

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



please ask for Helen Bell
direct line 0300 300 4040
date 5 July 2012

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 18 July 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 27 June 2012.

(To be circulated separately)

4. **Members' Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

REPORT

Item	Subject	Page Nos.
5	Planning Enforcement Cases Where Formal Action Has Been Taken To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.	* 5 - 10

Planning and Related Applications (To consider the planning applications contained in the following schedules)

Item	Subject	Page Nos.
6	Planning Application No. CB/10/03478/OUT Address : Land adjoining Dunstable Road and to the rear of My Folly and the Scout Hut, Dunstable Road, Caddington Outline application for 50 dwellings, with access off Dunstable Road (revised application CB/09/06146/OUT).	* 11 - 42

Applicant : Woodstock Estates Ltd

7 **Planning Application No. CB/12/01409/RM** * 43 - 56

Address : White Lion Retail Park, Boscombe Road,
Dunstable LU5 4WL

Reserved Matters: Erection of four storey
building comprising 24 residential units.
Construction of new access (Outline).

Applicant : White Lion RP Ltd

8 **Planning Application No. CB/12/01317/FULL** * 57 - 72

Address : Henlow Lakes and Riverside, Arlesey Road,
Henlow

Provision of 29 additional pitches,
realignment of internal access road, creation
of a pitch for managers accommodation &
erection of club house, tea room & activity
centre (enlarged from previous approval).

Applicant : Henlow Lakes & Riveside Ltd

9 **Planning Application No. CB/12/01536/FULL** * 73 - 82

Address : Building adj. to 22 Long Close, Lower
Stondon, Henlow SG16 6JS

Conversion of office building into a one
bedroom dwelling.

Applicant : Burke Enterprises LLP

10 **Planning Application No. CB/12/01152/FULL** * 83 - 90

Address : Shefford Post Office, 6 Southbridge Street,
Shefford SG17 5DB

Change of use on first floor from office to
provide 3 one bedroom flats and ancillary
commercial floor space & two storey rear
extensions.

Applicant : Basra Enterprises Ltd

11 **Planning Application No. CB/12/01391/FULL** * 91 - 96

Address : Fairfield Park Lower School, Dickens
Boulevard, Stotfold, Hitchin SG5 4FD

Classroom extension and alterations.

Applicant : Central Bedfordshire Council

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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 15 August 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.

Meeting: Development Management Committee

Date: 18th July 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.

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 18th July 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/09/1355	2 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
2	CB/ENC/10/0068	Land at The Haven, Castle Hill Road, Totternhoe, Dunstable	Enforcement Notice, use of land for the stationing of container and the storage of building materials	22-Jun-10	20-Jul-10	17-Aug-10	Appeal dismissed	3-May-11	Part complied, container and some materials removed	Site being monitored, but no further action at present
3	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
4	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.
5	CB/ENC11/0411 Case closed	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			Part complied and planning permission granted	1. CB/11/02522 granted for extension 21/3/12 2. fence complied 3. CB/12/01316 granted for canopy 12/6/12
6	CB/ENC/11/0418	Land to the rear of 65, Shefford Road, Clifton SG17 5RQ	2 Breach of condition Notices CB/10/01446/FULL 1. Condition 16 (turning space) 2. Condition 8 (access road junction)	1-Dec-11	1-Dec-11	31-Dec-11	N/A		Complied (turning space)	1. Turning space constructed. 2. Notice withdrawn for access road junction, under construction.
7	CB/ENC/11/0509 To be closed	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			Complied	Owner has moved, check compliance after 11/7/12
8	CB/ENC/11/0535	Land east of Miletree Road Heath and Reach	Injunction - anticipated caravans/mobile homes	24-Oct-11	24-Oct-11	immediate				Monitor site

Planning Enforcement formal action (DM Committee 18th July 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	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	Not complied Successful direct action to remove hard standing 27/4/12 to 30/4/12	Action being taken to recover cost of direct action
10	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
11	CB/ENC/11/0656 Case closed	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	Planning permission granted on appeal		Revised scheme impemented	Planning application CB/12/00447/full granted on appeal
12	CB/ENC/12/0054	Woodside Caravan Park, Thorncote Road, Northill	Injunction - 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.
13	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	Appeal received 26/6/12			Await outcome of appeal
14	CB/ENC/12/0069	Site B The Stables, Stanbridge Road, Gt Billington, Leighton Buzzard	Injunction. Unauthorised siting of caravans	30-Mar-12	30-Mar-12	1-May-12	remove mobile home			Monitor compliance with Injunction
15	CB/ENC/12/0162	The Grade II Listed building at 24 Market Square, Toddington, Dunstable LU5 6BS	Listed Building Enforcement Notice - removal of ceilings and wall plaster.	14-Jun-12	12-Jul-12	12-Oct-12				Check compliance after 12/10/12
16	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
17	CB/ENC/12/0257	Unit H Kensworth Industrial Estate, Common Rd Kensworth	Breach of Condition Notice. Condition 1 SB/TP/87/0748 height of storage	19-Jun-12	19-Jun-12	19-Jul-12				Discussions for variation of condition application. Check compliance after 19/7/12

Planning Enforcement formal action (DM Committee 18th July 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	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, revised planning application received CB/12/01929/full 20/6/12 - await outcome
19	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	Not complied. Court Hearing March 2011 - prosecution and fine	Further direct action to be taken to secure compliance with Notice.
20	MB/ENC/08/0214	Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington	Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins	15-Dec-08	12-Jan-09	12-Feb-09			Part complied Planning application CB/11/04219/full received 14/12/11	Await outcome of application
21	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. Not complied	Under new ownership, further evidence for prosecution sent to Legal
22	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	Part complied - (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.
23	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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Gardens

Track

Caddington

Path (um)

170.1m

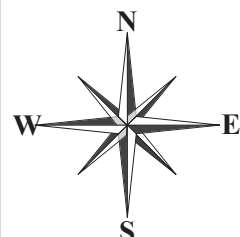
Hall

MOSSMAN

DRIVE

DUNSTABLE

ORCHARD



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Date: 28:June:2012

Grid Reference: 506087; 219624

Application No.
CB/10/03478/OUT

Scale: 1:1250

Land adjoining Dunstable Road and to the rear of My Folly
and the Scout Hut, Dunstable Road, Caddington

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Item No. 6

APPLICATION NUMBER	CB/10/03478/OUT
LOCATION	Land adjoining Dunstable Road and to the rear of My Folly and the Scout Hut, Dunstable Road, Caddington
PROPOSAL	Outline application for 50 dwellings, with access off Dunstable Road (revised application CB/09/06146/OUT)
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Mrs Gammons & Stay
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	21 September 2010
EXPIRY DATE	21 December 2010
APPLICANT	Woodstock Estates Ltd
AGENT	Barrett Lloyd Davis Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Ward Member requested referral to Committee and Parish Council representation has not been resolved to date of report (Major Application)
RECOMMENDED DECISION	Outline Application - Granted

Site Location:

This 1.4 ha rectangular site comprises the site of a former dwellinghouse, a scout hut, a large area of overgrown land (with some significant trees) and a small piece of the large field to the north-west, and has a 148m frontage to Dunstable Road immediately west of the allotments. The large field is within the Green Belt. The lie of the land locally falls gently from east to west but a seasonal pond central in the site, sitting in its own basin about 8m lower than the north-east corner of the site, cuts into higher land towards the east. The roadside vegetation more closely resembles a hedgerow in front of the scout hut and westwards. A public footpath FP9 runs just inside the north-east boundary and is separated from the pond by a steep sided tongue of higher land, before passing into a large field (which is rapidly being colonised by birch and oak). Seven of the trees adjacent to this footpath are protected. To the north-east are active or former allotments (the active ones managed by the Parish Council), and on the opposite side of Dunstable Road are frontaging dwellings with housing estates behind.

A very short section of road has been constructed into the site near the footpath, being part of the 1996 planning permission. Otherwise this side of Dunstable Road has no footway, being grass verge with a defined hedgerow or scrub edge behind. The scout hut, still in use, is a simple brick ridge-roof structure with an adjacent car park. More recently much of the undergrowth and most of the smaller trees within the site have been cleared to enable surveying and exploration.

The Application:

It is proposed to retain the scout hut and the develop the site with 50 dwellings, including 19 affordable units (38%), using an upgraded version of the existing point of access. All matters except access are reserved. An indicative layout is provided together with parameters of scale (the size and location of 2/3 storey buildings). A description of the layout and indicative accommodation is given in section 5 below. Average density would be 36 dwellings/ha. (see section 4).

The application is accompanied by:

- Design and Access Statement,
- Archaeological evaluation,
- Phase 1 Geotechnical/Contaminated land assessment,
- Arboricultural impact appraisal and method statement,
- Ecology appraisal,
- Flood risk/ foul and surface water assessment, with Addendum,
- Transport assessment and Stage 1 Road Safety audit,
- Noise impact assessment.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment.
12. Conserving and enhancing the historic environment.

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

- H1 Regional Housing provision 2001-2021
- H2 Affordable housing
- T2 Changing travel behaviour
- T8 Local roads
- T9 Walking, cycling and other non-motorised transport
- T14 Parking
- ENV3 Biodiversity and earth heritage
- ENV7 Quality in the built environment
- ENG1 Carbon dioxide emissions and energy performance.

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

South Bedfordshire Local Plan Review

- BE8 Design Considerations
- H1 Provision for Housing
- H3 Local Housing Needs
- H4 Affordable Housing
- R8 Urban Open Space - Caddington
- R10 Play Area Standards
- R11 New Urban Open Space

Draft Luton and Southern Bedfordshire Joint Committee Core Strategy: Pre Submission 2011 - 2026 (November 2010 as amended)

CS3 Developer contributions for infrastructure

CS5 Linking places

CS6 Housing for all needs

CS7 Increasing access to quality social and community infrastructure

CS8 Quality of design

CS11 Resource efficiency

CS12 Adapting to and mitigating flood risk.

Supplementary Planning Guidance

Design in Central Bedfordshire

CBC Planning Obligations for southern Bedfordshire SPD

Planning History

SB/TP/96/0745	Use of land for allotment purposes with access and parking (duplicate application) [large field west of site and strip of land within north-east boundary of site].
SB/TP/02/1038	Application disposed of - Residential development (outline) [land to north-east of site].
CB/09/06146/OUT	Withdrawn - Erection of 54 dwellings with access of Dunstable Road (outline) [extended slightly further north-west].
CB/10/04245/SCN	Screening opinion - EIA not required.
CB/10/04594/OUT	Erection of residential development - outline (approx 25 dwellings) [former allotment land to east] - application pending.

**Representations:
(Parish & Neighbours)**

Parish Council
(29/10/10, 22/11/10,
18/10/11, 26/6/12)

The Parish Council has written on 4 occasions, the final one addressing the amended FRA.

Main issues:

- No objection to the principle of developing the site;
- A public meeting was held on 15/9/11 where the public were overwhelmingly in favour of the following three responses -
 - proposed access road is ill-sited and a junction opposite Mossman Drive is much preferred,
 - relocation of the scout hut onto R8 land would be an acceptable recreational use of the R8 land (and preferable to leaving the existing hut surrounded by the new development),
 - proposals on prevention of flooding issues were accepted.
- Highway comments - Recognise that a technical case can be made for re-use of existing access with better splays and sight lines. But the authorities are not

listening to local opinions and concerns. This access would still be dangerous on a bend. Some sort of compromise should be reached. Suggest upgrading the existing scout hut junction to form a crossroads with Mossman Drive possibly with local traffic control. They appreciate that this would only be viable if agreement is reached to relocate the scouts but would like it considered as long as it remains a possibility.

- Scout group/hut - As a recreational organisation their occupation of R8 land would be appropriate and is supported by the Ward councillors. The scouts would only give up their site if a suitable replacement was offered - this is a matter between them and the applicants although arbitration may help if needed. Request a 30m buffer zone between their new site and the development boundary to avoid future nuisance. Noise assessment did not consider comings and goings, conversations and outdoor activities, and was taken when outdoor activities were less likely.

June 2012 response to Drainage Revision 1

[This proposed a stepped swale to take all of the water from the allotments and land to the north. Road water overflow from the basin would join the swale].

These proposals raise more questions than answers. Key questions-

- if the detention basin is used when flooding occurs, what then happens to the road water?
- why is the main pond left with no water ingress at all? (suggests roof water)
- what maintenance is proposed, by whom and with what funding? (highways department do not maintain existing flood system)
- where has the proposed swale and dam system worked elsewhere, and is it in an area of high water table?
- have plants been considered to slow down water in the swales?

There is an over-reliance on theoretical modelling (with no actual flow figures), which should be complemented by site visits after heavy rain and local consultation (which can identify high risk areas). Reassurances should be given that the swale would not simply deliver water to the Mancroft Road area.

The PC now realises the value to the local community of the R8 land which may even be required for allotments in the future. The engineering solution would conflict with its recreational policy position. Indeed these works could be contrary to Green Belt openness. Furthermore, this land may be included in future local growth plans.

To transfer water from land which seems to hold most of its water to a system which is at capacity and floods twice

a year would benefit from further consultation and consideration: there is little margin for error on Mancroft Road.

The other application fronting Dunstable Road will also have issues and it may be time to say 'no' to future development to the Dunstable side of Caddington.

July 2012 response to Drainage Final revision

Comments of the Parish Council will be reported at the meeting.

Neighbours

Dunstable Road nos. 25 (20/10/10), 27 (18/10/10, 10/10/11), 29 (18/10/10, 10/10/11), 33 (18/10/10); 35 (16/10/10, 6/10/11), 51 (6/10/10);
Folly Lane no.9 (28/10/10);
Mossman Drive no.23 (recd 18/10/10);
Email address only (14/10/10)

- Objections:

- Should not be developed - use brownfield land,
- Strain on drainage system (water pressure fractured gas main in 2009),
- Existing ground water from north-west uses ditch to cross path and reach pond; ditch needs maintenance and investigation,
- Flood Risk Assessment fails to recognise that the pond and site 'holds' water and provides some natural drainage,
- Dunstable Road already overloaded with unsuitable parking practices and occasional queues impeding access from Mossman Drive and private drives, and subject to speeding traffic, making access to new drives and road hazardous; some favour new access opposite Mossman Drive,
- Questions the methodology of transport assessment,
- Emerging vehicles would not be able to accelerate to road speed safely, noise from vehicles accelerating from junction and new pedestrian crossing and beeping of crossing control,
- Pavement to Dunstable Road too narrow and a danger for disabled and for wheelchairs,
- Access onto blind bend with an accident record including collisions with parked vehicles,
- Indicative access to other site should be deleted,
- Proposed crossing point (whether lights or flashing beacons) would affect residential amenity,
- Noise, pollution and parking obstruction from building operations,
- Headlights would shine into houses opposite,
- Should contribute to alleviating existing surface water inadequacies on highway,
- Disturbing asbestos on site would pose risk for

- residents,
- Flats close to Dunstable Road not in character with village and will spoil view,
 - Access to pond for wildlife important,
 - No provision for general village infrastructure,
 - Will increase crime and anti-social behaviour,
 - Very disappointed that developers have not worked with community in revision.
 - (One letter) Accepts the need for the scheme but access road in a highly dangerous place with little visibility and high speeds.

Renotification has taken place following receipt of the drainage final revision and any response will be reported at the meeting.

Consultations/Publicity responses

Environment Agency
(18/10/10, 13/10/11,
18/5/12)

Flood risk - Proposal would only be acceptable if the following measures are implemented and secured by condition:

- limiting surface water runoff in accordance with FRA
- on-site discharges of surface water should not exceed greenfield runoff rate and not increase the risk of flooding offsite
- design of the sustainable surface water drainage system to be based on principles in FRA
- provision of future maintenance of the SUDs as in FRA.

Groundwater and contaminated land - Requires conditions including no infiltration of surface water drainage.

Environmental Health
Officer (23/12/10,
17/10/11, 12/1/12)

Suggests condition for dwellings to have sound proofing against external noise. Ideally, scout hut noise levels should have been recorded in the summer months while outdoor activities were underway, but time constraints made this impracticable. Indoor meeting noise will not be an issue with this condition. Arrivals and departures should not give rise to justifiable complaint as it would be a reasonable activity in itself, as would some use of external areas for scout activity provided it was not excessive or late at night. The position of the building will help attenuate noise from new residents - there is no record of complaints from houses opposite.
Recommends condition for submission of contamination assessment.

Archaeology officer (19/10/10)	Site lies within a known prehistoric archaeological landscape and includes heritage assets of local and national importance. However, trial trenching demonstrates that there are few surviving features below ground and a 'watching brief' would be unnecessary.
Tree and Landscape Officer (20/10/10, 3/11/10)	Object on the grounds that construction of the proposed swale would cause significant damage to the root system of 6 protected trees. Layout would also result in loss of many unprotected trees, Although the inevitability of some loss is recognised on a housing site and the assessment has been carefully undertaken, 'wrong' trees have been felled and lesser trees retained. There is a general sense that the layout does not respond to the retained trees by giving problems of light and growth for the future. Plot 20 should be deleted. There will need to be conditions to monitor compliance with precautions. Bank between footpath and pond could be removed if required without damage to protected trees, but method statement needed and great care from equipment.
Natural England (29/11/10)	Further great crested newt surveys are recommended. There is some doubt that the pond could continue to provide suitable habitat for newts and a new aquatic habitat outside the site may be required. A condition pointing out this possibility should be adequate. Some monitoring should be made (such as hand searching prior to development) for reptiles. Bat appraisal should be extended to scout building. Roost features in buildings are better than boxes, which can be vandalised. No surveys needed for birds provided basic precautions are carried out.
Ecologist (23/11/10, 25/11/10, 5/10/11, 2/11/11, 21/6/12, 2/7/12)	<u>Initial submission</u> Supports habitat creation and enhancement on adjoining land but layout renders on-site habitats as little more than landscaping features rather than ecological resources, with the linkage ineffective through manicured lawns. Disappointed that the amendments do little to address this and at least the north-east link should be enhanced by incorporating grasscrete parking spaces and the ground cover should be maintained as long as possible. Additionally, the removal of a number of trees makes the retention of the remaining mature trees even more important, and the proposals do not appear to address their value adequately. Agrees that newt surveys could be subject to condition together with mitigation strategy if they are found. Conditions also recommended for avoiding bird nesting season and for bird and bat boxes. Recommends surveys of on-site trees for bat roosting opportunities if more are to be removed and of the scout building if it is to be removed.

Drainage revision 2

Satisfied with this amendment. From an ecological perspective, would prefer to see a swale rather than a pipe to get water from the basin towards Mancroft Road as this would allow for more habitat opportunities. The suggestion of a maintained green corridor from the pond in the direction of the allotments is welcomed and a boardwalk over any damp/wet areas would work well and fully supports this solution.

Landscape Officer
(17/11/10)

Has concerns with proposal:

- Site and surrounds form important buffer to the AONB which contributes to its setting. Any built form should be mitigated so as not to be detrimental. Additional woodland planting should be provided to NW and W extending as far as the farm track and this would also mitigate noise and movement.
- The Luton and South Bedfordshire Green Infrastructure Plan identifies this area for landscape and biodiversity enhancement. The quality of amenity of the FP and views from the Bridleway must be safeguarded. The pond would assist biodiversity but the 'link' is highly compromised - adequate space should be included for habitats and links.
- A number of remaining trees are shown within parking or access surfaces and their future is of real concern. Little additional structural planting is indicated to soften especially the 3-storey buildings and to provide cooling and shade. Layout needs reconsidering.
- Loss of trees and hedgerows to the SE will open up views of drives, parked vehicles, and the rural edge character. Views of the backs of development would not be appropriate or acceptable. 3-storey units at this interface would also be out of character and highly visible without significant tree planting and hedgerows.

CBC Drainage Officer
(19/10/10, 6/10/11,
26/6/12)

Further revision 2:

The principle of the design is now to mimic existing characteristics of the drainage.

Any overland flows that currently flow into the site from adjacent fields and the allotments will continue to do so although there may need to be some formal method of capturing these flows rather than allowing them to flow across the surface as happens now. These overland flows will fill the pond and be allowed to drain away through the bottom of the pond, again as happens now. The pond could also be deepened slightly to remove any build up sediment or increased in size if the development allows. The maximum level of the pond should be the

same as existing and an overflow should be positioned at this level to prevent overtopping.

The overflow from the pond will feed into an offsite attenuation pond on the R8 land which will also take highway water. Although the attenuation pond will be designed to take highway water up to a 1 in 100 yr event + 30% climate change, it will have a dual function taking highway water and any overflow water from the natural pond.

The roof water will continue to go to a bored soakaway.

The discharge from the attenuation pond will be set as low as possible, hopefully even lower than the currently proposed 5 l/s. Oversized pipes could also be used from the attenuation pond to the outfall to provide additional storage and to hold back flows until the peak flows have passed in Mancroft Road. The attenuation pond will have a permeable bottom to allow some water to drain away naturally across the R8 land as currently happens when the existing pond overflows.

The drainage system, including the natural pond, the borehole and the attenuation pond will need to be adequately maintained. New legislation is being introduced in 2013 which will require Local Authorities to automatically adopt such drainage systems with funding for maintenance being provided directly from Defra. There may be a possibility of the Council voluntarily adopting surface water drainage systems before the introduction of the new legislation but the developer may need to provide a commuted sum payment.

Thames Water (3/10/11,
13/10/11, 15/5/12)

Waste water: An inability to accommodate the waste water needs of the application is identified. Should the LPA be minded to approve the application a Grampian condition is recommended: "Development shall not commence until a drainage strategy detailing any on and/or offsite drainage works has been submitted to and approved by the LPA in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed."

Surface water: It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final

manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from TW will be required.

There are no surface water sewers adjacent to the site and the adjacent foul sewers are small. The proposed foul discharges are considered acceptable but any further discharges proposed from surface water runoff are not considered acceptable from a capability viewpoint.

Highways Officer
(5/12/11, 29/12/11)

- The proposed type of junction would operate satisfactorily with minimal delays to through traffic,
- Because of excessive speeds on Dunstable Road longer visibility splays than those shown are required,
- If the Scout Hut is to be retained appropriate levels of visibility should be sought (similar to the new access),
- A developer contribution of £20,000 should be sought towards traffic calming (notwithstanding the above splays),
- A 2m wide footway should be provided across the site frontage and extending to the proposed pedestrian crossing (officer satisfied that this can be achievable within highway north of site),
- The above requirements would then make the access acceptable.
- Internal road layout: 100 rather than 76 off-street spaces should be provided; some spaces are inconvenient or not overlooked, making parking on-street more likely; a suitable turning area should be provided within 20m of the end of the road.
- Recommends conditions and a developer contribution of £19,000 towards Safe Routes to Schools linkages.
- Comments on objector's letter covering 'technical' highway matters; concerns about access to retained Scout Hut would be addressed by imposing new visibility splays; concerns about traffic survey are not considered such as would invalidate results - furthermore, proposed conditions allow for and address excessive speeds; concerns on existing highway drainage have been noted - the proposed new footway would be fully kerbed; other visibility issues would be addressed by proposed conditions.

Open Space Officer
(20/10/10, 1/6/12)

Requirement for formal and informal open space and play area. Contribution towards the former acceptable. Incidental open spaces, especially near to the pond, would not be suitable and an additional contribution towards the latter type, including indoor facilities would be acceptable.

Rights of Way Officer
(20/10/10, 24/1/11,
31/1/11)

Plan shows a meandering footpath line rather than the definitive straight line. Welcomes pedestrian crossing, dual frontage of flats (for surveillance) and proposed widening and surfacing of path, but this should be in a corridor of minimum width 4m. This was usefully set out in the S106 for Rushmore Close. Details needed of surfacing, fencing, devices to prevent vehicles straying onto path, swale, and maintenance of path through northern buffer. Tree protection barriers must not obstruct path. Good visibility essential at mouth of path. Seeks maintenance contribution through the Countryside contribution.

Education Officer
(12/10/10, 30/5/12)

Requires contribution at Early years level.

Caddington Scout Group
(23/11/10, 25/1/12)

Initial Objection:

Full implementation would lose valued local community facility; partial implementation would likely compromise use of the facility. Earlier dialogue with scouts has not been followed up prior to this resubmission. Specific matters:

- Design and Access Statement (DAS) does not explain landscaping principles,
- the great crested newt survey was outside the optimal period and proposed GC Newt surveys cannot be obtained through condition,
- assuming that final development follows the illustrative layout the DAS provides inadequate vegetation to mitigate noise from the scout building,
- residential development would be unacceptably close to the building which is very actively used throughout the week, there would be amenity issues which could curtail use of the building,
- bat, bird and invertebrate surveys should be undertaken as conditions on-site are suitable for them,
- layout does not respond sympathetically to trees,
- ecological role for pond would be compromised by receiving road drainage; uncertain future maintenance,
- inadequate knowledge of operation of swales;
- highway splays not within applicant's control and could be obstructed,
- too many access points where vehicles could reverse onto Dunstable Road,
- TA out of date,
- consider that the proposal constitutes EIA Development,
- scout group would be an unwilling party to any S106 agreement involving its land and the full proposal could not be implemented.

January 2012 update:

An initial offer for the Scout land by the applicant has not been reviewed since the Scouts had expressed their concerns about the offer. Indeed, the Scouts are concerned with the lack of communication. The Scout group is thriving with substantially increased numbers in the last year and a waiting list in some sections. This lack of communication makes it difficult to plan for the future.

Police ALO (2/12/10) No objections or comments.

Determining Issues

The main considerations of the application are;

1. Designated housing site status
2. Archaeology
3. Trees and other natural history interest
4. Capacity of site
5. Design
6. Open space and Green Belt
7. Access and sustainable travel
8. Flood risk
9. Other matters and NPPF policy.
10. Conditions and Planning obligations

Considerations

1. Designated housing site status

The South Bedfordshire Local Plan Review 2004 contains significant policy input which remains relevant notwithstanding the NPPF. It allocates the main part of this site (apart from the land taken from the field to the north-west) for housing purposes. The designation also extends outside the site to a strip of former allotment land to the north-east which lies between the active allotments and Dunstable Road/ bungalows facing it. A planning application for up to 25 dwellings has subsequently been submitted on this land and is still current. Under saved Policy H1 the net 2.16ha of both sites has an indicative capacity of 80 dwellings. It is described as *"a white land site in a village excluded from the Green Belt in the 1987 Structure Plan. The site is well related to village facilities and services. The reduction in the net area reflects the intention to retain that part of the site owned by the Parish Council for community recreation purposes and allotment use. A development brief will be prepared for the site to guide development proposals. Planning permission will not be granted for proposals which are submitted in advance of the Brief or which do not conform to it. The site is suitable for a medium density scheme accommodating not less than 80 dwellings. Contributions will also be sought towards the implementation of recreational/leisure facilities in the area. The development will need to incorporate measures to limit the volume or rate of surface water discharge in order to avoid exacerbating local flooding problems."*

The remainder of the current application site is taken from a large field to the west and which appears on the Local Plan as Green Belt and proposed open space (Policy R8) where it is described as "*urban open space to meet the recreational needs of the village and residents of the new housing area*". The facilities proposed by this policy to be provided would be allotment gardens and playing pitches with changing facilities and/or informal open space.

Apart, of course, from the introduction of the NPPF, two matters in particular have changed since the above Local Plan extracts were written and adopted.

- The Parish Council has reduced its interest in the R8 land and in the permission to provide replacement allotments on it;
- South Bedfordshire District Council had subsequently agreed to determine a planning application on the remaining residential allocation despite the lack of a Development Brief - the modern Design and Access Statement covers much the same ground as a Development Brief.

The main part of the application site is therefore appropriate for residential development and associated open space, being in accordance with the Development Plan. Indeed, in view of its expected delivery by 2006 the development is long overdue in Caddington.

The Green Belt status of the additional land, which is taken from the field to the north-west, (no housing is proposed on this land) is considered in section 6 below.

2. Archaeology

The fact that the number of Palaeolithic sites around Caddington is exceptional, representing a national and internationally important resource, led to a requirement to provide an Archaeological evaluation. However, this did not reveal archaeological features although prehistoric worked flints were recovered. This does not constitute an overriding constraint to residential development and no further investigation is required.

3. Trees and other natural history interest

The site does not have official natural history designation.

Most of the former scrub has been cleared within the main site leaving groups of mature trees, mainly oak, south and south-west of the pond and in the south-west corner. The belt of protected oak trees lies on the north-east boundary. The arboricultural survey and recommendations are not fully consistent, with some trees shown in their wrong position and others shown to be kept are already removed. Therefore the indicative layout has not been designed so as to make best use of the trees remaining. The mature trees behind the scout hut clearly appear not to have been taken into account in the layout and only one of 7 significant trees are saved.

It is accepted that, even to obtain the minimum density set out in Policy H1, some mature trees would likely need to go but further loss will inevitably impact long distance views into the site especially with the recent loss of scrub and self-set smaller trees. The future of the boundary scrub will in most places have to be reviewed because it has been allowed to spread and could not be retained as a hedgerow. New planting would be an essential part of development and

many of the young self-set trees on adjacent land within the applicant's control could be retained and incorporated. This is further considered below in section 6 (Green Belt).

The ecological assessment, which is not disputed by Natural England, states that the flora habitats feature common species and are typical locally. They have probably deteriorated in the last decade but are nevertheless of value with potential upon management. Whereas development has the potential to provide management of particular areas, especially the pond, these opportunities have also not been fully explored. The proposed wildlife corridor to the north, even after incorporating the requests of the Ecologist, would be disappointing.

Although the pond in its current state may not be an optimal habitat and no newts were surveyed, the site generally could contain newts and other amphibians (a condition would be proposed to carry out a further survey). The ecological assessment concludes that there would be options, on- and off-site (within the 'blue land' - the R8 land also within the applicant's control), to ensure compliance with legislation. Natural England accepts that the use of a condition (which could provide for a new terrestrial habitat 'off-site') would safeguard newts as the indicative layout shows understanding of the issues. Similarly, the clearance of the site reveals potential reptile/amphibian habitats which should be surveyed through hand searching (secured by condition).

No badger activity was found, the allotments likely being more attractive to them. Although not of particularly good quality, the woodland and scrub would provide nesting opportunities for birds but no notable finds were made on the site. It is proposed to provide bird boxes. There are some potentially suitable bat roosting sites in the oaks on the eastern boundary but, due to its limited size and the presence of other suitable local areas, the site would not be critical for foraging. Nevertheless, a further survey should be undertaken of the scout building should it be removed in the future. It is recommended that minimal external lighting be provided to the layout near these trees (Proposed Informative). It would be proposed (by condition) to install bat boxes or roost access in new buildings. The site therefore would not be critical to local fauna.

In conclusion it is considered likely that a layout could be designed which responds far better to the trees and ecological opportunities the site presents. Because of this the layout would be excluded from any permission, which will have highway implications, addressed below. In accordance with the ecological assessment conditions should be imposed to cover the submission of a landscaping and ecology design and management strategy, for a newt survey and mitigation measures, and an informative that works should avoid impacts on nesting birds. In support of this strategy the ecologist has already indicated her approval of the final drainage scheme which re-instates a 'green corridor'.

4. Capacity of site

Policy H1 requires the application site and the land to the north-east to provide a minimum of 80 dwellings. An indicative layout of the remainder of the 'H1 land' has not been provided. However, in considering the application on that land (the '2002 application') we operated on the basis of a notional capacity of up to 26 dwellings and the subsequent application seeks up to 25. The figures of the 2 parts of the allocation land combined, allowing for eventual replacement of the

scout hut, would broadly equate to the minimum Local Plan provision at a density of about 36 units/ha.. In recommending the S106 matters to his client, the applicant, the agent¹ modifies the Design and Access Statement and agrees that this phase provide the full affordable housing quota for the whole site. Although additional land from the Policy R8 area is included in the site, as 'woodland habitat' to screen the development from the northwest, this does not affect the density calculation. The NPPF does not include policy on densities beyond that which local planning authorities may set [47].

¹ Email 2/7/12

5. Design

The indicative layout has been examined to determine whether 50 dwellings could be provided in a satisfactory manner. The scout hut is retained but a further indicative layout shows an option to demonstrate that the whole site could be developed whether or not the scout site was included. This would mean that there is no pressure of the Scout Association to sell or remain.

The 50-dwelling indicative layout shows the access from Dunstable Road curving round to serve 2 culs-de-sac. Buildings are located on the perimeter block principal, addressing highway frontages (including Dunstable Road) or, in one case, the pond. A new footpath is provided alongside Dunstable Road which enables the layout to relate to the adjacent part of the village via a new pedestrian crossing just north of the site. The indicative layout includes 2 to 5-bed houses and 1 to 3-bed flats. Building envelopes are shown and 5 buildings furthest from Dunstable Road and at the lowest point of the site would be 3-storey. The applicant points out that much of Caddington is of a low density suburban character and, in order to achieve the Development Plan target, terraces in the village core would be used as exemplars and would be arranged to provide a more intimate village street to the west of the site. In this way rear gardens could be larger and a clear definition of public and private domain made. This would balance the more spacious layout near the pond which is also a safeguard against less stable ground conditions in this depression of unknown origins. Concern by the PC to 3-storey houses can be addressed at reserved matter stage as the details are to be excluded in this application.

Land is included from outside the residential allocation to provide some screening in the form of self-set trees and shrubs on the 'R8 land' to the west. This has been examined above and is part of a response to the problem of screening and integration.

Affordable housing (social rent and intermediate and up to 4-bed) is offered at 36% of the site as a whole (19 units of social rent and intermediate). Although it would not be possible to accede to requests by the PC that the affordable housing be allocated to villagers, it would be allocated locally.

The site has been partly cleared to enable surveys to take place and this affords an opportunity to revise the layout to avoid the best of the remaining trees. As set out above in section 3, this opportunity has not been taken and therefore the layout would be excluded from any approval (save as respects the main vehicular access). Alternative layouts can be achieved which work more closely with the trees. Nevertheless, the provision of the indicative layout has enabled

consideration of the capacity of the site.

6. Open space and Green Belt

The 1996 planning permission, providing land for allotment purposes on the large field to the north-west, is considered to have been implemented through the construction of the first part of the access from Dunstable Road. Although the footpath is unaffected by its onward course, the indicative layout in the current application would need to be amended if the access was fully constructed.

The indicative layout proposes the use of the land taken from the large field to the north-west as woodland habitat thereby contributing to the ecological offer. As well as being within the Policy R8 area, with which it would not conflict, it is within the Green Belt. Tree planting is not development of land and therefore green belt openness is not affected. Furthermore, although (a) it could be argued that the screen is part of the residential development and the land should consequently be reckoned as residential, and (b) there is a small overspill of parking spaces to the north, the practical difficulties of developing this site even at the lowest density tends to support the decision to annexe some land to avoid further tree loss on the main site. These would be considered to comprise 'very special circumstances'. The drainage works would not be inappropriate development as they are 'engineering operations' which preserve openness and do not conflict with the purposes of Green Belts.

7. Access and sustainable travel

An upgraded version of the existing access to the north east of the site would be used, with splays within the highway, and the southern access to Dunstable Road closed. With the retention of the scout hut, this access would be retained but provided with improved splays. These splays would accord with the safety audit. Although proposed to be excluded, the indicative layout did not propose other vehicular access to Dunstable Road. A new length of footway would be provided alongside the site which would extend in front of the land to the north, to link with a new pedestrian crossing. An assessment indicates that peak hour traffic flows could be satisfactorily accommodated with the new arrangement. Cycle storage and off-street parking are shown, however we would consider this in detail at reserved matter stage to ensure it meets CBC parking standards.

For the reasons given above, it has not been shown that the proposed loss of trees or the limited habitat corridors represents the best way of developing the site. Therefore it is proposed to limit any approval of proposed access arrangements to the point of access with the existing highway. A condition and informative would address this.

8. Flood risk and drainage

Drainage is a key issue on the site.

A foul water sewer crosses the field north of the site and another running down Dunstable Road serves existing properties. There are no surface water sewers in the area and the clay capping is known to severely retard natural percolation, making soakaways, the pond and SUDs of limited effectiveness as a means of absorbing surface water. However, it is known that ground water flows from the allotments into the pond, sometimes at a high rate. Water migrates from the fields to the north towards the site and Mancroft Road. The PC believes that the

environs of the pond are usually sufficient to absorb excess water.

The applicant seeks to mimic this arrangement as far as possible. From the development itself foul water would go to the main sewer (2.4 l/sec), as has been accepted by Thames Water. Roof water would go to a new borehole and pervious surfaces to ground. Road water would go through a petrol interceptor to a new unlined detention basin on the R8 land to the south-west. In normal rainfall conditions this would be released both through the base of the basin and through a hydrobrake¹ into a swale with ponds and weirs, outfalling at the Mancroft Road ditch. At times of flood, the basin would also have a weir into the swale. Subject to design work, the swale could be replaced or supplemented by a perforated pipe. These above-ground water courses would be SUDs with vegetation further retarding and cleansing flows. Allotment water would go to the main pond with a piped overflow to the basin if flooding to new houses was a risk. Thus, overland water from the north would be little interfered with, subject to the developer choosing to divert any which entered the site into the pond. By not diverting the allotment flow a green corridor would be maintained between the pond and external land. The pond may be deepened or widened provided water level remained as at present and there was a suitable water retention base for ecological reasons.

Therefore, of the natural rainfall onto the site, only the roof water and road water would be diverted from being absorbed, the former going to a borehole where there is no flood risk and the latter being sent to retarding facilities (supported by calculations). With this proportion of the rainwater on the site now being diverted away from the pond, it would be better able to cope with the allotment water. The overland flows from the north are hardly interfered with and are a neutral factor. It is thus possible to assess the situation without the highly complex exercise of measuring the overground flows as opposed to observing their behaviour at times of flood. Finally, the impact of the surplus pond water on the basin (which has not been built into the calculations) could be catered for by further design work on the details of the swale and/or large bore pipe. It is therefore considered that flood risk and drainage are adequately dealt with. The EA and CBC Drainage Engineer confirm that, subject to conditions, they are satisfied.

The drainage system, including the natural pond, the borehole and the attenuation pond will need to be adequately maintained. The CBC Drainage Engineer advises that new legislation is being introduced in 2013 which will require Local Authorities to automatically adopt such drainage systems with funding for maintenance being provided directly from Defra. There may be a possibility of the Council voluntarily adopting surface water drainage systems before the introduction of the new legislation but the developer may need to provide a commuted sum payment. A condition is proposed requiring submission of a maintenance scheme and the developer applicant may, if desired, include provision for such an arrangement.

¹ A hydrobrake is a device for regulating the outward flow of water to avoid excess surge in the early stages of a rainfall event. In this case the rate would be about 1 l/sec.

9. Other matters and NPPF policy

As well as sustainability issues considered above the development could

incorporate natural surveillance, water consumption limiters (Code 3) and careful attention to orientation and window size.

Scout hut

The Association is particularly concerned with the uncertainty of their future should housing be built, especially should complaints arise from new residents. It is also frustrated in what it sees as a lack of communication in respect of whether they will be 'offered' new premises on adjacent land owned by the applicant. According to the Parish Council the Association is very popular, catering for nearly 80 children. They meet here (until mid-evening) on Mondays, Thursdays and Fridays, though there is the possibility of a fourth night if any group expands. Adult executive meetings infrequently take place, up to 2200h and there are occasional working parties at weekends. About eight times a year the site is used at weekends for sectional activities and camps, both inside and outside, and about the same number of visits overnight by other troops. Pressure on outdoor space can be alleviated by visits further afield. The PC adds that there is an increasing noise and parking problem to local residents of dropping off/collecting children which they fear will increase with the new population (notwithstanding their closeness). The PC also urges CBC to assist as an arbiter to move forward a move to a new site and to note that drying out the site (for development) could result in subsidence of the hut, which is on higher land.

In respect of the noise, CBC have not received noise complaints from existing residents and can reasonably assume that a reasonable continuation of the Scout activities should not alter matters, given their ongoing presence. The noise survey, accepted by the Council's EHO, found that if, as is presently proposed, the scout hut remained, the new houses closest to it would be affected by noise from cars and users of the building. But these impacts could be brought to within satisfactory levels with a 2m acoustic fence 'screening' gardens from the impacts of noise from use of the car park and external ground level activities. More generally the EHO advises that most reasonable activities, indoor and outdoor, based at the scout hut should not give rise to justifiable complaint from new houses. Therefore, there appears to be no reason why the premises could not co-exist with new houses and there should be no pressure on the scouts. The proposal, in the provision of visibility splays for the existing building, may even slightly improve the local problem of dropping off/collecting children. It is to be hoped that the Association can impress on parents the value of shared trips or accompanied walking for local children; few organisations are better placed to urge this practice.

Discussions have taken place with officers and the Parish Council with regard to relocation of the scouts with a view to them remaining in the village and officers will continue to advise on the matter.

NPPF

Reference has already been made to the NPPF in matters of Green Belt policy and site capacity. The Framework embraces many other aspects of the proposal. Firstly, the development plan is not silent on the proposed use of this land [14] and the housing proposal is in full conformity with Policy H1 apart from the fact that a Development Brief was not prepared. In particular, the scheme seeks 'to avoid exacerbating local flooding problems.' The development is

sustainable and there is a presumption in favour of it; the Framework accordingly advises that such proposals should be 'approved without delay'. This is the more important due to the unfortunate delays so far experienced in this case.

Secondly, sustainable transport measures will help Caddington in respect of 'safer routes to schools' and Dunstable Road should be a safer road with the proposed pedestrian crossing and improved sight lines. A good choice of homes would be available and excluding the indicative layout means that we can seek to achieve a good layout which takes full account of the opportunities afforded by the character of the site. Flooding [section 10] and community infrastructure [section 8] have been taken into account in conditions and the proposed S106. The reserved site layout will enable ecological issues to be addressed in depth [section 11] (although conditions are proposed at this stage). Finally, as one of the reasons for the delay, we are satisfied that there is no archaeological constraint on development [128].

Objections

Most of the issues raised, especially by the PC, have been dealt with in appropriate sections above. Of the other concerns the following can be noted:

- Highway hedgerow - This is generally a loose 'edge-of-woodland' feature which will be partly required for visibility splays in order that the housing land can be accessed. New hedgerows can be planted to replace those that have to be removed. It is hoped that much of the scouts' hedgerow can be retained.
- 'Brownfield land should be developed first' - This is a housing allocation site, which was found necessary despite the availability of other brownfield sites. There is little brownfield land at Caddington to serve local housing needs.
- Headlights and noise - It is not considered that the impact of headlights and traffic noise on the properties facing the new access (which is already authorised by an earlier permission to receive traffic) would cause material inconvenience.
- Asbestos - Any asbestos found on the site would have to be removed in accordance with appropriate legislation.
- Crime and anti-social behaviour - There is no reason why the proposal should increase this occurrence.
- Developers not working with community - Irrespective of how the PC and residents feel the applicants have engaged locally, the applicants' full dialogue with officers has enabled progress to be made and the officers have simultaneously engaged fully with the PC and conducted 3 rounds of public consultation. It is considered that the result is fully within the spirit of localism.

10. Conditions and Planning obligations

The proposed conditions are grouped to deal with the various subject areas of this application and the conditions are accepted by the applicants:

- Time limits (1, 2)
- Exclusion of indicative layout (except for access point) (3)
- Landscaping, including tree protection and landscape/ecology management strategy (4 - 7)
- Ecology, including new bat survey (8 - 9)

- Contamination/drainage (10 - 17)
- Acoustic fence (18)
- Highways (19 - 29)
- Plan identification (30).

Lawyers for the applicant have assessed the CBC infrastructure requirements and are prepared to recommend them to their clients, the applicant. The heads are agreed and the sums would be as follows:

- Leisure and recreation - indoor/centres, outdoor, countryside recreation/rights of way - £138,100,
- Education - early years level - £34,566,
- Sustainable transport - Safe routes to schools, traffic management (pedestrian crossing) - £39,000,
- Health - £30,000,
- Social/community - £12,650,
- Waste management - £4,800,
- Emergency services - £10,350

TOTAL: £259,466.

The agent will recommend to his client that the full number of affordable housing units for the site (19, based on a capacity of 54 dwellings) would be provided in this phase. Accordingly the applicant asks that it be MINUTED that the affordable housing is so handled.

Recommendation

That Planning Permission be GRANTED subject to the following:

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

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

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

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

- 3 The indicative layout 5673/201/pF is excluded from this permission save in respect of the access from the external highway to the proposed estate road.

Reason: To accord with the provisions of Article 3(4) of the Town and Country Planning (General Development) Order 1995 as amended and par.134 of 'Guidance on information requirements and validation' March 2010 DCLG.

- 4 **Before development begins, a landscaping scheme to include land outside the red line area but within the blue line area as shown on drawing 5673/000/* and to include ground moulding 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.
(Policies ENV7 RSS; BE8 SBLPR).**

- 5 The reserved matters shall include details of a scheme of proposed enhancement/improvement of the existing public footpath crossing the site and its delivery and the approved scheme shall be implemented in full in accordance with its terms.

Reason: To minimise the impact of the development on the character of the area.
(Policies: ENV7 RSS; BE8 SBLPR)

- 6 **No development shall commence, including ground clearance, unless a revised Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority, which Plan is based on the final site layout to supersede Tree Protection Plan 9192-BT3 as prepared by Barrell Tree Consultancy. The Tree Protection Plan shall be based on the 'Arboricultural Impact Appraisal and Method Statement' (ref 9192-A1A2-CA-05092011) dated 5th September 2011.**

**Reason: To safeguard trees on the site.
(Policies ENV7 RSS; BE8 SBLPR)**

- 7 Before development commences a Landscape and Ecology Management Strategy shall be submitted to and approved in writing by the Local Planning Authority which shall subsequently be implemented in full.

Reason: To ensure that the main landscape features and ecology of the site are suitable managed and protected.

(Policy NPPF)

- 8 **Before development starts surveys shall be carried out at the appropriate time of year for the presence of Great Crested Newts on the site and adjacent development land within the blue line on submitted plan 5673/000/*. The results of the surveys and any other necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented as part of the development.**

Reason: To ensure adequate provision for protected species.

(Policy NPPF)

- 9 **Before development starts an updated bat survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority and necessary works implemented in accordance therewith.**

Reason: To ensure adequate provision for protected species.

(Policy NPPF)

- 10 Prior to the commencement of any phase of development on the red or blue land shown on drawing 5672/000/* the developer shall submit to the Local Planning Authority for its approval:

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

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

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

Reason: To protect human health and the environment.

(Policy NPPF)

11 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) produced by Royal Haskoning Ref: 9V3743/R00004/303754/Pet and the approved FRA Addendum Ref: 9W4904/Adden/R0001/310030/Man dated 28 February 2012, and the following mitigation measures detailed within the FRA:

1. Controlling the roof drainage surface water run-off generated by the 100 year critical storm with 30% addition for climate change, using the sustainable drainage methods indicated in Section 2.3, so that it will not increase the risk of flooding off-site.
2. Controlling the road drainage run-off generated by the 100 year critical storm with 30% addition for climate change, using the sustainable drainage methods in accordance with Section 2.4, so that any off-site discharge is restricted to 5 litres/ sec.
3. Controlling surface water overland flows using the sustainable drainage methods detailed in Section 2.6.
4. Developing a plan for the future maintenance of the sustainable surface water drainage system and overland flow routes shall be agreed with the local planning authority and implemented prior to residential occupation of the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to maintain the approved systems. (Environment Agency condition).
(Policy NPPF)

12 Prior to the commencement of development approved by this planning permission, 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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 has been subject to fly tipping. The samples taken in the site investigation should also include organic contaminants of concern (TPH, VOCs and sVOCs) as waste is heterogeneous and may contain other things than heavy metals. (Environment Agency condition).
(Policy NPPF)

- 13 Prior to occupation, 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: If the site investigation and DQRA identify that remediation is required, a verification report should be submitted to verify that remediation was successfully undertaken. (Environment Agency condition).
(Policy NPPF)

- 14 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 prevent the mobilisation of contaminants and protect water quality. (Environment Agency condition).
(Policy NPPF)

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

Reason: To protect groundwater. A borehole soakaway has been proposed through the clay with flints into the underlying Chalk aquifer for drainage.
(Policy NPPF)

- 16 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 as some piling methods may act as preferential pathways.
(Policy NPPF)

- 17 **Development shall not commence until a drainage strategy detailing any on and /or offsite drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul and surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

**Reason: To ensure a satisfactory impact on the public drainage system (Thames Water condition).
(Policy NPPF)**

- 18 Details of the specification and precise location of an acoustic fence to be located in the vicinity of the scout building shall be submitted to and approved in writing by the Local Planning Authority and shall be fully installed prior to the first occupation of any dwelling on the site.

Reason: To safeguard the amenity of adjacent new dwellings.
(Policies ENV7 RSS; BE8 SBLPR)

- 19 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.
(Policy T8 RSS)

- 20 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 56m 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 exceeding a height of 1.05m.

Reason: To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).
(Policy T8 RSS)

- 21 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.5m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

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

(Policy T8 RSS)

- 22 Visibility splays shall be provided at the junction of the scout premises access with the public highway before the first dwelling is occupied. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the access from the junction with the channel of the public highway and 56m measured from the centre line of the access along the line of the channel of the public highway. The required vision splay shall, on land in the applicant's control, be kept free of any obstruction.

Reason: In the interests of road safety.

(Policy T8 RSS)

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

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

(Policy T8 RSS)

- 24 No dwelling shall be occupied unless and until a 2.0m wide footway has been constructed on the north-western side of Dunstable Road across the whole length of the site frontage and extending beyond the access to Public Footpath No.9 in a north-easterly direction for a distance of 22m in accordance with details of a scheme to be submitted to and approved in writing by the local planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

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

(Policy T8 RSS)

- 25 **Before development begins, a scheme for the parking of cars on the site shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the parking space(s) associated with it have been laid out and constructed in accordance with the approved details and those spaces shall not thereafter be used for any purpose other than the parking of vehicles.**

Reason: To ensure the provision of adequate off-street parking to meet the needs of occupiers of the proposed development and to minimise the obstruction and inconvenience caused by vehicles parking on-street.

(Policy T8 RSS)

- 26 **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 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.

(Policy T8 RSS)

- 27 **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 that Authority.**

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

(Policy T8 RSS)

- 28 **Development shall not commence, including ground clearance, until a scheme detailing access provision to and from the site (red and blue land as shown on drawing 5673/000*) 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 interest of road safety.

(Policy T8 RSS)

- 29 **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.

(Policy T8 RSS)

- 30 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,**

numbers 5673/011/p*, 5673/000/* and 5673/201/pF.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed residential development is mainly on land allocated in the Development Plan (DP) for residential development and this delivery is long overdue. Constraints of trees, drainage and topography make the density limits set out challenging and it is considered that the inclusion of other adjacent land, owned by the applicant, to enable the development is justified. This other land is in the Green Belt and, although allocated for recreational use in the DP, would provide screening and drainage infrastructure - a matter requiring special consideration in the DP policy. The works, where there is an impact on openness, would comprise 'very special circumstances'. Drainage seeks to mimic the existing pattern and, within the standardised maximum flood conditions should not add to present problems on Mancroft Road. Vehicular access to Dunstable Road would be acceptable with the imposition of vision splays and the proposed pedestrian crossing point, thus satisfying Policy T8 of the RSS. However, internal layout has been excluded so that, in accordance with Policies ENV7 of the RSS and BE8 of the SBLP, reserved matters may provide a set of details which reflect the remaining distribution of trees and potential of the site to take into account habitat and ecology. The scout premises would remain but could be developed for housing in due course. The relationship between an active scouting troop and new housing would be acceptable. A full set of infrastructure contribution requirements is accepted by the applicant and the full affordable housing provision for the site is provided at this stage. The proposal as approved would comply with the NPPF.'

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

procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

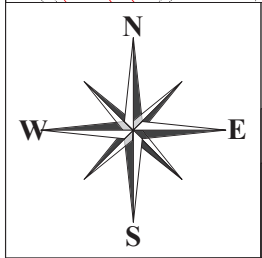
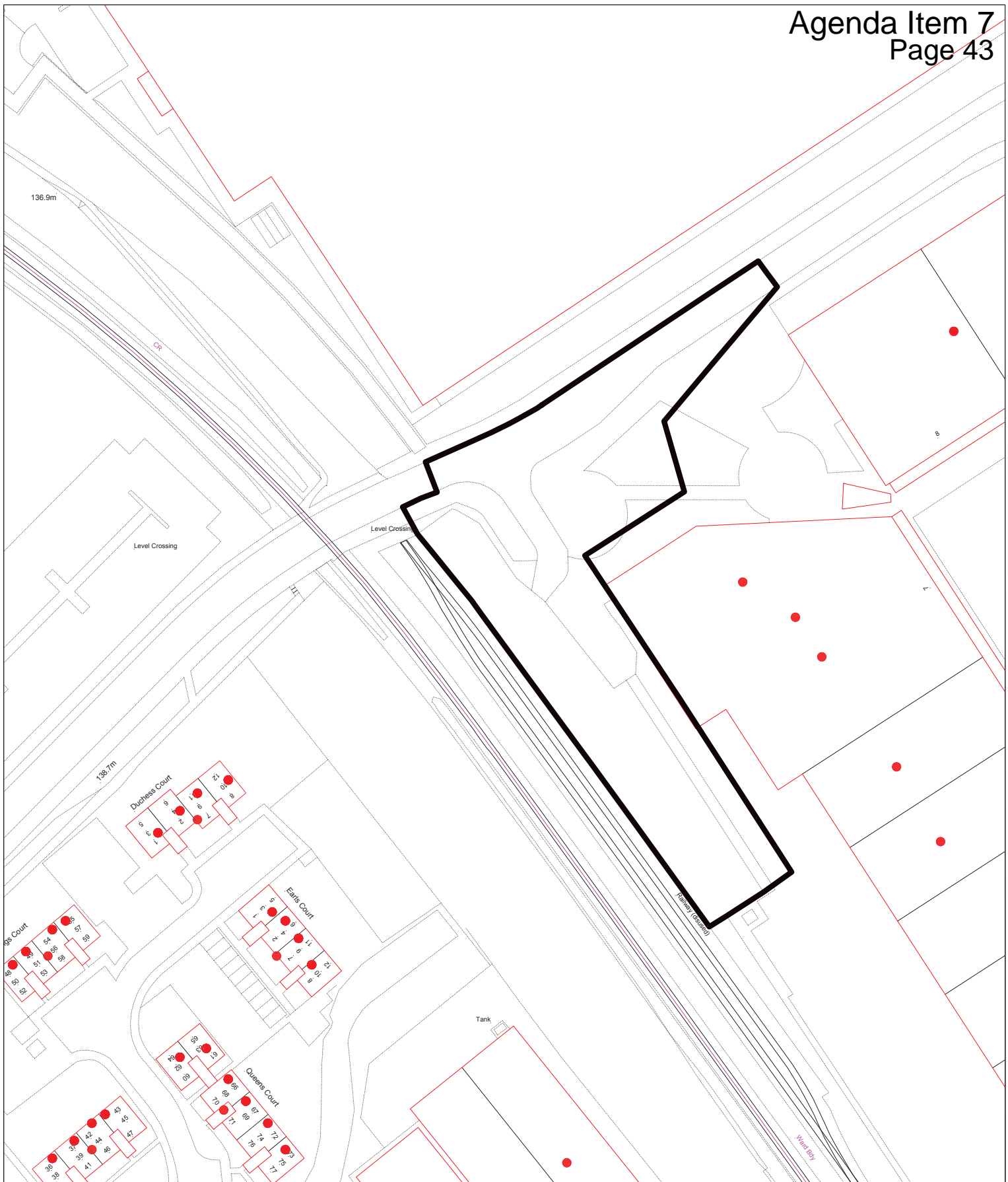
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
5. 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 shall be submitted to the Development Management Group, 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.
6. 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 to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
7. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
8. 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 developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
9. The applicant is advised that all car parking to be provided within the site shall be calculated, designed and laid out in accordance with the Central Bedfordshire Council's SPD Design Supplement 7 'Movement, Streets and Places' - January 2010.

10. 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".
11. The developer is advised that, in accordance with the Wildlife and Countryside Act 1981 (as amended), any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any vegetation have to be removed during or close to this period it should first be thoroughly assessed by a suitable experienced ecologist as to whether it is in use by nesting birds. Should nests be found, a suitable area of vegetation (no less than 5m zone around the nest) should be left intact and undisturbed until it is confirmed that any young have fledged before works in that area proceed.
12. The final layout will be expected to include a 'green corridor' between the pond within the site and open land surrounding the red line site. This would provide a habitat link appropriate to various species as well as providing a visual link between the development and the countryside. In the interests of wildlife it will be appropriate to consider the form and scale of lighting in the vicinity of the protected trees. Bird and bat boxes should be considered in the final design. Further to condition 5 the proposed link between ground water and the pond within the site may necessitate the provision of a duck-board causeway over sections liable to flooding. This should be discussed with the CBC rights-of-way officer.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 28:June:2012
Grid Reference: 502278; 222437

Application No.
CB/12/01409/RM

Scale: 1:1250

White Lion Retail Park, Boscombe Road, Dunstable, LU5 4WL

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Item No. 7

APPLICATION NUMBER	CB/12/01409/RM
LOCATION	White Lion Retail Park, Boscombe Road, Dunstable, LU5 4WL
PROPOSAL	Reserved Matters: Erection of four storey building comprising 24 residential units. Construction of new access (Outline)
PARISH	Dunstable
WARD	Dunstable Ickniel
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Vicki Davies
DATE REGISTERED	18 April 2012
EXPIRY DATE	18 July 2012
APPLICANT	White Lion RP Ltd
AGENT	GVA Grimley
REASON FOR COMMITTEE TO DETERMINE	The application is for a major development of more than 10 dwellings to which the Town Council has raised concerns which cannot be overcome by condition.
RECOMMENDED DECISION	Reserved Matters - Granted

Site Location:

The 0.44ha application site lies on the southern side of College Drive and to the north-west of the White Lion Retail Park. Part of the site is fenced off and being used temporarily in conjunction with constructing the Luton and Dunstable Guided Busway, which will run at the foot of a shallow cutting alongside the western boundary. A bus stop on this corridor will be located adjacent to the site. The L-shaped site has a frontage to College Drive of approximately 100m and a maximum depth of 120m. The site lies primarily on an area of land previously set-aside to provide a station/terminus in connection with the guided busway but which now provides a bus layby, parking area, a short access road, and paved/grassed landscaping incorporating a direct path to the retail park. There are some trees in the soft landscaping. All nearby buildings are tall structures clad in pale coloured steel and there are few openings towards the site.

To the east and south of the site lie the retail units and the associated service areas at the Retail Park. To the west on the opposite side of the proposed busway lies residential development at The Mall and part of the Dukeminster Trading Estate. Opposite the site on the north eastern side of College Drive is the Pro Logis Park while to the north west is the Central Bedfordshire College Dunstable Campus which has prepared a scheme for residential development on that part of the site closest to the application site.

Public Footpath No. 2 Dunstable passes close to the access onto College Drive and there is an existing cycle route along this road in the vicinity of the site.

The Application:

This application seeks reserved matters consent relating to the outline planning permission granted, subject to a S106 Agreement, on 21st April 2009 for the erection of 24 x 2-bed flats with access the only matter considered at that stage. This application therefore seeks approval of the appearance, scale, layout and landscaping of the development.

The indicative layout submitted with the outline application showed the access road running along the eastern site boundary to the rear of Unit 7a leading to a parking area for 26 cars with a turning area. The parameter plans showed a four-storey flat roofed building in the north western area of the site, pedestrian/cycle links to the site and boundary treatments. Additional indicative sections propose the four storey building to be approximately level with the adjacent retail development. Open space would be provided in association with the flats.

The application sets out that the proposed building would be located on the eastern side of the site with a frontage to College Drive. The building would extend back into the site away from College Drive with amenity space and car parking beyond.

The building would stand four storeys high, at approximately 13.4m, and accommodate 24 x 2-bed flats. The lift shaft and stair well block would stand higher than the main part of the building, reaching approximately 16m in height. At ground floor level 6 flats would be accommodated along with a bin store and cycle store. All the ground floor flats would have access to private amenity space directly outside of their property. On all other floors 6 flats would be accommodated, all have balconies.

The ground floor of the building would be finished in high gloss, glazed green brick slips, the upper floors would be finished in insulated render, white in colour, with timber cladding around the windows and lining the balconies. The building would be flat roofed.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework
Section 4 - Promoting Sustainable Transport
Section 6 - Delivering a Wide Choice of New Homes
Section 7- Requiring Good Design

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 Achieving Sustainable Development
H1 Regional Housing Provision 2001 to 2021
T1 Regional Transport Strategy Objectives and Outcomes
T4 Urban Transport
T8 Local Roads
T9 Walking, Cycling and other Non-Motorised Transport
T14 Parking
ENV3 Biodiversity and Earth Heritage
ENV7 Quality in the Built Environment
ENG1 Carbon Dioxide Emissions and Energy Performance

ENG2 Renewable Energy Targets
WM6 Waste Management in Development

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

CS1 Development strategy
CS3 Developer contributions for infrastructure
CS5 Linking places
CS6 Housing for all needs
CS8 Increasing access to quality social and community infrastructure
CS9 Quality of design
CS12 Resource efficiency

Bedfordshire Structure Plan 2011

Policy 25 Infrastructure

South Bedfordshire Local Plan Review Policies

SD1 Sustainability keynote policy
H2 Making provision for housing via 'fall-in' sites
H3 Meeting local housing needs
BE8 Design and access requirements
T4 Public transport services along the former Luton/Dunstable railway line
T10 Controlling parking in new developments
R11 New urban open space

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.

Supplementary Planning Guidance

Design in Central Bedfordshire
CBC Planning Obligations SPD (southern)
Dunstable Town Centre Masterplan (May 2011)

Planning History

SB/95/00833	A1 non-food retail warehouse park and A3 fast food restaurant with ancillary car parking, service yards and landscaping incorporating a public square with bus turning facility and town centre link road, subject to a S106 Agreement. Approved 22/12/97
SB/98/00413	Revised scheme for A1 non-food retail warehouse park and A3 fast food restaurant etc. subject to a S106 Agreement. Approved 26/8/98
SB/03/01273	Repair of fire-damaged buildings including minor alterations to external elevations. Refusal and appeal allowed 16/2/04
SB/03/01580	Permission for installation of pallisade fencing and gates to the rear of Units 1 and 7. Approved 23/12/03

SB/08/00806/VOC	Removal of condition 21 of permission SB/98/00413 which required an area of land to be set aside in connection with the Guided Busway for a station/terminal building. Allowed 8/10/08
SB/08/00807/OUT	Four-storey building comprising 24 residential units, construction of new access (Outline). Approved 21/4/09
CB/11/03719/REN	Renewal of Planning Permission:SB/08/00807 - Erection of four storey building comprising 24 residential units and construction of new access (outline). Withdrawn 3/1/12

**Representations:
(Parish & Neighbours)**

Dunstable Town Council	Comment that the impact of the appearance of the building on the streetscene should be reduced and softened by siting the building further back from the road and introducing a more extensive landscape scheme to the frontage and that the parking arrangements do not appear to meet the requirements of the CBC parking strategy.
Neighbours	No responses received

Consultations/Publicity responses

Environment Agency	No response received to date, any comments will be reported on the late sheet
Anglian Water	No response received to date, any comments will be reported on the late sheet
Environmental Health Officer	<p>The applicant states that for noise attenuation, double glazing has been provided along the Pro Logis elevation to minimise any noise disturbance to residents and that affected dwellings have also been set back within the building line and the building itself has been set back from the road to provide further attenuation.</p> <p>My email of 8 October 2008 in respect of SB/OUT/08/0807 following a revised noise report from Cole Jarman, noise consultants, confirmed I was satisfied with the noise report (dated October 2008). That noise report identified windows that required enhanced glazing and specified the type of glazing to be provided to achieve the criteria set out in my memo of 14 August 2008. The current application does not address the acoustic performance of the proposed windows and whether these will meet the required internal standard even though the buildings and affected dwellings have been set back from the Pro Logis site.</p>

Ecologist No response received but has previously advised that she is satisfied that due to the urban nature of the site and through the construction of the guided busway that it is unlikely there will be an ecological impact as a result of the application. However the applicant may like to consider opportunities for ecological enhancements to the area through the development.

Highways Officer Has advised verbally that he has no objection in principle.

Full comments to follow on the late sheet.

Sustainable Travel Officer Whilst we would not require a travel plan for a site of this size, the applicant will be promoting sustainable travel to new residents and I would comment as follows:

Travel Information Packs

The applicant will be promoting sustainable travel to new residents through the distribution of travel information packs (condition 26). These will be issued to each household upon first occupation and I would recommend that they promote, in particular, the new Luton-Dunstable-Houghton Regis guided busway that will stop approximately 100m from the site.

** Note: the 2008 outline planning permission does not contain a condition 26, the report prepared for the renewal of the outline planning permission did include a travel information pack condition however the renewal application was withdrawn and the 2008 outline remains in place.*

Public Transport

Access to the new White Lion Retail Park guided busway stop will be possible via an existing shared foot/cyclepath that runs between its proposed location and the site entrance. Access to this new stop, as well as to the existing bus stop along the site frontage, will be enhanced via the provision of a new 3m-wide footway/cycleway (condition 18) along the site frontage to facilitate improved cyclist/pedestrian movement.

Walking/Cycling

(1) We also have aspirations for cyclists to be able to use the existing pedestrian link that runs north-west to south-east through the site from College Drive to the Retail Park, both to enable convenient access to the retail park from the existing shared use path on College Drive for cyclists, and to safely accommodate pedestrian/cycle movements along this route.

Further to conditions 18 and 26 – ie. providing an impetus to sustainable travel and in the interests of facilitating safe pedestrian movements – I would recommend that this pedestrian route is upgraded to a shared use foot/cycle path. This has not been considered as part of the Reserved Matters application.

(2) With regards to pedestrian/cyclist movements within the site, the site layout is suitably permeable with routes well-overlooked and thus, feeling ‘safe’ for users. This is complimented by the sensitive integration of resident car parking in an area removed from the main streetscene, thus, reducing the likelihood of parked cars dominating the streetscene and facilitating a cycle/pedestrian friendly environment.

(3) Dedicated cycle storage will be provided on-site for residents, in line with condition 20 and prior to occupation of the first unit. The Reserved Matters application confirms that this will take the form a secure cycle store located in a central location in the development, adjacent to the apartment block with provision for 48 spaces.

Whilst this is acceptable, the cycle parking specification requires further modification as ‘two-tier stand’ cycle parking is no longer recommended design guidance owing to the potential hazards to cyclists accessing the lower tiers. We would recommend instead that the “compound” cycle parking provision from Council Cycle Parking Guidance is adhered to instead – ie. single-tiered provision of 24 x Sheffield Stands within the cycle store.

Housing Development Officer	No response received to date, any comments will be reported on the late sheet
Waste management	No response received to date, any comments will be reported on the late sheet
Tree and Landscape Officer	No objection but requests a condition be added requiring the implementation of the landscaping scheme, as set out in the Landscape Statement, during the first planting season following the occupation of the first unit.

Determining Issues

The main considerations of the application are;

1. Planning history
2. Impact on Character and Appearance of the Area
3. Landscaping
4. Impact on the Amenities of Residents
5. Highways and Sustainable Transport
6. Section 106 Matters

Considerations

1. Planning history

The outline planning permission granted in 2009 explored the issues which are summarised as:

1. Principle of residential development.

The site is unallocated in the Local Plan but adjoins the Busway (Policy T4) which is also a County Wildlife Site. The Busway and its construction do not require any part of the site in the long term. We accepted that the nature of the site did not lend itself to commercial development, and, with the permission for residential development granted on Central Bedfordshire College land opposite, residential would be a reasonable use, complying with Policy H2.

2. Access, design, scale, massing and external appearance.

Access was determined at outline stage. The access was moved to the east to increase the practical availability of the main part of the site for development. Pedestrian access would still be available to the retail park as well as directly to the street and the new Busway bus stop, adjacent to the site boundary. A developer contribution was payable towards sustainable transport. The S106 Agreement also secured highway works, a TRO to prevent waiting in College Drive, and dedication of land as public highway. The height of the block would be comparable with the retail park buildings and it would be landscaped with a car park of about 24 spaces (1:1 provision). Density would be 55dpha, which was considered acceptable for an edge-of-centre site.

3. Noise.

Additional evidence was sought on mitigation of external noise from servicing nearby commercial units. No condition was imposed.

4. Open space/biodiversity considerations.

A developer contribution was sought through the S106 Agreement towards the provision and future maintenance of public open space in the vicinity of the development to compensate for shortcomings on the site. Among potential recipients would be Dog Kennel Down, Blows Downs, Houghton Hall Park and Grove House Gardens (Dunstable Town Council).

5. Other matters.

Potential contamination and drainage were regulated by conditions.

It is clear from the above summary and the grant of outline planning permission that the principle of the development is accepted. This reserved matters application has taken on board the comments made during the consideration of the outline application and during pre-application discussions.

2. Impact on the Character and Appearance of the Area

South Bedfordshire Local Plan policy BE8 requires new development to be appropriate in terms of scale, massing, design and materials.

The building is orientated to provide an active frontage to College Drive and the access road within the site. Four of the six flats at ground floor level would be accessed from the street through garden terraces. The proposed building has been designed within the parameters set out at outline consent stage.

The building is contemporary in design. The closest buildings to the application site are the modern, metal clad retail premises on White Lion Retail Park. On the opposite side of College Drive are large warehouse buildings. On the opposite side of the busway at the end of The Mall are some 1970's style apartment blocks finished in brick and timber. The application sets out that the design of the building has been inspired by the steam trains which used to run along the railway to the rear of the application site. The design of the building is considered appropriate in its location and would introduce a high quality, modern building.

Precise details of the materials to be used for the building are required to be submitted and approved by a condition on the outline planning permission, it is therefore not necessary to add the same condition to this consent.

The building is proposed to be four storeys high which relates to the height of the nearby retail units at White Lion Retail Park. The stairwell block and lift shaft would stand higher than the main flat block but it is not considered that this would have any significant adverse impact on the character and appearance of the area. The parameter plans submitted at outline stage showed the building as a four storey structure with additional height to accommodate the lift overrun and rooftop services.

The massing of the building is different to that of the surrounding warehouse and retail units. The other buildings are large blocks whereas the proposed flat block is broken up both vertically and horizontally by the balconies, lift shaft and use of materials. It is considered that the massing of the building is appropriate.

The materials proposed would be different to those used on other nearby buildings however there would be fairly large areas of glazing which is similar to the retail units. It is proposed to use white coloured render, with timber detailing around the windows and to the balconies, with glazed green tiles at ground floor level to reflect the railway heritage of the area. It is considered that the materials although different to the surrounding buildings are appropriate.

The site would accommodate the building closest to the College Drive frontage with private amenity space beyond and the private car park to the rear of the site. The application site would introduce a residential element to the streetscene which would be continued by the residential development approved on the college site on the opposite side of the road. In addition to the development of the residential part of the site the hard surfaced area on the opposite side of the access road would be improved and landscaping introduced. This enhanced public space would improve the overall appearance of this part of College Drive which at present appears uncared for.

Dunstable Town Council comment that the appearance of the building on the streetscene should be reduced and softened by siting the building further back from the road and introducing a more extensive landscape scheme to the frontage. The building is proposed to be set back from the edge of the road by a

minimum of 7 metres increasing to 12 metres closest to the busway. There would be landscaped garden terraces measuring a minimum of 2m increasing to 7m between the back edge of the footway and the building. It is considered that it is important to provide an active frontage to College Drive which would be difficult to achieve if the building was moved further away from the road.

Details of the boundary treatment of the site and any external lighting are controlled by conditions on the outline planning permission. All pre-commencement conditions on the outline planning permission will need to be discharged prior to work starting on the site.

3. Landscaping

The landscaping proposals include the removal of a degree of existing vegetation which is limited to 13 trees of varying quality and a small area of vegetation.

The planting proposals include native tree and tall shrub planting along the western boundary which will combine with the landscaping along the busway corridor. To the east of the site new tree planting and grassed areas are proposed as part of the altered public realm area together with new hard landscaping in this area which would match the existing materials. To the northern boundary ornamental shrub planting at low level combined with the planting of 9 street trees would demarcate the residential boundary. Planting and a further 9 trees would be introduced around the car parking area.

The outdoor amenity space for the flats would incorporate more ornamental planting, grassed area, pathway and benches to provide a usable private space. The Tree and Landscape Officer is satisfied with the submitted details. The Officer requests a condition requiring the implementation of the landscaping scheme however this is already controlled by the conditions on the outline planning consent and does not need to be repeated.

4. Impact on Amenities of Residents

The proposed flats would not have any adverse impact on nearby residents as the closest residential properties are over 65m away on The Mall on the opposite side of the busway.

The residents of the proposed flats would have access to their own private amenity space either as a garden terrace at ground floor level or in the form of a balcony on the upper floors. The residents would also have access to a private, landscaped garden area of around 200m² including benches and a remodelled public landscaped area with a mixture of hard and soft landscaping opposite the access road covering approximately 1000m². This landscaped area on the opposite side of the road would link to an existing public space which leads to the White Lion Retail Park thus providing a pedestrian and cycle link.

The flats could be subject to noise from the servicing of the warehouses opposite. The Environmental Health Officer comments that the noise report submitted as part of the outline application identified the windows which required enhanced glazing and specified the type of glazing to be provided to achieve the required performance. No details of the glazing proposed have been submitted with this application however a condition can be added to this consent requiring the development to be carried out in accordance with the revised noise report

dated October 2008. The application sets out that in response to previous concerns raised about noise double glazing would be installed in all flats. In addition the building has been set back within the site to minimise any impacts from noise. Subject to compliance with the previously agreed noise report it is not considered that the residents would be adversely affected by noise from Pro Logis.

5. Highways and Sustainable Transport

The proposed access to the site is further east than the existing access is currently. The access would lead to a private car park which would accommodate 28 cars. There would be a turning head located immediately south east of the building close to the bin store access. Two car parking spaces are proposed at the top of the extended turning head. Unauthorised parking often takes place in turning heads resulting in them being unusable, providing authorised parking in the top of the turning head would prevent unauthorised use whilst enabling the turning head to remain in use.

The Highways Development Control Officer has advised that due to the width of the access road, on-street parking on one side of the road could be acceptable. A Traffic Regulation Order would need to be put in place to ensure that the on-street parking was only permitted on one side. The existing legal agreement provides for the developer to contribute to the creation of such an order. A total of 30 car parking spaces can therefore be provided within the application site with the provision for visitors parking on the access road. The outline application was made on the basis that the site could provide 24 parking spaces, one for each flat.

Design Supplement 7 recommends 2 parking spaces for a two bedroom property. In order to comply with DS7 a total of 48 spaces would therefore be required. DS7 recognises that sites with good access to facilities and public transport could provide a lower level of parking provision. 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. It is considered that the location of the site adjacent to the busway makes it a highly sustainable location where it will be possible to promote the use of public transport leading to a reduced need to use private cars. The outline planning permission requires the developer via the legal agreement to contribute financially to the provision, maintenance and management of sustainable transport. In light of this and the level of parking set out in the outline planning permission it is considered that the provision of 30 spaces plus visitors parking is sufficient.

The outline planning consent contains a number of conditions relating to highways matters including visibility splays, surfacing, the provision of a turning space and details of the junction. Any additional conditions requested by the Highways Development Control Officer will be placed on the late sheet.

48 cycle parking spaces would be provided within a cycle store located at ground floor on the north eastern elevation of the building. The Council's current cycle parking standards require one cycle parking space per bedroom which would equate to 48 spaces.

The Sustainable Transport Officer comments that the aspiration that the existing pedestrian route through the landscaped area of the site on the opposite side of the access road be upgraded to a pedestrian and cycleway has not been

addressed in this application. The footway through this area would be 3m wide through the landscaped area within the application site which links up with the existing 3m wide path. The Officer also comments positively that the site layout is suitably permeable with routes well-overlooked and thus, feeling 'safe' for users. This is complimented by the sensitive integration of resident car parking in an area removed from the main streetscene, thus, reducing the likelihood of parked cars dominating the streetscene and facilitating a cycle/pedestrian friendly environment. The proposed manner of cycle storage is however not in line with the Authority's current guidance and should be amended.

Conditions on the outline planning permission require the details of the cycle parking to be submitted and approved and the provision of the footway/cycleway along the frontage of the site before any of the flats are occupied.

6. Section 106 Matters

A Section 106 was prepared and signed in connection with the grant of the outline planning permission. The Section 106 provides for £46,238 (index linked) for the provision and future maintenance and management of public open space and £12,000 (index linked) for the provision and future maintenance and management of sustainable transport measures. The legal agreement also includes requirements to undertake highway works consisting of the provision of a new vehicular access and pedestrian footway to the development from the College Drive as well as the making of a Traffic Regulation Order to prevent the waiting of vehicles on a defined area of the College Drive.

The outline planning permission was granted prior to the introduction of the Planning Obligations Supplementary Planning Document or recent policies regarding affordable housing. There is no mechanism to secure additional contributions or affordable housing at reserved matters stage.

Recommendation

That Planning Permission be GRANTED subject to the following:

- 1 The noise attenuation measures implemented in the flats hereby permitted shall be in accordance with the revised Cole Jarman Noise Report dated October 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residents from unacceptable noise levels within dwellings.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 120004 (D)100 rev A, (D)101 rev A, (D)102 rev B, (D)103 rev A, (D)104 rev A, (D)105 rev A, (D)106 rev A, (D)107 rev A, (D)108 rev A, (D)109 rev A, (D)110 rev A, BDA126/01D, BDA126/02D, BDA126/03D, BDA126/04C & BDA126/05B.

Reason: For the avoidance of doubt.

Reasons for Granting

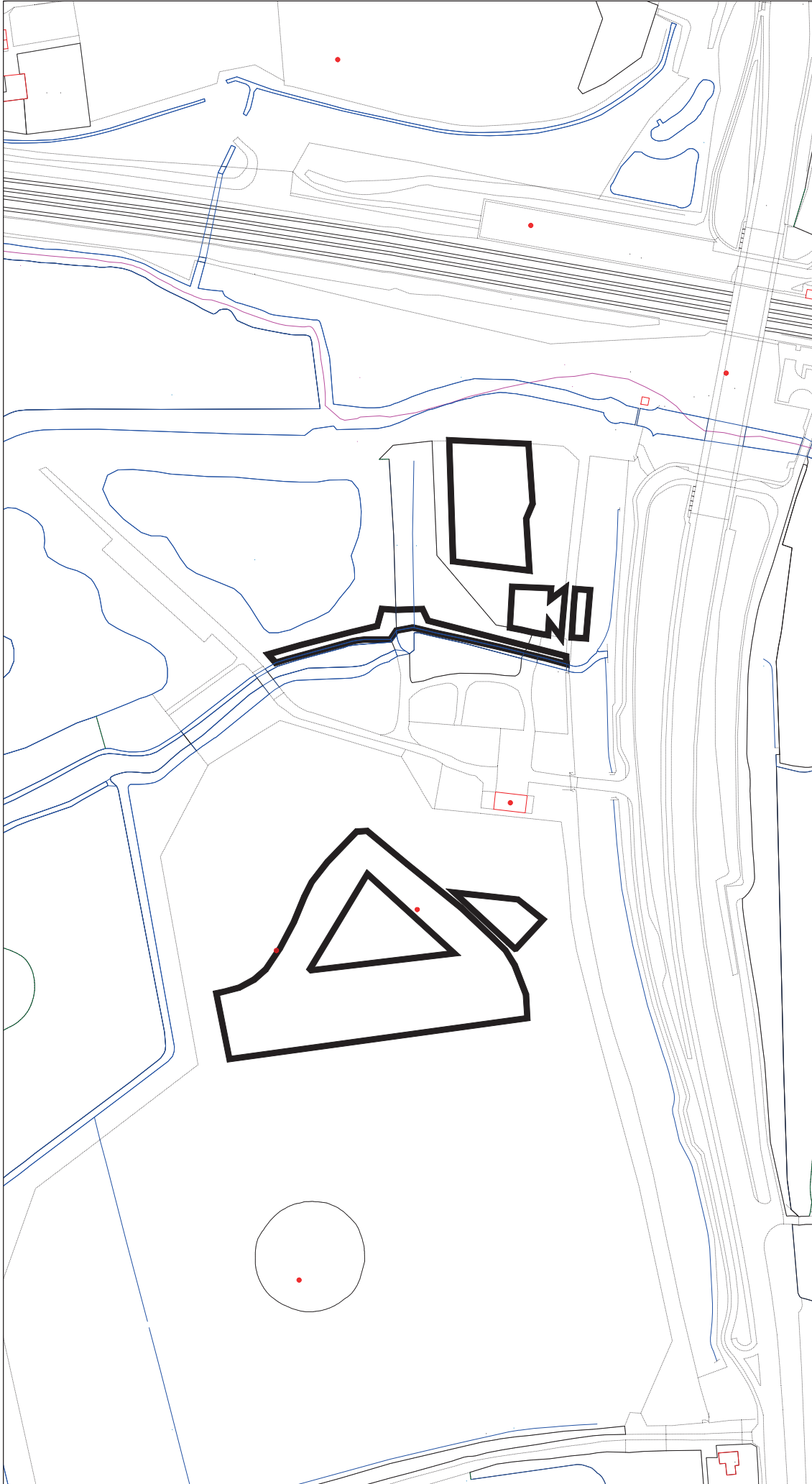
The proposed development would not detrimentally impact upon the character and appearance of the area or wider streetscene nor would there be any adverse impact on the amenities of neighbouring residents. The proposal would not result in any highway, parking or other issues. The scheme by reason of its siting and design is in conformity with the National Planning Policy Framework and South Bedfordshire Local Plan First Review policies BE8 and H2. 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.

DECISION

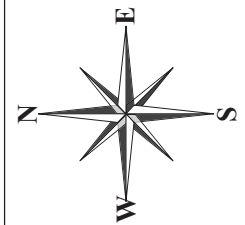
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Application No. CB/12/01317/FULL

Henlow Lakes and Riverside, Arlesey Road, Henlow

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Item No. 8

APPLICATION NUMBER	CB/12/01317/FULL
LOCATION	Henlow Lakes and Riverside, Arlesey Road, Henlow
PROPOSAL	Provision of 29 additional pitches, realignment of internal access road, creation of a pitch for managers accommodation & erection of club house, tea room & activity centre (enlarged from previous approval).
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Mark Spragg
DATE REGISTERED	19 April 2012
EXPIRY DATE	14 June 2012
APPLICANT	Henlow Lakes & Riverside Ltd
AGENT	Sherwood Architects Ltd
REASON FOR COMMITTEE TO DETERMINE	Request by Councillor Wenham on the basis that the proposal is an overdevelopment .
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site, known as Henlow Bridge Lakes and Riverside, covers approximately 13 hectares of land and includes 4 fishing lakes with capacity for 92 anglers, 26 camping and caravan pitches, an amenity building with education room, and an information point/reception cabin. The site is accessed off a one way road linked to the A507.

The River Hix and riverside walk runs alongside the east and part of the northern boundary with the footpath continuing along the northern boundary of the site to meet the Kingfisher Way footpath, which extends along the west boundary of the site, whilst Knights Footpath runs along the south boundary.

To the east of the site, beyond the river, is the London mainline railway and Arlesey Railway Station, with the A507 running close to the southern site boundary. Beyond the footpath to the west of the site is an aggregates depot, whilst to the north is Henlow Grange.

The site is located just outside the settlement envelopes of Henlow and Arlesey, within open countryside.

The site up until 2010/11 had just 5 caravan pitches, but this was increased to the current 26 by virtue of planning permission granted in 2010 (CB/10/02980). The approval was subsequently amended to replace 3 of the caravan pitches with timber camping pods, which are now in situ. The consent also included two of the current fishing lakes, one providing access and provision for disabled persons and the other providing facilities for juniors and beginners. The 2010 consent also included permission for an amenity building which has been constructed. The building provides a laundry, washing, shower /toilet facilities, and an education room. In addition an extension to an existing building to create a new reception and tourist information area, was also granted, and is currently being completed.

Permission also exists, by virtue of the same 2010 consent for a tea room in the south east corner of the site comprising a single storey building of approximately 120sqm (13.2 metres long x 9.18 metres wide). The building would have a pitched roof which at its highest point would be 5 metres with a clock tower feature on top.

The Application:

This application seeks consent for a larger building than the approved tea room, to be sited in the same area of the site (in the south east corner). It is described as a clubhouse and activity centre, and would include a reception and display area, a café, children's play area with additional seating, toilet facilities, kitchen and stores. In total the building would have a footprint of approximately 430sqm. The building would have a steel sheeted pitched 8.3m high roof with rooflights on both north and south roofslopes, and solar panel installed on the south facing elevation. The walls would be finished with black stained softwood weatherboarding.

As with the previous approval a new access would be provided leading directly to the facility, with parking for 42 vehicles (previously 24 parking spaces).

The application also seeks planning permission for managers accommodation in the form of a 2 bed mobile chalet home (15.5m x 6.5m x 4.1m high), proposed to be located adjacent to the play area, in the south west part of the site.

In addition, the application proposes the addition of 29 grassed pitches in the west part of the site, resulting in a new total of 55 pitches.

The application is accompanied by a supporting statement and a further letter date 22 June to support the application. The letter clarifies that the proposed managers accommodation would be constructed off site of a form capable of being easily dismantled and removed if required. In addition, a flood risk assessment has also been provided.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

The Good Practice Guide on Planning for Tourism

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

CS11 - Rural Economy & Tourism
CS14 - High Quality Development
CS16 - Landscape and Woodland
CS17 - Green Infrastructure
CS18 - Biodiversity and Geological Conservation
DM3 - High Quality Development
DM14 - Landscape and Woodland
DM15 - Biodiversity
DM16 - Green Infrastructure

Nb. (In accordance with Annexe 1: "Implementation", paragraph 215, of the National Planning Policy Framework, the above policies are 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 to Development

Planning History

CB/10/02980/FULL Formation of two additional lakes. Layout for 26.no. touring caravans. Erection of amenity block with educational room and tearoom. Extension of existing storage building for reception and tourist information, ancillary works and car parking. Approved.

MB/08/00084/FULL Extension to storage building. Approved 28/2/08

**Representations:
(Parish & Neighbours)**

Arlesey Town Council	Recommend approval in principle, but severe reservation raised on the highway access.
Henlow Parish Council	No objection
Langford Parish Council	Fully supportive of the application which we believe further enhances facilities in our area.
Neighbours	Three letters of objection have been received, one from the occupiers of 13 Clifton Road and two from and on behalf of Champneys, at Henlow Grange. Two letters of support have been received. The letters of support make the following points;

- The whole area is an asset to the village thanks to the continued investment of the owner in landscaping the site.
- The proposed facilities would be a natural evolution of the site into a full service camping and caravanning facility.
- Would provide additional employment opportunities.
- The tea room will be popular with walkers and residents.
- The site causes no inconvenience to local residents.
- An extension of the site brings it visibly nearer to the footpath.
-

The objection letters from and on behalf of Champneys, Henlow run to a number of pages long. A summary of the points made in those letters and the other third party objection letter is listed below;

- The facility is evolving too rapidly and is having an adverse impact on the local character.
- The number of visitors will have an adverse impact in terms of traffic and noise.
- No consideration has been given as to how the proposal will impact on the Grade II* Listed Henlow Grange and Champneys business.
- The enlargement of the camping setting will infringe directly on the amenities of the grounds of The Grange.
- Whilst Champneys state they have no objection to “the modest warden house”, the other third party letter questions the need for such accommodation saying that it could be provided by shift workers, however if allowed should be conditioned for precise use.
- Object strongly to the clubhouse and activity centre as it would be intrusive in the countryside and disproportionate for the site.
- The proposal will affect the landscape impact when viewed from the A507 and footpath.
- Impact on the riverbank from the tea room/activity centre and car parking

Consultations/Publicity responses

Minerals and Waste No comments to make

Highways Development Control	No objection, consider that as the anticipated traffic movements would be spread throughout the day the proposed increase in traffic to the site would not cause harm to the local road network.
Rights of Way Officer	No objections, satisfied that the proposal would not affect the right of way. .
Environmental Health	No objection subject to condition limiting the hours of use of the tea room/clubhouse from 0700 to 2300hrs.
Natural England	Advise that the proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils. Attention is drawn to matters to consider including possible impact on protected species, and possible opportunities for biodiversity enhancements.
Network Rail	Request consideration of any flood risk issue to the railway. Refer to previous comments which request that if permission is granted that the Network Rail Asset Protection Team be contacted. It does not appear that there would be any adverse effect on the railway however if planning permission is granted the applicant will need to contact Network Rail Asset Protection regarding works to ensure that there is no negative impact on the railway.
Tree & Landscape Manager	There has been development of the site that has included substantial additional landscaping and enhancement, therefore no objection.
LDF Team	From the information provided it appears that the proposal is generally in conformity with national and local policy. Conclude that this would be largely dependent on the design of the enlarged buildings and the routing of the internal road. The need for security, safety and management/control of the site should be considered acceptable for on-site accommodation.
Environment Agency	No objection, subject to condition relating to disposal of foul water, surface water and trade effluent.
Ecology	No objection

Determining Issues

The main considerations of the application are;

1. Principle of Development

2. Impact on Character and Appearance of the Area
3. Visual Impact
4. Impact on Nearby Neighbours
5. Ecology
6. Trees and Landscape
7. Highways

8. Other Issues

Considerations

1. Principle of Development

Managers accommodation

The application site falls outside of any settlement envelope and therefore is for planning purposes considered to be in the open countryside.

National planning policy guidance now comprises the recently issued National Planning Policy Framework (NPPF). Of particular relevance to the proposal are paragraphs 28 and 55.

Paragraph 28

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should;

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of new buildings and well designed new buildings.
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Paragraph 55

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as;

- the essential need for a rural worker to live permanently at or near their place of work in the countryside

Government planning advice on tourism is also contained within the document The Good Practice Guide on Planning for Tourism which has not been replaced by the National Planning Policy Framework, albeit its references to PPS4 and PPS 7 are no longer relevant having themselves been superseded by the NPPF. Under the heading “staff accommodation” the guide advises;

“For many types of holiday parks, a residential managerial presence is often essential, to achieve a quality of service to the customer, security for the property, and to meet the obligations of health and safety regulations.

Accommodation may also be needed for key members of staff. As far as possible suitably located existing dwellings should be used to meet these accommodation needs. But where there is not a feasible option, and particularly in locations where suitable housing is not available, or is unaffordable, it may be necessary to provide new, on-site accommodation for managerial and/or other staff. In such cases the conversion of any suitable available existing buildings should be considered first in preference to the construction of new and potentially intrusive housing development in the countryside”.

The applicants supporting statement points out that the site is currently warden controlled and has CCTV cameras. They say that there are no suitably located or priced dwellings for staff. It is stated that the warden would provide regular late evening, early dawn and night checks in order to maintain site security from human or wildlife predators. In addition visitors sometimes arrive late at night due to break downs and hold ups, requiring staff to leave their homes to open up the site. The applicant claims that employing night time staff 7 days a week would be costly and unviable. Also without 24 hour cover the applicant states that the quality of service would be reduced.

The applicant has also referred to other examples where accommodation has been permitted by the Council for accommodation to support fishery enterprises and considers that the same if not greater need exists here, with the added responsibility of managing the camping/caravanning facilities.

The application proposes a mobile home and has confirmed that this would be a structure constructed off site and of a form which could be dismantled and removed from the site if no longer required. It would be of a form in keeping with and appropriate to the use of the site as a caravan/camping park. The business was until 2010 a relatively low key concern providing just 5 pitches and 2 fishing lakes. However, since the granting of consent in 2011 the number of pitches has been increased to 26 and with 2 additional fishing lakes, resulting in a large increase to the number of visitors to the site. This application would increase the number of visitors still further with a resultant total of 54 camping/caravanning pitches and 3 camping pods. In addition the proposed construction of an tea room clubhouse would provide a further area of responsibility for the owners which would add to the expanding facilities to be managed on site. Whilst the site is relatively new there has nevertheless been significant financial investment by the owners over recent years, with more investment planned, subject to approval of this application. The business does therefore appear to be a successful enterprise. It is considered reasonable, on the basis of the above, that in order to provide a good level of service to visitors and the need to provide an on site presence to control activity on site outside of normal office hours that accommodation in the form of a mobile home for a manager is justified. However, in light of the relatively recent and proposed expansion of the business it is considered necessary that any consent should be on a temporary basis such that consideration may be given at a later stage by the Local Planning Authority as to whether there remains a justification for such accommodation.

Additional Camping/caravan pitches

Core Strategy Policy CS11 takes a positive stance toward the proposal for tourist facilities in the countryside. It states that the Council should seek to support the rural economy and promote tourism. The policy supports tourism and leisure development where it provides opportunities for rural diversification and is well located to support local services, businesses and other attractions. It is considered that the application site is well situated between Arlesey and Henlow and benefits from pedestrian access to both and should therefore help to support local services, with additional visitors likely to utilise local visitor attractions, food shops and restaurants in particular.

The Tourism Growth Strategy for Bedfordshire and Luton (2007-2012) seeks to promote the growth of the family and short breaks market and the attractions of the County's 'green offering', including countryside sites and rivers. The need to increase self-catering accommodation and the provision of low cost accommodation has also been identified. Provision could take the form of lodges, campsites and rural pubs and the Council is willing to be flexible when these can support local services and provide opportunities for rural diversification.

The principle of an increase to the number of pitches within the site by providing grass plots suitable for campers is seen to be complimentary to the objectives of the Core Strategy.

Clubhouse, tea room, activity centre

Planning permission already exists for a tea room facility of 115sqm, in the same location as the building now being proposed. Whilst other elements of the 2010 planning permission have been implemented the tea room building has not been constructed. The site is located outside any settlements and within the open countryside wherein development is restricted, albeit there is no in principle objection in the Core Strategy to tourist related development in such areas when outside the Green Belt. Indeed Policy CS11 supports proposals for tourist or leisure development in the countryside. The National Planning Policy Framework (para 19) states that local planning authorities should do encourage economic growth. The expansion of sustainable tourist and visitor facilities is specifically encouraged (para 28).

The previously approved facility was based on a total of 26 pitches, whereas this proposal would more than double the pitches to 55. The proposed enlarged tea room/clubhouse building would provide seating for approximately 80 people within a seating area approximately three times larger than that approved in 2010. This proposal also seeks to provide an additional area catering for young children at the site, the numbers of which are also likely to significantly increase. The proximity of the proposed building to the riverside footpath is also noted and it is considered that such a facility selling refreshments and providing toilet facilities would be advantageous to the tourist/recreational function of the locality and users of the footpath. The applicant has also clarified the purpose of the "reception/display area", as providing an interactive area for visitors with information relating to the surrounding natural environment. Given the potential

benefits of the building to users of the adjacent footpaths and the enhancement of the facilities to serve a proposed larger caravanning/camping facility to the benefit of tourism and the knock on benefits to the local economy, by providing all year round facilities, it is considered that in principle a larger building is acceptable, subject to all other planning considerations.

2. Impact on Character and Appearance of the Area

Core Strategy DM3 requires that proposals for new development should be appropriate in scale and design to their setting. Also, that proposals should contribute positively to creating a sense of place and respecting local distinctiveness through design and use of materials. Policy DM14 requires that the landscape impact of proposals is considered.

The proposed tea room/clubhouse building would be finished in black stained roof and a sheeted lightweight steel roof. The proposed design and appearance of the barn, with black stained timber cladding, would be similar to other buildings on the site and would have an agricultural barn type appearance, in what is a semi-rural setting. It is considered that the building would comply with the general design principles of the "Design in Central Bedfordshire" guide. There is significant landscaping to all site boundaries where the new building is proposed, such that it and the rolled pea shingle parking area would be relatively well screened from the riverside footpath, from the A507 and from the footpath to the south.

The new grassed pitches would be located within the boundary of the existing site where new planting has already taken place. Significant planting around the perimeter of the site on new bunds will further mitigate the impact of the new pitches.

The proposed managers accommodation would be modest and not unduly prominent, given the boundary screening and the existing buildings within the site. As such it is not considered that any harm to the character and appearance of the open countryside would result.

As such the proposed development is in accordance with Core Strategy policies DM3 and DM14 of the National Planning Policy Framework.

3. Impact on Nearby Neighbours and Future Users of the Site

Core Strategy policy DM3 requires new development to respect the amenities of surrounding properties.

The site is located in an isolated position with Henlow approximately 1km to the west and Arlesey 250m to the south east on the opposite side of the A507.

There is one residential property, known as The Lodge, located adjacent to the south western corner of the site which is approximately 200m from the proposed new camping/caravanning pitches. The Grange is a building used commercially as a hotel and for health and beauty treatments. It is however also located in

excess of 200m from the proposed new camping pitches, albeit that the gardens serving the premises extend up to the site boundary. The northern boundary of the site boundary adjacent to the gardens of the Grange comprises extensive mature trees which provide an effective natural screen. Whilst there may be some additional noise generated by users of the new pitches it is not considered that this would be unduly harmful to the amenity of the occupants of either neighbouring property or harmful to the continued function of Champneys as a tourist destination. Similarly, due to the proposed siting of the managers accommodation and tea room/clubhouse building still further from the neighbouring properties it is not considered that they would cause undue harm to the neighbours' amenity.

To the east of the site, on the opposite side of the River Hiz and mainline railway line, is Etonbury Farm and Etonbury Lake House. It is not considered that the amenities of residents in these properties would be affected due, to the distance from the site and the intervening land uses.

4. Ecology

The site is adjacent to a County Wildlife Site (CWS). Core Strategy policy CS18 states that the Council will support the designation, management and protection of such sites and protected species and that development that would prejudice the biodiversity network will not be permitted. Core Strategy policy DM15 states that applications considered to be harmful to wildlife will be refused, the protection and enhancement of biodiversity is required and native and locally appropriate plant species should be used.

The Council's Ecologist has raised no objection to the proposal.

5. Trees and Landscape

Core Strategy policies CS16 and DM14 seek to conserve and enhance countryside character and local distinctiveness, conserve woodlands and hedgerows and promote an increase in tree cover.

The whole site is subject to a Tree Preservation Order and therefore any works to trees need consent. The applicant has already planted many new trees within the site.

The application would not affect any existing trees and hedging whilst new planting has already been provided around the proposed camping pitches.

The Tree officer has raised no objections.

6. Highways

The proposed development would be served by the existing access road onto the A507 Arlesey- Stotfold By-pass that in addition to providing access to the site provides access to Arlesey railway station disabled car parking. The access road is a loop type which currently operates as a one way system, with traffic entering through the north side of the loop and exiting through the south side. As with the previous approval a formalised access would be provided off the A507 access road to serve the tea room building.

Parking

There is an existing car parking area which accommodates approximately 5 cars and would be used for short periods for people visiting the reception, office or shop. Each of the camping/caravan pitches would have a parking space in addition to the area for the tent/caravan. The tea room/activity centre would have 42 parking spaces available, including 2 disabled spaces. It is considered that the parking provision within the site would be at a satisfactory to prevent on-street parking outside of the site. The level of car parking for the tearoom/clubhouse would also enable parking for staff and users of the footpaths. Overall it is considered that the level of parking on the site is acceptable.

Highways have confirmed that they have no objection to the proposal.

7. **Other Issues**

Champneys at Henlow Grange have objected to the impact on the setting of the Listed Building. The Conservation Officer considers that there does not appear to be any obvious significant adverse impact on the setting of the Listed Building as a result of the application due to the physical separation and nature of the proposal.

The site is within a Flood Risk Area and a Flood Risk Assessment was therefore submitted as part of the planning application. The Environment Agency are satisfied that no harm would result and have raised no objection subject to condition.

Recommendation

That Planning Permission be APPROVED subject to the following conditions:

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

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

- 2 The mobile home hereby permitted shall be removed and the site reinstated to its previous condition or to such a condition as may be agreed beforehand in writing by the Local Planning Authority, within a period of 5 years from the date of this permission, unless a further period is otherwise agreed by the Local Planning Authority.

Reason: To enable further consideration of the requirement for a continuation of such on site accommodation based on the future needs of the business or otherwise to ensure that the site is restored to its original condition/use.

- 3 Notwithstanding the detailed drawings submitted, the managers accommodation shall meet the definition of a caravan as set out in the Caravan Sites Act 1968, Part 3, Section 13. This shall include compliance with the size criteria for a mobile home being that it shall not exceed a length of 18.2888m, width of 6.096m and with an internal height of living accommodation not exceeding 3.048m.

Reason: The approval is granted on the basis of it being a mobile home.

- 4 The materials and finish for the tea room/activity centre shall only be carried out in complete accordance with the approved plans and specifications, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance.

- 5 Before the tea room/activity centre is first used, 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.

- 6 **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.

- 7 The club house premises shall not be used except between the hours of 0700 hours to 2300 hours without the prior agreement in writing of the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents.

- 8 **The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water, surface water and trade effluent has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**

Reasons: To prevent pollution to surface waters and ground waters and to ensure that the Water Framework Directive status of the River Ivel catchment does not deteriorate from it's current status.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [401A, 402A, 500A, 501A, 502A, 503A, 504A, 506A].

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development, including the addition of 29 camping/caravanning pitches, the erection of a tea room/activity centre, and a mobile home for providing managers accommodation, is supported on the basis that it would provide an acceptable expansion of a sustainable rural tourist business which would benefit the local economy, whilst not prejudicing the character of the surrounding area, or unacceptably harming the amenity of neighbouring properties. There would also be no adverse impact on highway safety, environmental, ecological or heritage interests. As such the proposal is in conformity with Policies CS11, CS14, CS16, CS17, CS18, DM3, DM14, DM15 and DM16 of the Core Strategy and Management Policies (2009), The National Planning Policy Framework (2012) and the Supplementary Planning Guidance, A Guide for Development (2010).

Notes to Applicant

Advice for the Applicant

Foul water from a septic must only be discharged to a drainage field and never to a watercourse. This is because a septic tank does not treat foul water, it only allows the settlement of suspended solids, and untreated foul water will cause pollution if it is allowed to enter a watercourse. The applicant may be required to change the current foul water arrangements if they are discharging to a septic tank that leads to a watercourse and/or the current foul water arrangements do not have sufficient capacity to deal with the increased foul water from the proposed 29 new caravan/ tent pitches, accommodation, club house and tea room. The applicant must arrange for a percolation test to be carried out to determine if discharge to a drainage field will be suitable if they wish to utilise this way of foul water disposal. Installing a sewage treatment plant is another alternative to treat foul water. This plant will treat the foul water to a suitable standard that we will allow to be discharged to a watercourse. The applicant can find further advice on sewage treatment methods and the percolation test in the Environment Agency's Pollution Prevention Guideline number 4, which is on our website at www.environment-agency.gov.uk/ppg.

The applicant currently has an 'exemption from the need for an Environmental Permit' registered with the Environment Agency for a discharge of treated sewage effluent to a watercourse. The reference number for this exemption is EPR/XE5607PB. We are concerned because the site layout plan submitted with this planning application shows a septic tank and this exemption only permits a discharge from a sewage treatment plant and not a septic tank. As explained above, the applicant must carry out a full survey of the drainage arrangements on site. The applicant/ site operator will be committing a criminal offence if untreated sewage is entering a watercourse.

The applicant must ensure that they have the correct Environmental Permit issued by the Environment Agency for any current or new discharges of sewage effluent to a watercourse or to ground. There is guidance available on permitting on the Environment Agency's website at www.environment-agency.gov.uk/business/topics/water/32038.aspx.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. There is further guidance on the Oil Storage Regulations at www.environment-agency.gov.uk/osr.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one direction, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>.

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at: <http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

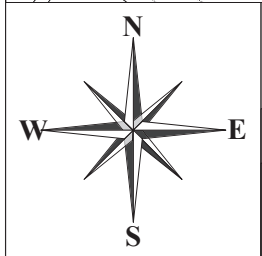
We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

Please forward a copy of this letter to the applicant.

Should you wish to discuss this matter further please do not hesitate to contact me, or the Environment Officer, Kyle Vivian (Tel: 01480 483254).

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 02:July:2012

Ref: 515468 234728

Application No.
CB/12/01536/FULL

Scale: 1:1250

Building adj. to 22 Long Close, Lower Stondon, Henlow

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Item No. 9

APPLICATION NUMBER	CB/12/01536/FULL
LOCATION	Building adj. to 22 Long Close, Lower Stondon, Henlow, SG16 6JS
PROPOSAL	Conversion of office building into a one bedroom dwelling.
PARISH	Stondon
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Mark Spragg
DATE REGISTERED	04 May 2012
EXPIRY DATE	29 June 2012
APPLICANT	Burke Enterprises LLP
AGENT	Wastell & Porter Architects
REASON FOR COMMITTEE TO DETERMINE	Requested by Cllr Drinkwater. Not convinced it is suitable for conversion.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site comprises a brick built flat roofed building 4.9 x 7.2m with a flat felt roof. The building is located on a static mobile home park for the over 50's, sited between two homes, No's 20 and 22. The building was apparently previously used as an office and washing facility, however for a number of years has remained unused.

The site is located within the settlement envelope of Lower Stondon.

The Application:

Full planning permission is sought for a conversion of the building to a one bed dwelling. The proposal would include replacing the flat roof with a 3.6m high pitched tiled roof to match the adjacent park homes. The existing door and window on the west elevation would be blocked up and the existing walls insulated. A door and window would be provided at the front, with French doors and a window at the rear with a rooflight proposed to serve the shower room. An amenity area would be provided at the rear.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

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

CS1: Development Strategy

CS2: Developer Contributions

CS14: High Quality Development

DM3: High Quality Development

DM4: Within and Beyond Settlement Envelopes

Nb. (In accordance with Annexe 1: "Implementation", paragraph 215, of the National Planning Policy Framework, the above policies are 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

Planning History

None relevant

**Representations:
(Parish & Neighbours)**

Stondon Parish Council - Object to the application on the grounds of the close proximity to neighbouring park homes and representations made in regard to fire regulations. However, the Council feels it has limited expertise in these matters and would therefore refer the matter to CBC for a more informed decision.

Neighbours - Letter of objection received from the Regency Court Residents Association. The comments made are summarised as follows:

- The building never was an office and was a shower/wash block which is now in poor condition
- The adjacent park homes both have windows facing the building
- The proposed new roof would impact on the amenity of then neighbouring plots
- The building would breach the 6 metre fire separation zone

Consultations/Publicity responses

Highways - The site is served by a private road and there would be no issues relating to a public road.

Private Sector Housing - The proposal just complies with the statutory minimum room sizes. Building Control would need to ensure that the building is compliant.

Bedfordshire Fire Safety Officer - As the building is constructed with materials of limited combustibility and that all openings facing adjoining units are to be bricked in. The Fire Authority do not object to the plans to convert the property to living accommodation. Any fire risk assessment covering the site as a whole will need to be reviewed in order to reflect this change. As the building is constructed of materials of limited combustibility and that all openings facing adjoining units are to be bricked in. The fire authority do not object to the plans to convert the property to living accommodation. Any fire risk assessment covering the site as a whole will need to be reviewed in order to reflect this change.

Determining Issues

The main considerations of the application are;

- 1. The Principle of development;**
- 2. Impact of the proposal on the character and appearance of the surrounding area;**
- 3. Suitability of development in terms of amenity of future occupiers**
- 4. Impact on the residential amenity of neighbouring properties**
- 5. Highways/parking**
- 6. Other matters**

Considerations

1. The Principle of Development

The application site is within the Lower Stondon settlement envelope and therefore the principle of new residential development is supported by Policy DM4 of the Core Strategy. The reuse of a redundant building within a residential area is supported by the recently issued National Planning Policy Framework which has a presumption in favour of sustainable development (para 14). The encouragement for local planning authorities to support the reuse of empty buildings to provide housing is also referred to in paragraph 51 of the document.

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

The application site relates to an existing building, which is utilitarian in appearance, with a flat roof and few openings, compared to the adjacent mobile homes with shallow pitched roofs and large windows. It is currently also unused and in a poor condition. The proposal seeks to provide a pitched roof on the building, similar to the neighbouring homes. In addition, the application proposes rendering the existing painted brick walls and the addition of a door and larger window on the front elevation. It is considered that the design changes made to the building would enhance the site appearance and result in a development more sympathetic to its surroundings.

3. Suitability of development in terms of amenity of future occupiers

The proposed one bedroom dwelling would be small, with an internal floorspace of approximately 28sqm. However, it would contain all facilities for day to day living, a bedroom, bathroom and kitchen/living room. The bedroom at 6.9sqm would be served by a large window, whilst the kitchen/living room measuring 11.7sqm would have French doors giving access to the outdoor amenity area and a window. The rear elevation would face in a southerly direction and as such would attract a large amount of sunlight. The shower room would also have light and ventilation provided by a rooflight.

There is no specific guidance contained within either the Core Strategy, Central Bedfordshire Design Guidance or in the National Planning Policy Framework in respect of minimum living spaces other than a general requirement to seek a good standard of amenity for future occupiers.

The Council does have a document adopted in March 2010 and used by the Private Sector Housing department to consider the suitability of premises for letting out. The document "Amenity Guidance for Houses in Multiple occupation and other house" considers matters of living space and has a specific section relating to space standards. Whilst the document is not adopted for planning purposes and has such carries little material weight it does nevertheless provide some objectivity in considering what could be considered an acceptable living space, as the document forms a starting point for consideration of the suitability of premises by the Council's Housing team.

In respect of one person units the document refers to the minimum space acceptable for a living room/kitchen is 10sqm, with the minimum space for a bedroom being 6sqm. Based on respective internal dimensions of 11.7sqm and 6.9sqm the building just complies with the dimensions referred to in the document. In the absence of any other amenity standards and given that the building would attract a good amount of sunlight by virtue of its south facing rear elevation and the proposed new openings it is considered that on balance the accommodation would be suitable for a one bed unit.

The outdoor amenity area at the rear would have an area of 13sqm. It would be south facing and provide a suitable private sitting out area which could accommodate a clothes dryer if required. Based on the small size of the proposed dwelling and the occupation of the site by older residents it is considered that the size of amenity area would be acceptable.

4. Impact on the residential amenity of neighbouring properties

The application site is within a mobile home park where the layout is generally more open than typical residential layouts. Both neighbouring units have side windows facing towards the side of the application building. However, as the existing side west facing door and window is proposed to be removed there would be no loss overlooking between units and indeed the removal of the existing openings could be considered beneficial to the occupants of No.20.

As the use of the building and amenity area at the rear would introduce a use where currently there is none there would inevitably be some impact on the occupants of No's 20 and 22. However, it is not considered that the relationship would be significantly different to all other units within the park. Privacy between gardens could be ensured by appropriate boundary fencing if necessary, though most gardens in the park appear to have only low screening.

There is a panel fence at the rear of the site, which abuts Cooper Close and it is not considered that the proposal would result in any undue loss of privacy or amenity to the occupants of the closest property No. 3.

On the basis of the above it is not considered that there would be any significant harm to neighbouring properties.

5. Highways

The proposed development is shown with one parking space measuring 4.7 x 3.9m. Whilst the current standards require that a space of 2.4 x 5.0m. Whilst the parking space at 4.7m in length would be slightly below the current standard parking space the width of the parking bay would enabled angled parking, which would also facilitate access and egress. The Highways team have raised no objection as highway safety would not be affected, Long Close being a quiet private no through road. Furthermore, given the modest size of the unit serving a single over 50 occupier it would be less likely that the parking space would be occupied by a large family car.

On balance, and given that there is no Highways Officer objection it is considered that the parking arrangement is acceptable.

6. Other matters

Concerns have been raised regarding the potential fire safety risk from such accommodation, being within the 6 metre fire safety zone applied to mobile park sites. However, such regulations apply only to mobile homes and not to brick buildings. In fact blocking up a side window to the building would be likely to reduce fire risk. The Council's Private Sector Housing unit, who are responsible for dealing with such licence requirements on mobile home sites, have raised no objection. In addition the Bedfordshire Fire Safety Officer has confirmed that there is no fire safety issues raised by the development, given the type of construction and the blocking up of the side openings.

A draft unilateral undertaking was submitted with the application, and the applicants have agreed to make the required infrastructure contributions in accordance with the Council's Planning Obligations Strategy.

Recommendation

That Planning Permission be **APPROVED** subject to the following conditions

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

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

- 2 **The use shall not commence until a scheme for the side boundary treatment of the rear amenity area has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

Reason: To safeguard the amenity of the neighbouring occupiers.

- 3 The external finish of the development shall be carried out in accordance with the submitted details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is in keeping with its surroundings.

- 4 The existing side openings in the building shall be blocked up prior to occupation and thereafter retained as such. Furthermore, 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 windows shall be inserted into the flank elevation of the building.

Reason: To protect the amenity of neighbouring residents and to ensure compliance with fire safety requirements.

- 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 works shall be commenced for the extension of the building hereby approved nor any material alteration of their external appearance until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: Due to the limited size of the plot and to protect the amenities of occupiers of neighbouring properties.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [PL01].

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed conversion, albeit small, would nevertheless provide an acceptable level of internal and outdoor amenity for future occupiers and would not have any negative impact on the character of the area, on neighbouring residential amenity or on highway safety. As such the proposal is in conformity with Policies CS1, CS2, CS14, DM3 and DM4 of the Core Strategy and Management Policies (2009), The National Planning Policy Framework (2012) and the Supplementary Planning Guidance, A Guide for Development (2010)

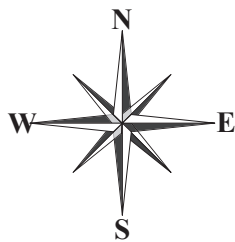
Notes to Applicant

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: 03:July:2012

Grid Ref: 514413 239083

Application No.
CB/12/01152/FULL

Scale: 1:1250

Shefford Post Office, 6 Southbridge Street, Shefford, SG17 5DB

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Item No. 10

APPLICATION NUMBER	CB/12/01152/FULL
LOCATION	Shefford Post Office, 6 Southbridge Street, Shefford, SG17 5DB
PROPOSAL	Change of use on first floor from office to provide 3 one bedroom flats & ancillary commercial floor space & two storey rear extensions.
PARISH	Shefford
WARD	Shefford
WARD COUNCILLORS	Cllrs Birt & Brown
CASE OFFICER	Nikolas Smith
DATE REGISTERED	16 May 2012
EXPIRY DATE	11 July 2012
APPLICANT	Basra Enterprises Ltd
AGENT	Roscoe Milne Partnership
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	A family member of an objector is employed by the Council Full Application - Granted

Site Location:

A two-storey, terraced building on the south side of Southbridge Street within the Conservation Area and the town centre. The ground floor is used as a Post Office and the first floor is used as storage connected with that use.

The building has been extended to the rear at two-storey and then at single storey beyond that.

The neighbour to the west (No 4) is has a commercial use at ground floor with a flat above. To the east of the site is a vehicular entrance to a car park at the rear of the terrace that is owned by the Cornerstone Public house but over which occupiers at No 6 has right of way.

The Application:

The existing single storey rear extensions at the site would be demolished and there would be two-storey rear extensions built in their place. The use of the first floor would be changed to create three 1-bedroom flats. There would be no changes to the front of the building.

Relevant Policies:

National Planning Policy Framework (2012)

- 2. Ensuring the vitality of town centres
- 4. Promoting sustainable transport
- 12. Conserving and enhancing the historic environment

Core Strategy and Development Management Policies (2009)

- DM3 High Quality Development
- DM7 Development in Town Centres
- DM13 Heritage in Development

Design in Central Bedfordshire (a Guide for Development) (2010)

- DS5 The Historic Environment
- DS7 Movement, Streets and Places

Relevant Planning History:

- MB/09/00095/FULL Demolition of outbuildings and change of use of first floor to two residential units

Refused: 17 March 2009

Reasons: No Unilateral Undertaking or acoustic assessment submitted

Representations:

- Town Council No objection but made the following comments:

The car parking assessment carried out by the applicant is misleading.
There are existing problems with sewage in the area.
The security of the Post Office could be compromised.
- Neighbours Two letters objecting to the development were received, commenting as follows:

The intensified use of the site would be dangerous because of access from the rear of the site and traffic entering and leaving the car park.
No parking would be provided and public parking would not be available.
There have been disputes in the past relating to the management of the car park.
The development would overlook a courtyard at No 4.

Consultee responses:

- Highways Objection on the grounds that no parking would be provided for future occupiers.
- Waste Services No objection subject to condition
- Public Protection No comments received

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. Appearance
3. Neighbours
4. Living conditions
5. Traffic and parking
6. Local infrastructure

Considerations:

1. Principle

The National Planning Policy Framework (NPPF) (2012) acknowledges the role that residential uses play in successful town centres. Such uses are normally appropriate at first floor level, where retail uses would be less successful.

Subject to compliance with other relevant policies and guidelines and to overcoming the reasons for refusal of a comparable application in 2009, the development would be acceptable in principle.

2. Appearance

The site is sensitive in that it makes an important contribution to the character and appearance of the Conservation Area when viewed from the front. The rear of the site is less significant and previous extensions to the building have not been sympathetic. The development would result in the demolition of recent single storey rear additions that cause harm to the appearance of the building and their replacement with more rational extensions with pitched roofs. The extensions would be set down from the ridge of the main building so as to appear subordinate and a condition would ensure that appropriate materials would be used. Views from the street would be very limited and the impact of the development on the appearance of the building and the character and appearance of the Conservation Area would be acceptable.

3. Neighbours

The nearest neighbour to the development would be the first floor flat at No 4. The extensions would be set in from the boundary with that flat and its nearest window to the development would also be set away from the shared boundary. The extensions would not bring the building any nearer to that window and whilst the depth of rear additions to No 6 would increase and would be visible from rear facing windows at the flat, the distance between it and the extensions would ensure that no harm would be caused to living conditions at that flat.

There is a small courtyard at No 4 that contains bathrooms facilities that are used by staff and customers of the ground floor use. It is understood that on weekends the occupier of the first floor flat uses it for hanging out washing. New first floor windows would be inserted that overlooked that space but given its predominately commercial character and small size, this would not cause harm to occupier at first floor to such an extent that would warrant the refusal of this planning application. To limit the level of overlooking of that space, a condition

would require that two of the site facing windows (serving a staff room) would be obscurely glazed.

Neighbours to the east would be separated from the site by a distance large enough to ensure that there would be no impact on living conditions there.

4. Living conditions

Rooms within all three of the flats would be of a good size and layout. A window serving a bedroom in the flat nearest to the boundary with No 4 would have a poorer outlook than might be preferred because of the depth of the proposed extensions that would be near to it. Outlook from this window would be further reduced if planning permission is granted for a proposed first floor extension at No 4, that is currently under consideration. However, the living/dining room at this flat would be large and would receive extremely good light and outlook. As a result, on balance, living conditions at this flat would be acceptable.

A previous application for two flats at the site was refused and one of the reasons was that no acoustic report had been submitted to demonstrate that the relationship between the ground floor use (and other near by uses) would be acceptable. As a result, a condition requiring the submission of a report prior to commencement is recommended.

5. Traffic and parking

No parking would be provided for occupiers of the flats but within this sustainable, town centre location and in the context of the size of the flats the level of demand for additional parking would be small. The applicant has identified what he feels would be over 200 available public parking spaces but this figure has been challenged by the owner of the neighbouring unit. Occupiers would not be able to park in the pub car park.

In location like town centres where there is public transport, public parking and parking restrictions to prevent inappropriate or illegal parking, it is less important that parking is provided for future occupiers, especially where flats would be small.

The Council's Design Guidance acknowledges that sites with good access to facilities and public transport may not require parking in line with the Council's normal standards and that over provision of car parking is less likely to encourage the use of alternative modes of transport.

The Council's Highways Officer has objected to the development on the grounds that no parking would be provided for future occupiers. This objection is acknowledged but on balance, the benefits of providing three good quality homes in a town centre location would outweigh the implications of no parking being provided. This is particularly so in the absence of any specific highway safety concerns being identified. It should be noted that a previous application for two flats at the site was not refused because of a lack of parking provision.

6. Local Infrastructure

A Unilateral Undertaking has been submitted that would seek to mitigate the

impacts of the development on existing local infrastructure. The contributions meet those set out in the Council's Planning Obligations Supplementary Planning Document and would be acceptable. The lack of such a submission was a reason for refusal in 2009 and that would be overcome here.

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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building and the approved rooflights shall be of a 'Conservation' style.

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 **No development shall commence before details of waste and recycling storage and collection for the approved residential units at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that waste storage and collection arrangements are satisfactory.

- 4 **No development shall commence before an acoustic assessment has been submitted to and approved by the Council that sets out what measures would be introduced to prevent harm being caused to living conditions for future residents by the ground floor use of the building and uses at neighbouring sites. The development shall be carried out as approved.**

Reason: To safeguard living conditions for future occupiers.

- 5 The windows serving the first floor staff rest room shall be obscurely glazed and non-openable below a height of 1.7m from finished floor level and shall be permanently retained as such.

Reason: To protect living conditions at neighbouring properties.

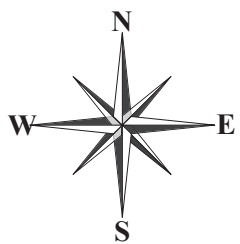
- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P01 and P02.

Reason: For the avoidance of doubt.

DECISION

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Date: 02:July:2012

Grid Ref: 520222 234943

Application No.
CB/12/01391/FULL

Scale: 1:1250

Fairfield Park Lower School, Dickens Boulevard, Stofold, Hitchin

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Item No. 11

APPLICATION NUMBER	CB/12/01391/FULL
LOCATION	Fairfield Park Lower School, Dickens Boulevard, Stotfold, Hitchin, SG5 4FD
PROPOSAL	Classroom extension and alterations
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Saunders & Saunders
CASE OFFICER	Nikolas Smith
DATE REGISTERED	18 April 2012
EXPIRY DATE	13 June 2012
APPLICANT	Central Bedfordshire Council
AGENT	QMP
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The applicant is the Council and an objection has been received Full Application - Granted

Site Location:

A primary school within the Fairfield Park housing estate built from yellow brick with a slate roof. The nearest houses to the part of the school that would be extended are 19m to the west. To the south is a landscaped area with parking. The school has a Travel Plan.

The Application:

The school would be extended at single storey in the southwest corner of the site, There would be an east facing extension that would form an entrance. The addition would be used as an additional classroom.

Relevant Policies:

Core Strategy and Development Management Policies (2009)

DM3 High Quality Development

Planning History:

There is no recent, relevant planning history at the site.

Representations:

Town Council No objection

Resident's Association No comments received

Neighbours One response was received, commenting as follows:

I understand the need to expand the school but parking is already problematic and this application would not improve that situation.

Consultee responses:

Public Protection No objection subject to an informative

Determining Issues:

The considerations in the determination of this application are:

1. Appearance
2. Neighbours
3. Traffic and parking

Considerations

1. Appearance

The extension would be of an appropriate scale and design features would reflect those used in the existing school building. Whilst the addition would extend the line of built development at the site further to the south, this would not cause harm to the appearance of the area because of the openness of the site and the modest scale of the extension. Materials would be conditioned to match existing.

No harm would be caused to the appearance of the building or the street scene.

2. Neighbours

The extension would not bring the built form of the school any nearer to the neighbours to the west, which would be still be 19m away from the nearest part of the building.

No harm would be caused to living conditions at neighbouring houses.

3. Traffic and parking

No additional parking would be provided at the site and the extension would be used as an additional classroom. However, the school does have an active Travel Plan that encourages sustainable travel and it is not considered that an extension of this size would necessitate additional parking being provided at the site. Plans to extend the school more substantially to the rear will require a more comprehensive reassessment of the travel situation at the school.

No harm would be caused to the safe and free flow of traffic locally by this development.

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

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

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [M5313/A/277.O, M5313/A/274.A, M5313/A/275.O, M5313/A/332.O, M5313/A/272.O, M5313/A/273.O, M5313/A/276.O and M5313/A/271.O].

Reason: For the avoidance of doubt.

Reason for approval:

The extension would provide valuable additional space for the school, would cause no harm to the appearance of the building, 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 NPPF (2012) and Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Note to Applicant:

1. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant should notify the Local Planning Authority without delay. Any land contamination identified should be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use. Further information can be obtained from Andre Douglas on 0300 300 4404.

DECISION

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