEFF/200/24 Rev A, SHEFF/200/25 Rev A, SHEFF/200/26 Rev A, SHEFF/200/27 Rev A, SHEFF/200/28 Rev A, SHEFF/200/29, LE1688.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

**The site is allocated for residential development, and the proposal would not have an adverse impact on the character of the area or on the amenities of neighbouring dwellings. There would be no unacceptable impact on highway safety, or on biodiversity, archaeology, and the proposals for drainage are appropriate. As such the proposal complies with the National Planning Policy Framework, East of England Plan, policies, CS2, CS3, CS4, CS5, CS7, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18, DM1, DM2, DM9, DM10, DM13, DM14, DM15 and DM16 of Core Strategy and**

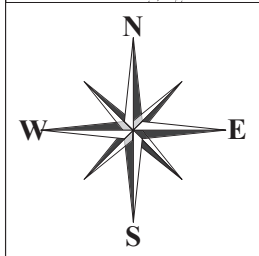
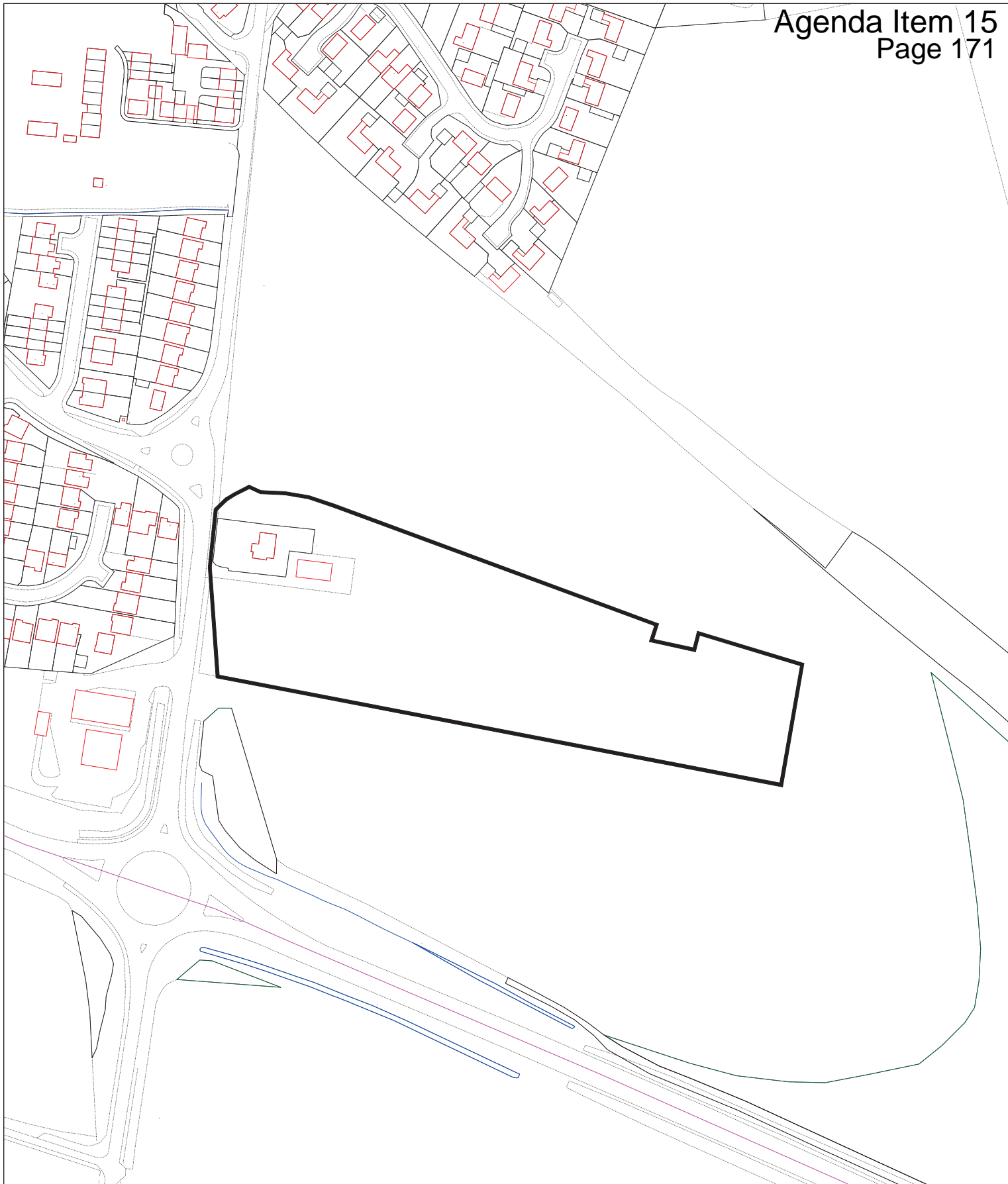


Management Policies (2009), and policy MA6 of the Site Allocations Development Plan Document (2009).

**DECISION**

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Central Bedfordshire Council  
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Date: 12:June:2012

Grid Reference: 514582, 238343

CB/12/01123/OUT

Scale: 1:2500

Bridge Farm, Ivel Road, Shefford, SG17 5LB

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<b>Item No. 15</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01123/OUT</b>
<b>LOCATION</b>	<b>Bridge Farm, Ivel Road, Shefford, SG17 5LB</b>
<b>PROPOSAL</b>	<b>Outline Application: Commercial development for B1 office floor space up to 3, 247 sq. metres after demolition of existing buildings at the site with all matters reserved.</b>
<b>PARISH</b>	<b>Shefford</b>
<b>WARD</b>	<b>Shefford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Birt &amp; Brown</b>
<b>CASE OFFICER</b>	<b>Richard Murdock</b>
<b>DATE REGISTERED</b>	<b>20 April 2012</b>
<b>EXPIRY DATE</b>	<b>20 July 2012</b>
<b>APPLICANT</b>	<b>Bovis Homes Ltd</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Request by Cllr Brown in light of public interest</b>
	<b>Outline Application - Granted</b>

**Site Location:**

The Bridge Farm site is located on the southern edge of Shefford. It lies to the north of the A507 and to the east of Ivel Road. The site is currently agricultural land and is occupied by a two storey farmhouse with associated garden and a single storey agricultural building to the rear.

The site forms one part of a site allocated for mixed use development. The employment site forms the southern half of the site with the residential to the north. To the west of the site is Ivel Road, a main route in and out of Shefford. To the other side of Ivel Road is existing residential development. This comprises recent and ongoing development of the former Shefford Town Football Club and residential development from the late 1990's. There is also a petrol filling station which has a shop which sells goods such that it could be described as a small supermarket. The site slopes upwards from Ivel Road so that it is elevated above those properties on the other side of Ivel Road.

To the south of the site is agricultural land, relatively narrow in depth, separating the site from the A507 which runs in an east west direction. To the west of the site is further agricultural land and a woodland.

The site is subject to significant level changes rising from the Ivel Road on the western boundary towards the woodland which lies just beyond the eastern boundary.

**The Application:**

The site is an allocated site within the Site Allocations Development Plan Document

2009 for a mixed use development comprising a minimum of 70 dwellings and 2000 sq.m of employment land.

This application is an outline planning application for the employment land, which forms the southern parcel of the allocated site and it is for B1 office space totalling approximately 3,247sq. m. The application has all matters reserved. The application is in outline form primarily to allow flexibility when potential occupiers/purchasers come forward. No end users have been identified at this time.

An indicative site plan indicating the potential siting of buildings has been submitted, illustrating four potential access points off the main spine road that is proposed to extend from the Ivel Road roundabout.

It has also been confirmed that the floorspace of each building would range from 464 sq.m to 836 sq.m. In addition, The Design and Access Statement provides parameters in terms of heights, widths and lengths. They are as follows:

Height: 6m - 10m;  
Width: 15m - 20m  
Length: 30m - 100m

The spine road forms part of the full planning application for the residential development immediately to the north.

The applications share a number of supporting documents with this outline planning application being accompanied by the following reports:

- Design & Access Statement;
- Transport Assessment & travel Plan;
- Ecological Appraisal;
- Noise
- Air Quality Assessment;
- Tree Survey & Arboricultural Implications Assessment;
- Heritage Assessment

## **RELEVANT POLICIES:**

### **National Policies**

National Planning Policy Framework (2012)

This document has replaced the suite of Planning Policy Guidance Notes and Planning Policy Statements. The key policy guidance statements seek to promote the following:

- A clear presumption in favour of sustainable development;
- Approve proposals that accord with the development plan;
- Secure high quality design and good standards of amenity;
- Mixed use development;
- Sustainable transport;
- Pre-application engagement and front loading of the planning process;
- Mitigate flood risk on developments and elsewhere;
- Minimise impact upon biodiversity and heritage assets.

## **Regional Spatial Strategy**

East of England Plan (May 2008)

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

The following policies are relevant

CS2 – Developer contributions;  
CS3 – Healthy and sustainable communities;  
CS4 – Linking communities – Accessibility and Transport;  
CS9 – Providing jobs;  
CS10 – Location of employment sites;  
CS13 – Climate change;  
CS14 – High quality development;  
CS15 – Heritage;  
CS16 – Landscape and woodland;  
CS17 – Green infrastructure;  
CS18 – Biodiversity and geological conservation;  
DM1 - Renewable Energy;  
DM2 – Sustainable construction of new buildings;  
DM3 – High quality development;  
DM9 – Providing a range of transport;  
DM13 – Heritage in development;  
DM14 – Landscape and woodland;  
DM15 – Biodiversity;  
DM16 – Green infrastructure.

## **Supplementary Planning Guidance**

Design Guide for Central Bedfordshire 2010

## **Planning History**

None relevant:

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

- |                      |   |
|----------------------|---|
| SheffordTown Council | Objects to the application on the following grounds: <ul style="list-style-type: none"><li>• Provision of accesses from Ivel Road and problems with traffic;</li><li>• Occupations of the residential land should be restricted prior to a sensible number of commercial units being delivered and ready for occupation. Required to provide a better link between houses and jobs and reduce travel.</li></ul> |
| Adjacent Occupiers   | Fourteen letters of objection on grounds of: <ul style="list-style-type: none"><li>• excessive noise and traffic pollution;</li><li>• another commercial development is not necessary</li></ul>   |

- given existing empty units;
- loss of green space;
- The water and power infrastructure is not there to support the development;
- public safety concerns;
- Speeding traffic along Ivel Road;
- Increased traffic flow on a road with existing heavy volume of traffic;
- Crossing facilities required;
- Existing problems with pedestrian safety will be exacerbated;
- Concern over provision of the access road to land to the east;
- Are potential through roads suitable for pedestrians, cyclists and vehicles to each use the highway;
- Pedestrian access along Ivel Road should be provided;
- Make provision for future management of drains;
- Increased flood risk;
- Foul sewage needs to be adequately addressed;
- Commercial use should be for uses appropriate to a residential area to limit use by HGV's and control noise. Plans do not support significant access by HGV's;
- Concern over maintenance of commercial site so that it is kept clean and tidy;
- Access should be from the roundabout.
- The position of the roundabout will not require speeding motorists to slow down
- Rise in traffic and speeding is a great concern
- Anti-social behaviour, inadequate police presence, fire station only part time.
- With vacant premises in Shefford, no need for more commercial buildings

Two letters on behalf of adjoining landowner supporting the scheme but raising the following concerns

- That the proposed link does not meet relevant highway standards as it is likely that in the future there could be a desirable route through to Hitchin Road. This concern relates to both the location of houses relevant to the road and the width of the road; and
- The proposed link should be secured as adopted highway land as without this there could be a ransom strip situation that could prejudice the link ever being provided. There are alternative access options (through Queen Elizabeth Close) that could be used as an alternative.
- Good planning to require adopted highway to the site boundary to ensure links are provided to the rest of Shefford in the adjoining land to the east is developed



Two letters received on behalf of the adjoining landowner, objecting on grounds that:

- unsure of preservation of drainage rights;
- Application does not meet statutory validation requirements in terms of information and as such it is not possible to assess the impacts of the development;
- Design & Access Statement;
- Parameters for width, length and height are not specified;
- No reference to how the link required as part of Policy MA06 will be provided;
- Concern that scheme does not have due regard to form of development beyond the site and bringing forward that land at a future date;
- The scheme is not conducive to ensuring that high quality development is delivered at this site at the entrance to Shefford;
- Need to provide 10% of energy from renewable sources;
- Unclear as to how development enhances accessibility by non-car modes e.g. cycle links to Shefford;
- No details regarding Heads of Terms for a S106 agreement, or details of open space on site
- Does not comply with policy MA6, nor the NPPF regarding safeguarding a route to the adjoining land to the south and east
- If only a strip of land of land is reserved on the application it is likely to be a barrier to bringing forward future development, the Council should require roads and services to adoptable standards to the boundaries of the application sites, both routes should be secured by legal agreement to ensure good

Site Notices Displayed  
Application advertised

### **Consultations/Publicity responses**

Highways Agency  
CBC Highways

No objection subject to travel plan condition  
The assessment carried out on the effect of the proposed residential and commercial development is generally accepted. The numbers of vehicles generated will not adversely affect the local road network.

The site has adequate access to the public highway only if the roundabout improvement required for the residential development (CB/12/01125) is implemented.

This is an outline application but the indicative layout of the car parking areas for the employment sites are not adequate to allow service vehicles to turn within the sites.

No objection to this application on highway grounds subject to conditions restricting the size of the development to 3,247 square metres and B1 use and the implementation of the improved roundabout.

CBC Sustainable Transport	<p>The site will require a travel plan.</p> <p>The site needs to have a range of travel options to reduce reliance on car given its location and mitigate impact upon surrounding roads. Site needs to be assessed from an accessibility perspective and measure put in place in terms of infrastructure and a travel plan to support different alternatives. Recommend the following:</p> <ul style="list-style-type: none"> <li>• provision of a 3m wide shared use footpath connecting site entrance to Churchill Way roundabout and provision of formal crossing for pedestrians and cyclists to access the town centre;</li> <li>• improvements to pedestrian and cycle route along Ivel Road by an extension of the town wide 20mph limit up to the roundabout is recommended which would enable raised zebra crossing;</li> <li>• Provision for crossing point to access the small supermarket would be desirable as part of the roundabout particularly to serve the needs of the commercial layout.</li> </ul>
CBC Trees	<p>Travel plan needs to be amended to be acceptable. This can be dealt with by a planning condition.</p> <p>Existing native field boundary hedge should be enhanced to provide improved wildlife corridor. Ample opportunity for good planting on the site to compliment the planting as part of the residential development opposite. Recommend some form of separation between commercial and residential use by way of planted bunding. Full details to be submitted as part of future reserved matters application.</p>
CBC Landscape	<p>Recommend further planting along the boundaries of the site to create structure buffer planting. Can further planting be provided along south west corner of the site.</p>
CBC Ecology	<p>The Ecology Report recommends a further survey of the buildings on site to ascertain the value for bats and propose necessary mitigation. Confirm that this can be conditioned as this is an outline planning application.</p>
CBC Public Protection	<p>Any vegetation clearance shall be carried out outside bird nesting season. Recommend that ample planting be incorporated into any landscaping scheme, including fruit trees, to enhance biodiversity.</p> <p>No objections in principal but given the proximity of the proposed development to new and existing residential development consideration should be given to conditions regarding operational hours and noise emanating from plant, machinery etc, Construction Code of Practice.</p>
CBC Archaeology	<p>No objection subject to a condition requiring a Written</p>

CBC Waste	Scheme of Investigation Request further details regarding rear access for bins, collection points, tracking details for vehicles and details of communal bin stores
Environment Agency	No objections subject to conditions regarding detailed surface water drainage scheme.
Beds and River Level Drainage Board	No objection. As it is proposed to discharge storm water runoff to the adjacent field drain controlled by the IDB, all flows must be controlled to Greenfield runoff rates. If the intention is to discharge directly to the adjacent field ditch the consent of the lead flood authority is required. That consent is currently undertaken by the IDB. Please include a suitably worded condition.
Anglian Water Ramblers	Comments to be reported verbally Comments to be reported verbally

### **Determining Issues**

The main considerations of the application are;

1. Principle of development
2. Character and appearance of the area:
3. Amenities of adjoining properties
4. Access and highway safety
5. Landscaping
6. Flood Risk
7. Ecology
8. Heritage
9. Other Issues
10. Section 106

### **Considerations**

#### **1. Principle of development**

The site has been allocated for mixed use development as part of the Council's Local Development Framework. The Site Allocations DPD (2009) allocate the site under Policy MA6, the details of which are set out above. In light of this, the principle of employment development is acceptable

The site has been allocated for a mixed use development and whilst this application is for the employment land, members also have before them a full planning application for 85 dwellings on the northern part of the site.

The wording of the policy makes only one prescriptive requirement relating to this application and that relates to the provision of a safeguarded access to serve land to the south and east should that land come forward for development. This requirement was inserted by the Inspector following the Public Examination into the Site Allocations DPD.

As part of the consultation process, the adjoining landowners seeking to promote the sites for future development were consulted and they have submitted comments on the application. In summary one letter comments that they are supportive of the application but have raised two concerns as follows:

1. That the proposed link does not meet relevant highway standards as it is likely that in the future there could be a desirable route through to Hitchin Road. This concern relates to both the location of houses relevant to the road and the width of the road; and
2. The proposed link should be secured as adopted highway land as without this there could be a ransom strip situation that could prejudice the link ever being provided. There are alternative access options (through Queen Elizabeth Close) that could be used as an alternative.

A second letter from another landowner raises the same issue and expresses concern regarding the safeguarding the provision of a route for the land to the south and east.

Taking the points in turn, the noise issue is dealt with as part of the residential planning application.

In securing the links, the section 106 agreement associated with the residential use will safeguard the road as proposed as it forms part of a detailed application. This application is in outline with all matters reserved and therefore at this stage it is not known at which particular point/route the road to the south would take. Although the indicative layout does show a route to the south.

It is therefore considered appropriate to require the submission of a safeguarded route as part of the section 106 agreement prior to the submission of any reserved matters applications for the site.

If the land does not come forward for development for whatever reason e.g. viability, lack of demand it would not be reasonable for the Council to require the link road to be built at the landowners expense, solely to serve the adjoining development. The provision of access through the site to serve adjoining land would be subject to discussion between the relevant parties.

Comments have been raised regarding the deliverability of the site and a requirement for units to be delivered and occupations on the residential site being restricted until some/all the units have been provided. It is not considered reasonable to require this as there is no certainty, particularly in the current market, that there will be immediate demand. Within the commercial sector, developers no longer construct buildings speculatively as this constitutes a large financial outlay and in addition, by building the units there is then reduced flexibility in terms of responding to individual needs. The outline planning application offers that flexibility so that reserved matters applications can be tailored to meet specific needs of occupiers.

It is considered essential as part of the section 106 agreement to secure the submission, agreement and implementation of a marketing strategy for the site to make best efforts to bring forward occupiers for the site.

In light of the above considerations, the specific requirements of the allocation

policy can be secured and the proposal is acceptable in this regard. Detailed considerations of how the proposed development accords with other policies is discussed further in this report.

## 2. Character of the area

The site lies on the south east edge of Shefford, on land that is currently agricultural land with an existing dwelling that will be demolished as part of the proposals. The site experiences significant level changes sloping up from Ivel Road and from the site to the properties in Queen Elizabeth Close. The site is open to the south and east.

The context for development of this site is characterised by residential development to the north and west and a petrol filling station to the south west. The properties to the north in Queen Elizabeth Close are raised above the site and are predominantly red brick. There is existing planting along that boundary. To the west, the dwellings are late 90's properties set back from Ivel Road. They are sited below the level of Ivel Road and are accessed from several points along Ivel Road.

This application is in outline form and therefore the detailed elements such as design, siting etc are not subject to formal approval at this stage. However, this site will form a gateway to the southern edge of Shefford and therefore it is important as part of this application to set out some key principles for future reserved matters application. The application does include as part of the Design and Access Statement, the parameters for the buildings in terms of the heights, widths and lengths of buildings.

In terms of general layout, the Design and Access Statement states that the design philosophy is to create a building at the site entrance to reflect the residential scheme opposite and 'turn the corner'. The commercial buildings are proposed to be broadly orientated so that the long axis runs in a north south direction so that the short axis is presented to the south of the site, thus minimising the visual impact in terms of the widths of buildings that can be seen from the wider surrounding area. Between the buildings it is envisaged that courtyards could be formed providing parking, landscaping and open space.

The document contains examples of the types of design of building that is envisaged for the site. The images include contemporary designed buildings but also includes more traditional style buildings, both of which could sit well within the rural context of the site.

With regard to the heights of the buildings, the applicant has confirmed that they will be no more than two storeys in height ranging from 6m to 10m, not materially different in scale to the residential development. The storey heights for commercial development compared to residential are generally higher given the requirements for servicing and modern standards. It would be considered overly restrictive to restrict the development to single storey as this could prejudice the site coming forward.

As well as providing details of the height, the parameters for widths and lengths have been provided and it is stated that the building will range between 464 and 836 sq. metres in floorspace. It is envisaged that a larger footprint building is not

particularly suitable for the site. This reduces bulk and massing.

There is an existing native field boundary hedge along the southern edge of the site and it is considered important to retain this and supplement it as part of the edge of Shefford. The Design and Access Statement states that specifically states that new tree and shrub planting should be incorporated to the south and east boundary. This issue has also been picked up in the comments of the Tree and Landscape Officer and will form a key part of any reserved matters application. A condition requiring a standard of planting belt is considered appropriate to ensure consistency should any plots come forward individually.

Although the application is in outline, the scale of development is not overly significant such that it would warrant the preparation of any design guide/brief. The information submitted envisages relatively small footprint buildings that are of a suitable height and sited in such a way that their appearance to the wider surrounding area is minimised. The reinforcement of existing boundaries with further landscaping has also been clearly identified.

In light of the information that has been provided, it is considered that it is sufficient to reasonably conclude that a development can be secured of sufficiently high quality design. The Council has adopted design guidance regarding larger footprint buildings which will influence the design and appearance of any future scheme and inform the decision making process.

There are other matters which impact upon the character and appearance such as detailed landscaping within the site, boundary treatment etc but they can all be conditioned for future consideration when detailed proposals are formulated.

At this stage, the scope of information submitted with the application is considered sufficient to make an informed assessment of the impact upon the character and appearance of the area and this is considered acceptable.

### **3. Amenities of adjoining properties**

The proposed development will be on the other side of Ivel Road from existing residential properties and proposed properties to the north of the proposed spine road. At this stage the siting of buildings is not known in detail but given the relationship of the site to adjoining residential development (existing and proposed), two storey commercial buildings can be accommodated on site such that they would not adversely affect the amenities through any overbearing impact, loss of light or overshadowing. This will be fully assessed at reserved matters stage.

Consideration must be given at this stage to the impact of the proposed development in terms of noise associated with the use proposed and associated traffic.

The proposal is for B1 use which encompasses offices, research and development and light industrial use. Such uses are considered acceptable adjacent to residential properties given that they are not high noise generators. In addition, the type of vehicles associated with such uses are smaller vehicles with occasionally larger vehicles for servicing. B1 uses do not normally have frequent movements of HGV's.

To safeguard amenity it is considered appropriate to impose conditions which restrict hours of use, hours of any deliveries and require details of plant equipment or machinery to be installed. Should these hours not be suitable for a potential occupier/user on the site then there is the option to amend the condition and any application would be considered on its merits with full regard to the need to safeguard the amenity of surrounding residential properties.

#### **4. Access and highway safety**

The Transport Assessment that accompanies the application assesses the impact of both the proposed residential development and the B1 floorspace based on the quantum of development put forward. The impact upon the surrounding road network is considered to be acceptable subject to the implementation of the roundabout prior to any of the commercial units being occupied.

The Highways Officer has no objections overall to the proposals subject to the provision of a travel plan for each unit and a condition to restrict the overall quantum of floorspace to that assessed by the Transport Assessment. The detailed issues such as turning areas and parking can be addressed as part of any reserved matters application.

The residential application (subject to obtaining planning consent) will be subject to additional requirements regarding the delivery of a 20mph zone and enhancements to walking and cycling facilities. It is not considered reasonable to request those same works just from the employment land. The new roundabout will include pedestrian crossing facilities by way of central refuges as part of the design.

The proposal is considered acceptable in this regard.

#### **5. Landscaping**

The detailed landscaping scheme will be subject to a reserved matters application. However, as stated above there are some elements of more strategic landscaping such as the site boundaries for which the requirements should be set now. This includes retaining and enhancing the existing native hedge planting on the south and east boundaries. These can be secured by planning condition.

With regard to the less strategic elements of the landscaping, the Design And Access Statement envisages a green environment surrounding the buildings. It is considered that an acceptable scheme can be secured at reserved matters stage. It is worth noting that landscaping along the southern edge of the main access road through the site is important.

#### **6. Flood Risk**

The site lies wholly within Flood Zone 1, classified as an area with low fluvial flood risk. It is outside the influence of other identified sources of flood risk and therefore in light of these considerations the major risk in this area will be the

management of storm water resulting from the development.

The applicant has had pre-application discussions with the Bedfordshire and River Ivel Drainage Board as they are responsible for the adjacent watercourse. The re-use of the existing sewer has been agreed in principle subject to restricting the flow of storm water to 3l/s/ha.

In considering the use of Sustainable Urban Drainage Systems (SuDS), the SuDS Manual and guidance from the Environment Agency applies a sustainability hierarchy to the various types of SuDS systems. The hierarchy is as follows:

1. Living roofs;
2. Basins and ponds;
3. Filter strips and swales;
4. Infiltration devices;
5. Permeable surfaces and filter drains; and
6. Tanked systems.

At this stage it is not known exactly which SuDS system will be used and each system should be considered on a unit by unit basis along with a site wide system as well.

However, the commercial scheme has the flexibility to provide individual unit attenuation systems. The commercial land will have separate outfalls for foul and surface water to ensure each unit can be developed independently, although they will flow to the same watercourse and adopted drainage systems.

The Environment Agency has raised no objection to the proposal subject to a condition relating to surface water drainage. The surface water will drain to a watercourse controlled by the Beds and River Ivel Drainage Board and their formal consent will be required. This will be subject to a separate process.

## **7. Ecology**

The Ecology Report has been prepared following a site visit in February 2012 and completion of an Extended Phase 1 Habitat and Protected Species Survey.

The report concluded that the site has habitats of limited value to wildlife, common and widespread within the local area. The hedgerow and scrub habitats provide commuting routes, nesting and foraging opportunities. The report recommends retaining the hedgerow and mature trees and supplementing that with new planting to enhance biodiversity.

No evidence of badgers, great crested newts or reptiles was observed and the site offers limited potential given its isolated location. In order to safeguard any birds, the report recommends removal of vegetation outside the breeding season (March – September inclusive) or if not possible, under the supervision of a suitably qualified ecologist.

The report identified the potential for roosting within the main house on the house, which is to be removed as part of the proposed development. The



Council's Ecologist has agreed that a survey to establish the use of the building by bats.

The proposal is acceptable in this respect.

## 8. Heritage

The site is not within a conservation area nor is there any listed buildings close by. However, the site is within an area of archaeological interest and as a result the applicant has submitted a Heritage Asset Assessment and following advice from the Council's Archaeologist a geophysical survey and programme of trial trenching has been undertaken to establish the site archaeological potential.

Following the field investigations, a report has been submitted reporting the findings of the work undertaken. This has been reviewed by the Archaeologist and approved. A subsequent condition is recommended to secure a Written Scheme of Investigation.

## 9. Other Issues

A number of other issues have been raised as part of the consultation process and the comments on those are as follows:

The application is considered to be a valid submission for an outline application. The red edge site plan does not include the access road, which is why it is beneath the 2 hectare requirement of the policy. The road is within the red line plan for the residential application.

With regard to renewable energy requirements, the provision of 10% energy from renewable sources can be secured by condition. At outline stage it is not possible to define exactly which technology is suitable as this will depend on the building, therefore a condition is a reasonable way of addressing this.

The preservation of drainage rights is a civil matter between landowners and not a matter the Local Planning Authority can have jurisdiction over.

Finally, the need to take account of the future development of adjoining land is an issue that needs to be considered. The adjoining land does however not have any planning status and it is not known whether or when it will be developed. The indicative layout does form a satisfactory relationship to adjoining land and any reserved matters consent would also assess this. However, it is more for the adjoining land to respond to whatever development is implemented on this site. The key requirement is making provision for access and this will be dealt with as part of any section 106 agreement.

## 10. Section 106

A section 106 agreement is required to secure the provision of suitable access through the site to serve land to the south and to agree a marketing strategy to deliver the site for employment purposes.

## Recommendation

That Planning Permission be granted subject to the following conditions and the applicant entering into a section 106 agreement.

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

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

- 2 Approval of the details of:-

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

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

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

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

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

- 4 **No development shall commence 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 with archaeological interest in accordance with Policy 141 of the *National Planning Policy Framework*.**

- 5 **Details of the method of disposal of foul sewage for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans.**

**Reason:** To ensure that adequate foul water drainage is provided to prevent pollution of the surrounding environment.

- 6 **Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The scheme shall be based upon the principles within the agreed Flood Risk Assessment (dated March 2012, reference J-B0348-R03, compiled by Opus International Consultants (UK) Ltd), and shall also include:**

- **Full calculations detailing the existing surface water runoff rates for the Q<sub>BAR</sub>, Q<sub>30</sub> and Q<sub>100</sub> storm events;**
- **Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the Q<sub>BAR</sub>, Q<sub>30</sub>, Q<sub>100</sub> and Q<sub>100 PLUS CLIMATE CHANGE</sub> storm events, of the critical storm season and duration;**
- **Full results of proposed drainage system modelling in the above-referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;**
- **Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;**
- **Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and – where a vortex flow control is used – the manufacturer’s design flow curve;**
- **Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;**
- **Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.**

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

- 7 **No building shall be occupied until a travel plan for that unit has been submitted to and approved in writing by the Council, such a travel plan to include details of:**
- **Baseline survey of site occupants in relation to these current/proposed travel patterns;**
  - **Predicted travel to and from the site and targets to reduce car use.**
  - **Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.**
  - **Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.**

- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review, annually for a period of 5 years at which time the resulting revised action plan shall be submitted to and approved in writing by the planning authority.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
  - Site specific travel and transport information,
  - Details of sustainable incentives (e.g. travel vouchers)
  - Maps showing the location of shops, recreational facilities, employment and educational facilities
  - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
  - Copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
  - Details of the appointment of a travel plan co-ordinator.

No building shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

- 8 **No development shall commence until details of the final ground and slab levels of the buildings 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.**

- 9 Prior to the occupation of any units on the site 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 for that particular unit. The boundary treatment shall be completed in accordance with the approved scheme before the building(s) is/are occupied

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

- 10 **No development shall commence until details of the roundabout junction between the proposed estate road and Ivel Road have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

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

- 11 Before any building hereby permitted is occupied, a scheme for the secure and covered parking of cycles associated with that building (including the internal dimensions of the cycle parking area, number of stands/brackets to be provided and access thereto), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the building to which it relates 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.

- 12 The quantum of floorspace shall not exceed 3,247 sq. metres of B1 floorspace.

Reason: For the avoidance of doubt

- 13 All plant, machinery and equipment installed or operated in connection with any commercial building hereby permitted shall be so enclosed, operated and/or attenuated so that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at 1m from the façade to the nearest noise sensitive property.

Reason: To prevent any adverse impact from plant noise on the amenity of existing and future residents in the locality.

- 14 Deliveries by commercial vehicles shall only be made to or from the commercial premises between 7:00am and 6:00pm Monday to Friday, 7:00am and 1:00pm on Saturdays, and at no time on Sundays, Bank or Public holidays.

Reason: To safeguard the amenities of adjoining residential properties.

- 15 No unit shall be used except between 7:00am and 7:00pm Monday to Friday, 7:00am and 5:00pm on Saturdays, and at no time on Sundays, Bank or Public holidays.

Reason: To safeguard the amenities of adjoining residential properties.

- 16 **Prior to the submission of any reserved matters application a survey of the site shall be undertaken to ascertain as to whether there are any bats roosting on the site. If any of the above species are found to exist the details of measures to be undertaken to safeguard these protected species then habitat protection measures shall be submitted to and approved in writing by the Local Planning Authority. The habitat**

protection measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.

**Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.**

- 17 No development works or removal of trees or hedgerows shall be carried out on site between March and September (inclusive) of any year unless previously agreed in writing by the Local Planning Authority.

Reason: To safeguard and protect the wintering/roosting/feeding/resting/breeding locations of protected species.

- 18 No shrubs, hedges or trees existing on the site shall be removed or cut down without the prior written consent of the Local Planning Authority.

Reason: To safeguard the existing shrubs and hedges on the site in the interest of visual amenity.

- 19 Prior to the submission of any reserved matters application, details of a strategic landscape buffer to be provided along the south, west and east boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the landscaping to be retained and provision of an additional 5 metre wide landscaping strip to be provided. The planting details shall include planting plans, including schedule of size, species, positions, density and times of planting; and cultivation details including operations required to establish new planting. The approved scheme shall be carried out prior to the occupation of any building on the site.

Reason: In the interests of the visual amenities of the area.

- 20 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

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

- 21 No building shall be occupied until a scheme identifying bin storage and refuse collection points for that building has been submitted to and approved in writing with the Local Planning Authority. The scheme shall be wholly implemented in accordance with the approved scheme prior to any building is first being brought into use.

Reason: To ensure the safe collection of refuse for all residential dwellings.

22 **No development of any unit(s) shall commence until a sustainability strategy has been submitted which demonstrates that a minimum of 10% of the energy needs of that unit(s) will be met from renewable or low carbon technologies. The development shall be implemented in accordance with the measures approved.**

**Reason: In the interests of securing sustainable forms of development.**

23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers (TBC).

Reason: For the avoidance of doubt.

**Reasons for Granting**

**The site is allocated for employment development, and the proposal would not have an adverse impact on the character of the area or on the amenities of neighbouring dwellings. There would be no unacceptable impact on highway safety, or on biodiversity, archaeology, and the proposals for drainage are appropriate. As such the proposal complies with the National Planning Policy Framework, East of England Plan, policies, CS2, CS3, CS4, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18, DM1, DM2, DM9, DM13, DM14, DM15 and DM16 of Core Strategy and Management Policies (2009), and policy MA6 of the Site Allocations Development Plan Document (2009).**

**Notes to Applicant**

- 1. The reserved matters landscaping scheme shall include a five metre wide planting strip to be included along the southern boundary of the south and to the north of the existing hedge. This should include a mix of native planting consisting of both standard trees and bare root plantings to increase the screening of the site and to provide an improved wildlife corridor along this boundary.

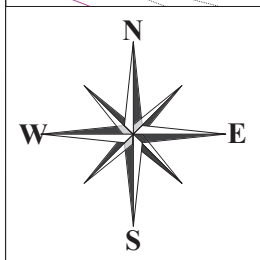
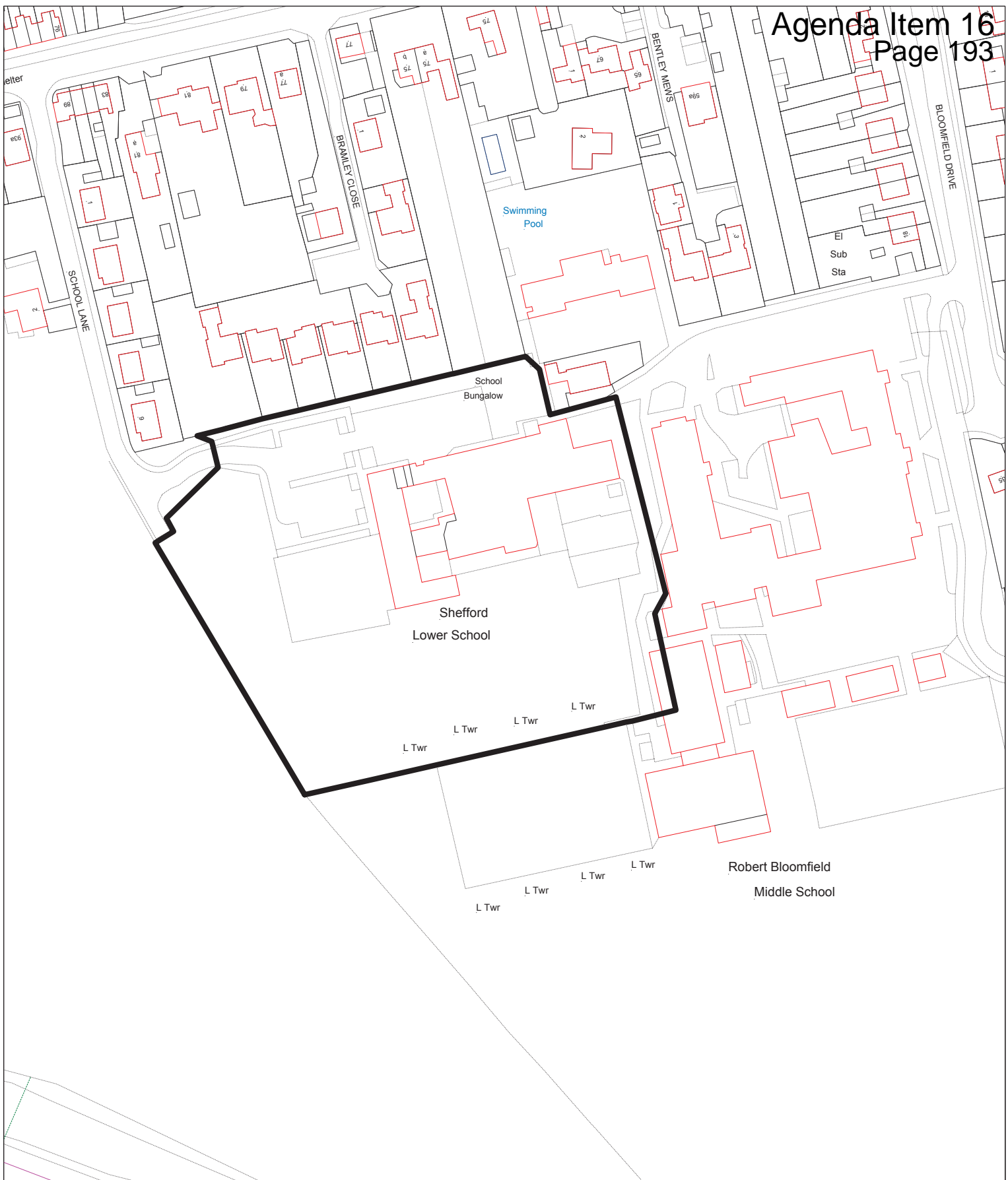
**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 29:May:2012

Grid Reference: 513698, 238792

Application No.  
CB/12/00938/FULL

Scale: 1:1700

Shefford Lower School, Bloomfield Drive, Shefford, SG17 5BU

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**Item No. 16**

<b>APPLICATION NUMBER</b>	<b>CB/12/00938/FULL</b>
<b>LOCATION</b>	<b>Shefford Lower School, Bloomfield Drive, Shefford, SG17 5BU</b>
<b>PROPOSAL</b>	<b>Extensions and alterations to the rear and to the side, creation of two new play areas, extending car parking area together with internal modifications along with additional windows and doors to the existing building.</b>
<b>PARISH</b>	<b>Shefford</b>
<b>WARD</b>	<b>Shefford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Birt &amp; Brown</b>
<b>CASE OFFICER</b>	<b>Richard Murdock</b>
<b>DATE REGISTERED</b>	<b>20 March 2012</b>
<b>EXPIRY DATE</b>	<b>15 May 2012</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>QMP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Central Bedfordshire is the applicant and objections have been received to the application.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

Shefford Lower School is situated on the western side of Shefford in a residential area, access taken from School Lane. The school buildings are single storey with various additions having taken place over the years. To the front of the building is existing car parking with a hard surfaced playground to the side and play/sports facilities to the rear.

**The Application:**

Planning permission is sought for a single storey extension to the side of the building to provide additional facilities including classrooms, open courtyards and an undercover play area. The new building also includes a new community entrance to the front of the building and internal modifications. To the side of the proposed extension it is proposed to provide a new hard play area and hard play zone, and a bin store.

The overall increase in footprint will be 562 sq. metres. Car parking provision will be maintained at a total of 63 spaces. It is anticipated that the total pupil numbers will increase from 400 to 450, staffing levels increasing from 70 (17 F/T and 53 P/T) to 86 (21 F/T and 65 P/T).

**RELEVANT POLICIES:**

**National Policies**

National Planning Policy Framework 2012

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

CS15, DM13 Heritage  
CS14, DM3 High Quality Development

## Supplementary Planning Guidance

Design in Central Bedfordshire 2009

## Planning History

CB/11/03350/FULL Full: 115 m2 Extension to create reception classroom and associated WC's, cloakroom, and SEN/meeting room.  
Approved 16/11/2011

## Representations: (Parish & Neighbours)

Shefford Town Council No objection

Neighbours Three letters of objection on the following grounds:

- increase in vehicular traffic;
- impact upon highway safety;
- drop off zones and parking zones required to minimise risks;
- proximity of play area to school access;
- School Lane issues need to be resolved;
- Problem parking in front of school gates;
- School needs an alternative access or an alternative school site needs to be found.

Site notices posted at 05/04/12  
site entrance and  
entrance to School  
Lane

## Consultations/Publicity responses

CBC Highways Recommend conditions regarding a TRO along School Lane and putting control on access to the school.  
Request a travel plan

Sport England No objection as the works meet exception E3 of Port England's policy 'A Sporting Future for the Playing Fields of England (1997)'.

CBC Archaeology No objection subject to a condition for a scheme of investigation

CBC Public Protection No comments to make

CBC Play & Open Space No comments received

CBC Building Control No comments to make

CBC Waste No comments received

Community Safety Officer No comments received

Architectural Liaison Officer No comments received

## Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the area
2. The impact on neighbouring amenity
3. Any other considerations

## **Considerations**

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

The proposed extension would be sited to the west and south elevations of the building and will therefore be visible to the wider area. Whilst the site is not widely visible from School Lane there are wider views from the south and west from the A507.

The scale of the proposed extension is in keeping with the existing building, being subservient in floor area and comparable in height. The existing building is red brick and cream render and it is proposed to render the extension in colour to match existing. The roof will be flat to match the existing building. It is considered that the building is acceptable in its scale and design.

The proposed works to the parking area and two new play areas are of a character and appearance expected with such works. The play zone is proposed to be surrounded by a 4m high fence.

The proposal will result in the removal of a landscaped bund along the western boundary. This is not ideal but the resultant visual appearance of the site is not considered to be materially affected.

Overall, the works as proposed will not adversely affect the character and appearance of the area.

### **2. The impact on neighbouring amenity**

The school is within a residential area. The proposed buildings will be no closer to existing residential properties to the north of the site and therefore those properties will be unaffected. The parking arrangements next to those properties will also largely remain as existing with some rearrangement to relocate spaces lost as a result of the extension. Any noise or disturbance associated with parking will also remain as per the current situation.

The proposed play areas are located sufficient distance away from residential properties as not to result in any undue noise and disturbance.

### **3. Highway Safety Issues**

Access to the school is from School Lane, which currently causes problems at peak school travel times due to parking along the road and volume of traffic. The objections received from adjoining occupiers have centred around this issue and the concerns with regard to highway safety of both vehicles and pedestrians.

The Highways Officer and Sustainable Transport Officer have both raised

concerns regarding the existing situation and the fact that the proposed development will only serve to exacerbate the problem. It has been recommended that access to the school car park be controlled so that only members of staff or persons with specific permission be allowed entry to the school during peak hours of 8am to 9am and 3pm to 4pm. Also, a TRO (Traffic Regulation Order) has been requested to control parking and stopping along School Lane. It is considered appropriate to attach conditions to any consent and therefore seek to address the issues along School Lane.

The parking provision as proposed is considered acceptable, The standards require the provision of parking based on 1 space per full time teaching staff, 1 space per 4 other staff and 1 space per class (maximum of 10 spaces). Based on the staffing numbers proposed this would equate to a requirement for 64 spaces. This is one space more than provided but this is considered to be acceptable.

A travel plan has been requested. However, this application relates to an extension to the school and it would not be reasonable to require a travel plan for the entire school as part of this application. This is a matter that could be taken up with the school separately.

#### 4. Any other considerations

The proposed development is in the area of a high status Roman settlement (HER 379). It is a locally identified heritage asset with an archaeological interest as defined by the *National Planning Policy Framework (NPPF)*.

Shefford Lower School is within an extensive high status Roman settlement. Finds were initially made in the area in the first half of the 19th century during gravel digging; further finds were made during the 1940's. Subsequent investigations over the last twenty years have produced further evidence of Roman occupation. The settlement had its origins in the late Iron Age period when a ditched enclosure was established containing round houses and other evidence of domestic occupation. The enclosure was maintained during the Roman period and a new sequence of buildings constructed including a large aisled building unique in Bedfordshire. The site continued to be occupied into the 4th century AD. Archaeological investigation at the Lower School site has shown that it lies within the settlement, on the edge of the main enclosure ditch and an area of quarrying. The proposed development site will contain archaeological remains of the high status late Iron Age and Roman settlement known to exist in the area.

Under Policy 128 of the *NPPF* local planning authorities should require an applicant to describe the significance of any heritage assets affected. The application includes an *Archaeological/Heritage Asset Assessment* which describes the significance of the heritage asset with an archaeological interest. Therefore, the application conforms to the requirements of Policy 128 of the *NPPF*.

*Archaeological/Heritage Asset Assessment* identifies and describes the late Iron Age and Roman settlement in the area of the Lower School. It also recognises that the archaeological remains and the heritage asset with an archaeological interest are of regional significance on the basis of the published Regional Archaeological Research Frameworks. The *Assessment* also identifies those parts of the development which will have an impact on archaeological remains. These include the enabling works, building construction, creation of a temporary vehicular route and construction of the hard play areas. This is a reasonable assessment of the impact of the proposed development on archaeological remains.

The proposed development will have a negative and irreversible impact on archaeological remains belonging to a high status late Iron Age and Roman settlement which represent a regionally significant heritage asset with an archaeological interest. The negative impact on the archaeological deposits will result in a loss of significance of the heritage asset. This does not represent an over-riding constraint on the proposed development provided that developer takes appropriate measures to record and advance understanding of the significance of the heritage asset with an archaeological interest. 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 a condition could be attached to secure investigations on the site.

### 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 **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 Prior to the commencement of development, a scheme to control access to the school car park shall be submitted to and approved in writing by the Local Planning Authority. The measures approved shall be implemented prior to the occupation of the extension hereby approved.

Reason: In the interests of highway safety.

- 4 Prior to the occupation of the extension hereby approved, the applicant shall

secure the implementation of a Traffic Regulation Order to restrict parking along School Lane on Mondays to Fridays (inclusive) between the hours of 08:00 and 09:00 and 15:00 and 16:00. The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

- 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M5314/A/A201.A, M5314/A/A202.A, M5314/A/A205.0, M5314/A/A206.A, M5314/A/A210.A, M5314/A/A220.0, M5314/A/A221.0, M5314/A/A225.A.

Reason: For the avoidance of doubt.

**Reasons for Granting**

The proposed extension would not have an adverse impact on the character and appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety and archaeology therefore by reason of its site, design and location, is in conformity with Policies CS14, DM3, CS15 and DM13 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework 2012

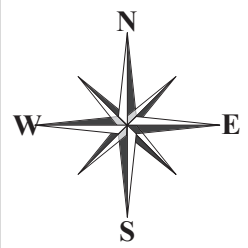
**DECISION**

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# Shillington



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Date: 11:June:2012

Grid Reference: 512533, 234459

Application No.  
 CB/12/00534/OUT

Scale: 1:1250

Stables Rear of 50 High Road, Shillington, SG5 3PJ

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**Item No. 19**

<b>APPLICATION NUMBER</b>	<b>CB/12/00645/OUT</b>
<b>LOCATION</b>	<b>Stables Rear Of 50, High Road, Shillington, SG5 3PJ</b>
<b>PROPOSAL</b>	<b>Outline Application: Residential development following demolition of existing garage and stable building. All matters reserved except access.</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr MacKilligan</b>
<b>CASE OFFICER</b>	<b>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>24 February 2012</b>
<b>EXPIRY DATE</b>	<b>25 May 2012</b>
<b>APPLICANT</b>	<b>City and County Projects Ltd.</b>
<b>AGENT</b>	<b>Woods Hardwick Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>This is a Major application with an unresolved objection from Shillington Parish Council</b>
	<b>Outline Application - Granted</b>

**Site Location:**

The application site is located in the north-east of Shillington village, to the north of High Road and Marshalls Avenue. The site comprises 0.74 hectares and is located to the rear of No.s 50 - 52A High Road. The site is currently used as an equestrian riding school with existing stables, paddocks, menage, hardstanding and an approach road.

The site slopes gently southwards, and is enclosed by a mixture of post and rail fencing, close boarded fencing, trees and conifer hedges.

The site is surrounded by residential developments to the east (Marshalls Avenue) and to the south (High Road). Open fields lie to the north and west. A number of public footpaths and bridleways encircle the site.

The site has been allocated for residential development in the Council's Site Allocations Development Plan Document, Adopted April 2011.

**The Application:**

This application seeks outline planning permission for a residential development with all matters reserved apart from the access from the highway. The illustrative layout submitted with the application indicates a scheme for 20 dwellings.

**RELEVANT POLICIES:**

**National Planning Policy Framework, 2012**

- 4 - Supporting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 - Requiring good design
- 8 - Promoting healthy communities
- 11 - Conserving and enhancing the natural environment
- 12 - Conserving and enhancing the historic environment

**Central Bedfordshire North Core Strategy and Development Management Policies, 2009:**

- CS2 - Developer contributions
- CS3 - Healthy and sustainable communities
- CS4 - Linking communities
- CS7 - Affordable housing
- CS13 - Climate change
- CS14 - High quality development
- CS15 - Heritage
- CS16 - Landscape and woodland
- CS17 - Green Infrastructure
- CS18 - Biodiversity and geological conservation
- DM1 - Renewable energy
- DM2 - Sustainable construction of new buildings
- DM3 - High quality development
- DM4 - Development within and beyond settlement envelopes
- DM10 - Housing mix
- DM13 - Heritage in new development
- DM14 - Landscape and woodland
- DM15 - Biodiversity
- DM16 - Green Infrastructure

**Supplementary Planning Guidance**

Central Bedfordshire (North) Site Allocations DPD, April 2011  
Design in Central Bedfordshire - A Guide for Development, 2010  
Planning Obligations Strategy, 2009

**Planning History**

None.

**Representations:  
(Parish & Neighbours)**

Shillington Parish  
Council

**Object** to the proposal on the following grounds:

- overdevelopment of the site by reason of the density of the development
- Safety of the access. The speed of traffic on High Road approaching from Lower Stondon direction makes the location of an access at this location hazardous to

motorists turning right into or out of the site access road is also questionable whether the proposed splays would make it safe for motorists turning left out of the access road to do so safely without having to cross onto the opposite side of the road.

- Insufficient visitor parking provided within the proposal which would result in on road parking

- When this site was allocated for development under the LDF Site Allocations DPD, Anglian Water stated as part of the consultation exercise - "These three development sites (of which this was one) would be treated at Shillington STW which does not have the capacity to serve these sites. Anglian Water does not have any investment plans to upgrade these works until post 2015 which will be dependent on being allowed to increase our discharge consent by the Environment Agency". To our knowledge, no upgrades to the STW have been made since that time. With the amount of recent new development which has taken place at Stondon, Gravenhurst, and Shillington, all of which discharge into the Shillington STW, and with a further 32 new dwellings in course of construction or proposed for Shillington (in addition to the 20 proposed under this application) grave concerns are expressed as to whether the STW has the necessary capacity to take this extra development. Before determining the application, a full impact assessment must be carried out by Anglian Water and a statement as their findings obtained.

- The application provides no provision for either a formal or informal area of open space for play.

## Neighbours

9 letters of **objection** have been received from the occupiers of the following properties:

- 121 Holme Court Avenue, Biggleswade, 29 Woodmer Close, Shillington, 52A High Road, Shillington, 6A Bury Road, Shillington, 41A Ashwell Street, Leighton Buzzard, 13 Silver Street, Litlington, 12 Eaton Park, Eaton Bray, 6 Bedford Close, Shillington, 54 High Road, Shillington

It should be noted that only 5 of these letters are from occupiers of neighbouring properties.

- Highway safety: having two roads so close to each other, an access coming directly off the main High Road, close to a bend is dangerous. Marshalls Avenue has 30 dwellings already with another 11 with planning permission. This together with the 20 dwellings proposed in this application, which is within a few metres of

Marshalls Avenue will cause traffic accidents.

- Noise: being on the main road, adding another road to service 20 houses with substantially increase noise. Many dwellings will now have a road directly in front of them.
- Appearance: there are no two roads in the village in such close proximity to each other than the new proposal. It is completely out of character with the village.
- New access: the current vehicular access is in fact a driveway and there is insufficient space to allow emergency access if there are any cars on the road at the same time. A better access would be through Marshalls Avenue where a parking bay and a cul-de-sac are adjoining the proposed development
- Proximity to the conservation area: would like to see provision for planting of native trees and shrubs which would screen the development from locations in the conservation area.

### Consultations/Publicity responses

Shillington Village  
Design Association

- Highway Safety: There is frequent excessive speed of traffic approaching from Lower Stondon and there should be appropriate traffic signage to warn of a left hand bend with two roads joining from the right. Traffic turning right into or out of the site is vulnerable to impact from speeding traffic approaching from Stondon.
- Noise: The first five bungalows in Marshalls Avenue will suffer traffic noise from the rear of their properties as well as to the front. Suggest that a sound deadening boundary wall or screen be erected along the access road and/or provision of additional glazing to the rear windows of the bungalows.
- Affordable housing: object to the proposed reduction in affordable housing from 35% to 20%. Any negotiations on contributions should retain the 35% affordable housing.
- Contributions to local rights of way, green infrastructure projects and a safe crossing at High Road, in accordance with the site allocation, should be retained.
- The Shillington treatment works were at maximum capacity during the site allocation process. Any further local development would result in a need to upgrade the works and nothing is scheduled for this. A review is to take place in 2014.
- Need to seek approval from the Environment Agency for

surface water issues, and note that there are no public surface water sewers within the vicinity of the development.

Highways, Development Management	No objection subject to conditions.
Tree & Landscape Officer	No objection subject to conditions.
Public Protection	No objection subject to a condition.
Anglian Water	No objection.

## Determining Issues

The main considerations of the application are;

1. **Principle and policy background**
2. **Visual impact on the character and appearance of the surrounding area and street scene**
3. **Impact on the residential amenities of neighbouring properties**
4. **Any other material planning considerations**

## Considerations

### 1. Principle and policy background

This is an outline application for a new residential development. Only access is to be considered at this stage and all other matters such as siting, scale, appearance and landscaping are to be reserved for consideration in a future application. An illustrative layout plan has been submitted with the application and gives indications of the number, heights and siting of the dwellings.

The key issues to assess with this application relate to the principle of residential development on the site in terms of the impact on neighbours, visual amenity, car parking and highway safety. The provision of affordable housing and contributions towards open space facilities must also be considered.

The application site is located within the village settlement of Shillington which is classed as a Large Village in the Adopted Core Strategy. The site was allocated for residential development in Policy HA27 of the Site Allocations DPD in April 2011.

The site was allocated for a minimum of 24 dwellings with contributions towards local Rights of Way and Green Infrastructure projects; contributions to the provision of a safe crossing point on High Road, near the Church Street junction and the Post Office; and provision of sufficient capacity within the public foul sewer system and the waste water treatment works to meet the needs of the development.

This illustrative layout is showing 20 dwellings on the site which is a small reduction in the number of units originally required, and results from the removal of the minimum housing density target by Central Government and the change in the housing market in the area since the site was initially promoted through the Local Development Framework in early 2007.

In terms of the detailed requirements for this allocated site, the Section 106 will satisfy the contribution requirements for rights of way, green infrastructure, and a crossing point.

It should be noted however, that since the site was allocated, Anglian Water have confirmed that there is presently sufficient capacity to accommodate this development, without further infrastructure enhancements.

The principle for residential development on this site has been established as part of the Site Allocations DPD and is therefore acceptable subject to the detailed requirements in Policy HA27, planning obligation strategy and relevant policies in the Adopted Core Strategy.

## **2. Visual impact on the character and appearance of the surrounding area and street scene**

### The character and appearance of the surrounding area:

Core Strategy policy DM3 requires that new development be appropriate in scale and design to their setting and should contribute to creating a sense of place and respect local distinctiveness through design and use of materials. The aims of this policy are reinforced in the Council's adopted Design Guidance - 'Design in Central Bedfordshire', 2010.

The character of Shillington is very much influenced by its various ends and concentrations of development following main roads which are then often surrounded by open fields. The character of High Road comprises mainly of linear development, but this often includes further development to the rear.

### The existing site and proposal:

The proposed development shows an illustrative layout with an access road leading from High Road, between existing residential development. The character of the layout of the development is mainly influenced by the relatively narrow width of the site and access road through it, with houses fronting onto the road facing each other. This type of layout with houses centred around the road is reflective of adjacent development in Marshalls Avenue and follows the linear nature of the site.

Concern has been raised in respect of the siting of the access road in close proximity to another access road (Marshalls Avenue), with particular concern being that this would be out of character with the surrounding development. The character of the area is varied, although there are other examples of two access roads and tracks in close proximity to each other, particularly further south along High Road, and thus it is not considered that this arrangement would be out of keeping with the existing grain of the surrounding development.

As this is an outline application, the layout and appearance of the dwellings will be considered at the approval of the reserved matters stage.

Further detailed considerations regarding landscaping will also be considered at the reserved matters stage, however a comprehensive Tree Survey and Arboricultural Impacts Assessment has been submitted with this application and it is proposed to retain several groupings of mature trees and boundary



hedgerows and incorporate these into the development.

### **3. Impact on the residential amenities of neighbouring properties**

Core Strategy policy DM3 requires development to respect the amenities of neighbouring residents. The Council's Adopted Design Guide, and in particular, supplement 1: New Residential Development, provides guidance on designing to respect aural and visual privacy, light and outlook.

#### Privacy:

The proposed dwellings would back onto the rear gardens of other dwellings along Marshalls Avenue to the north, and High Road to the east. The proposed dwellings located to the south of the access road would back onto open fields.

The illustrative layout shows a scheme that accords with the Council's guidelines in terms of back to back, and separation distances between dwellings to achieve an adequate level of privacy, outlook, light and to avoid potential overlooking. A back to back distance of greater than 21 metres is achieved between the rear of the proposed dwellings and surrounding neighbouring properties. The rear gardens of each proposed dwelling would also be a minimum of 10 metres.

#### Noise and General Disturbance:

Concern has been raised in respect of the noise impact of the access road on the first five bungalows in Marshalls Avenue. The access road would be sited 10 metres away from the rear elevations of these properties

The Council's Public Protection team have been consulted on the proposal and have raised no objection subject to a condition requesting details of the boundary treatment along this part of the site to ensure that any traffic noise is mitigated.

As this is an illustrative layout only, further detailed consideration in a future reserved matters application will be given to the siting and design of each dwelling to ensure that development on this site does not cause a detrimental impact on the residential amenities of occupiers of neighbouring properties in terms of overlooking, loss of privacy, outlook, loss of light or by having an overbearing impact.

### **4. Any other material planning considerations**

#### Highway Safety:

Concern has been raised in respect of the impact of the proposal on highway safety. In particular, the Parish Council, Design Association and local residents consider that the proposed access coming directly off High Road, in close proximity to Marshalls Avenue and located close to a bend, would be dangerous and may lead to traffic accidents.

#### Access:

This is the main issue to be considered in this outline application.

The main access into the site would be from High Road and full details of the junction to create this access have been submitted for approval. The Council's Highways, Development Management team have been involved in detailed discussions at the preapplication stage. They have been consulted on the proposal and have raised no objections subject to conditions relating to parking, surfacing, visibility, turning space, traffic calming, and refuse collection. As such, the scheme is considered to be acceptable to preserve highway safety in the surrounding area.

Section 106 Matters:

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by the Council on 20th February 2008 and has been operative since 1st May 2008.

In accordance with Policy HA27 of the Site Allocations DPD, contributions are proposed for local Rights of Way and Green Infrastructure projects. This includes re-surfacing of the Public Footpath (No. 23), hedge laying and clearance and revetment works to Footpath 38. The provision of a safe crossing point on High Road would be a formal crossing close to the shop and junction of Church Street/High Road.

The contributions requested are as follows:

- Education: £103, 244
- Sustainable Transport (Pedestrian Crossing): £10,000
- Health Facilities: £12,000
- Leisure, recreation and open space: £49,620
- Green Infrastructure: £30,580
- Marston Vale: £13,780
- Rights of Way: £17,400
- Community Cohesion: £380
- Waste Management: £920
- Emergency Services: £4,140

**Total: £242,064**

The applicant is proposing the following:

- Education: £103, 244
- Sustainable Transport (Pedestrian Crossing): £10,000
- Leisure, recreation and open space: £49,620
- Green Infrastructure: £19,736
- Rights of Way: £17,400

**Total: £200,000**

There is provision within the Planning Obligations SPD document to consider applications where the level of planning obligation contributions is being challenged, although this is in exceptional circumstances and must be subject to the submission of a financial viability statement which justifies the case for a

reduction in the level of contributions.

The total contributions initially sought through the Planning Obligations calculator and discussions with Officers led by the site allocations document, were for £242,064. The number of affordable units to satisfy the Council's 35% requirement would be 7.

Circular 05/2005 provides guidance on planning obligations and advises in Para. B10, that in some instances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, "it is for the local authority to decide what is to be the balance of contributions made by developers... In such cases, decisions on the level of contributions should be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place".

The recently adopted National Planning Policy Framework also advises that local planning authorities should take account of market conditions and wherever appropriate, be sufficiently flexible to prevent planned development being stalled, (para. 205).

The applicant's have provided a financial viability assessment of the proposal which has shown that the scheme as originally proposed would be economically unviable. The current scheme with 4 affordable units and contributions of £200,000 would still have a low economic return of 16%, but it has been agreed by the Council's Principal Housing Development Officer that this is an acceptable compromise to ensure that the development commences with the provision of as many affordable housing units as possible within the viability of the site.

Similarly, whilst the proposed level of contributions would also be reduced from £242,064 to £200,000, it should be noted that this has also been the subject of a financial viability assessment. The development of this site also already attracts specific contributions to local infrastructure, including a crossing point and rights of way enhancements and these are considered to be priorities in the local area, but they also impose additional financial contributions.

The Site Allocations policy originally asked for 7 affordable units, and as a result of the financial viability of the scheme, 4 are proposed which equates to 20%. This application should however, be considered in the context of other developments at Marshalls Avenue (CB/11/03682/FULL) and Scyttles Court (CB/11/03036/FULL) both recently approved in Shillington and which have collectively, provided 24 affordable units. The provision of affordable housing units in Shillington has increased significantly recently and it is not considered that this proposal would undermine the aspirations for achieving affordable housing in the area.

In line with the Government's advice in the National Planning Policy Framework, it is considered that in order to achieve sustainable development, the Local Planning Authority will be required to, in some cases, take a flexible approach and approve development which meets the main principles to achieve

sustainable development. It is therefore considered that the benefits embedded in an economically viable scheme, in terms of a significant contribution to local infrastructure and the creation of 4 affordable units would outweigh any potential harm caused as a result of a reduction in the total planning obligation contributions and affordable housing.

### Recommendation

That Planning Permission be **Granted** subject to the following conditions and completion of a Section 106 agreement:

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

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

- 2 Approval of the details of:-

- (a) the scale of the buildings;
- (b) the appearance of the buildings;
- (c) the landscaping of the site and
- (d) layout

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

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

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

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

- 4 **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.**

- 5 The number of dwellings on this site shall not exceed 20 units and shall comprise of the following:

Private:

7 x 4 bedroom  
7 x 3 bedroom  
2 x 2 bedroom

Total: 16

Affordable:

2 x 2 bedroom  
2 x 3 bedroom

Total: 4

Reason: For the avoidance of doubt and to ensure that the number of dwellings and mix remains in accordance with the planning obligations sought for this development.

- 6 **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. 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.**

- 7 **No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

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

- 8 **Prior to the commencement of the development hereby approved, a scheme outlining measures for ecological enhancements on the site through the development, shall be submitted to and approved by the Local Planning Authority. The scheme shall include the provision of bird and bat boxes.**

**The weather van tower shall be dismantled by hand under the direction of a licensed bat worker to verify the absence of bats. Should bats be found to be present, works shall cease and the advice sought from Natural England.**

**There shall be no clearance of vegetation undertaken during the bird nesting season of March to August inclusive.**

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

**Reason: To ensure that the development does not have an adverse impact and supports the ecology and biodiversity on the site, in accordance with Policies CS18 and DM15 of the Adopted Core Strategy and Section 11 of the National Planning Policy Framework, 2012.**

- 9 **Prior to the commencement of the development hereby approved, details of the proposed boundary treatment adjacent to No.s 1-11 Marshalls Avenue, and the means of mitigating against potential noise disturbance to these dwellings as a result of vehicle movements along the access road shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: To protect the amenity of the neighbouring residential occupiers.**

- 10 **Before development commences details of the visitor parking spaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the visitor parking spaces have been constructed in accordance with the approved details.**

**Reason: To provide adequate on site visitor parking provision.**

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

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

- 12 **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 43.0m 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 which is likely to use it.**

- 13 **Development shall not begin until the detailed plans and sections of the proposed road, 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.**

- 14 No dwelling shall be occupied until all triangular vision splays are provided on each side of the all accesses onto 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.

- 15 The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

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

- 16 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.

- 17 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.

- 18 The driveway length in front of the garages shall be at least 6.0m as measured from the garage doors to the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

- 19 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.

- 20 **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.

- 21 **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.

- 22 The access shall have a minimum width of 5.0m.

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

- 23 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.

- 24 **Prior to the commencement of the development hereby approved, details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented in accordance with these details prior to the occupation of any dwelling and shall be retained thereafter.**

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

- 25 **Prior to the commencement of the development hereby approved, details of the achievable forward visibility curve shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the forward visibility**



curve has been constructed in accordance with the approved details and thereafter the forward visibility curve as indicated on the approved drawing and the highway boundary shall be kept free in perpetuity from all obstructions.

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

- 26 **Prior to the commencement of the development hereby approved, details of the service margin around the proposed highway adoptable areas of the site, inclusive of the turning head and along the channel of the carriageway at plots 1-3 shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until the service margin has been constructed in accordance with the approved details.**

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

- 27 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 16660/1003; 16660/1003C; 13885/2001B.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed development is acceptable in principle and would not have a detrimental impact on the character and appearance of the surrounding area, the residential amenities of neighbouring properties or the local highway network; as such it is considered to be in conformity with policies CS1, CS2, CS4, CS7, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; and the National Planning Policy Framework, 2012. Furthermore, the proposal is in conformity with supplementary planning guidance Design in Central Bedfordshire - A guide for development and Planning Obligations Strategy (2008).

### **Notes to Applicant**

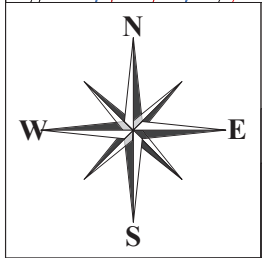
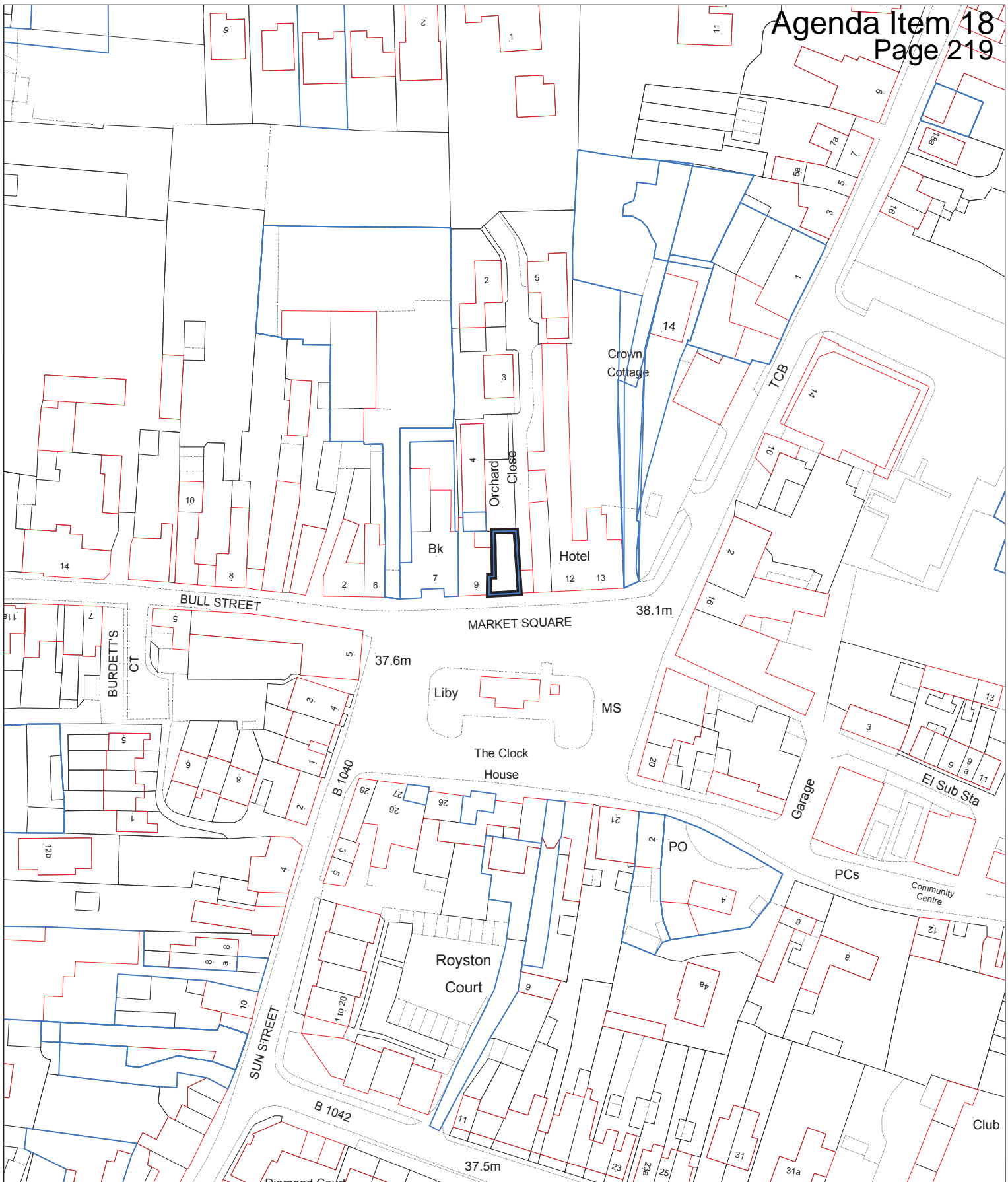
1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.
2. 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.

3. The applicant is advised that in order to comply with Condition 13 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.

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 Street", or any amendment thereto.

**DECISION**

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Licence No. 100049029 (2009)

Date: 29:May:2012

Grid Reference: 522356, 249253

Application No.  
CB/12/00925/LB

Scale: 1:1250

10 Market Square, Potton, Sandy, SG19 2NP

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**Item No. 18**

<b>APPLICATION NUMBER</b>	<b>CB/12/00925/LB</b>
<b>LOCATION</b>	<b>10 Market Square, Potton, Sandy, SG19 2NP</b>
<b>PROPOSAL</b>	<b>Listed Building: Erection of sign to side of building.</b>
<b>PARISH</b>	<b>Potton</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>05 April 2012</b>
<b>EXPIRY DATE</b>	<b>31 May 2012</b>
<b>APPLICANT</b>	<b>Mrs Patricia King</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Zerny has called the application to the Development Management Committee on the grounds that the sign is out of character with the conservation area.</b>
<b>RECOMMENDED DECISION</b>	<b>Listed Building - Granted</b>

**Site Location:**

The application site is the covered coachway entrance into a courtyard serving a business unit and then residential properties. The coachway entrance is located between No.s 10 and 11 Market Square, Potton.

Both No.s 10 and 11 are Grade II Listed buildings. This application relates to No. 10 which is a red brick, early 19th Century building with a slate roof.

**The Application:**

This application seeks listed building consent for the erection of a sign. The sign has already been erected.

**RELEVANT POLICIES:**

**National Policies (PPG & PPS)**

7 - Requiring good design, (para. 56)

12 - Conserving and enhancing the historic environment, (para. 126)

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

CS15 - Heritage

DM3 - High Quality Development

DM13 - Heritage in Development

## Supplementary Planning Guidance

SPD - Design in Central Bedfordshire - A Guide for Development, Design Supplement

6: Shopfronts and Signage

5: The Historic Environment

### Planning History

None.

### Representations: (Parish & Neighbours)

Potton Town Council      **Object** to the proposal - A reason has not been provided.

Neighbours                  No comments received.

### Consultations/Publicity responses

Advertised on 27.04.12      No comments received.

Site notice posted on      No comments received.

2.5.12

Conservation & Design      No objections.

Officer

### Determining Issues

The main considerations of the application are;

#### 1.      **Impact on the special interest of the Grade II Listed building**

### Considerations

#### 1.      **Impact on the special interest of the Grade II Listed building**

The application site lies within Potton Conservation Area, on Market Square, which is the main public space within the conservation area, where the buildings and spaces around it make a positive contribution to the character and appearance of the area. The sign is also attached to the internal coach entrance wall of a grade II Listed building, No. 10 Market Square.

The proposed sign has already been erected on the inner west wall of the coachway entrance. The sign measures approximately 0.7metres by 0.5metres and is made of plastic surrounded by a timber frame. The sign is set in slightly from the corner of No. 10, and by reason of its small scale and position within the coachway entrance, it is not considered that the sign is visually prominent, being located on a recessive element of an existing building.

By reason of the size and location of the sign, it is not considered that it appears unduly prominent, nor does it detract from the character and appearance of the listed building, and thus, the proposal is in accordance with Policies DM3, DM13 and CS15 of the Adopted Core Strategy, Development Management Policies, Sections 7 and 12 of the National Planning Policy Framework, and guidance in the Council's Adopted Design Guide, Supplement 6: Shopfronts and Signage, and 5: The Historic Environment.

**Recommendation**

That Listed building consent be **Granted** subject to the following:

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; CBC/002; ML/1; ML/2.

Reason: For the avoidance of doubt.

**Reasons for Granting**

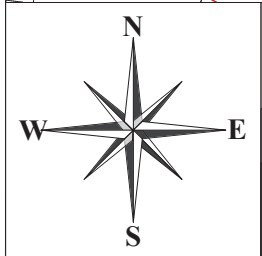
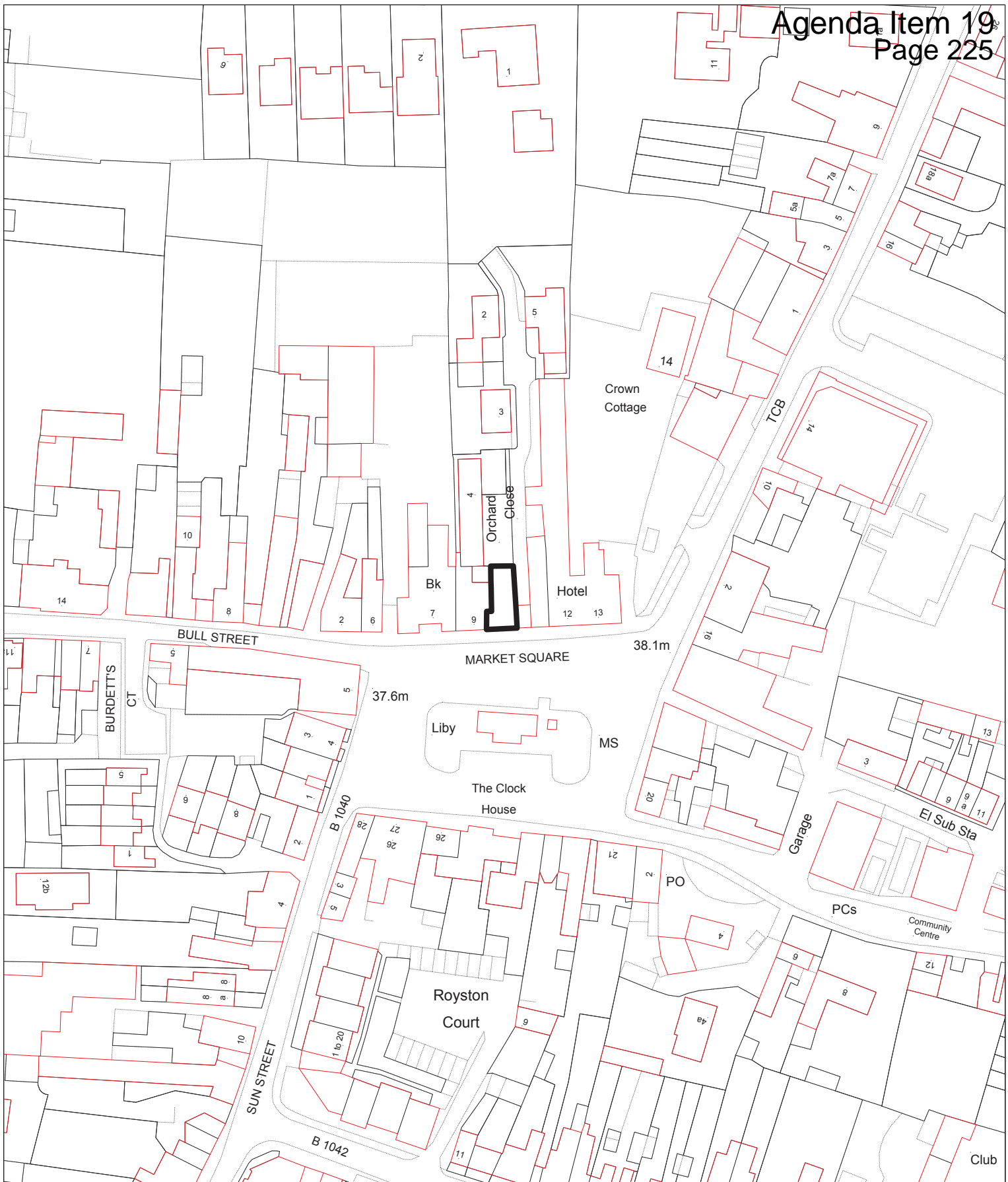
The proposal would not not result in material harm to the special architectural and historic interest of the Listed Building as a Heritage Asset and therefore, by reason of its siting, design and location, would be in accordance with Policies DM3, DM13 and CS15 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

**DECISION**

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Date: 29:May:2012

Grid Reference: 522322, 249254

Application No.  
CB/12/00356/ADV

Scale: 1:1250

10 Market Square, Potton, Sandy, SG19 2NP

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**Item No. 19**

<b>APPLICATION NUMBER</b>	<b>CB/12/00356/ADV</b>
<b>LOCATION</b>	<b>10 Market Square, Pottton, Sandy, SG19 2NP</b>
<b>PROPOSAL</b>	<b>Advertisement Consent: Board advertisement on wall (retrospective)</b>
<b>PARISH</b>	<b>Pottton</b>
<b>WARD</b>	<b>Pottton</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>05 April 2012</b>
<b>EXPIRY DATE</b>	<b>31 May 2012</b>
<b>APPLICANT</b>	<b>Mrs King</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Zerny has called the application to the Development Management Committee on the grounds that the sign is out of character with the conservation area.</b>
<b>RECOMMENDED DECISION</b>	<b>Advertisement - Granted</b>

**Site Location:**

The application site is the covered coachway entrance into a courtyard serving a business unit and then residential properties. The coachway entrance is located between No.s 10 and 11 Market Square, Pottton.

**The Application:**

This application seeks advertisement consent for the erection of a sign. This is a retrospective application because the sign has already been erected.

**RELEVANT POLICIES:**

**National Planning Policy Framework**

7 - Requiring good design, (para. 56)

12 - Conserving and enhancing the historic environment, (para. 126)

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

CS15 - Heritage

DM3 - High Quality Development

DM13 - Heritage in Development

**Supplementary Planning Guidance**

SPD - Design in Central Bedfordshire - A Guide for Development, Design Supplement 6: Shopfronts and Signage

**Planning History**

None.

**Representations:  
(Parish & Neighbours)**

Potton Town Council      **Object** to the proposal - A reason has not been provided.  
Neighbours                      No comments received.

**Consultations/Publicity responses**

Advertised on 27.04.12      No comments received.  
Site notice posted on 2.5.12      No comments received.  
Conservation & Design Officer      No objections.  
Highways, Development Management      No objections.

**Determining Issues**

The main considerations of the application are;

1.      **Impact on visual amenity**
2.      **Impact on highway safety**

**Considerations**

**1.      Impact on visual amenity**

The application site lies within Potton Conservation Area, on Market Square, which is the main public space within the conservation area, where the buildings and spaces around it make a positive contribution to the character and appearance of the area.

The proposed sign has already been erected on the inner west wall of the coachway entrance. The sign measures approximately 0.7metres by 0.5metres and is made of plastic surrounded by a timber frame. The sign is set in slightly from the corner of No. 10, and by reason of its small scale and position within the coachway entrance, it is not considered that the sign is visually prominent, being located on a recessive element of an existing building.

By reason of the size and location of the sign, it is not considered that it appears unduly prominent, nor does it detract from the character and appearance of the conservation area, and thus, the proposal is in accordance with Policies DM3, DM13 and CS15 of the Adopted Core Strategy, Development Management Policies, Sections 7 and 12 of the National Planning Policy Framework, and guidance in the Council's Adopted Design Guide, Supplement 6: Shopfronts and Signage.

**2.      Impact on highway safety**

The signage would not be illuminated. Due to its modest size, simple design and siting it is not considered that any harm to highway safety would result.

**Recommendation**

That Advertisement Consent be **Granted** subject to the following:

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

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

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

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

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

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

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

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

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

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

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

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; CBC/002; ML/1; ML/2.

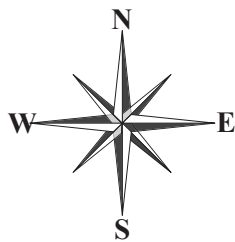
Reason: For the avoidance of doubt.

**Reasons for Granting**

The proposal, by reason of its siting, design and location would have no adverse impact on the surrounding visual amenity, conservation area or highway safety and is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, 2009 and the Adopted Design Guide SPD, 'Design in Central Bedfordshire: Shopfronts and Signage', 2010, and the National Planning Policy Framework, 2012.

**DECISION**

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Date: 29:May:2012

Grid Reference: 517194, 248067

Application Number  
CB/12/01201/FULL

Scale: 1:1749

64 High Road, Beeston, Sandy, SG19 1PB

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**Item No. 20**

<b>APPLICATION NUMBER</b>	<b>CB/12/01201/FULL</b>
<b>LOCATION</b>	<b>64 High Road, Beeston, Sandy, SG19 1PB</b>
<b>PROPOSAL</b>	<b>Erection of two warehouses (use class B8)</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>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>03 April 2012</b>
<b>EXPIRY DATE</b>	<b>29 May 2012</b>
<b>APPLICANT</b>	<b>B G Timber</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Aldis has called the application to the Development Management Committee on the grounds of scale of the buildings, highway safety and impact of floodlighting.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is located at 64 High Road in Beeston, formerly known as Thelsid nursery. The site currently accommodates a bungalow adjacent to the A1, 2 no. large greenhouses, a detached Atcost building to the rear and a concrete access route through the site. There is direct access via the A1 and a single track access from Orchard Close, which also serves as footpath no. 40. The site is located in the open countryside.

Planning permission has been granted for a change of use of the site from nursery and horticultural to a commercial timber yard, (CB/11/01546/FULL), following its consideration at the Development Management Committee on 14th September 2011.

**The Application:**

This application seeks permission for the erection of two warehouse buildings on the site. The buildings would have a B8 use for storage and distribution purposes.

It should be noted that floodlighting has not been proposed in this application.

**RELEVANT POLICIES:**

**National Planning Policy Framework:**

- 3 - Supporting a prosperous rural economy - (para. 28)
- 6 - Building a strong, competitive economy - (para. 18)
- 7 - Requiring good design, (para. 56)

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

Policies DM3 and Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)  
DM12

**Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development (2009)

**Planning History**

CB/12/00483/FULL	Re-cladding and minor alterations to elevations of existing building. <b>Granted.</b>
CB/11/03441/VOC	Variation of Condition: Change condition 4 (hours of vehicular movement) of Planning Permission CB/11/01546/FULL. <b>Refused. Appeal pending.</b>
CB/11/01546/FULL	Change of use from nursery/horticultural site to commercial timber yard (Sui Generis). <b>Granted.</b>

**Representations:  
(Parish & Neighbours)**

Sandy Town Council	<p><b>Object</b> to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>- Increased traffic through Orchard Road</li> <li>- Potential environmental impact from contamination of the water table</li> <li>- Impact on near neighbours from flood lighting</li> <li>- Would like a condition with regard to traffic management so that vehicles do not cross the A1 and instead travel to the roundabout.</li> </ul>
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Neighbours	<p>One email <b>objecting</b> to the proposal has been received from the occupier of 29 Orchard Road on the following grounds;</p> <ul style="list-style-type: none"> <li>- The plans do not show the access onto the A1 road.</li> </ul>
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**Consultations/Publicity responses**

Site notice posted on	No comments received.
Highways Agency	No objection subject to conditions.
Highways, Development Management	No objection subject to conditions.
Archaeology	No objection subject to a condition.
Minerals and Waste Team	No objection.
Public Protection	No objection.

## Determining Issues

The main considerations of the application are;

1. **Impact of the proposal on the visual amenity of the surrounding area**
2. **Impact of the proposal on surrounding residential amenity**
3. **Any other relevant planning matters**

## Considerations

### 1. **Impact of the proposal on the visual amenity of the surrounding area**

The application site is a former Market Garden nursery which has become redundant and is now being redeveloped in line with Policy DM12 of the Adopted Core Strategy which seeks to re-use former agricultural and horticultural sites in the district. Planning permission has been granted for the use of the site as a commercial timber yard, CB/11/01546/FULL. The site plan submitted with the original application outlined the proposed future development of the site and indeed indicated the location of the proposed warehouse buildings which are the subject of this application. The intended physical development of the site has therefore, been previously illustrated on earlier plans.

The proposals seek the erection of two warehouse buildings which would have a combined footprint of 1322 square metres. The erection of these buildings has required the demolition of the large greenhouse buildings on the site which had a total footprint of 3040 square metres. Overall, there would be a net reduction in the site's built footprint of approximately 1718 square metres.

#### Warehouse 1:

This building would be sited adjacent to the existing warehouse on the site and would measure 24 metres by 15 metres, with a height of 5 metres to the eaves and 7.2 metres to the ridge. The length of this building would run parallel to the site's north western boundary.

#### Warehouse 2:

This building would be sited within the footprint of the former southern most greenhouse with the building lines of each running parallel. The building would measure 48 metres by 20 metres and would have a height of 5 metres to the eaves and 7.6 metres to the ridge.

Both warehouses would be clad in timber weatherboarding painted chestnut brown with a profiled metal sheet roof in a dark grey colour. Rooflights would be inserted into the roof and all doors painted dark cherry.

The buildings would have quite an industrial appearance, reflecting the character and appearance of the use of the site as a timber yard, and the historical use of the site which was characterised by large footprint buildings. For this reason, the proposed buildings are not considered to be harmful to the existing context or surrounding landscape.

The main public views of the building within the site would be from Footpath 40 to the west although the existing warehouse would screen Warehouse 1 and partially screen Warehouse 2 which would be set back a distance of 95 metres anyway. The other main public view would be from the A1 to the east, although this would be predominantly of Warehouse 2 which would be set back just over 90 metres from the highway. Warehouse 2 is the largest building on the site, however, it would still have a smaller footprint than the original greenhouses and its visual bulk would be sited away from the adjoining development at Beeston village to the north. Whilst, there are residential properties to the north, the closest property is 60 metres away, with properties along Orchard Road located over 80 metres away.

By reason of the siting of the buildings and their distance away from main public views, the proposal is considered to be acceptable to preserve the visual amenity of the surrounding area and is therefore considered to be in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies, 2009, the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design, and in accordance with technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

## **2. Impact of the proposal on surrounding residential amenity**

By virtue of the good degree of separation between the proposed buildings and the nearest property to the north (No. 62 High Road), which is approximately 60 metres, the proposal will not impact on the amount of privacy, or light afforded to this property, or properties further to the north along Orchard Road.

Whilst the size of the warehouse buildings would be relatively large, views of them from the north would be screened by the existing belt of conifers adjacent to the site, and thus it is not considered that the proposals would result in a significant alteration to the outlook afforded to No. 62, or to properties to the north, and neither would the buildings appear overbearing.

The proposal would therefore, preserve surrounding residential amenity in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies, 2009, the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design, and in accordance with technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

## **3. Any other relevant planning matters**

### Highway Safety:

The use of the site as a commercial timber yard has been approved and the main access into the site for deliveries is from the A1 which has been agreed by the Highways Agency subject to an improvement to the junction arrangement of the site access. The means of egress from the site is from The Green and Orchard Road. The original application did also propose that staff may use the Orchard Road access to both enter and leave the site, although deliveries will only enter the site from the A1. This application does not seek to amend this approved access arrangement, and will also be subject to a condition requesting

details of the enhancement works to the access from the A1 to ensure that building's cannot be erected until the highway works have been approved.

The Council's Highways team have not raised an objection to the application subject to a condition requesting details of on-site parking provision.

The Highways Agency have not raised an objection subject to a condition requesting details of the required improvements to the access from the A1.

Archaeology:

The application area lies within a known archaeological landscape that includes the probable remains of later prehistoric and Roman rural settlements and it is also adjacent to the historic core of the village of Beeston. Under the terms of the National Planning Policy Framework (NPPF) these are all heritage assets with archaeological interest and therefore a material consideration in planning matters.

A desk-based assessment has been submitted with the application and the Council's Archaeologist agrees with the conclusions within it. It is recommended that if permission is granted, a condition is imposed requesting a Written Scheme of Investigation to record and advance the significance of any heritage assets with archaeological interest that may be lost (wholly or in part) as a consequence of the development.

Water contamination:

Concern has been raised in respect of the potential water table contamination as a result of the proposal. The Council's Public Protection team has not raised an objection to the proposal, and this matter will be considered at the building regulations stage and thus it is not considered necessary to impose a condition requesting further details of the proposal drainage system at this stage.

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 The development hereby approved shall be carried out in materials as set out in the application form, unless otherwise agreed in writing by the Local Planning Authority.

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 **Before the development hereby permitted is commenced; details of a scheme showing the provision of 19 car parking spaces and 7 HGV parking spaces to serve the new warehouses shall be submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and 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. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.**

**Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.**

- 4 **No development shall commence unless and until the developer has submitted to and had approved in writing by the local planning authority in consultation with the Highways Agency, the following design details relating to the required improvements to the access off the A1. The scheme shall generally conform to the arrangements shown in outline on RPS drawing: Job No: JKK6849 - Drg No: 100 - Rev B of CB/11/01546/FULL.**

**Scheme details shall include drawings and documents showing:**

- i) how the improvement interfaces with the existing highway alignment and carriage way markings including lane destinations,**
- ii) full construction details relating to the highway improvement. This should include any modification to existing structures or proposes structures, with supporting analysis,**
- iii) full signing and lighting details where applicable,**
- iv) confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),**
- v) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes, and**

**2. Development of the site using the existing access off the A1 trunk road will only be permitted on completion and approval of the access improvements.**

**Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on that road. In pursuance with this requirement, the Highways Agency must be satisfied with all the details of the proposed improvement to access off the A1 prior to the commencement of construction work.**

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 assets with archaeological in accordance with Policy 141 of the National Planning Policy Framework (NPPF).**

6 The use of the warehouse buildings hereby approved shall be solely in conjunction with the use of the site as a commercial timber yard as approved by CB/11/01546/FULL.

Reason: For the avoidance of doubt and to preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

7 There shall be no machinery used at the site, goods moved within the site or deliveries received or dispatched outside the hours of 0730 hours and 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: PL01 E; PL04 B; PL05 C; 100 B.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

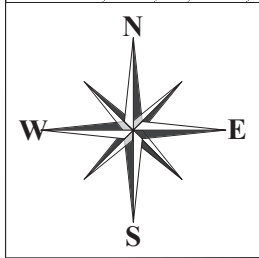
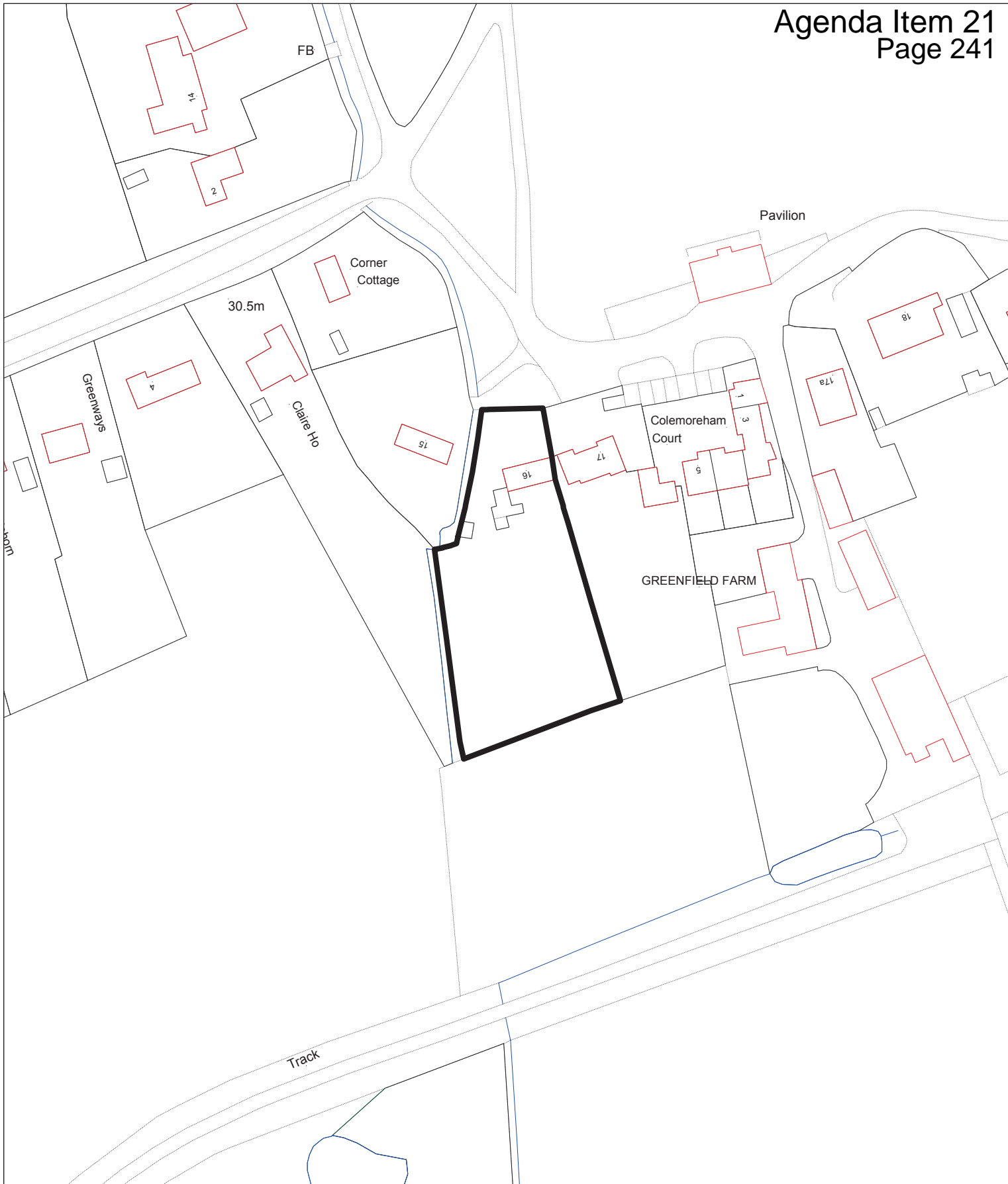
The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety and archaeology, and therefore by reason of its site, design and location, is in conformity with Policy DM3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

### **DECISION**

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 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 30:May:2012  
 Grid Reference: 514943, 245346

Application No.  
 CB/12/01268/LB

Scale: 1:1250

16 Ickwell Green, Ickwell, Biggleswade, SG18 9EE

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**Item No. 21**

<b>APPLICATION NUMBER</b>	<b>CB/12/01268/LB</b>
<b>LOCATION</b>	<b>16 Ickwell Green, Ickwell, Biggleswade, SG18 9EE</b>
<b>PROPOSAL</b>	<b>Proposed First Floor Link Internal Alterations</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>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>13 April 2012</b>
<b>EXPIRY DATE</b>	<b>08 June 2012</b>
<b>APPLICANT</b>	<b>Mr Turner</b>
<b>AGENT</b>	<b>Richard Beaty (Building Design) Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The applicant is related to Cllr Tricia Turner.</b>
<b>RECOMMENDED DECISION</b>	<b>Listed Building - Granted</b>

**Site Location:**

The application site is 16 Ickwell Green in Ickwell. The site comprises a one and-a-half storey detached cottage located adjacent to the Green. The cottage is Grade II Listed with an 18th Century, timber frame construction, and painted render below a thatched roof.

The site lies within the Ickwell Conservation Area and settlement envelope.

**The Application:**

This application seeks permission to erect a first floor link between the cottage and a later, one and-a-half storey addition. Internal alterations comprising of the removal of a window, and minor alterations to the roof timbers. It is also proposed to reconfigure the internal arrangement in the later addition to the building, however, this is a modern structure dating from 2004.

**RELEVANT POLICIES:**

**National Planning Policy Framework**

7 - Requiring good design, (para. 56)

12 - Conserving and enhancing the historic environment, (para. 126)

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

CS14 - High Quality Development

CS15 - Heritage

DM3 - High Quality Development

DM13 - Heritage in Development

**Supplementary Planning Guidance**

Design in Central Bedfordshire - A Guide for Development, 2010  
DS5: The Historic Environment

Ickwell Conservation Area Appraisal, 2005.

### Planning History

MB/03/02013/LB	Full: Removal of condition 4 (retention of timber sole plate) attached to listed building consent ref. 02/00572/LB dated 31/05/2002 for demolition and replacement of rear extension: Erection of extension to east elevation. <b>Granted.</b>
MB/03/01970/LB	Listed Building Consent: Removal of infill fireplace to reception room. <b>Granted.</b>
MB/03/01703/FULL	Full: Erection of new porch to front elevation and installation of rooflight to ensuite. <b>Granted.</b>
MB/03/01738/LB	Listed Building Consent: Rebuild front porch. <b>Granted.</b>
MB/03/01739/LB	Listed Building Consent: Insertion of rooflight to South elevation. <b>Granted.</b>
MB/03/01704/LB	Listed Building Consent: Internal alterations to form WC at first floor. <b>Granted.</b>
MB/02/00572/LB	Listed Building Consent: Demolition and replacement of rear extension. Erection of extension to east elevation. <b>Granted.</b>
MB/02/00573/FULL	Full: Demolition of existing rear extensions and single garage. Erection of rear and side extension and single garage/store. <b>Granted.</b>

### Representations: (Parish & Neighbours)

Northill Parish Council	No comments.
Neighbours	No comments received.

### Consultations/Publicity responses

Advertised on                      No comments received.  
Site notice posted on      No comments received.  
8.5.12  
Conservation & Design  
Officer

### Determining Issues

The main considerations of the application are;

- 1. Impact on the architectural and historic interest of the Grade II Listed building**

### Considerations

**1. Impact on the architectural and historic interest of the Grade II Listed building**

The application property is Grade II Listed and has a timber framed construction dating from the 18th Century.

The proposed first floor link would be constructed above the existing single storey link between the original dwelling and later addition. The design of this link has been the subject of detailed discussions with the Council's Design and Conservation Officer who considers that the proposal would have a very limited harm to the special interest of the listed building. This is because only secondary rafters are proposed to be removed, and whilst the link structure would create additional built form between the buildings, it would still appear to be visually subservient. Subject to the careful selection of traditional materials, and making good of the existing building, the proposal is considered to be acceptable to preserve the special interest of this listed building as a Heritage Asset.

The proposal is therefore considered to be in accordance with Policies CS15, DM3 and DM13 of the Adopted Core Strategy Development Management Policies, which seek to preserve, conserve and enhance, as well as respect and complement the context and setting of the historic environment, and the National Planning Policy Framework which seeks development to sustain and enhance the significance of heritage assets and allow them to remain in a viable use consistent with their conservation.

**Recommendation**

That Listed building consent be **Granted** subject to the following:

- 1 The works hereby consented shall be begun within three years of the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to ensure that this consent does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved details.**

**Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.**

- 3 **The roof lights hereby approved shall be of a conservation roof light**

format, constructed of metal, with a central mullion detail, and fitted to be flush, following the plane of the roof. The submitted details shall specify the exact size and manufacturers details. The scheme shall be implemented solely in accordance with these agreed details.

**Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.**

- 4 Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match those used in the existing building or structure to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 11.50.OSmap; 11.50.01.

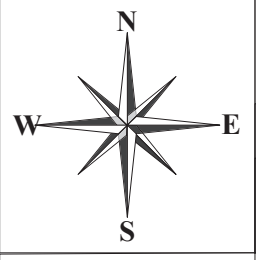
Reason: For the avoidance of doubt.

**Reasons for Granting**

The proposed extension and alterations would preserve the special interest of the listed building as a designated Heritage Asset. Therefore, by reason of its site, design and location, the proposal is in conformity with Policies CS15, DM3 and DM13 of the Core Strategy and Management Policies, November 2009; the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design, and paragraph 126 which relates to the conservation and enhancement of the historic environment. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

**DECISION**

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 Date: 30:May:2012  
 Grid Reference: 514943, 245346

Application No.  
 CB/12/01267/FULL

Scale: 1:1250

16 Ickwell Green, Ickwell, Biggleswade, SG18 9EE

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**Item No. 22**

<b>APPLICATION NUMBER</b>	<b>CB/12/01267/FULL</b>
<b>LOCATION</b>	<b>16 Ickwell Green, Ickwell, Biggleswade, SG18 9EE</b>
<b>PROPOSAL</b>	<b>Proposed First Floor Link Internal Alterations</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>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>13 April 2012</b>
<b>EXPIRY DATE</b>	<b>08 June 2012</b>
<b>APPLICANT</b>	<b>Mr Turner</b>
<b>AGENT</b>	<b>Richard Beaty (Building Design) Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The applicant is related to Cllr Tricia Turner.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The application site is 16 Ickwell Green in Ickwell. The site comprises a one and-a-half storey detached cottage located adjacent to the Green. The cottage is Grade II Listed with an 18th Century, timber frame construction, and painted render below a thatched roof.

The site lies within the Ickwell Conservation Area and settlement envelope. No.s 15 and 17 Ickwell Green are also Grade II Listed buildings.

**The Application:**

This application seeks permission to erect a first floor link between the cottage and a later, one and-a-half storey addition. An application for Listed building consent for this proposal and internal alterations has also been submitted, (CB/12/01268/LB).

**RELEVANT POLICIES:**

**National Planning Policy Framework**

- 7 - Requiring good design, (para. 56)
- 12 - Conserving and enhancing the historic environment, (para. 126)

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

- CS14 - High Quality Development
- CS15 - Heritage
- DM3 - High Quality Development
- DM4 - Development Within and Beyond Settlement Envelopes
- DM13 - Heritage in Development

## Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for Development, 2010  
DS4: Residential Alterations and Extensions  
DS5: The Historic Environment

Ickwell Conservation Area Appraisal, 2005.

### Planning History

MB/03/02013/LB	Full: Removal of condition 4 (retention of timber sole plate) attached to listed building consent ref. 02/00572/LB dated 31/05/2002 for demolition and replacement of rear extension: Erection of extension to east elevation. <b>Granted.</b>
MB/03/01970/LB	Listed Building Consent: Removal of infill fireplace to reception room. <b>Granted.</b>
MB/03/01703/FULL	Full: Erection of new porch to front elevation and installation of rooflight to ensuite. <b>Granted.</b>
MB/03/01738/LB	Listed Building Consent: Rebuild front porch. <b>Granted.</b>
MB/03/01739/LB	Listed Building Consent: Insertion of rooflight to South elevation. <b>Granted.</b>
MB/03/01704/LB	Listed Building Consent: Internal alterations to form WC at first floor. <b>Granted.</b>
MB/02/00572/LB	Listed Building Consent: Demolition and replacement of rear extension. Erection of extension to east elevation. <b>Granted.</b>
MB/02/00573/FULL	Full: Demolition of existing rear extensions and single garage. Erection of rear and side extension and single garage/store. <b>Granted.</b>

### Representations: (Parish & Neighbours)

Northill Parish Council	No comments.
Neighbours	No comments received.

### Consultations/Publicity responses

Advertised on 27.04.12	No comments received.
Site notice posted on 8.5.12	No comments received.
Design & Conservation Officer	No objections subject to conditions relating to materials and making good following the completion of the development.
Archaeology	No objection.
Tree & Landscape Officer	No objection.

## Determining Issues

The main considerations of the application are;

- 1. Impact on the character and appearance of the conservation area, and special interest of the Listed building, and setting of adjacent Listed buildings**
- 2. Impact on residential amenity**
- 3. Any other material planning considerations**

## Considerations

- 1. Impact on the character and appearance of the conservation area, and special interest of the Listed building, and setting of adjacent Listed buildings**

The application site lies within the Ickwell Conservation Area. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, (Conserving and enhancing the historic environment, (para. 126) ), and Policies CS15, DM3 and DM13 of the Adopted Core Strategy, requires that all new development including alterations to buildings, must be respectful and complement the context and setting of all historically sensitive sites. This is reinforced by guidance in the Council's Adopted Design Guide, 'DS4, The Historic Environment'.

The character of this part of the conservation area is considered to be created by the collection of attractive buildings centred around Ickwell Green. The proposal would however, be located wholly to the rear of the property and thus, would not be visible in public views within the conservation area. For this reason, the proposal would preserve the character and appearance of the conservation area.

The proposed first floor link would be constructed above the existing single storey link between the original dwelling and later addition. The design of this link has been the subject of detailed discussions with the Council's Design and Conservation Officer who considers that the proposal would have a very limited harm to the special interest of the listed building. This is because only secondary rafters are proposed to be removed, and whilst the link structure would create additional built form between the buildings, it would still appear to be visually subservient. Subject to the careful selection of traditional materials, and making good of the existing building, the proposal is considered to be acceptable to preserve the special interest of this listed building as a Heritage Asset.

By reason of the modest scale, and good degree of separation, the proposal would also preserve the setting of the adjacent Listed buildings at No.s 15 and 17 Ickwell Green.

The proposal is therefore considered to be in accordance with Policies CS15, DM3 and DM13 of the Adopted Core Strategy Development Management Policies, which seek to preserve, conserve and enhance, as well as respect and complement the context and setting of the historic environment, and the National Planning Policy Framework which seeks development to sustain and enhance the significance of heritage assets and allow them to remain in a viable use consistent with their conservation.

## **2. Impact on residential amenity**

The neighbouring properties considered to be potentially most affected by the proposal are No.s 17 and 15 Ickwell Green, the dwellings either side of the application site.

### Loss of privacy and overlooking:

Aside from the insertion of one rooflight on the east elevation roofslope, the proposal does not seek to add any further external openings to the structure. The proposed roof light would be sited approximately 1.6metres above the first floor level and by reason of this height, and the small size of the rooflight, it is not considered that this element of the proposal would lead to a significant opportunity for overlooking or loss of privacy to the occupiers of No. 17 Ickwell Green.

### Loss of light:

No.s 16 and 17 are located close together. However, the later addition has been set back from the east side boundary by approximately 3metres, and the proposed link would be set even further away. By reason of this degree of separation, the proposal would have a limited impact on the amount of light afforded to the occupiers of No. 17.

No. 15 is set even further away from the proposal, and will also not be affected in this respect.

### Outlook and overbearing impact:

By reason of the good degree of separation between adjoining properties, it is not considered that the proposal would result in a detrimental impact on the outlook afforded to these properties, nor would it appear unduly overbearing.

## **3. Any other material planning considerations**

### Archaeology:

The proposed development site lies within the historic core of the settlement of Ickwell and this is a locally identified heritage asset with archaeological interest. Whilst it is likely that archaeological deposits relating to the early development of the village will survive within the area, the nature and scale of the proposals mean that they are unlikely to have an impact upon any archaeological remains, and thus, there is no objection to this application on archaeological grounds.

**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 **Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved details.**

**Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.**

- 3 **The roof lights hereby approved shall be of a conservation roof light format, constructed of metal, with a central mullion detail, and fitted to be flush, following the plane of the roof. The submitted details shall specify the exact size and manufacturers details. The scheme shall be implemented solely in accordance with these agreed details.**

**Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.**

- 4 Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match those used in the existing building or structure to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 11.50.OSmap; 11.50.01.

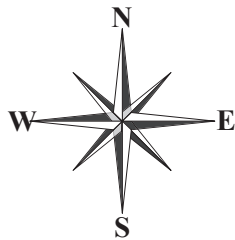
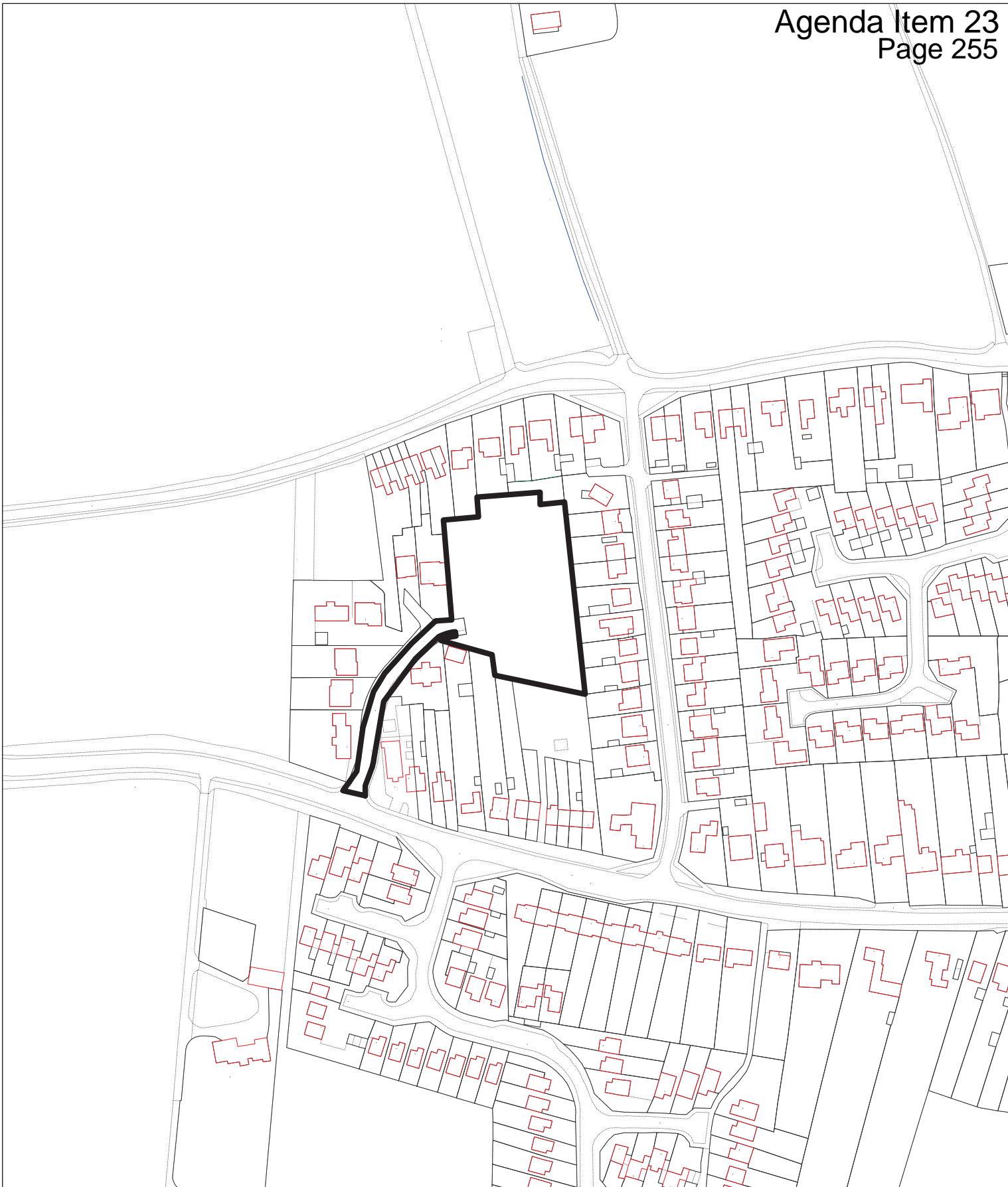
Reason: For the avoidance of doubt.

**Reasons for Granting**

The proposed extension and alterations would preserve the character and appearance of the conservation area and special interest of the listed building. The proposals would also preserve the residential amenity of neighbouring properties, archaeology and preserve highway safety. Therefore, by reason of its site, design and location, the proposal is in conformity with Policies CS15, DM3 and DM13 of the Core Strategy and Management Policies, November 2009; the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design, and paragraph 126 which relates to the conservation and enhancement of the historic environment. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

**DECISION**

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Date: 01:June:2012

Grid Reference: 515867, 239044

Application No.  
CB/12/01329/RM

Scale: 1:2500

Land off of Chapel Close, Clifton, SG17 5YG

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<b>Item No. 23</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01329/RM</b>
<b>LOCATION</b>	<b>Land off of Chapel Close, Clifton, Shefford, SG17 5YG</b>
<b>PROPOSAL</b>	<b>Details of reserved matters (appearance, landscaping, layout and scale) for the erection of 11 houses with associated parking and landscaping pursuant to outline planning permission CB/09/06296/OUT dated 30/11/2010 for residential development of up to 12 dwellings with all matters except access reserved</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>10 April 2012</b>
<b>EXPIRY DATE</b>	<b>10 July 2012</b>
<b>APPLICANT</b>	<b>Warden Developments Ltd</b>
<b>AGENT</b>	<b>Levitt Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Drinkwater on the grounds of over development leading to a poor layout given the position within the village and surrounding area.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

An area of 0.4 hectares (ha) north of Chapel Close, a cul-de-sac of eight two-storey, detached houses to the north of Shefford Road and within the Clifton Settlement Envelope. Houses on Chapel Close are designed consistently, but not identically. To the north and east are rear gardens serving detached houses on Pedley Lane and Spring Road respectively. To the southeast is an area of land for which planning permission has been granted for the erection of four detached houses (one of which would be near to the southern boundary of the site). To the southwest are gardens serving houses on Shefford Road and to the west are houses on Chapel Close, the nearest of which is No 7 (the extended side elevation of which joins the eastern boundary of the site) that has no windows facing towards the site. Near to the south western corner of the site is a domestic outbuilding.

**Planning Context:**

Outline planning permission was granted for up to 12 houses at this site in November 2010 (CB/09/06296/OUT). The principle of residential development and the access to the site were established as acceptable at that time. A s106 agreement setting out the contributions required to mitigate the impact of the development on existing local infrastructure and securing affordable housing formed part of that application and so would not be considered again now.

Conditions attached to the outline consent required the submission of additional details of layout, design, scale and landscaping (reserved matters) for approval and these details form this application.

The application site is slightly smaller than at outline stage (land to the rear of No's 106 and 108 Shefford Road no longer forms part of the site). An area of land in the northeast corner of the site (to the rear of No 47 Pedley Lane) is within the applicant's ownership but does not form part of the application site (because it did not at outline stage). It would likely provide additional private amenity space for one of the houses.

### **The Application:**

Approval is sought for the following reserved matters, pursuant to outline consent for up to twelve houses at the site:

- Design;
- Layout;
- Scale; and
- Landscaping

There would be eleven houses at the site (three 3-bedroom, six 4-bedroom and two 5-bedroom). They would be arranged around a central 'hammerhead' type access road that would continue northwards from Chapel Close. There would be two detached houses with a north-south orientation on the western side of the entrance to the site and a detached house with a similar orientation on the eastern side of the access. There would be a detached house in both the northeast and southeast corner of the site and six houses between them, some of which would be connected by garaging. The eight houses at the east of the site would have an east-west orientation.

All of the houses at the site would have a rear garden, the smallest of which would be 71m<sup>2</sup> and the largest would be 207m<sup>2</sup>. The average garden size across the site would be 120m<sup>2</sup>.

Nine of the houses would have three parking spaces and two would have two spaces. Three visitor spaces would be provided across the site. Cycle parking would be provided at a ratio of one per bedroom either in garaging or in bike sheds and two visitor cycle spaces would be provided per house.

The houses would range between one storey (with accommodation in the roof space) and two storeys (with roof space accommodation). The site would be landscaped.

### **Relevant Policies:**

#### National Planning Policy Framework (2012)

6. Delivering a wide choice of high quality homes
7. Requiring good design

#### Core Strategy and Development Management Policies (2009)

DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
DM10 Housing Mix

Design in Central Bedfordshire (a Guide for Development) (2010)

DS1 New Residential Development  
DS7 Movement Streets and Places

**Planning History:**

CB/09/06296/OUT Residential development of up to 12 no. dwellings with all matters reserved except access

Approved: November 2010

**Representations:**

Clifton Parish Council No objection but the following suggestions:

- Has the impact of a third storey on some of the houses been assessed in terms of No's 7 – 21 Spring Road?
- Were best practice processes followed in terms of the submitted environmental assessment?
- How much of the highway would be adopted?
- Unclear whether the development would be illuminated.
- No provision for a play area.
- The Chapel Close/Shefford Road junction is already problematic. Could improvements be made to it?
- Clifton School is already oversubscribed.
- Could monies be spent on widening the footway between Clifton and Henlow?

Neighbours

Site and press notices were displayed. Eight responses were received from residents on Chapel Close, Spring Road and Pedley Lane.

- 49 Pedley Lane
- Local schools are oversubscribed
  - Plot 3 should be redesigned so as to lessen its impact
  - There would be a loss of light and overshadowing
  - Differing ground levels could increase the impact of the development
  - There should be no windows overlooking gardens
  - There are inaccuracies in the Design and Access Statement
- 7 Chapel Close
- Smaller terraced houses are not in keeping with large houses on Chapel Close

- 7 Spring Road
- Houses would be nearer boundaries than shown at outline stage and this would make them more intrusive
  - Windows would cause overlooking to gardens and rear facing windows
  - The design would not be in keeping with the area
  - The number of additional people to the area would cause noise
  - Building work would be intrusive
  - There will be more traffic using Chapel Close
- 13 Spring Road
- There would be a loss of privacy
  - The school is already oversubscribed
  - There would be more cars that could potentially be dangerous
  - There would be a loss of local wildlife
- 9 Spring Road
- There would be a strain on local infrastructure (doctors and schools)
  - There would be a loss of privacy
  - There would be a loss of local wildlife
  - The roads are already very busy and there would be extra strain on them
  - There would be additional noise created by occupiers of the houses
- 11 Spring Road
- There would be strain on local facilities
  - There would be additional cars and traffic
  - There would be a loss of privacy and additional noise
  - There would be a loss of local wildlife
- 22 Chapel Close
- The houses should be designed in the same way as those on Chapel Close
  - There are inaccuracies in the Design and Access Statement
  - There should be a maximum of 10 houses at the site
  - There would be traffic and other noise created
  - The parking would be inadequate
  - Local infrastructure is already strained
  - Bungalows should be provided
- 17 Spring Road
- This proposal is different to the one that was given outline permission
  - There would be privacy problems
  - There are inaccuracies in the Design and Access Statement
  - There would be noise and disruption
  - Work has started at the site
  - Drainage details are required
  - Existing trees at the site should be retained

**Consultee responses:**

Highways	No objection subject to amendments (that have been made)
Trees and Landscaping	No objection subject to amendments (that have been made)
Ecology	No objection
Natural England	No objection

**Determining Issues:**

The considerations in the determination of this application are:

1. The principle of the development
2. Impact on the character of the area
3. The impact on living conditions at neighbouring houses
4. Traffic and parking
5. Ecology
6. Quality of the accommodation

**Considerations:**

1. The principle of the development

The principle of residential development at this site was established when outline consent was granted for up to 12 houses in 2010 (CB/09/06296/OUT). A s106 agreement was agreed as part of that application which would ensure that the impact of the development on existing local infrastructure would be mitigated.

The application site is smaller than at the time of that application (0.4025ha rather than 0.55ha) and as a result, the number of units proposed has decreased from 12 to 11. The density of the development would be slightly higher (27.3 rather than 21.8 dph) but would still sit broadly in line with the Council's indicative density guidance (that suggests that a village infill development might have a density of between 30 and 45 dph). A density nearer to 30dph reflects a more efficient use of the site than at the time of the outline application and that represents an improvement.

Policy DM10 (Housing Mix) of the Central Bedfordshire Core Strategy and Development Management Policies (CSDMP, 2009) states that all new housing developments should provide a mix of housing types, tenures and sizes in order to meet the needs of all sections of the local community. This development would provide a mix of 3, 4 and 5 bedroom houses and the level of affordable housing would be subject to the legal agreement that accompanied the outline planning permission.

Since the outline application was approved, the National Planning Policy Framework (NPPF, 2012) has been published and this further reinforces the duty on Local Planning Authorities to consider applications in the context of a

presumption in favour of sustainable development.

The outline planning permission (including the associated legal agreement), more efficient density of the site, the housing mix and advances in national policy since the time of the last decision confirm the acceptability in principle of the proposed development.

2. Impact on the character of the area

The NPPF (2012) states 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.

This objective is reflected locally in Policy DM3 (High Quality Design) of the CSDMP (2009) where it states that new development should be appropriate in scale and design to their setting and should contribute positively to creating a sense of place. More detailed guidance is provided by Design Supplement 1 (New Residential Development) of Design in Central Bedfordshire (a Guide for Development) (DCB, 2010).

The layout of the site would be logical, arranged around the centre of the site and facing in towards it. Overwhelmingly, houses would be set back from the road with landscaping to the front and this would help to create an openness at the site. Plot 11 (on the eastern side of the entrance) would be much nearer to the road and would be orientated differently to the other houses but it would be the lowest building (one storey with accommodation in the roof) and would be set well in from the entrance to the site. Further, it would be to the north of its garden and so trees and landscaping would soften the impact of that house on the street scene.

The houses would have elements of consistency in their design but the housing mix would ensure that the street scene was an interesting and vibrant one. Aspects of the design would be taken from nearby houses on Chapel Close but as a fairly isolated site at the end of the small cul-de-sac, there would be little gained from designing replicas of neighbouring houses and the design implications of accommodation in many of the roof spaces (dormer windows, roof lights and steeper roof pitches) would not cause any harm to the street scene because of the nature of the site.

The landscaping would be appropriately designed and the Council's Landscape Officer has sought amendments, that have been made, to the arrangement and species of planting.

The development would cause no harm to the appearance of the site or the street scene.

3. The impact on living conditions at neighbouring houses

CSDMP (2009) Policy DM3 (High Quality Development) states that new development should respect the amenity of surrounding properties. Further guidance is provided by Design Supplement 1 (New Residential Development) of DCB (2010).

The nearest neighbours to the north, on Pedley Lane would be No's 49 and Plot 3, in the northeast corner of the site would be set in from the boundary with the rear garden of that house by between 1.2 and 1.6m and the nearest part of the house would be at least 13.4m away from the nearest part of No 49. The occupier at that house sought amendments to the design of Plot 3 in order to minimise the perceived impact and in response, the applicant has altered the roof of the proposed two-storey side element of that house to a half hip, rather than a gable. The occupier of No 49 has raised concern over differing levels at the application site and their own garden. A condition attached to the earlier outline consent sought details of levels prior to commencement and so the Council will be able to ensure that living conditions are not harmed at that house as a result of the development when those are submitted. Subject to levels, the distance between the house at Plot 3 and the rear of No 49 would ensure that no serious harm would be caused through a loss of light or shadowing of the garden. There would be no side facing windows facing No 49 and whilst the flank wall of the proposed house would clearly be visible from the rear of that house, it would not be so near or tall as to appear overbearing.

There would be a garage, with a hipped roof near to the boundary with No 51 and that would not be so tall as to cause harm to living conditions there.

Houses to the east on Spring Road would be separated from the housing by their own and the proposed gardens. The proposed houses would be sited between 8.5 and 12.5 away from the eastern boundary of the site and there would be at least (and in most cases, significantly more than) 21m between the rear of the existing and proposed houses. This distance (especially when taken together with existing and proposed landscaping on that boundary), would ensure that no harm would be caused to living conditions at houses on Spring Road. There would be some overlooking of gardens but no more than is commonplace in residential areas, generally.

Planning permission has been granted for four houses on land to the south of the site. The northern most of those houses would be built broadly parallel to the flank elevation of Plot 10 and it would have a side facing window. There would be no side facing windows at the proposed house and the approved house would be separated from the main body of the proposed Plot 10 by a single storey garage attached to the side of that house. This separation would ensure that no harm would be caused to living conditions at that house, if and when it is built.

The rear wall of Plot 11 would be built near to the northern boundary of the rear garden serving No 106 Shefford Road, to the south but that garden is almost 70m long and that distance would prevent harm being caused to living conditions there.

The nearest neighbour to the west would be No 7 Chapel Close, that whilst adjoining to application site, has no side facing windows. This, together with the set in from the boundary of the nearest proposed house would ensure that there would no loss of privacy. Although the nearest proposed house would be set forward of No 7, the main body of that house would be separated from the site by a side extension. This would prevent any harm to outlook or any loss of light.

No 22 Chapel Close would be separated from the site by a rear garden serving a house on Shefford Road and that distance would prevent harm being caused to living conditions at that house.

The layout, scale and design of the development would ensure that no harm would be caused to living conditions at neighbouring houses.

4. Traffic, parking and refuse

CSDMP (2009) Policy DM3 (High Quality Development) states that new development should provide adequate areas for parking and servicing. Further guidance is provided by Design Supplement 7 (Movement, Streets and Places) of DCB (2010). This states that at least two parking spaces should be provided for a three bedroom house and at least three spaces should be provided for a four or five bedroom house. Visitor parking should also be provided and cycle parking should be provided at a rate of one per bedroom (plus visitor spaces at two per house).

The Council's Highways Officers are satisfied that the proposed extension to Chapel Close that would serve the houses would be safe and would allow cars to turn and exit and forward gear. Parking would be provided in line with the Council's standards (the majority of the houses would have three car parking spaces in garages or on forecourts) and cycle parking would also be provided in accordance with the Council's standards.

Waste storage and collection points would ensure that refuse and recycling would be handled and disposed of appropriately.

The scale of the development would not result in so many new residents in the area so as to cause undue pressure on local roads.

The development would not result in parking or traffic problems in the area and refuse would be properly accommodated within the scheme.

5. Ecology

CSDMP (2009) Policy DM15 (Biodiversity) states that development should protect local wildlife interests or mitigate any harm that is caused to them.

Conditions are attached to the outline permission requiring details related to habitat and wildlife protection and the Council will be able to consider those details when they are formally submitted. The Council's Ecologist is satisfied with the proposed scheme, notwithstanding the details that would be submitted prior to commencement.

Officers are aware that the site was cleared prior to either outline approval or the approval of reserved matters and that a number of local people are unhappy about this. Because the trees at the site were not protected and because some species are protected by law, the Local Planning Authority had no powers to have prevented this from happening and it is not a material planning consideration of this application.



6. Quality of the accommodation

Design Supplement 1 (New Residential Development) of DCB (2010) outlines the Council's expectations in terms of amenity space provision. Rear gardens serving family houses should be on average, 100m<sup>2</sup> and no smaller than 50m<sup>2</sup>.

The majority of the gardens serving the houses would be larger than 100m<sup>2</sup> and none would be smaller than 50m<sup>2</sup>. The average size of gardens at the site would be 120m<sup>2</sup>.

All of the gardens would be private and usable (the garden serving Plot 11 would be irregularly shaped but that would not prevent it from being properly used by a family).

All of the houses would have a dual aspect and rooms would receive good outlook and daylight.

The quality of the accommodation that would be provided at the site would be good.

**Recommendation:**

That Planning Permission be granted subject to the following conditions:

- 1 The cycle parking, car parking, landscaping and bin storage areas shall be provided prior to the occupation of any of the units and shall be permanently retained thereafter.

Reason: To ensure that adequate parking and waste collection facilities are provided for future occupiers.

- 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 The turning space for vehicles illustrated on the approved Plan (100 B) shall be constructed before the development is first brought into use.

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

4 **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.**

5 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on any elevations of any of the plots hereby approved.

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

6 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 extensions or outbuildings other than those shown on the approved drawings shall be formed at the site without the written approval of the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties and living conditions for future occupiers.

7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 100 B, 101, 102, 103, 104 A, 105, 106, 107, 108 A and 110.

Reason: For the avoidance of doubt.

**Reason for approval:**

The development would cause no harm to the appearance of the site or the street scene, would cause no harm to living conditions at neighbouring houses and would cause no harm to the safe and free flow of traffic. It would be in accordance with the objectives of the National Planning Policy Framework (2012), Policies DM3 (High Quality Development), DM4 (Development Within and Beyond Settlement Envelopes), DM10 (Housing Mix) and DM15 (Biodiversity) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design Supplements 1 (New Residential Development) and 7 (Movement, Streets and Places) of Design in Central Bedfordshire (a Guide for Development) (2010).

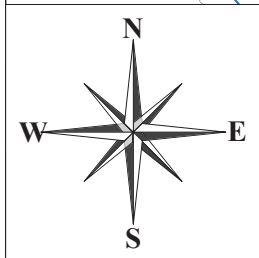
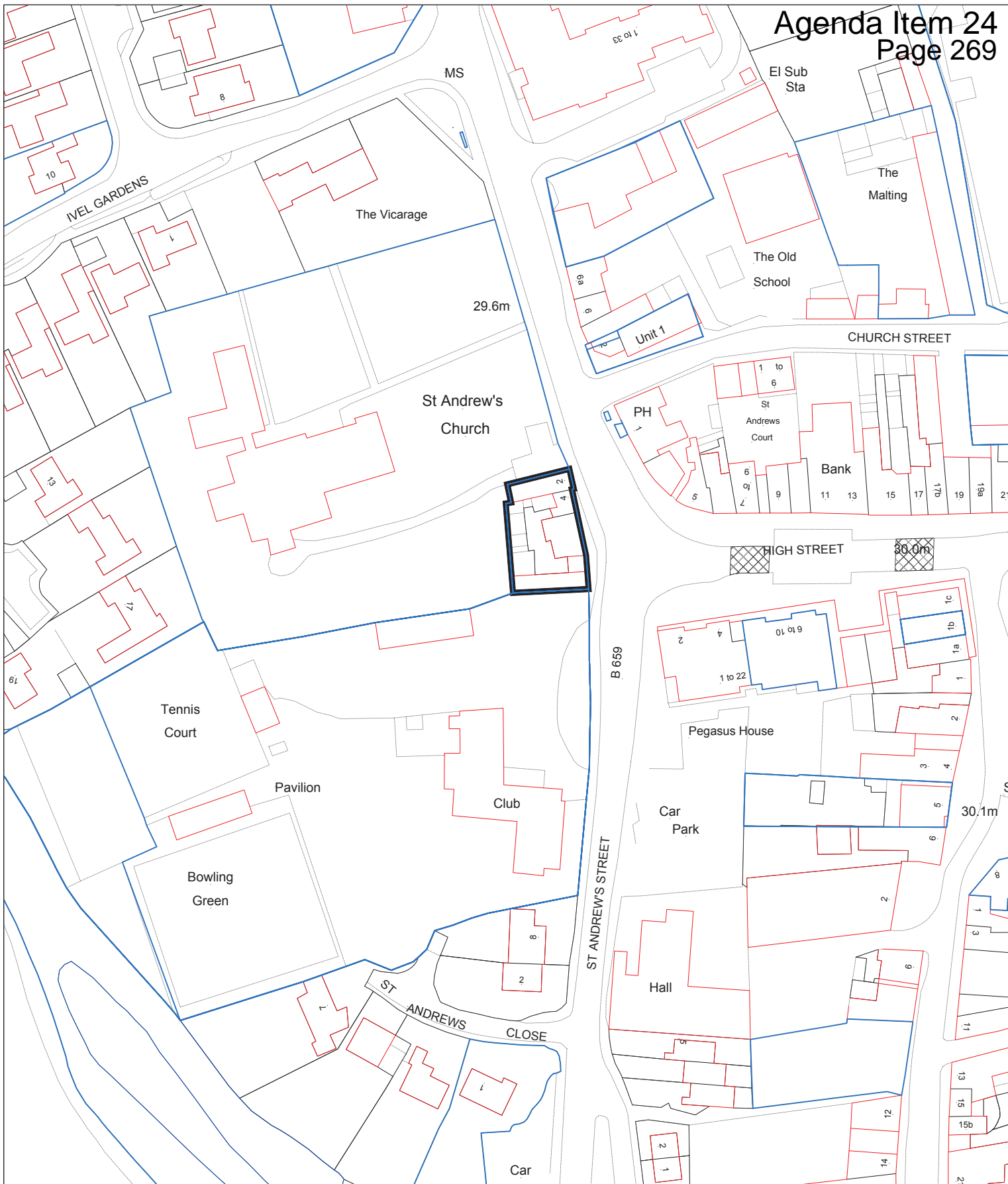
**Notes to Applicant**

**DECISION**

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Date: 29:May:2012

Grid Reference: 518864, 244593

CB/12/01510/FULL

Scale: 1:1250

2-6 High Street, Biggleswade, SG18 0JA

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**Item No. 24**

<b>APPLICATION NUMBER</b>	<b>CB/12/01510/FULL</b>
<b>LOCATION</b>	<b>2 - 6 High Street, Biggleswade, SG18 0JA</b>
<b>PROPOSAL</b>	<b>Part demolition rear outbuilding, reconstruction of outbuilding including pitched roof, construction of external staircase within courtyard, change of use to part first floor and ground floor to holistic health centre, change of use part ground floor from residential to commercial cafe kitchen use, change of use from hairdressing salon to hot food cafe and refurbishment various elements of building</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>25 April 2012</b>
<b>EXPIRY DATE</b>	<b>20 June 2012</b>
<b>APPLICANT</b>	<b>Ms Kenny</b>
<b>AGENT</b>	<b>Triad Planning &amp; Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The corresponding application for Listed Building Consent was called to Committee by Cllr J Lawrence because of the sites location, heritage status and because of local interest</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

A two-storey (with some use of the basement and roof space), Grade II listed building on the junction of St Andrew's Street/Shortmead Street and High Street and within the Biggleswade Conservation Area. The building is arranged around a central courtyard with a single-storey series of outbuildings on the western boundary of the site. To the north is St. Andrew's church, a Grade II\* listed building that is set back from the highway with extensive grounds including the land immediately to the west of the site. To the south is a car park serving a Conservative Club and there are trees within that curtilage near to the application site.

The building is, in parts, in a poor state of repair. A hair dressing salon is operating from the northern section of the building but much of the ground floor is vacant retail space. Part of the ground floor and the first floor is in residential use (there are three independent units totalling seven bedrooms), only some of which is occupied. The single storey outbuildings at the rear of the site are used as storage/workshops but again, are not occupied.

The site is within the town centre, which is served by public parking and public transport links.

### **The Application:**

Planning permission is sought for:

- the repair and remodelling of the existing outbuildings and the replacement of the existing flat roof with a pitched roof;
- the creation of an external staircase within the central courtyard;
- landscaping and a bin store within the central courtyard;
- the replacement of one window on the front elevation; and
- the change of use of the ground floor from part retail and part residential to café and holistic health centre and the change of use of the first floor from residential to part holistic health centre and part residential.

Because it is not clear whether the existing hair salon use will continue to operate from the site, and if so, for how long, an alternative proposed ground floor plan has been submitted showing the salon in its current location. As a result, this plan shows a different ground floor arrangement. This alternative plan has been accepted alongside the initially proposed ground floor plan because the issues raised and the assessment of the proposals would be the same. There would be no changes to the external appearance of the building. If approved, the applicant would be able to decide which floor plan they wanted to implement.

### **Relevant Policies:**

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

- 2. Ensuring the vitality of town centres
- 11. Conserving and enhancing the historic environment

#### Core Strategy and Development Management Policies (CSDMP) (2009)

- DM3 High Quality Development
- DM7 Development in Town Centres
- DM13 Heritage in Development

#### Design in Central Bedfordshire (a Guide for Development) (DCB) (2010)

- DS3 Town Centre and Infill Development
- DS5 The Historic Environment

### **Planning History:**

There is no relevant, recent planning history at the site.



## Representations:

### Town Council

Biggleswade Town Council objected to the application for Listed Building Consent. But where matters raised relate are planning issues, rather than heritage issues, they are outlined below and addressed in this report.

- Traffic and Parking
- Amount of footfall
- Change of use of the building
- Size of the project
- Inappropriate next to St Andrew's Church
- Hot food will need an extraction system

### Neighbours

Press and site notices were displayed and one response was received, commenting as follows:

- Criticising this application for a lack of on-site parking would prohibit any commercial use at the site.

## Consultee responses:

Highways	No objection.
Conservation Officer	No objection. The works would improve the building.
Archaeologist	No objection subject to a condition
Public Protection	No objection
Highways Agency	No objection
English Heritage	No objection

## Determining Issues:

The considerations in the determination of this application are:

1. Principle of the development
2. The appearance of the site and heritage implications
3. Traffic, parking and waste and recycling
4. Neighbours and living conditions

## Considerations:

### 1. Principle of the development

The NPPF (2012) states that local planning authorities should recognise town centres as the heart of their communities and support their viability and vitality

and that they should promote competitive town centres that provide customer choice. It also recognises the role of residential uses in supporting successful town centres.

Policy DM7 (Development in Town Centres) of CSDMP (2009) states that there is a need to ensure that a balance of uses comes forward in town centres to serve local residents and provide employment opportunities and that food and drink facilities within town centres are an important component of local life. The Council will look to retain retail uses (A1-A5) at ground floor level in town centres.

Whilst overall, the development would result in a net loss of retail floor space (use classes A1-A5), that loss would be modest (around 20m<sup>2</sup>) and should be considered in the context that much of the existing floor space is currently vacant.

Whilst not a retail use, the holistic health centre would have similar characteristics to one in terms of the numbers of likely visitors and hours of use.

Both uses would be appropriate in this town centre context and significantly, the applicant anticipates that the number of jobs created by the site would increase from three to 27 as a result of the development. Creating employment is a significant objective of the NPPF and the increase that would result from this development would be relatively significant. Further, the uses would allow for the full occupation of the building where it is currently largely vacant. This would contribute towards the vitality and viability of the shopping area in general, would help to increase the number of visitors to the High Street and is supported in general policy objectives.

The number of residential units at the site would remain the same (three) but the total number of bedrooms would decrease from seven to four. Given that they would be replaced by employment generating uses in a town centre, that would be acceptable.

National and local policies support commercial uses in town centres, particularly where they would create jobs and would utilise currently vacant floor space. As a result, the development would be acceptable in principle.

## **2. The appearance of the site and heritage implications**

The NPPF (2012) states that in determining applications with heritage implications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation;
- The positive contribution that conservation and heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Policy DM13 (Heritage in Development) of the CSDMP (2009) states that particular attention should be paid to locally distinctive features and uses and

that development within Conservation Area should be appropriate.

Policy DM3 (High Quality Development) of the CSDMP (2009) states that new development should contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.

Parts of the building are in a poor state of repair and its general renovation would be supported. The removal of modern additions, like the glazed porch facing the courtyard would also be welcomed.

The replacement of a window on the front elevation (at the eastern end of the building) would cause no harm to its character, would improve the commercial function of the building through provision of a shop window and would be acceptable.

The outbuildings at the rear of the site are in a poor state of repair and are much less attractive than other parts of the buildings. It has a flat, asbestos roof. The proposed replacement roof would sit much more comfortably against the pitched roofs found elsewhere in the building and would improve the appearance of the site overall.

The introduction of an external staircase would represent a transient feature that could be removed with ease and little disruption in the future if necessary.

Additional landscaping within the central courtyard would improve the appearance of the site.

A condition would require the submission of a written scheme of archaeological investigation because of the sensitivity of the site and this would ensure that no harm would be caused to local heritage assets.

The proposal does not include signage or advertising and the necessary consents will need to be sought and obtained before any is displayed.

The development would be sensitive and would benefit the listed building through necessary repair and restoration and would cause no harm to its special architectural or historic character. No harm would be caused to the character or appearance of the Conservation Area or the appearance of the building or the street scene.

### **3. Traffic, parking and waste and recycling**

Policy DM3 (High Quality Development) of the CSDMP (2009) states that new development should comply with guidance on waste management and provide adequate areas for parking and servicing.

There is currently no parking provided at the site and none would be provided to accompany this development. It is not likely that there would be a notable difference in visitor numbers between the existing uses at the site if they were fully occupied and the proposed uses.

There is nearby public parking and there are public transport links serving the town centre. National policy objectives promote sustainable modes of travel and

the provision of on-site parking would discourage the use of local public transport services.

In the context of the location and the character of the uses proposed, it would not be necessary or appropriate to provide off-street car parking and the lack of provision is acceptable here.

The storage of waste and recycling within the central courtyard would be acceptable.

In the context of the location and the proposed uses, no harm would be caused to traffic safety or the local parking situation.

#### **4. Neighbours and living conditions**

Policy DM3 (High Quality Development) of the CSDMP (2009) states that new development should respect the amenity of surrounding properties.

Neither of the adjoining neighbours are in a residential use. The grounds serving the church to the north are relatively vast and the increase in height of the replacement roof to the existing outbuildings at the north of the site would cause no harm to the use or enjoyment of that space. Extraction from the café kitchen would be directed towards the courtyard and not the church so noise or cooking smells would not cause harms to users of the church.

There are trees on the southern boundary of the site within the curtilage of the Conservative Club and protected by the Conservation Area. These applications do not propose works to those trees and consent should be sought before any work is carried out, if it is intended that it will be.

The site would contain three independent residential units (as it does now) and they would be in close proximity to the proposed uses that would operate from the building. However, the relatively discreet nature of the uses when taken together with a condition controlling hours of operation to sociable hours, would ensure that no harm would be caused to future occupiers through noise and disturbance associated with the health centre or the café.

All of the rooms within the flats would receive good light and outlook. The arrangements would be unorthodox but that would be a consequence of the and layout of the building and would be acceptable in that context.

No harm would be caused to neighbouring buildings and the quality of the living accommodation provided within the site would be acceptable.

**Recommendation:**

That Planning Permission be 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 No extraction vents shall be installed in to any external wall unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect the appearance of the site and to control noise and odours.

- 3 The bin storage area shown on drawing number 12-752-P-05 shall be provided before the commencement of the A3 use at the site and shall be permanently retained thereafter.

Reason: To ensure that waste and recycling is properly stored and collected.

- 4 The uses hereby approved shall not operate except between the hours of 0730 to 2100 on Mondays to Saturdays and 0830 to 1800 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring buildings and uses.

- 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 assets with archaeological interest in accordance with Policy 141 of the *National Planning Policy Framework*.

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [12-752-P-01, 02, 03, 04, 15, 06, 07 and 12-752-BR-10].

Reason: For the avoidance of doubt.

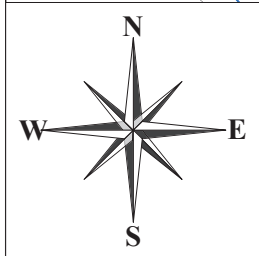
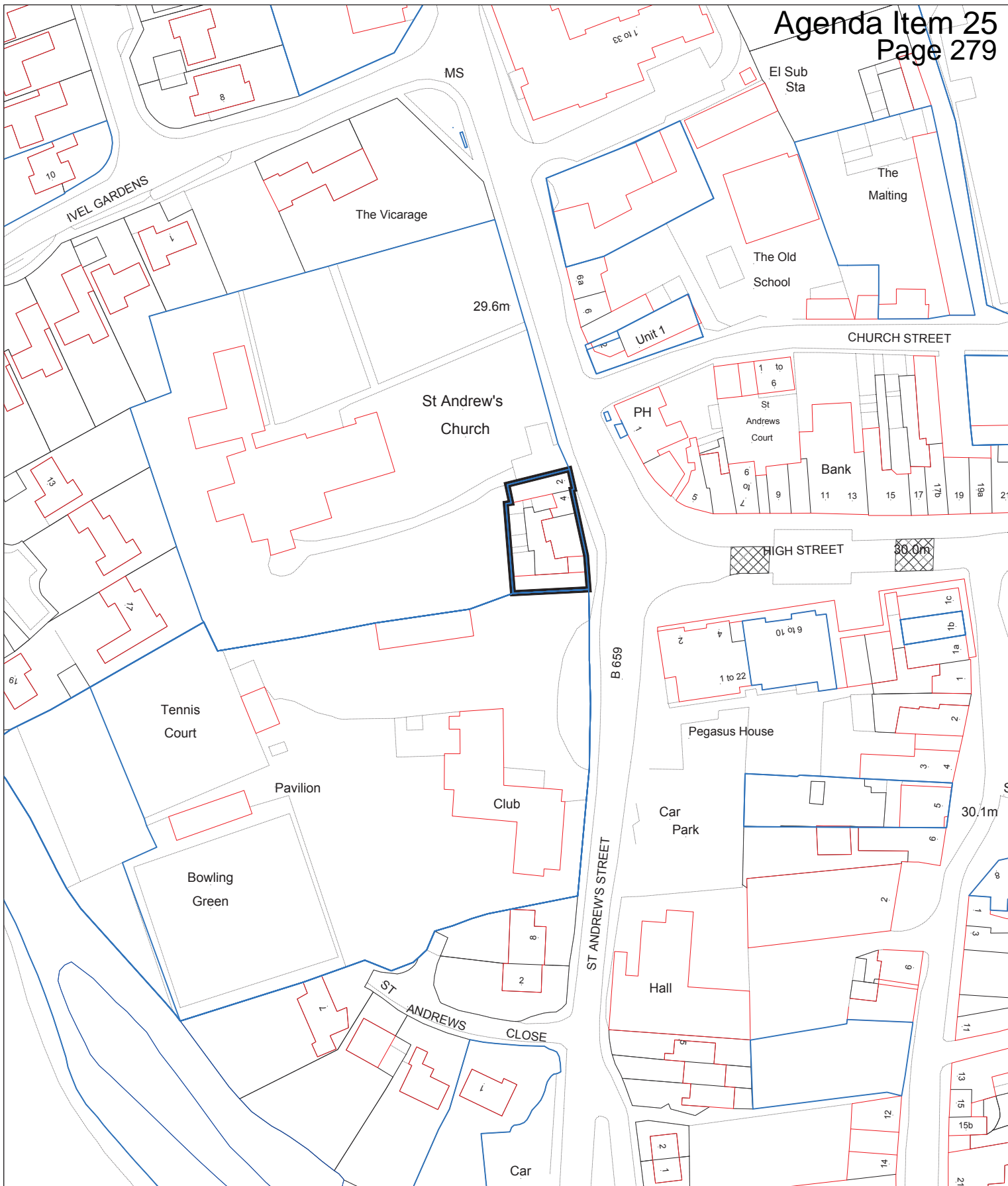
**Reason for approval:**

The development would cause no harm to the appearance of the site or to the special architectural or historic character of the listed building, would preserve the character and appearance of the Conservation Area, would cause no harm to living conditions at neighbouring buildings and would not result in harm to highway safety. Further, the uses would promote the continued use of the building and would be appropriate in this town centre location. The development would be in accordance with the objectives of the National

Planning Policy Framework (2012), Policies DM3 (High Quality Development), DM4 (Development in Town Centres) and DM13 (Heritage in Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design Supplements 3 (Town Centre and Infill Development) and 5 (the Historic Environment) of Design in Central Bedfordshire (a Guide to Development) (2010).

**DECISION**

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Licence No. 100049029 (2009)

Date: 29:May:2012

Grid Reference: 518864, 244593

CB/12/01511/LB

Scale: 1:1250

2-6 High Street, Biggleswade, SG18 0JA

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**Item No. 25**

<b>APPLICATION NUMBER</b>	<b>CB/12/01511/LB</b>
<b>LOCATION</b>	<b>2- 6 High Street, Biggleswade, SG18 0JA</b>
<b>PROPOSAL</b>	<b>Part demolition rear outbuilding, reconstruction of outbuilding including pitched roof, construction of external staircase within courtyard, change of use to part first floor and ground floor to holistic health centre, change of use part ground floor from residential to commercial cafe kitchen use, change of use from hairdressing salon to hot food cafe and refurbishment various elements of building</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>25 April 2012</b>
<b>EXPIRY DATE</b>	<b>20 June 2012</b>
<b>APPLICANT</b>	<b>Ms Kenny</b>
<b>AGENT</b>	<b>Triad Planning &amp; Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>The application was called to Committee by Cllr J Lawrence because of the sites location, heritage status and because of local interest</b>
	<b>Listed Building - Granted</b>

**Site Location:**

A two-storey (with some use of the basement and roof space), Grade II listed building on the junction of St Andrew's Street/Shortmead Street and High Street and within the Biggleswade Conservation Area. The building is arranged around a central courtyard with a single-storey series of outbuildings on the western boundary of the site. To the north is St. Andrew's church, a Grade II\* listed building that is set back from the highway with extensive grounds including the land immediately to the west of the site. To the south is a car park serving a Conservative Club and there are trees within that curtilage near to the application site.

The building is, in parts, in a poor state of repair. A hair dressing salon is operating from the northern section of the building but much of the ground floor is vacant retail space. Part of the ground floor and the first floor is in residential use (there are three independent units totalling seven bedrooms), only some of which is occupied. The single storey outbuildings at the rear of the site are used as storage/workshops but again, are not occupied.

The site is within the town centre, which is served by public parking and public transport links.

**The Application:**

Listed Building Consent is sought for:

- the removal of a modern glazed porch addition;
- the repair and remodelling of the existing outbuildings and the replacement of the existing flat roof with a pitched roof;
- the replacement of one window on the front elevation; and
- internal alterations including re-flooring, repair and restoration works and the removal of partition walls.

Because it is not clear whether the existing hair salon use will continue to operate from the site, and if so, for how long, an alternative proposed ground floor plan has been submitted showing the salon in its current location. As a result, this plan shows a different ground floor arrangement. This alternative plan has been accepted alongside the initially proposed ground floor plan because the issues raised and the assessment of the proposals would be the same. There would be no changes to the external appearance of the building. If approved, the applicant would be able to decide which floor plan they wanted to implement.

**Relevant Policies:**

National Planning Policy Framework (NPPF) (2012)

- 2. Ensuring the vitality of town centres
- 11. Conserving and enhancing the historic environment

Core Strategy and Development Management Policies (CSDMP) (2009)

- DM3 High Quality Development
- DM7 Development in Town Centres
- DM13 Heritage in Development

Design in Central Bedfordshire (a Guide for Development) (DCB) (2010)

- DS3 Town Centre and Infill Development
- DS5 The Historic Environment

**Planning History:**

There is no relevant, recent planning history at the site.

**Representations:**

<u>Town Council</u>	<b>Comment</b>
Where the Town Council raises planning, rather than Listed Building Issues, they are addressed as part of the corresponding planning	More information requested about the status of the rear outbuilding that would be part demolished Inappropriate next to St Andrew's Church Hot food will need an extraction system

application.

**Consultee responses:**

Conservation Officer      No objection. The works would improve the building.

English Heritage          No objection

**Determining Issues:**

The considerations in the determination of this application are:

1. Heritage implications

**Consideration:**

**1. Heritage implications**

The NPPF (2012) states that in determining applications with heritage implications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation;
- The positive contribution that conservation and heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Policy DM13 (Heritage in Development) of the CSDMP (2009) states that particular attention should be paid to locally distinctive features and uses and that development within Conservation Area should be appropriate.

Policy DM3 (High Quality Development) of the CSDMP (2009) states that new development should contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.

Parts of the building are in a poor state of repair and its general renovation would be supported. The removal of modern additions, like the glazed porch facing the courtyard would also be welcomed.

Internal works would be modest and would largely consist of the removal of more modern partition walls and the repair/replacement of inappropriate flooring.

The replacement of a window on the front elevation (at the eastern end of the building) would cause no harm to its character, would improve the commercial function of the building through provision of a shop window and would be acceptable.

The outbuildings at the rear of the site are in a poor state of repair and are much less attractive than other parts of the buildings. It has a flat, asbestos roof. The proposed replacement roof would sit much more comfortably against the pitched roofs found elsewhere in the building and would improve the appearance of the site overall.

The introduction of an external staircase would represent a transient feature that could be removed with ease and little disruption in the future if necessary.

The proposal does not include signage or advertising and the necessary consents will need to be sought and obtained before any is displayed.

The development would be sensitive and would benefit the listed building through necessary repair and restoration and would cause no harm to its special architectural or historic character. Further, the development would facilitate the continued use and viability of the building which is a key heritage objective.

Details would be subject to subsequent approval in order to ensure that the development at this sensitive site would be appropriate.

**Recommendation:**

That Listed Building Consent be granted subject to the following conditions:

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Prior to any building works being first commenced, detailed drawings of all proposed new &/ or replacement doors & windows, together with a detailed specification of the materials, construction & finishes, shall be submitted to & approved in writing by the Local Planning Authority. Details shall be provided which clearly show (as appropriate)- a section of the glazing bars, frame mouldings, door panels, the position of the door or window frame in relation to the face of the wall, depth of reveal, arch & sill detail.**

**Reason: To ensure that the special architectural or historic interest of the building or structure, its character & appearance is properly preserved, maintained & enhanced, in accordance with standard conservation good practice.**

- 3 Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all *making good* of the existing building shall be carried out in materials & finishes which closely match, like-for-like, those historic materials & finishing details used in the existing building or structure- to accord with usual conservation good practice & to the satisfaction of the Local Planning Authority. If there is any doubt regarding the approach to any proposed making good, or any alternative materials are proposed, a precise specification of the materials & finishes should be submitted to & agreed in writing by the LPA.

Reason: To ensure that the special architectural & historic interest,

character & appearance of the building is properly maintained, in accordance with standard conservation good practice.

- 4 None of the components, members or elements comprising the structural timber frame & fabric – including the infill panel material, stave or wattle & daub or brick, stone & plaster- of the building shall be cut, damaged, altered or otherwise detrimentally changed- other than those parts specifically identified within the submitted detailed annotated working drawings & precise schedule of works relating to the timber frame. All such alteration works shall be in accordance with usual *conservation good practice* & forming part of the agreed specification, method statement & approach stated in the listed building consent. Sandblasting or any other abrasive cleaning is not acceptable.

Reason: To ensure that the special architectural or historic interest of the building or structure, its character & appearance is properly preserved, maintained & enhanced, in accordance with standard conservation good practice.

- 5 All rainwater goods shall be cast iron. As an alternative, cast aluminium may be acceptable, in certain circumstances, though this is to be specifically justified & agreed in writing by the Local Planning Authority if it is proposed to specify cast aluminium. Plastic or uPVC rainwater goods are not acceptable.

Reason: To ensure that the special architectural & historic interest, character, appearance & integrity of the listed building or other historic building is properly maintained & to accord with standard conservation good practice.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [12-752-P-01, 02, 03, 04, 15, 06, 07 and 12-752-BR-10].

Reason: For the avoidance of doubt.

**Reason for approval:**

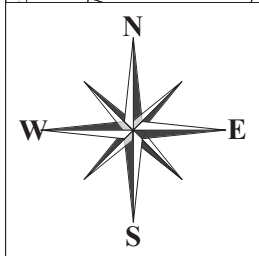
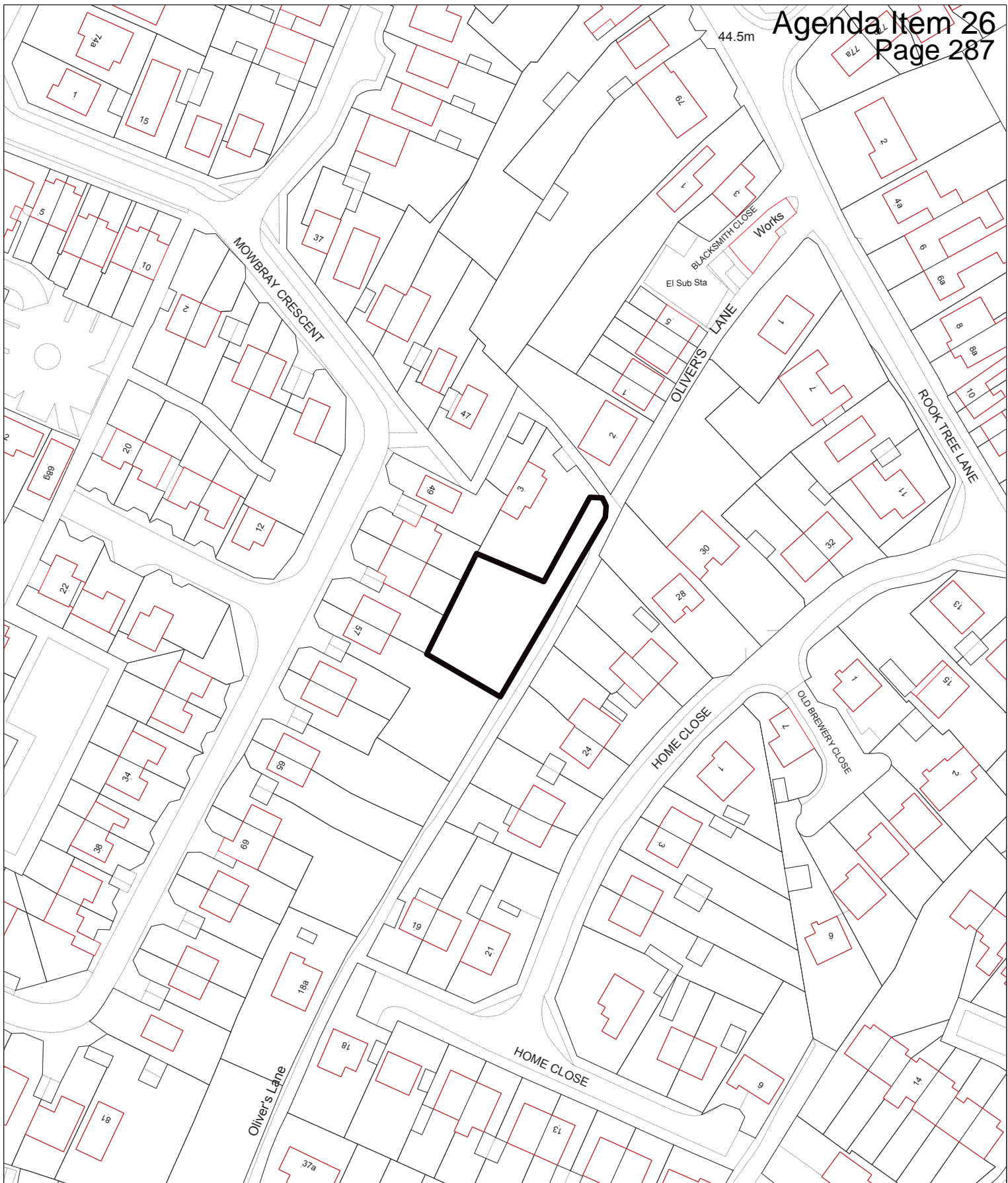
The development would cause no harm to the special architectural and historic character of the listed building and would be in accordance with the objectives of the National Planning Policy Framework (2012), Policies Dm3 (High Quality Development) and DM13 (Heritage in Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design Supplement 5 (the Historic Environment) of Design in Central Bedfordshire (a Guide for Development) (2010).

**DECISION**

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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. 26</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
CB/11/01188	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 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.**

- 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 Ampthill 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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