

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



please ask for Helen Bell
direct line 0300 300 4040
date 4 October 2012

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 17 October 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, A D Brown, 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 and J N Young

[Named Substitutes:

L Birt, 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 19 September 2012.
(previously circulated)

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	* 5 - 10

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

Planning and Related Applications

Item	Subject	Page Nos.
6	Planning Application No. CB/12/01412/VOC	* 11 - 20

Address : Portland Industrial Estate, Hitchin Road,
Arlesey

Removal of condition 15 for the provision of a new footway attached to planning approval CB/10/02584/REN dated 13/06/11.

Applicant : Daniels Bros (Sheffield) Ltd

7 **Planning Application No. CB/12/02740/FULL** * 21 - 42

Address : Leighton Linlade (Greenleas) Lower School,
Kestrel Way, Leighton Buzzard

A proposed New single storey Lower School for 330 pupils providing a Nursery, Classrooms, Hall, Kitchen, Office etc. and incorporating associated comprehensive urban extension to the south of the town known as Pratts Quarry.

Applicant : Central Bedfordshire Council

8 **Planning Application No. CB/12/02693/FULL** * 43 - 50

Address : 1 Ashton Square, Dunstable, LU6 3SN

Change of use of A2 to accommodate a CBC-funded Active Travel Office over the period September 2012 to March 2015.

Applicant : Central Bedfordshire Council

9 **Planning Application No. CB/12/02561/FULL** * 51 - 60

Address : Land at 28 The Avenue, Sandy SG19 1ER

Erection of bungalow following demolition of existing outbuilding.

Applicant : Mr Taheri

10 **Exclusion of the Press and Public**

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in paragraph(s) 1 of Part 1 of Schedule 12A of the Act.

Item to be considered following the exclusion of the press and public

<i>Item</i>	<i>Subject</i>	<i>Exempt Para.</i>	<i>Page Nos.</i>
11.	Woodview Nurseries Meppershall - Non compliance with Enforcement Notice	* 1	61 - 64

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

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 21 November 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: 17th October 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**
- 2. To receive an update of Minerals and Waste Planning Enforcement cases where formal action has been taken at Appendix B**

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. The list at Appendix B briefly describes the breach of planning control for Minerals and Waste cases, dates of action and further action proposed.
13. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For further details of Minerals and Waste cases in Appendix B please contact Roy Romans on 0300 300 6039.

Appendices:

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

Appendix B – Minerals and Waste Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 17th October 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/10/0037	Land at 6 Sutton Road, Potton, SG19 2DS	Enforcement Notice - siting of mobile home for independent residential accommodation	31-Aug-12	01-Oct-12	01-Dec-12				Check compliance after 1/12/12
2	CB/ENC/10/0140	Land at 6 The Belfry, Luton. LU2 7GA	2 Enforcement Notices - fence exceeding 1m in height adjacent to the highway, and change of use of land from amenity land to use as garden.	13-Sep-12	11-Oct-12	08-Nov-12				Check compliance after 8/11/12
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 dismissed 15/8/12	15-Oct-12	Complied 24/9/12	Appeal dismissed, Notice upheld. Complied, constructing agricultural building, monitor compliance with planning permission.
5	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, 1 caravan stored, not inhabited.
6	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. Appeal site visit 3/9/12
7	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
8	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
9	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				Pre-app received 19/7/12 for variation of condition. Await decision on variation.

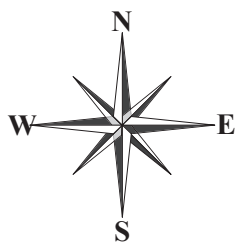
Planning Enforcement formal action (DM Committee 17th October 2012)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
10	CB/ENC/12/0330	Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ	Enforcement Notice - raising and leveling of the land by the importation of waste material	08-Aug-12	10-Sep-12	10-Nov-12				Check compliance after 10/11/12
11	CB/EN/12/0468	Land at the Hop Bine, 21 Drove Road, Biggleswade SG18 8HD	Temporary Stop Notice - Commenced developmnt before discharging pre-commencement conditions	04-Sep-12	04-Sep-12	04-Sep-12			Works have ceased. Details for conditions submitted, not yet approved.	Monitor that no further works take place.
12	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.
13	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
14	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	Court Hearing adjourned, awaiting planning application for smaller building.
15	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.
16	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. Part complied with LDC proposed	Prosecuted and fined October 2011. In process of altering to comply with proposed LDC.

Minerals Waste Enforcement formal action (DM Committee 17 October 2012)

Minerals & waste	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	RESULT	NEW COMPLIANCE DATE	NOTES/FURTHER ACTION
	11/0360	Former BR Goods Yard, Chiltern Green Road, East Hyde	Enforcement Notice - Creation of large concrete slab (33m x 40m) on part of area that should be landscaped	3-Oct-11	9-Nov-11	Depends on requirements Varies 3 - 4 months	YES - Hearing 28 Feb 2012	Part Allowed (Grounds f & g) Part Dismissed	13-Dec-12	PINS appeal decision required the whole slab to be removed; or retain 80% of slab and provide boundary landscaping. Operator is to retain 80% slab. Site works yet to commence.
	11/0360	Former BR Goods Yard, Chiltern Green Road, East Hyde	Breach of Condition Notice - Non compliance with landscaping provision in CB/10/00457/MW	3-Oct-11	3-Oct-11	Depends on requirements Varies 3 - 6 months	N/A			Compliance requirements varied by outcome of Enforcement Notice appeal re retention of 80% of concrete slab with revised landscaping
	11/0374	Plot 2 Station Road Industrial Estate, Amptill	Breach of Condition Notice - Non compliance with height of stockpiled materials - Cond no.12 of perm 18/2005	14-Nov-11	14-Nov-11	14-Dec-11	N/A	Summons served re non compliance of stockpile height		Waste materials continued to exceed the 3m height restriction in 2012. Prosecution action in progress in liaison with Legal.
	11/0360	Former BR Goods Yard, Chiltern Green Road, East Hyde	Breach of Condition Notice - Non compliance with access improvement works: Cond no.3 of perm CB/10/00457/MW	3-Jul-12	3-Jul-12	14-Sep-12	N/A			Revised kerb alignment to improve exit for HGVs carried out on bridge side. Revision to other side of access not carried out. Legal action being considered.
	11/0374	Plot 2+ 2bc Station Road Industrial Estate, Amptill	Enforcement Notice - Change of use of land to waste transfer and material recycling facility which constitutes unauthorised EIA development	19-Jul-12	23-Aug-12	Depends on requirements Varies 1-2 months	YES - Hearing 23 Jan 2013			The operator has appealed on grounds b), f) and g) only so the planning merits of the change of use will not be considered. Operation has been the subject of local complaints. Regular liaison continues with the Environment Agency.

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 28:September:2012
Map Sheet No

Application No
CB/12/01412/VOC

Scale: 1:1250

Portland Industrial Estate, Hitchin Road, Arlesey

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Item No. 6

APPLICATION NUMBER	CB/12/01412/VOC
LOCATION	Portland Industrial Estate, Hitchin Road, Arlesey
PROPOSAL	Removal of condition 15 for the provision of a new footway attached to planning approval CB/10/02584/REN dated 13/06/11
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Mark Spragg
DATE REGISTERED	16 April 2012
EXPIRY DATE	16 July 2012
APPLICANT	
AGENT	Pegasus Planning Group
REASON FOR COMMITTEE TO DETERMINE	Referred by the Head of Planning Services due to the issues raised by the application.
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The site to which this proposal relates, measures 1.0 hectares and comprises land at Portland Industrial Estate, adjacent to the Crossways Park, an industrial area. To the east of the site are residential properties, numbers 66-136 Hitchin Road, whilst to the south of the site are the rear gardens of properties in Jubilee Crescent. To the west of the site is the East Coast Main Railway Line.

The vehicular access to the site is shared with the industrial estate and the residents of Hitchin Road, whom have garages and rear access for refuse collection. The road however has no pedestrian footway serving it.

The red line site area also includes a track which extends from the south east part of the site between No's 136 and 138 Hitchin Road. The track is currently used as a vehicular and pedestrian access to the rear of the adjacent properties on Hitchin Road and also provides access onto the industrial access road.

The Application:

Outline planning permission was originally granted on appeal in 2007 (06/00272/OUT) for demolition of the industrial units and erection of 43 dwellings. Whilst an illustrative layout was provided the consent only related to the principle of residential development and to the means of access, with all other matters reserved for future consideration. A renewal of that consent was granted under planning permission 10/02584 (which is still extant). A reserved matters approval was also granted under permission 11/02358 and also remains extant.

In allowing the 2006 appeal the Inspector imposed a condition to ensure that the footway was provided. The condition (15) stated that, "*No development shall take*

place until details of the proposed footway along the existing industrial estate road have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved footway has been completed". The same condition was transferred to the renewal outline permission 10/02584. The subsequent reserved matters approval (11/021358) had a different layout but with houses and an access still laid out in such a way as to make the industrial road a convenient route for future occupiers to the town and its facilities.

It is the above condition which the applicants are seeking to remove. This application proposes a minor reconfiguration of the parking layout including the removal of two parking bays directly in front of plot 7 and a parking bay to the side of plot 5. It also proposes resurfacing of the track between No's 136 and 138 Hitchin Road with bollards installed to prevent cars other than maintenance vehicles accessing the route from the new development. This route is proposed to represent the alternative to providing a footway adjacent to the industrial access road.

This current application has been revised (dwgs 02E & PL-01A) to include parking bays previously shown located outside the approved application site moved within the site. The red line has also been amended accordingly. A planning statement was submitted with the application and two further letters of correspondence have been submitted by the agents.

RELEVANT POLICIES:

National Planning Policy Framework (para 69)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

DM3 (High Quality Development)
CS14 (High Quality Development)

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

Supplementary Planning Guidance

Design Guide for Central Bedfordshire (Jan 2010)

- A guide for Development (para 6.31-6.33, 6.4.3)
- DS1 New Residential Development (para 6.04)
- DS7 Movement, streets and places (para 6.02.1- 6.02.3)

Planning History

MB/06/00272/OUT	Demolition of Industrial units and erection of 43 dwellings (all matters reserved except means of access) Refused 26th May 2006. Subsequent appeal allowed on 18th September 2007
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CB/10/02584/REN	Demolition of Industrial units and erection of 43 dwellings (matters reserved except means of access). Approved.
CB/11/02358/RM	Demolition of Industrial units and erection of 43 dwellings. Approved

**Representations:
(Parish & Neighbours)**

Arlesey Town Council	Strongly object to removal of condition 15 as it would be a flagrant contradiction to the original agreed conditions. The alternative track would not be the natural route to the village centre.
Neighbours	<p>11 letters of objection have been received, from the occupants of properties on Hitchin Road. The comments are summarised as follows:</p> <ul style="list-style-type: none"> • Use of the vehicular access between 136 and 138 for pedestrians would be dangerous given its regular use by cars • Residents of Hitchin Road use the access to get to the back of their properties • The industrial access road is not suitable to accommodate more traffic • Residents of Hitchin Road would still have to use the industrial road to access the rear of their properties • Public transport from Hitchin Road is infrequent and not a viable option. • The industrial access road would be the most direct route to the schools shops and railway station in Arlesey for future occupants of the houses

Consultations/Publicity responses

Highways & Transport Division	Recommend refusal. In the 2007 appeal the Inspector agreed with the Highway Authority that the footway along the industrial access road is necessary and could be provided through a condition. It is not uncommon for a footway to be crossed by several vehicle accesses and it is not considered that the applicant has justified removal of condition 15.
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Determining Issues

The main considerations of the application are;

1. Principle of removing condition 15.
2. Infrastructure Implications

Considerations

1. Principle of removing condition 15

The Council's Design Guide refers to matters of design and access. A Guide for Development at para 6.31 states, "the needs of all the users of the residential environment should be taken into account in the design process: children and their carers, elderly people and people with disabilities of many types. The aim should be to create as far as possible a barrier free environment". Para 6.4.3 outlines the importance of identifying barriers to walking, for example the need to cross a busy road, and land ownership.

Design Supplement 1 of the Design Guide states that "footpaths should be closely associated with carriageways. Where it may be necessary to have separate footpaths, there should be short, direct, well lit, and likely to be well used" (para 6.04).

Design Supplement 7 of the Design Guide refers to planning for pedestrians. Para 6.02.1 states that routes should be as direct as possible, safe and attractive. "Routes should follow natural "desire lines" both at the scale of junctions, across the development and how it links into the wider footway network. Routes and network should make sense to the user.....The pedestrian network should be permeable, creating high quality links for real pedestrian journeys without creating an unnecessary multitude of routes that are likely to be poorly used".

Para 6.02.2 of Design Supplement 7 says that "pedestrians should have direct routes (normally footways) to all key local destinations. These include schools, local shops, bus stops, recreation grounds and playgrounds, to village or town centres and other public facilities. The key principle is directness. Walking is relatively slow and pedestrians minimise diversion. Routes should make sense from all parts of the development by taking the shortest route as possible and following the desire lines."

Core Strategy policies DM3 and CS14 both require development to be accessible to all.

The National Planning Policy Framework (para 69) similarly advises that planning decisions should aim to ensure safe and accessible developments, containing clear and legible pedestrian routes.

The application to which this variation of condition application relates is 10/02458/OUT, which was a renewal of the 2006 outline application allowed on appeal. **Paragraph 37 of the appeal decision read:**

"Sustainability was not a reason for refusal but is an overarching matter flowing from up to date development plan and national policies. The appellants have recognised the need to encourage new residents to travel by means other than the car and the Unilateral Undertaking includes a contribution for improving the nearby bus shelter. The illustrative layout

provides a pedestrian cut through to Hitchin road but this would not be an attractive route to those living in the northern section of the new development wishing to reach the village facilities which almost all lie to the north. The industrial access road would be a more direct route but it does not have a footway and this could result in the new occupiers facing a hostile pedestrian environment or being more likely to use their cars. The appellants have offered to provide a footway and the Bedfordshire County Council as Highway Authority considers this necessary. I agree and this could be provided through a condition".

The main access road to the housing development in the indicative layout submitted with the outline application was located slightly further to the west of that in the subsequent reserved matters approval 11/02358. This application however relates to the outline approval rather than seeking a variation to the reserved matters approval. Notwithstanding that, the layout submitted with this application is based on the reserved matters approval. In any case it was still considered essential in considering the reserved matters layout to provide a safe footpath along the industrial road, as there would still be residents who would see that route as a logical and more convenient route to the village facilities. As such, the application was approved on the basis of a drawing showing a footpath leading from the site along the west side of the industrial access road, with a raised crossing area at the corner of the road where the pavement narrows, leading to an existing pavement on the east side of the road. The width of the pavement at this corner on the east side of the road was shown to be increased to 1.8m by moving back a wall.

The principles applied by the Inspector in allowing the outline appeal and the considerations of the Highways Authority and Council in approving the reserved matters application therefore still remain. This is because despite the minor changes to the parking arrangements shown in this application residents within the development would still be likely to use the shortest route to the shops, schools and train station at Arlesey, being approximately 75m shorter.

Furthermore, Highways Officers consider that the existing alley, which would be the only pedestrian access if a variation was agreed, not be appropriate, as it has a pinch point of 2.4m with very limited pedestrian/driver intervisibility at its junction with Hitchin Road. Pedestrians would have no refuge if a vehicle enters the alley, representing a highway safety issue. Furthermore the alley has no lighting to encourage use during hours of darkness.

The alley way is therefore not considered appropriate as a sole route due to its limitations in width and potential conflict with vehicles and because it would fail to discourage people from wishing to take the "desire line" to the town centre and all the facilities.

It is also relevant that the revised drawing 02E shows three parking spaces removed from that approved as part of the reserved matters application (11/02358). The relocation of the parking to other parts of the site has resulted in an illogical parking layout. For example, the parking spaces to plots 5,6,7 and 8 being would be in different places, with each of the properties served by a parking bay over 50m from the dwelling it relates. In addition the need to relocate parking has resulted in the provision of parking on previously landscaped areas, resulting in the loss off landscaping and a more cramped

layout in what would already be a high density development.

Whilst the applicants have provided for information (drawing E1606/2/A) a pedestrian footway along the industrial road which they could provide within land under their ownership, it is considered by Highways Officers that such a route would be unsafe as it does not include the widening of the footpath at the bend on the east side of the access road, as was previously considered acceptable. It is understood that the applicants do not own adequate land in this area to provide a footpath of an acceptable width. This would result in pedestrians having to walk onto the carriageway at a dangerous point close to the junction and bend at a point of poor visibility. It is accepted that the reason for this is due to land ownership issues. However when considering the appeal the Inspector allowed the principle of housing development on the basis that a safe footway could be provided along the road, and the applicants had offered to provide this. Clearly if the Inspector had been aware that a safe and direct route could not be provided then it is unlikely that the appeal would have been allowed. It is for the applicants to secure land in order to enable the provision of a suitable and safe footway.

It is for the above reasons that a suitable footpath along the industrial road must be provided for the sake of the safety of future occupiers of the development. Whilst the legal ownership issues are acknowledged it is not considered that these override the need to provide a safe pedestrian access to and from the development along the "desire line" provided by the access road, and even more so due to the constraints of the alternative pedestrian access. The principle of housing development in this location would not have been acceptable by the Inspector in allowing the original outline consent and it is not considered that anything has changed by the detail provided in this application. As such a removal of condition 15 requiring the provision of a footway is not considered acceptable.

2. Infrastructure Implications

Following the adoption on 20 February 2008 of the Planning Obligations Strategy Supplementary Planning Document, the Council requires a financial contribution for developments of one or more dwellings and therefore a unilateral agreement is required for this proposal prior to the granting of planning permission. The original outline planning permission and subsequent renewal consent to which this variation application relates was the subject of a unilateral undertaking to make provision towards local infrastructure. This application has failed to provide provision for such contributions and as such the application fails to comply with the requirements of Policy CS2 of the Core Strategy.

Recommendation

That Planning Permission be refused for the following reasons:

- 1 Without the provision of a new footpath along the industrial access road, which would for future occupiers of the approved residential development

represent the "desire line" to Arlesey town centre and to all its local facilities the route would be a hostile and unsafe pedestrian environment. The only other alternative route is not considered appropriate on its own due to its limitations in width and the potential conflict with vehicles, and also because it would not discourage people from wishing to take the "desire line" to the town centre and local facilities. The residential development approved by planning permission CB/10/02584/REN would not be acceptable without the provision of a new footway and as such the proposed removal of condition 15 of that permission is not acceptable, being contrary to policies DM3 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies. In addition, the residential development would also be contrary to the design and layout objectives set out in the Council's supplementary advice "Design in Central Bedfordshire 2010- A Guide for Development, and The National Planning Policy Framework (para 69).

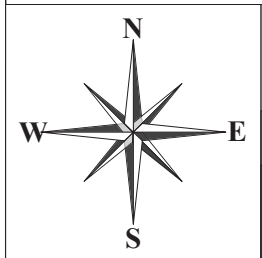
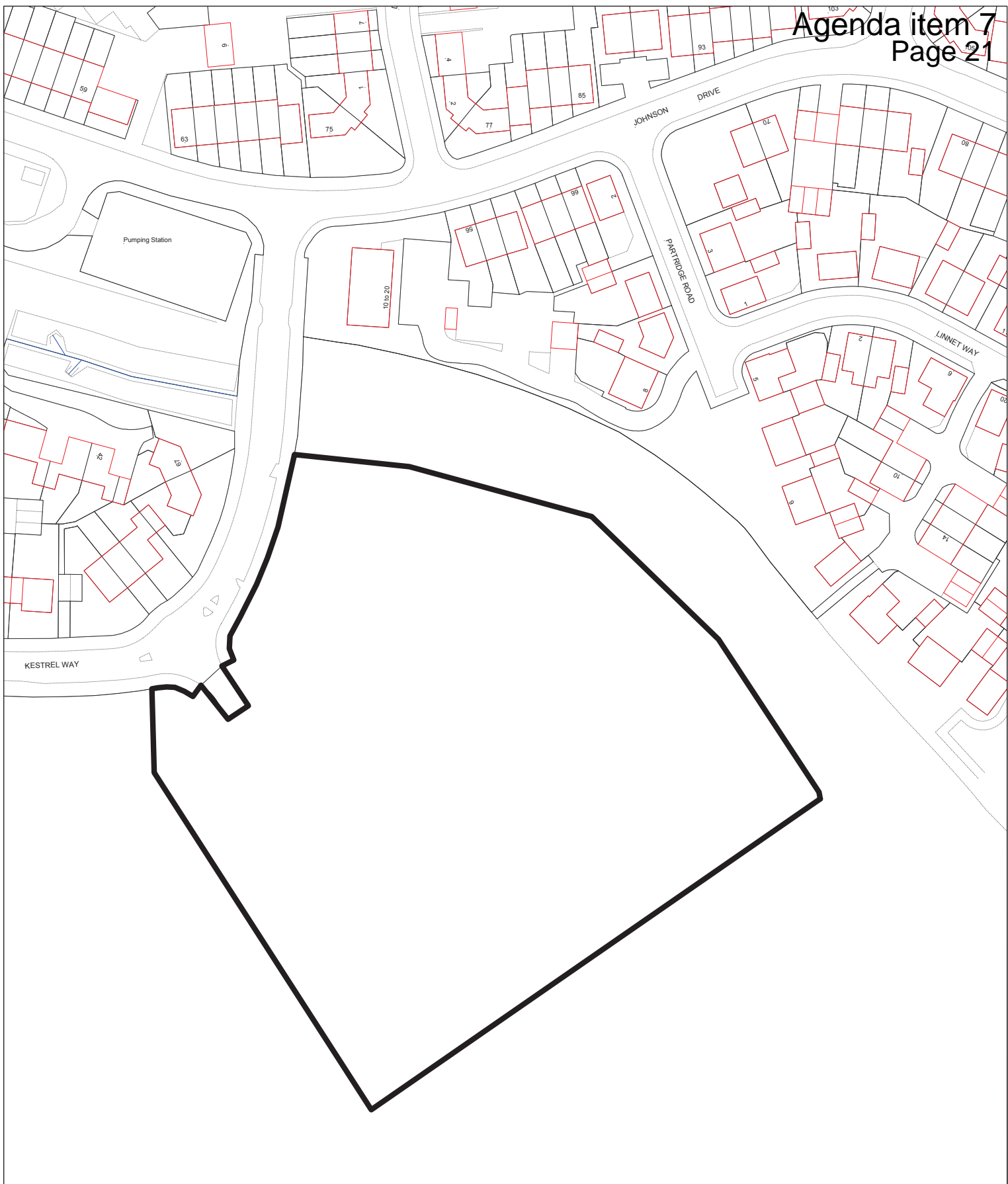
- 2 The application contains insufficient information in the form of an acceptable legal agreement to provide financial contributions towards local infrastructure. As such the proposal is contrary to policies CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008).

Notes to Applicant

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 02:October:2012
Grid Reference: 493212; 223787

Application No.
CB/12/02740/FULL

Scale: 1:1250

Leighton Linslade (Greenleas) Lower School,
Kestrel Way, Leighton Buzzard

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Item No. 7

APPLICATION NUMBER	CB/12/02740/FULL
LOCATION	Leighton Linslade (Greenleas) Lower School Kestrel Way, Leighton Buzzard
PROPOSAL	A proposed New single storey Lower School for 330 pupils providing a Nursery, Classrooms, Hall, Kitchen, Office etc. and incorporating associated external works. The school is part of a comprehensive urban extension to the south of the town known as Pratts Quarry.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Adam Davies
DATE REGISTERED	01 August 2012
EXPIRY DATE	31 October 2012
APPLICANT	Central Bedfordshire Council
AGENT	QMP
REASON FOR COMMITTEE TO DETERMINE	Call in by Ward Councillor Bowater on behalf of the Town Council in absence of "kiss and drop" lane to prevent parking issues.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site comprises a 1.3 ha parcel of land which previously formed part of Pratts Quarry on the southern boundary of Leighton Buzzard. The site forms part of the South Leighton Buzzard Urban Extension and is adjacent to the recent housing developments on Sites 15B, 15D and 15A to the north. The land to the south is Site 15C which will also be redeveloped as part of the urban extension. The land is situated to the south of Kestrel Way which runs from Billington Road to the west to Johnson Drive to the north. The land is bounded to the north east by land which will form part of a swale, providing part of the drainage infrastructure for the South Leighton Buzzard Urban Extension. The swale forms part of a Proposed Area of New Urban Open Space which also includes the lake which will be created to the south east. Outline planning permission has previously been granted for a single-storey lower school on this site as part of the outline planning permission granted at appeal in 2007 for the urban extension on Sites 15B, 15C and 15D.

The Application:

The application seeks full planning permission for a new single storey lower school for 330 pupils. The school would comprise a single building incorporating 677.5 square metres of classroom space for Years 1 to 4, Reception and Nursery along with 307 square metres of flexible teaching space, a dining hall, a music/drama hall, offices and staff facilities. The building would measure a maximum of 44.1 metres in width by 54.4 metres in depth and 7.8 metres in height. It would incorporate a variety of mono-pitched and flat-roofed elements.

The school building would be positioned on the north east side of the site, orientated to front onto Kestrel Way, to the north west. The south eastern side of the site would provide playing fields and a hard play area. A car park area is proposed to the south west of the school building which would provide a total of 39 parking spaces, two of which would be for disabled drivers. The car park would allow for service/refuse vehicles to enter the site and coaches used for school trips to park within the site. The site would be served by a single vehicular access and a single pedestrian access from Kestrel Way.

The school catchment area is the Sandhills estate and the Billington Park estate, although a number of children are expected to attend the school from outside the catchment area. The school would open from 7.00am for staff and 8.00am for working parents to allow them to drop children off at the school. The school day would start at 8.45am and end at 3.30pm for Reception to Year 4. Nursery times would be 8.45am to 11.45am and 12.30pm to 3.30pm. Pupils would be able to attend an After School Club from 3.30pm to 6.00pm. It is anticipated that there would be a high level of community lettings using the school and the site, including during normal school hours, evenings and weekends. Due to the security fencing proposed around the site and the internal zoning designed into the school for the extended services, community use would not compromise safeguarding guidance. The car park would be available to staff, school visitors, emergency vehicles and people using the school for community activities outside of school hours. There would be no access to the shared car park for parents dropping off pupils. A number of Travel Plan initiatives are proposed in order encourage parents and pupils to walk to school, make use of other sustainable transport modes, or park appropriately around the school. The application was accompanied by a School Travel Plan and a Design and Access Statement.

It is intended that works on site will commence in November 2012 so as to allow for the opening of the school in September 2013.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

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

Regional Spatial Strategy

East of England Plan (May 2008) Policies

- SS1 - Achieving Sustainable Development
- SS4 - Towns other than Key Centres and Rural Areas
- T2 - Changing Travel Behaviour
- T9 - Walking, Cycling and other Non-Motorised Transport
- T8 - Local Roads
- T14 - Parking
- ENV7 - Quality in Built Environment
- WAT4 - Flood Risk Management
- WM6 - Waste Management in Development

Milton Keynes & South Midlands Sub-Regional Strategy

Bedfordshire and Luton Policy 2(a) Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations,

T10 - Controlling Parking in New Developments

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 Policy BE8 is broadly consistent with the Framework and carries significant weight. Policy T10 carries less weight but is considered relevant to this application.

Bedfordshire & Luton Waste Local Plan 2005

W5 Management of wastes at source - Waste Audits

W6 Management of Waste of waste at source - Provision of facilities within new development.

Supplementary Planning Guidance

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

South Bedfordshire District Council - Development Brief: Southern Leighton Buzzard Extension – adopted for development control purposes, 2006.

Luton and Central Bedfordshire Core Strategy - adopted for Development Management purposes by the CBC Executive on 23.08.11.

Bedfordshire and Luton – Managing Waste in New Developments, April 2006.

CBC Local Transport Plan 3, incl. Appendix C Sustainable Modes of Travel to Schools and Colleges Strategy, 2011

Planning History

SB/OUT/03/1515	Outline permission for residential development of Site 15A (land to north) - Subject to Section 106 Agreement.
SB/TP/04/0167	Permission for construction of roads, sewers and pumping station.
SB/ARM/04/1627	Approval of Reserved Matters for 219 dwellings. (Site 15A phase one).
SB/ARM/05/1321	Approval of Reserved Matters for 330 dwellings. (Site 15A phase 2).
SB/TP/06/0865	Permission for access spine road – Granted on appeal.

SB/OUT/06/0869	Outline permission for up to 720 dwellings with site for single-storey lower school, associated play space, landscaping parking and access – Granted on appeal, Subject to Section 106 Agreement (Unilateral undertaking).
SB/TP/08/00726	Approval of reserved matters for the erection of 130 dwellings – Site 15B.
SB/TP/08/01031	Permission for the construction of a swale and related engineering works with associated landscaping – Site 15B.
CB/10/01214/FULL	Permission for the construction of a swale and related engineering works with associated landscaping – Site 15D.
CB/10/01257/RM	Withdrawn application for approval of reserved matters for the erection of 230 dwellings on part of site 15D (application for approval of reserved matters in respect of access, appearance, landscaping, layout and scale pursuant to outline planning permission SB/OUT/06 00869).
CB/10/03014/RM	Approval of reserved matters for the erection of 230 dwellings on part of site 15D (application for approval of reserved matters in respect of access, appearance, landscaping, layout and scale pursuant to outline planning permission SB/OUT/06 00869).
CB/11/01585/RM	Approval of reserved matters: access, appearance, landscaping, layout and scale for the erection of 34 dwellings pursuant to outline planning permission SB/OUT/06/00869 (Taylor Wimpey).
CB/11/01879/RM	Approval of reserved matters: access, appearance, landscaping, layout and scale for the erection of 34 dwellings pursuant to outline planning permission SB/OUT/06/00869 (Persimmon Homes).
CB/11/02261/OUT	Outline application for residential development of 75 dwellings at Land at Pulford Corner.
CB/11/02263/OUT	Withdrawn application for residential development of up to 165 dwellings at Land South of Pages Field Sports Ground.
CB/11/02264/OUT	Outline application for residential development of up to 241 dwellings at Land at Stanbrdige Road.
CB/12/00744/RM	Approval of reserved matters: access, appearance, landscaping, layout and scale relating to the erection of 50 dwellings, creation of a new vehicular access and public open space on part of Site 15C - pursuant to outline planning permission SB/OUT/06/00869. Persimmon Homes.
CB/12/00751/RM	Approval of reserved matters: access, appearance, landscaping, layout and scale relating to the erection of 55 dwellings, creation of a new vehicular access and public open space on part of Site 15C - pursuant to outline planning permission SB/OUT/06/00869. Charles Church Homes.
CB/12/00825/RM	Approval of reserved matters: access, appearance, landscaping, layout and scale relating to the erection of 115 dwellings, creation of a new vehicular access and public open space on part of Site 15C - pursuant to outline planning permission SB/OUT/06/00869. Taylor Wimpey Homes.

Minerals and Waste

BC/CM/18/1996 BC/CM/03/1574	Minerals permission for Pratts Quarry. Extension and restoration of Pratts Quarry to provide new and informal public open space and associated lake (BC/CM/03/29 refers) (Regulation 3).
BC/CM/35/2004	Minerals permission for Pratts Quarry. Subject of a Section 106 Agreement.

Representations: (Parish & Neighbours)

Town Council (28/08/12)	<p>It was noted that there was no provision for a drop-off zone and that parents would therefore be parking on the street. Although it was anticipated that three quarters of children would walk to school from nearby housing, concerns were raised about future parking issues. It was noted that it was likely that the school would open before the road was adopted by Bedfordshire Highways and therefore no enforceable parking controls or restrictions would be in place initially.</p> <p>Resolved to welcome the provision of a new lower school on Sandhills and to fully support the application, but the Town Council would ask Central Bedfordshire Council to ensure a traffic management scheme was implemented as soon as possible.</p>
Councillor Bowater (28/08/12)	If this application is recommended for approval without a "Kiss and Drop" lane to prevent the parking issues prevalent at almost all other schools then I should like to call the application in on behalf of the Town Council.
Neighbours	No. 44 Plover Road (17/08/12): In support provided adequate parking for people who cannot walk to the school, and pre and after school classes provided for the working parent.

Consultations/Publicity responses

Environment Agency (30/08/12)	<p><i>Officer Note: On the basis of the current information as submitted with the application, the Environment Agency has commented as follows:</i></p> <p>In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.</p> <p>The application lies within Flood Zone 1 defined by the Technical Guide to the National Planning Policy Framework (NPPF) as having a low probability of</p>
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flooding. However, the proposed scale of development (the application form states the site area to be 1.4 hectares) may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Footnote 20 of paragraph 103 of the NPPF requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development on this scale is proposed in such locations. A FRA is vital if the local planning authority is to make informed planning decisions. In the absence of a FRA, the flood risks resulting from the proposed development are unknown. The absence of a FRA is therefore sufficient reason in itself for a refusal of planning permission.

Our objection can be overcome by undertaking a FRA which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a FRA will not in itself result in the removal of an objection.

Additional information

The Design & Access Statement dated July 2012 (reference M5288, compiled by QMP) states that the surface water drainage from certain impermeable areas will drain to soakaways. This relates solely to tarmacadam hard play areas and new pathways – there is no information concerning other impermeable areas (e.g. roofs, car parks and roads). There is also no demonstration that ground conditions on the site are conducive to infiltration drainage. This should be investigated and confirmed if such a statement is to be made.

The “Landscaping” section states that there will be “heavy planting” around the perimeter of the site. It is strongly recommended that an easement of at least 5 metres width be allowed at the side of the site adjacent to the swale watercourse that is kept free of obstructions such as trees. This will allow essential maintenance access for the swale to continue unimpeded, which is essential to ensure the swale remains unblocked and operational in draining the site. Indeed, there is no information concerning fencing proposals to this edge of the site. Again, it is strongly urged that any necessary fencing allows an easement of 5 metres on flat ground from the top of the bank of the swale, and does not impede access.

Officer Note: At the time of drafting this report, the Planning Agent for the application is in the process of putting together a package of information, with a view to satisfactorily addressing the issues outlined above ahead of the Development Management Committee meeting. Any additional information or updated responses will be presented to Members as part of the Committee Late Sheet.

Public Protection
(04/09/12)

I do not have any objections to the proposed development. Whereas quarrying activities are taking place on the site the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use. However I would ask that if during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use. Any imported material for landscaping must be of a quality that adheres to British Standard for Topsoil BS 3882:2007, as expected by the NHBC and other bodies.

As the school will be located in a residential area any noise from fixed plant and equipment should be controlled by planning condition.

Leisure Services
(09/08/12)

No comment.

Sustainable Transport
(15/08/12 & 03/10/12)

Officer Note: On the basis of the current information as submitted with the application, Sustainable Transport has commented as follows:

The travel plan will need to be revised so that it meets the quality assurance approval criteria. I have provided some feedback that will help them with this. I would also like to see the appropriate amount of cycle/scooter parking be installed for the development as per the CBC Cycle Parking Guidance. I have some general issues regarding the application which I have outlined below which need to be addressed.

Roundabout proposal

The site plan shows a proposal to include a roundabout on Kestrel Way at the junction for the school access road. This is not a good solution for an area such as this owing to potential road safety issues and the potential for collisions with vulnerable road users. Drivers tend to only focus on the movement of other vehicles rather than the movement of pedestrians that are in the vicinity who may

be attempting to cross Kestrel Way close to the roundabout.

Anticipated parking issues

We need to ensure that the necessary highway signage is delivered in terms of school safety zone and school keep clears with necessary TRO's.

The travel plan rightly states that there is no provision for School Keep Clear markings, double yellow lines or other parking restrictions whilst the top road surface remains unlaid and also whilst the road is unadopted. A potential solution to this would be to:

a. Set down SKC markings and double yellow lines along Kestrel Way without orders placed on them. Although these would be unenforceable they would generally be adhered to and set the tone in so far as what is expected in this area.

a. With the developer's permission, advertise and enforce TRO's for the lining.

Both of these options would be more favourable than having no kind of visual traffic management.

CBC's LTP Policy states 'School Keep Clear' markings with appropriate Traffic Regulation Orders (SMoTS 6).

Speed/Perceived speed issues

The Travel plan anticipates issues with crossing points, visibility, and busy roads. These should be addressed by the developer ensuring that speeds along Kestrel Way are in the order of 20 mph. This could also be complimented by having the necessary signage and making the area a 'School Safety Zone'.

CBC transport policy states all new school developments to be situated on roads with 20mph speed limits along with measures to facilitate 20mph speeds (SMoTS 5).

Cycle Parking

The travel plan has not included a site audit of travel/transport related infrastructure and makes no reference to the amount, type or location of cycle or scooter parking at the school.

CBC transport policy states all new school developments to have cycle parking facilities for pupils, staff and visitors in-line with CBC's Cycle Parking Guidance (SMoTS 8).

Pedestrian/Cycle access facilities

It is essential that there is a separate entrance in order to facilitate pedestrian and cyclists safety. In order to avoid pedestrian and cyclist/scooter conflict it is desirable to segregate these areas to ensure safety and ease of use

which in turn will encourage use of sustainable transport modes.

CBC transport policy states all new school developments to have separate pedestrian and cycling entrances to the school site (SMoTS 7).

Travel and Transport Issues

The travel plan which accompanies the planning application already anticipates travel and transport issues. There is an opportunity now to avoid these. The issues identified could/should be conditioned for the developer to undertake in order to mitigate these foreseen issues by way of a Section 278 agreement.

Comments on points within the Travel Plan

Overall this is a poor quality travel plan. It significantly lacking in information and detail in a number of the sections that are required for a travel plan to be approved.

a. Reference is made to the school implementing a 'managed system of car parking control and signage to overcome this, until such a time as the road is adopted' (sic). What does this actually mean and entail? Further detail needs to be provided.

a. Showering facilities are provided which is positive however these are located in the second block which is away from staff room and admin facilities. Surely it would be better and gain more chance of use if the shower room was co-located with the staff facilities.

a. The 'Stepping Out safely' and Passport for Life schemes identified are now obsolete. These have been replaced with 'Street Safe' and 'Street Feet' schemes.

a. Reference is made to a 'management plan' that the school will implement and speak directly to drivers who park in the vicinity. What this actually entails and how it will be operated should be further explained and the plan included as an annexe to the travel plan.

a. The plan refers to 'accompanied walks' to school. It is unclear what is meant by this (walking bus/informal walking promotion?) and needs clarification as to the detail of the scheme and how it is envisaged that it will be operated.

a. The plan mentions signage on the school fence. Again further detail should be included within the travel plan about this.

a. The travel plan states that parents will be able to use the car park on site before 8.50 am. I would strongly suggest that this is amended to an earlier time(0830 ?) otherwise there is a danger that vehicles will be encouraged onto the school site at times of peak pedestrian, cyclist and vehicle activity. This needs to be

addressed prior to the occupation of the school as a policy such as this will be significantly more difficult to amend retrospectively once people have started to make decisions about how and when to travel to school.

a. Although at this stage it is not possible to have gathered detailed survey information of pupils/parents, staff and local residents, an explanation as to this should be included and a date set whereby these surveys will be undertaken. These should also be recorded in the action plan section of the travel plan.

a. The travel plan is incomplete. There needs to be further information provided as to objectives and targets; details of proposed measures; a detailed timetable for implementation; clearly defined responsibilities; evidence of consultation (or at least who this will include and when this will be done); proposals for monitoring and review and signoff by the senior leadership team and school governors.

Allocated on and off-site areas for set down and picking up

As part of the development of Central Bedfordshire's Transport Policy with regard to schools much deliberation was taken over the usefulness of allocated areas 'drop-off' points for schools both on and off school sites. Following observations and having the input of schools where these have previously been implemented allocated set-down and pick-up areas were dismissed as a measure which should be included as a Central Bedfordshire transport policy.

Set down and pick up areas rarely work in practice, the reasons for this are:

- Parents of lower school pupils prefer to accompany their children into the playground.
- Schools actively encourage parents to come into the playground to see their children into school as this is a particularly valuable time and interactivity opportunity between school staff and parents. This has further pastoral benefits which are essential to the way a good lower school functions.
- As such a drop-off area for setting down pupils merely functions as a car park for a limited number of parents.
- Drop off lay-bys outside the school grounds often serve as general public parking which further limits any usefulness.
- This has consequential effects such as encouraging parents to arrive earlier in order to compete for an available parking spaces.
- Drop-off areas both inside and outside of school

grounds and this type of general encouragement and provision of car travel to schools serve to increase localised congestion at a time when there are high levels of pedestrians of a particularly young age in the vicinity. This poses significant risks in terms of the road safety of vulnerable people on the public highway.

- This type of measure merely serves to advocate car travel for the journey to school. This is contrary to Central Bedfordshire policy and our statutory duty to promote sustainable travel for journeys to, from and between schools (Education Act, 2006).
- A measure such as this advocates and develops a car culture for the school journey where instead for sustainability, congestion, health, air-quality and road safety reasons encouragement should be given to active and sustainable modes of travelling to school.
- Where set-down and pick up areas have been allocated at other schools the poor performance and lack of practicality of these features has led to the school having to retrospectively manage the car parking on the school site. More often than not this means closing the parking and set down areas to parents and controlling access to the car park. (Case examples: Eaton Bray Academy, Maple Tree Lower, Roecroft Academy, Fairfield Park Lower, St John Rigby Lower).
- These type of measures are contrary to NHS Bedfordshire's public health messages which seek to encourage active travel in an effort to combat childhood obesity and the related diseases.

For these reasons I would strongly advise that set down and pick up areas are not implemented as a requirement for this application and more generally for all school planning applications in Central Bedfordshire.

Officer Note: At the time of drafting this report, Sustainable Transport are engaged in discussions with CBC Education and the Planning Agent for the application with a view to satisfactorily addressing the issues outlined above ahead of the Development Management Committee meeting. Any additional information or updated responses will be presented to Members as part of the Committee Late Sheet.

Highways (07/09/12)

Highlights need for control over Kestrel Way; drop-off points for pupils; rear access/shortcut to site via swale bridge; and school keep clear markings. Recommends conditions to secure improvements to road junction with Kestrel Way; control gradient of vehicular access;

position of gates relative to highway; surfacing of vehicular areas; adequate cycle storage; wheel cleaning facilities during construction; parking provision for construction workers; parent drop-off facilities for 10 cars within the site and 10 cars within the highway network; implementation of agreed Travel Plan; and appropriate informatives.

Conservation and
Design Officer
(20/08/12)

No objection, assuming that built quality will be assured through the prior agreement of constructional materials and finishes, and secured by condition accordingly.

Tree and Landscape
Officer (17/08/12)

I agree with the landscape design aspirations for soft landscaping, as detailed in the Design and Access Statement and as indicated as such on the proposed site plan. In this respect a standard landscaping condition should be imposed to secure the desired planting so desperately needed on this bland landscape, which is surrounded by high density housing where restricted open space has provided little opportunity for effective landscaping.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Design considerations
3. Parking, access and highways considerations
4. Flood risk and drainage

Considerations

1. Principle of development

Outline planning permission has previously been granted for a single-storey lower school on this site as part of the outline planning permission granted at appeal in 2007 for the urban extension on Sites 15B, 15C and 15D. The outline planning permission therefore established the principle of the development as acceptable, subject to Section 106 obligations. The development of these sites is subject to a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) which requires payment of education contributions. These contributions have secured a proportion of the costs involved with the purchase of the application site, which is now within the ownership of Central Bedfordshire Council and the construction of the new lower school.

2. Design considerations

The school building would be positioned on the north east side of the site, orientated to front onto Kestrel Way, to the north west. It would incorporate a variety of mono-pitched and flat-roofed elements with a mixture of external render and facing brickwork. This would serve to break-up the visual bulk and mass of the building. Given the scale, footprint and roof form of the proposed school building and the layout of the site, the proposed lower school would serve

as a visual counterpoint to the surrounding residential development and, to an extent, would provide a landmark building within the larger residential estate.

As part of the public open space proposals surrounding the lake area, it is intended that a pedestrian/cycle bridge will be provided over the drainage swale which bounds the site along its north eastern boundary. The bridge would be provided and maintained by Central Bedfordshire Council using public monies secured as part of the residential development on Site 15. The current proposal would not compromise the provision of this footbridge which would connect the public access routes on either side of the swale and could, in future, provide a pedestrian/cycle route into the rear of the school site.

Subject to the appropriate planning conditions to secure the necessary soft landscaping; control the materials to be used in the external construction of the school building; and secure the erection of suitable boundary enclosures, it is not considered that the proposal would be detrimental to the character or appearance of the locality.

As the proposed lower school would be located within a residential area, Public Protection has advised that any noise from fixed plant or equipment should be controlled by planning condition so as to avoid any disturbance to neighbouring residents. It is also considered necessary to control the lighting of the site for the same reason.

3. Parking, access and highways considerations

The application proposes a range of Travel Plan initiatives to encourage sustainable modes of transport in order to reduce the use of the private car for trips to and from the school. However, notwithstanding the local catchment area of the school, it is acknowledged within the application that there will be a number of children who are driven to school for a variety of reasons. The application site is located within a residential area where there is presently on-street parking. It is understood that parking provision and on-street parking in general has been an ongoing concern locally along Kestrel Way and within the wider residential area and any future development should not add unnecessarily to these concerns. As such it is essential that a suitable school travel plan is achieved and the parking arrangements for the site are subject to suitable management and controls.

The proposal incorporates a separate cycle/pedestrian access from Kestrel Way as required by Sustainable Transport. The scheme would not compromise the future provision of a rear access to the school for pedestrians and cyclists via the footbridge which is to be provided across the drainage swale, near the south east corner of the site. Arrangements for suitable cycle parking could be secured by planning condition.

However the comments of Sustainable Transport and Highways highlight a number of significant concerns which will need to be addressed in order to achieve a scheme which can be considered acceptable in highways terms. On the basis of the current information as submitted with the application, the submitted Travel Plan is considered incomplete. There is a need for further information regarding objectives and targets; details of proposed measures; a detailed timetable for implementation; clearly defined responsibilities; evidence

of or a timeframe for consultation; and proposals for the monitoring, review and signoff of the Travel Plan by the senior leadership team and school governors. In particular the School Travel Plan requires further detail on the management of parent parking around the site and within the shared car park, including appropriate on-site signage. Further clarification is needed to explain how the proposed 'accompanied walks' to school would operate in practice. The Travel Plan should include a timeframe for providing survey information on the travel behaviour of pupils/parents, staff and local residents. It is considered that a revision to the Travel Plan could be secured by planning condition.

Sustainable Transport considers that the mini-roundabout shown at the site access is not suitable given the potential road safety issues in this location. However it should be noted that the roundabout layout already exists and is in accordance with the agreed layout which has been considered to be acceptable by CBC Highways, subject to Section 38 Highways Agreement. Any revision to the road layout would therefore likely be the responsibility of Central Bedfordshire Council. In this case, school keep clear markings, double yellow lines or other parking restrictions, and measures to reduce vehicle speeds along Kestrel Way to around 20 mph are needed. Kestrel Way does not form part of the application site and is outside of the control of Central Bedfordshire Council. The road has not yet been adopted. Given the potential for damage to the road caused by construction vehicles, Kestrel Way is unlikely to be brought up to an adoptable standard of construction and finish and offered for adoption until the substantial completion of the surrounding residential development on Sites 15C and 15D which would likely be a significant time beyond completion and occupation of the school site itself. As such the required highway works could not be secured by planning condition or Highways Agreement.

Whilst any highway controls or markings installed before the adoption of the road would not be enforceable, it would be possible to secure the required highway markings and signage by way of a Section 106 Legal Agreement between Central Bedfordshire Council, as the applicant and Arnold White Estates, the adjoining landowner. Given that the initial occupation of the school would take place on a phased basis and would not be at full capacity for some time, this is considered an acceptable intermediate measure, prior to the adoption of Kestrel Way allowing for enforceable highway controls. Officers have approached Arnold White Estates to discuss how they may be able to assist in ensuring that the necessary highway works could be delivered and Arnold White Estates have confirmed the above approach in principle and their willingness to discuss these matters with Officers. As noted, it is necessary for works on site to commence in November 2012 so as to allow for the opening of the school in September 2013. As such, it is necessary for the application to be referred to Development Management Committee on 17th October 2012. Any additional information or updated responses will be presented to Members as part of the Committee Late Sheet.

CBC Highways consider that it would also be necessary to secure pupil drop-off facilities for 10 cars within the site and 10 cars within the highway network. Given that CBC has no control over Kestrel Way, drop-off facilities within the highway cannot currently be achieved by condition as recommended by Highways. Notwithstanding this, the provision of drop-off facilities would run contrary to the parking and access strategy for the school which has been

developed in line with Central Bedfordshire Council's own Local Transport Plan 3 (LTP), including Appendix C which sets out the Council's Sustainable Modes of Travel to Schools and Colleges Strategy (SMoTS). Sustainable Transport has advised that the provision of pupil drop-off facilities were dismissed as a measure which should be included as a Central Bedfordshire transport policy as it is considered that this advocates a car culture for the school journeys whereas encouragement should be given to active and sustainable modes of travel in line with the authority's statutory duty to promote sustainable travel for journeys to, from and between schools (Education Act, 2006). It is also stated that there are various practical reasons why this type of approach has not been an effective solution for other schools and a number of local examples have been provided.

Whilst the Council's LTP and SMoTS Policies do not form part of the Development Plan, they set out Council-wide travel policies for schools which have been recently adopted in 2011. Accordingly it is considered to carry significant weight in the consideration of parking, access and highways matters for this application. Therefore, subject to the submission of a revised Travel Plan, which can be secured by planning condition, various planning conditions as recommended by CBC Highways and the completion of a Section 106 Legal Agreement to secure the required highways markings and signage, no objection is raised in terms of the proposed parking and access arrangements.

4. Flood risk and drainage

The proposal would not encroach on the swale land to the north east of the site or restrict the permitted public or maintenance access routes for the swale which were considered acceptable by the Environment Agency.

The site is located within Flood Zone 1 and therefore is considered to have a low probability of flooding. However, given the scale of the development, the proposal could present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. A Flood Risk Assessment (FRA) is therefore required in order to make informed planning decisions relating to flooding and drainage. Although, the application was not originally accompanied by a FRA, the Planning Agent for the application has recently submitted a Site Specific Flood Risk Assessment following Officers' request for this information. The submitted FRA seeks to demonstrate that the school site is at a low risk of flooding and, with design and construction of a private drainage system on site, the proposal would not increase the risk of flooding elsewhere. At the time of drafting this report, the Environment Agency has not confirmed that the submitted FRA is satisfactory. Given the limited timeframe for the commencement of works on site and the opening of the school, it is necessary for the application to be referred to Development Management Committee ahead of the Environment Agency's confirmation that the submitted FRA is acceptable. Any additional information or updated responses will be presented to Members as part of the Committee Late Sheet.

Recommendation

That subject to the completion of a prior Section 106 Agreement to provide for appropriate travel management matters, that the Head of Development Management be authorised to GRANT Planning Permission subject to the following:

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

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

- 2 Prior to the commencement of works relating to the construction of the school building, details of the materials to be used for the external walls and roofs of the school building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect, as far as possible the character of the locality.
(Policy BE8 S.B.L.P.R).

- 3 Prior to the initial public opening and use of the school site, details of the boundary fencing to enclose the school site shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall then be installed in accordance with the approved details prior to the initial public opening and use of the school site.

Reason: To protect, as far as possible the character of the locality.
(Policy BE8 S.B.L.P.R).

- 4 Prior to the initial public opening and use of the school site, a landscaping scheme 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 initial public opening and use of the school site (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

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

- 5 All external plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.

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

- 6 Prior to the initial public opening and use of the school site, a scheme for the installation of external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the

new lighting does not give rise to light spill into neighbouring dwellings and gardens. The scheme shall thereafter be carried out, completed and retained in accordance with the approved details prior to the initial public opening and use of the school site. No alterations to the external lighting scheme for the site shall take place without the prior written approval of the Local Planning Authority.

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

- 7 **Development shall not begin until details of the improvements to the junction of the proposed vehicular access with Kestrel Way 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.

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

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

- 9 Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

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

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

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

- 11 Prior to the initial public opening and use of the school site, details of secure cycle storage for residents and cycle parking for visitors shall be submitted to and approved in writing by the Local Planning Authority and the school building shall not be occupied until the approved storage and parking has been constructed in accordance with the approved details.

Reason: In order to promote sustainable modes of transport.

- 12 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once construction works have been completed to the satisfaction of the Local Planning**

Authority.

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

- 13 **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.

- 14 Prior to the initial public opening and use of the school site, a School Travel Plan shall be prepared, submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:
- a. plans for the establishment of a working group involving the School, parents and representatives of the local community
 - b. pupil travel patterns and barriers to sustainable travel
 - c. measures to encourage and promote sustainable travel and transport for journeys to and from school
 - d. an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review

All measures agreed therein shall be undertaken in accordance with the approved plan. Approval of the Travel Plan is also conditional upon Steps 1 to 5 being completed on our online management tool 'iOnTravel' prior to the initial public opening and use of the school site, with the results reviewed on an annual basis and further recommendations for improvements submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M5288/A/001.P0; M52888/A/010.B; M5288/A/101.B; M5288/A/107.B; M5288/A/120.C; and M5288/A/130.A.

Reason: For the avoidance of doubt.

Reasons for Granting

The principle of the development has previously been established as acceptable with the grant of the outline planning permission in 2007 for the development on Sites 15B, 15C and 15D. Subject to the completion of a prior Section 106 Agreement to provide for appropriate travel management matters, the development is considered acceptable in terms of the proposed parking and access arrangements. The proposal would not be detrimental to the character or appearance of the locality or the amenities of neighbouring residents and is in

conformity with the development plan policies comprising the East of England Plan (May 2008), the Milton Keynes & South Midlands Sub-Regional Strategy, the Bedfordshire Structure Plan 2011, the South Bedfordshire Local Plan Review, the Bedfordshire & Luton Waste Local Plan 2005, and national advice contained in the National Planning Policy Framework.

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.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford, MK42 9BD.

DECISION

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Item No. 8

APPLICATION NUMBER	CB/12/02693/FULL
LOCATION	1 Ashton Square, Dunstable, LU6 3SN
PROPOSAL	Change of use to A2 to accommodate a CBC-funded Active Travel Office
PARISH	Dunstable
WARD	Dunstable Central
WARD COUNCILLORS	Cllr Mrs Hegley
CASE OFFICER	Adam Davies
DATE REGISTERED	30 July 2012
EXPIRY DATE	24 September 2012
APPLICANT	Central Bedfordshire Council
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Outside scheme of delegation
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application property is one of a parade of commercial units fronting onto Ashton Square. The ground floor unit which is the subject of this application is currently vacant but was previously used as a dry cleaners/laundrette. The site is located within the Main Shopping Area and forms part of the Dunstable Conservation Area as defined on the Proposals Map of the South Bedfordshire Local Plan Review.

The Application:

Planning permission is sought for the change of use of the ground floor unit to provide an Active Travel Office providing a local travel advice and information service to the public. The service would also allow the public to arrange bike loans and health checks and purchase maps and bicycle accessories. The Active Travel Office would be funded by Central Bedfordshire Council. It is intended that the Active Travel Office would operate for a temporary period until March 2015.

RELEVANT POLICIES:

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

**Regional Spatial Strategy
East of England Plan (May 2008) Policies**
SS1 - Achieving Sustainable Development
SS4 - Towns other than Key Centres and Rural Areas
SS6 - City and Town Centres
T2 - Changing Travel Behaviour

T9 - Walking, Cycling and other Non-Motorised Transport
T13 - Public Transport Accessibility
ENV6 - The Historic Environment

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
TCS2 - Main Shopping Areas

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. The above policies are considered broadly consistent with the Framework and carry significant weight.

Supplementary Planning Guidance

Design in Central Bedfordshire - A Guide for Development

Luton and Central Bedfordshire Core Strategy - adopted for Development Management purposes by the CBC Executive

Dunstable Town Centre Masterplan - May 2011

Planning History

None relevant.

Representations: (Parish & Neighbours)

Town Council	No objection.
Neighbours	None received.

Consultations/Publicity responses

Conservation and Design Officer	No objection. Associated signage will need to be controlled as appropriate to a Conservation Area setting, in accordance with Central Bedfordshire design guidance.
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Determining Issues

The main considerations of the application are;

1. Principle of development and impact upon Main Shopping Area
2. Impact upon character and amenities
3. Other matters

Considerations

1. **Principle of development and impact upon Main Shopping Area**
The application site is located in a Main Shopping Area and forms part of the

Dunstable Conservation Area. The primary function of the proposed Active Travel Office would be to provide a local travel advice and information service to the public, thereby encouraging the use of sustainable transport modes. The promotion of sustainable transport is one of the core planning principles embodied within the National Planning Policy Framework, published March 2012. Additionally, East of England Plan Policy T2 seeks to bring about a significant change in travel behaviour, through encouraging a shift towards greater use of sustainable modes, raising awareness of the benefits and availability of sustainable alternatives and raising awareness of the health benefits of travel by non-motorised modes. The Luton and Central Bedfordshire Core Strategy, adopted for Development Management purposes by the CBC Executive in August 2011, also seeks to encourage the promotion of sustainable transport modes. This broad objective is also reflected within the emerging Development Strategy for Central Bedfordshire. Accordingly favourable consideration should be given to the proposal.

Saved Policy TCS2 of the South Bedfordshire Local Plan Review states that, within Main Shopping Centres, changes of use for non-retail purposes at ground floor level will only be permitted where the Local Planning Authority is satisfied that the vitality and viability of the town centre will be sustained and enhanced. The proposed Active Travel Office would offer a number of items for sale to the public, but would not constitute a Use Class A1 use in terms of the Town and Country Planning (Use Classes) Order 1987. Nonetheless it would have a level of customer attraction comparable to a Use Class A1 retail unit. The previous use of the property as a dry cleaners/laundrette would constitute a Sui Generis Use and therefore the proposal would not result in the loss of an existing A1 use. The shopping frontage in which the property is located would remain predominantly within Class A1 as more than 50% of the frontage would still be made up of retail units. If planning permission were granted for the proposed use, and the permission were implemented, the planning legislation would allow for the use of the property as an Use Class A1 shop without the need for a new planning application. It is considered that the proposed use would be compatible with the functions of the Main Shopping Area in which it would be located and would not compromise the long term planning objectives for the shopping area. It would also positively enhance the attractiveness of the town centre by extending the range of facilities offered and would provide a new use for a vacant unit. This would be to the benefit of the vitality and viability of the town centre. The proposal is therefore in conformity with Policy TCS2 and no objections are raised in terms of the impact upon the Main Shopping Area.

The site also falls within the area subject to the Dunstable Town Centre Masterplan which sets out the Council's vision for Dunstable and how this will be achieved by regenerating the town centre over the next 10 to 15 years. The application property is located within one of the key areas of change for the town centre where a retail and residential marionette scheme along West Street and Middle Row, a new car park and improved public spaces are envisioned. The Masterplan seeks to encourage a balanced mix of shops, restaurants, cafes and other services falling within Use Classes A1-A4 where appropriate. The proposal would not compromise the specific proposals for this area or the town centre in general and is considered to be in conformity with the Masterplan.

2. Impact upon character and amenities

No physical changes are proposed to the property. Any new signage which may be required would be subject to planning control under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Given the nature of the proposed use and its location within the Main Shopping Area, it is not considered that the proposed use would be harmful to the character or appearance of the Conservation Area or adversely affect the amenities of any neighbouring residents.

3. Other matters

Whilst it is intended that the Active Travel Office would operate for a temporary period until March 2015, given that the proposal is considered acceptable in terms of the impact upon the Main Shopping Area and town centre, the Conservation Area and neighbour amenities, it is not considered that a temporary planning permission is appropriate in this instance.

Recommendation

That Planning Permission be GRANTED subject to the following:

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

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

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

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed use would be beneficial to the vitality and viability of the Main Shopping Area in which it would be located and would not compromise the long term objectives for the town centre, having regard to saved Policy TCS2 of the South Bedfordshire Local Plan Review and the Dunstable Town Centre Masterplan. The proposed use would also promote sustainable transport in line with the core planning principles embodied within the National Planning Policy Framework, the East of England Plan and the endorsed Luton and Central Bedfordshire Core Strategy. The proposal would not be detrimental to the character or appearance of the Dunstable Conservation Area or the amenities of any neighbouring residents and is therefore also in conformity with Policies SS1, SS4, SS6 and ENV6 of the East of England Plan (May 2008) and Policy BE8 of the South Bedfordshire Local Plan Review 2004.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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Item No. 9

APPLICATION NUMBER	CB/12/02561/FULL
LOCATION	Land at 28 The Avenue, Sandy, SG19 1ER
PROPOSAL	Erection of bungalow following demolition of existing outbuilding
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllrs Aldis, Maudlin & Sheppard
CASE OFFICER	Samantha Boyd
DATE REGISTERED	17 August 2012
EXPIRY DATE	12 October 2012
APPLICANT	Mr Taheri
AGENT	Mr Beaty
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in. Cllr Aldis - reason - Neighbours on two sides are concerned about the impact on the proposed dwelling on their garden amenity.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is the former rear garden of No.28 The Avenue. Now separated from No. 28, the site is screened by fencing and remains open to the eastern boundary where it adjoins the public highway. On the rear boundary there is a single storey brick building and an attached open sided covered store. The site is grassed with building materials stored on the site. The area is residential in nature with a variety of two storey house design and age.

The Application:

Planning permission is sought for the erection of a bungalow on land to the rear of No 28 The Avenue.

RELEVANT POLICIES:

National Planning Policy Framework

Regional Spatial Strategy

East of England Plan (May 2008)

Core Strategy and Development Management Policies - North 2009

CS14, DM3 High Quality Development

CS2 Developer Contributions

DM4 Development Within and Beyond the Settlement Envelope

Supplementary Planning Guidance

Design in Central Bedfordshire A Guide for Development

Planning History

There is no planning history

Representations: (Parish & Neighbours)

Sandy Town Council	Support proposal in principle however expressed concerns over the orientation of the building as left little room around the proposed development and had an impact on the street scene.
Neighbours	Three letters of objection received, two from the same property- concerns regarding loss of light to garden, loss of privacy, potential to add dormers at a later date, concern over narrow passage to rear of property, building should be sited in position of existing stable block. One letter of support - will enhance this neglected corner of The Avenue.

Consultations/Publicity responses

Highways	No objections subject to conditions
Tree and Landscape	Lime trees adjacent to site need protecting.
Ecology	No comments received

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The effect on the character and appearance of the area
3. The impact on neighbouring amenities
4. Highway considerations
5. Any other issues

Considerations

1. The principle of the development

The application site is located within the Settlement Envelope of Sandy where new residential development is considered acceptable in principle.

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

The proposed bungalow is to be located in what was once the rear garden of No

28. The plot has been subdivided into an 'L' shaped area with 1.8m fencing that now encloses the smaller rear garden of the existing dwelling. The western corner of the site, along the rear boundary, currently houses a single storey height brick barn with a red pantile roof. Attached to the barn there is a covered wood store. It is clear from its appearance that the barn has been unused for some time.

The bungalow would be sited parallel to the northern boundary that also forms the side boundary of the rear garden to No 26 The Avenue. It would have a width of approximately 12.5m and a depth of 6m, an eaves height of 2.3m and a ridge height of 4m. To the front of the dwelling there would be a small gable projection to break up the otherwise plain elevation.

The dwelling has a footprint of approximately 70 sq m, approximately 25% of the overall site area which is 283 sq m. The private garden area which is south facing totals around 64 sq m which is considered to be adequate for a small two bedroom bungalow. The Councils Supplementary Planning Guidance states that rear gardens for family houses should be on average be no less than 50 sq m. Smaller gardens should be orientated to receive afternoon sunlight. The proposal is therefore not considered to result in an inappropriate cramped form of development.

The site is fairly secluded from the street scene given that this part of The Avenue is a not a through road. The application site is along a single track of public highway that serves No 30, 32 and the former garden area of No .28.

The proposal is not considered to have a detrimental impact on the character of the area given its low height and its location at the end of street. The proposal therefore complies with Policy DM3 of the Core Strategy and Development Management Policies Document.

3. The impact on neighbouring amenities

Concern has been raised from neighbours regarding the proposal.

No. 26 The Avenue shares its rear garden boundary with the application site. The proposed dwelling would be sited approximately 1.5m in from the existing 1.8m boundary fence and would extend 12m along the boundary at single storey level with an eaves height of 2.3m. The building is located to the south of the garden of no. 26, however given its low height any overshadowing would be to the far end of the garden. It is also noted that the existing building on the site, although smaller, is sited closer to the boundary and orientated so that the gable end is facing this neighbours garden therefore some shadowing already exists in this part of the garden.

One bedroom window is proposed in the east elevation facing towards No.s 28 and 26 The Avenue, however the window is at single storey level and the site is screened with a 1.8m fence. Given that the window is at single storey level, it is not considered that an adverse loss of privacy from overlooking windows.

Properties to the rear in Birch Grove, whose rear garden boundaries back onto the application site are approximately 10m from the site boundary. The

principle property affected is No. 8 (marked incorrectly on the block plan as No. 9). The gable end of the bungalow would be located directly behind the rear garden fence of this property, however it is considered to have less impact than the existing building on the site that abuts the boundary. One living room window is proposed in the west elevation which again is single storey and would face onto the boundary fence however as this is a secondary window with no view, the window could be obscurely glazed providing privacy for the new occupants and the properties to the rear.

The subdivision of the site for residential purposes is not considered to result in an adverse impact on the amenities of the adjoining neighbouring properties.

4. Highway considerations

The information submitted with the application shows the section of The Avenue alongside the property is public highway up to and including the access to No. 30.

Two parking spaces are provided to serve the proposed dwelling and two spaces exist on the frontage of No 28 to serve the existing dwelling. The parking provision is considered acceptable and accords with advice given in the Supplementary Planning Guidance: Design Supplement 7, Movement Streets and Places.

There are no objections from the Development Management Highways Officer provided conditions are attached relating to details of the junction with the public highway and surfacing of parking areas.

5. Any other issues

Trees

The only feature of importance on the site is a mature lime tree identified as T3, with a stem diameter approximately 600mm which would relate to a tree protection distance of 7.2 metres. This tree is approximately 12 metres in height with a fairly spreading but high main canopy.

There is extensive epicormic growth that could be removed from the main stem which would lift the canopy and allow more light and space. The work would be required on a regular basis. This tree and the other two smaller Lime trees on adjoining land are to the south of the proposed property and as such it is likely that there will be some shading, leaf fall and light issues.

The proposed footprint of the building would appear to be around 7 metres from the existing T3 which provided care and protective fencing is erected in accordance with BS 5837 2012 should have minimal effect on the health of the tree.

Details would be required of all hard and soft landscaping proposed including detail of any proposed hard surface in the vicinity of the T3 and it is suggested that no hard landscaping or level changes within 7 metres of the base of this

tree are included.

All new services and soakaways are to avoid the root protection area of T3.

Contributions

The proposal qualifies for contributions towards local infrastructure under the Planning Obligation Strategy and Policy CS2 of the Core Strategy and Development Management Policies. A Unilateral Undertaking has been submitted by the owner and is waiting approval by the Council's Solicitors.

Recommendation

That Planning Permission be granted subject to the following:

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

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

- 2 **NO development shall commence until a scheme has been submitted and approved in writing by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

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

- 3 **No development shall commence until details of the final ground and slab levels of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

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

- 4 **No development shall commence until full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **materials to be used for any hard surfacing, including the parking area surfacing;**
- **proposed and existing functional services above and below ground**

level;

- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 6 **No development shall commence until details of the junction of the proposed vehicular access with the highway have been approved in writing by the Local Planning Authority and the dwelling shall not 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.

- 7 **No development shall commence until details including location, height and materials of temporary protective fencing or hoardings and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree protection in accordance with BS 5837 2012 have been submitted to and approved in writing by the Local Planning Authority and implemented as approved throughout the construction period.**

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

- 8 The dwelling hereby permitted shall not exceed one storey in height and there shall be no accommodation within the roof space.

Reason: To ensure that the site is not overdeveloped and that the amenities of the adjacent occupiers are not adversely affected.

- 9 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 development falling within classes A, B, C and E of Part 1 of Schedule 2 of the said order shall be carried out without the written permission of the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 10 The ground floor window in the west elevation of the development hereby permitted shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 11.21.10, 11.21.10smap.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed single storey dwelling would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, the proposal is in conformity with Policies CS14, DM4 and DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Guidance: Design in Central Bedfordshire: A Guide for Development, 2010.

Notes to Applicant

- 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 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

The applicant is advised that the requirements of the New Roads and Street

Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.

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