

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 21 November 2012

### PRESENT

Cllr A Shadbolt (Chairman)\*\*  
Cllr K C Matthews (Vice-Chairman)\*\*

Cllrs	P N Aldis**	Cllrs	Mrs R J Drinkwater**
	A R Bastable**		Mrs R B Gammons**
	R D Berry**		D Jones
	M C Blair**		T Nicols**
	D Bowater**		I Shingler**
	A D Brown		J N Young
	I Dalgarno		

Apologies for Absence: Cllrs Mrs C F Chapman MBE  
Mrs S Clark  
Ms C Maudlin

Substitutes: Cllrs L Birt (In place of Cllr Ms C Maudlin)\*\*  
Mrs D B Gurney (In place of Cllr Mrs S Clark)  
R W Johnstone (In place of Cllr Mrs C F Chapman MBE)

Members in Attendance: Cllrs P A Duckett  
N J Sheppard,

Officers in Attendance:	Mrs M Clampitt	Committee Services Officer
	Mrs N Darcy	Planning Officer
	Mr A Davie	Head of Development Management
	Mr J Ellis	Planning Manager West
	Mr A Emerton	Managing Solicitor Planning, Property, Highways & Transportation
	Miss A Gammell	Senior Planning Officer
	Mr D Hale	Planning Manager South
	Mr D Lamb	Planning Manager East
	Mr N Smith	Senior Planning Officer

### DM/12/280 **Chairman's Announcements**

The Chairman reminded Councillors and Members of the public to silence their mobile phones for the duration of the meeting.

The Chairman advised that it was his intention to vary the order of business so that item 12 - Twin Acres, Hitchin Road, Arlesey would be considered first and the remainder of the agenda would be considered in order.

Subject to declarable interests all Members of the Committee have the right to vote on all matters of business considered by the Committee.

Rule No. 13.5.5 of the Constitution states that Members do not vote or take part in the meeting's discussions on a proposal unless they have been present to hear the entire debate, including the officer's introduction to the matter.

The Chairman, under Part E3 paragraph 9.2 has a second or casting vote should there be equal numbers of votes for and against an item. This provision makes it quite clear that the Chairman is entitled to vote on any item of business. There is no restriction or limitation on how the second or casting vote should be exercised nor is there a requirement that the right be exercised at all.

DM/12/281 **Minutes**

**RESOLVED**

**that the Minutes of the meeting of the Development Management Committee held on the 17 October 2012 be confirmed and signed by the Chairman as a correct record.**

DM/12/282 **Members' Interests**

(a) **Pecuniary Interests:-**

<b>Member</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
All members of the Committee	All items	Received correspondence from external sources	Present
Cllr D Bowater	18	Leader of Leighton Linlode Town Council, which will benefit from S106	Present
Cllrs T Nicols, A Shadbolt, R Berry, Mrs R Gammons, D Jones, I Shingler and N Young	6 and 7	Know conservation expert for applicant as former SBDC employee	Present
Cllr I Shingler	6	Knows the agent	Present
Cllr K C Matthews	18	Knows a speaker	Present

Cllrs N Aldis, A Bastable, A Brown, I Dalgarno, Mrs R Drinkwater, L Birt, Mrs D Gurney	12 and 13	Know a speaker as former MBDC Councillor	Present
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(b) **Non Pecuniary Interests:-**

<b>Member</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr M Blair	8	Withdrawing as voted at Amphill Town Council	Absent

(c) **Prior Local Council Consideration of Applications**

<b>Member</b>	<b>Item</b>	<b>Parish/Town Council</b>	<b>Vote Cast</b>
Cllr A Shadbolt	18	Leighton Linlade Town Council	Did Not Vote
Cllr R Berry	18	Leighton Linlade Town Council	Did Not Vote
Cllr N Aldis	14, 15, 16 and 17	Sandy Town Council	Did Not Vote

DM/12/283 **Planning Enforcement Cases Where Formal Action Has Been Taken**

**RESOLVED**

**That the update on Planning Enforcement cases where formal action has been taken be noted.**

DM/12/284 **Late Sheet**

In advance of the consideration of the Planning Applications, the Committee received a Late Sheet advising of additional consultation/publicity responses, comments and proposed additional conditions. A copy of the Late Sheet is attached as an Appendix to these Minutes.

DM/12/285 **Planning Application No. CB/12/02568/FULL**

**RESOLVED**

**That Planning Application No. CB/12/02568/FULL relating to Twin Acres, Hitchin Road, Arlesey SG15 6SE be approved as set out in the schedule appended to these Minutes.**

**Councillor R Berry requested a recorded vote upon the decision of this planning application.**

**Councillors: R Berry, A D Brown, R Gammons, D Jones, T Nicols, N Young, R Johnstone, A Shadbolt, K Matthews  
Voted for in accordance with the recommendation as set out in the report, to approve the application.**

**Councillors: N Aldis, A Bastable, M Blair, D Bowater, I Dalgarno, R Drinkwater, I Shingler, L Birt, D Gurney  
Voted against the proposal for to approve the application.**

**The vote was tied, 9 voted to approve the application, 9 voted against the proposal to approve. The Chairman therefore used his casting vote in favour of the application being approved.**

**The application was approved 10 for and 9 against.**

**DM/12/286 Planning Application No. CB/11/03832/FULL**

**RESOLVED**

**That Planning Application No. CB/12/03832/FULL relating to Hillside, 32 Sundon Road, Harlington, Dunstable LU5 6LS be approved as set out in the schedule appended to these Minutes.**

**DM/12/287 Planning Application No. CB/11/03833/CA**

**RESOLVED**

**That Planning Application No. CB/12/03833/CA relating to Hillside, 32 Sundon Road, Harlington, Dunstable LU5 6LS be approved as set out in the schedule appended to these Minutes.**

**DM/12/288 Planning Application No. CB/12/03129/FULL**

**RESOLVED**

**That Planning Application No. CB/12/03129/FULL relating to Little Park Farm, Station Road, Ampthill, Bedford MK45 2RE be delegated to the Head of Planning to approve as set out in the schedule appended to these Minutes.**

**The Committee adjourned at 12.40 and reconvened at 1.30pm**

**DM/12/289 Planning Application No. CB/12/02845/FULL**

**RESOLVED**

**That Planning Application No. CB/12/02845/FULL relating to The Pastures, Lower Stondon, Bedford SG16 6QB be approved as set out in the schedule appended to these Minutes.**

**Cllr D Bowater left the meeting prior to consideration of item 10**

**DM/12/290 Planning Application No. CB/12/02846/FULL**

**RESOLVED**

**That Planning Application No. CB/12/02846/FULL relating to Land south of Station Road, and West of Three Star Park, Lower Stondon be approved as set out in the schedule appended to these Minutes.**

**Cllr R Johnstone left the meeting prior to consideration of item 11**

**DM/12/291 Planning Application No. CB/12/02812/FULL**

**RESOLVED**

**That Planning Application No. CB/12/02812/FULL relating to Village Hall, Hillside Road, Lower Stondon, Henlow SG16 6LQ be approved as set out in the schedule appended to these Minutes.**

**Cllr Mrs D Gurney left the meeting prior to consideration of item 13**

**DM/12/292 Planning Application No. CB/12/02894/FULL**

**RESOLVED**

**That Planning Application No. CB/12/02894/FULL relating to Land west of Larksfield Surgery, Arlesey Road, Stotfold, Hitchin SG5 4HB be approved as set out in the schedule appended to these Minutes.**

DM/12/293 **Planning Application No. CB/12/03000/VOC**

**RESOLVED**

**That Planning Application No. CB/12/03000/VOC relating to Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB be delegated to the Head of Planning to refuse the variation to condition 4 for the reasons set out in the schedule appended to these Minutes.**

DM/12/294 **Planning Application No. CB/12/03045/VOC**

**RESOLVED**

**That Planning Application No. CB/12/03045VOC relating to Beeston Timber Yard, 64 High Road, Beeston, Sandy Sg19 1PB be delegated to the Head of Planning to refuse the variation to condition 4 for the reasons set out in the schedule appended to these Minutes.**

DM/12/295 **Planning Application No. CB/12/03046/VOC**

**RESOLVED**

**That Planning Application No. CB/12/03046/VOC relating to Market Garden Nurseries, 64 High Road, Beeston, Sandy SG19 1PB variation to condition 4 be approved as set out in the schedule appended to these Minutes.**

DM/12/296 **Planning Application No. CB/12/03047/VOC**

**RESOLVED**

**That Planning Application No. CB/12/03047/VOC relating to Beeston Timber Yard, 64 High Road, Beeston, Sandy SG19 1PB variation to condition 5 be approved as set out in the schedule appended to these Minutes.**

**\*\*The Committee adjourned at 17.10pm and reconvened at 09.00am on 22 November 2012 with the following Members present: Cllrs A Shadbolt, K C Matthews, N Aldis, A R Bastable, R D Berry, L Birt, M C Blair, D Bowater, Mrs R J Drinkwater, Mrs R B Gammons, T Nicols, I Shingler**

DM/12/297 **Planning Application No. CB/12/01812/FULL**

**RESOLVED**

**That Planning Application No. CB/12/01812/FULL relating to The Recreation Ground, The Rye, Eaton Bray be approved as set out in the schedule appended to these Minutes.**

DM/12/298 **Planning Application No. CB/11/02261/OUT**

**RESOLVED**

**That Planning Application No. CB/11/02261/OUT relating to Land at Pratts Quarry north of the A505, known as Pulford Corner, Leighton Linlade be approved as set out in the schedule appended to these Minutes.**

DM/12/299 **Planning Application No. CB/12/03697/FULL**

**RESOLVED**

**That Planning Application No. CB/12/03697/FULL relating to Land adj to 2 Sandy Lane, Leighton Buzzard LU7 3BE be deferred for one cycle to allow revised measurements to be incorporated into the report.**

**It was noted that a site visit took place on 19 November 2012, at which time the Members of the site visit team were provided with the correct measurements.**

DM/12/300 **Site Inspection Appointment(s)**

**RESOLVED**

**That the following Members be appointed to conduct Site Inspections to be undertaken in advance of the next meeting of this Committee to be held on Monday 10 December 2012:**

**Chairman (or his nominee)  
Vice-Chairman (or his nominee)  
Cllrs: P N Aldis  
R Berry  
M Blair**

**(Note: The meeting commenced at 10.00 a.m. on 21 November 2012 and was adjourned at 17.10p.m. The meeting reconvened at 9.00a.m. and concluded at 10.00 a.m.)**

Chairman .....

Dated .....

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**LATE SHEET****DEVELOPMENT MANAGEMENT COMMITTEE – 21 NOVEMBER 2012*****Item 6 (Page 15 - 42) – CB/11/03832/FULL – Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS***

Following the Development Management Committee of 19 September, Harlington Parish Council made further comments and also supplied a number of photographs of Sundon Road.

Similarly, the applicant's agent has submitted a response to the comments of the Parish Council.

Whilst both the Harlington Parish Comments and the applicant's agent's comments have been summarised in the committee report both parties have requested that their submitted documents are made available to the Committee.

As such, a copy of the Parish comments, their submitted photographs, and for the sake of fairness a copy of the agents' response, is attached to this late sheet for information.

A further letter has also been received from the applicant's conservation consultant, in response to the additional comments of English Heritage which have been summarised in the committee report. In summary, the main points raised by the applicant's conservation consultant are:

- "English Heritage have now explicitly confirmed that any perceived harm resulting from the proposed development would result in "less than substantial harm" to the character of the Conservation Area.
- English Heritage have not provided an assessment of the significance of the Conservation Area.
- The English Heritage comments suggest a "failure to weigh up the proposal and to properly assess whether any perceived harm to the character of the Conservation Area is justified by the economic and social benefit of the proposed development".

The applicant has submitted a completed and satisfactory Section 106 Legal Agreement which agrees to make contributions towards infrastructure provision including the off site provision of play space facilities and the provision of 4 affordable dwellings on the site.

**HARLINGTON PARISH COUNCIL*****Chairman:***

Cllr Mrs M E Walsh  
24 Lincoln Way  
Harlington, Dunstable  
Bedfordshire, LU5 6NQ

***Clerk:***

Mrs N S Upton MILCM  
Parish Council Office  
Rear of Parish Hall  
Church Road

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Bedfordshire, LU5 6LE

Tel: 01525 875933

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25<sup>th</sup> September 2012

**By Email to:**

Mark Spragg  
Central Beds District Council  
Priory House  
Chicksands  
Shefford  
SG17 5TQ

Dear Mark

**Application No:** CB/11/03833/CA & CB/11/03832/Full

**Site:** Hillside, 32 Sundon Road, Harlington

**Proposal:** Demolition of 2 dwelling and re-development of site for 2 No one bed dwellings, 4 No two bed dwellings, 4 No three bed dwellings, 2 No four bed dwellings and 1 No five bed dwelling, with associated garage and parking

Harlington Parish Council OBJECTS to this application and requests that it be REFUSED.

It was noted that a few amendments had been made to the original plan but it was considered that this had made no significant difference to the Harlington Parish Council's original objections which still stood. The fundamental issues are:

- **Conservation Area (CA):** CBC policy makes clear that it has a positive commitment to special areas and reflects English Heritage guidelines. The size and density of the proposal for this site is definitely detrimental to the CA and will seriously and adversely affect the street scene as it will effectively be destroyed and change forever the centre of the village by introducing an urban style development at its core. In addition, the statutory consultee, English Heritage, had not actually been consulted on the application prior to it being put to the Development Management Committee for a decision;
- **Road safety:** the proposed site sits along Sundon Road between 2 blind bends where the road is narrow and accidents occur. Photographs have been taken of the access points and road showing skid marks and these are attached. Sundon Road is a designated Safer Route to School in accordance with the Harlington Lower School's plan. With more traffic at peak times then there will be an increased risk to the children and it would be irresponsible for CBC to ignore this increased risk. Residents with small children will not want to increase the distance to be walked to school by having to use another footpath because it comes out past the development nor will they wish to use Station Road. This road is dangerous for an adult to use let alone a child because it is not footpathed on both sides of the road which means having to cross Station Road at the point of a blind bend. In addition, concerns were raised at the Development Management Committee meeting regarding the narrowness of the footpath along Sundon Road by the proposed site and although members

considered it dangerous, it was noted that the arguments for removal of the wall and hedge, setting both back to widen the footpath and rebuilding exactly as was, were thrown out because of the costs involved in such a conservation project;

- **Flooding:** the developer's flood expert may be right in saying that there was a 0.1% risk of flooding, once a year, but this is because it will not be the development site which floods or has drainage issues but rather the surrounding properties; Harlington is known for having flooding and drainage issues in various parts of the village because of the movement of the underground springs and also because the sewage systems are old and are not designed to take the number of additional properties already added.
- **Urban vs rural setting:** it was noted that it stated in the Officer's Report that the proposal was in an urban setting. This is considered untrue as Harlington is a rural setting and there is no escaping the fact that this particular part of the village falls within the CA. The proposed houses are not in keeping with the thatched cottages and Grade II listed buildings that will surround it;
- **Refuse & Emergency Vehicles:** emergency and refuse vehicles will not have the required room to access the site (especially once full of parked vehicles) and this will undoubtedly result in refuse bins being pushed onto and into Sundon Road for emptying. This is already an issue of contention for residents in Sundon Road as they have to stop in the middle of the road to negotiate the bins which have been thrown back in order to access their driveways. This situation will only be exacerbated and again, put children at risk. Residents have raised this with CBC previously;
- **Various:** all the trees on the site are to be removed, it was considered that all the points raised by the Council previously have simply been glossed over and not taken into account, including the items listed above along with the overbearing and overdevelopment of the site, the possible effects on wildlife, bats and the loss of amenity on Oak Close; and
- **Consultation Process:** It was considered that appropriate consultation and order of proceedings had not been undertaken and that there were grounds for maladministration. The matter should not have been put to the Development Management Committee prior to the completion of the appropriate consultation being undertaken on amendments to the original application.

In conclusion, CBC are asked to take note of local knowledge and give it the weight it deserves by recommending that the application be REFUSED. The recommendation to approve was with 25 conditions attached but past history and ongoing enforcement in the case of Lower Wood Farm (which had 9 conditions attached) shows that conditions can be easily breached thus requiring CBC to take appropriate enforcement action.

As stated above, I am attaching photographs but reserve the right to send additional photographs in the next couple of days.

Finally, should CBC be minded to approve the application, then the Council requests that a Considerate Contractors clause be included in any permission granted.

Yours sincerely

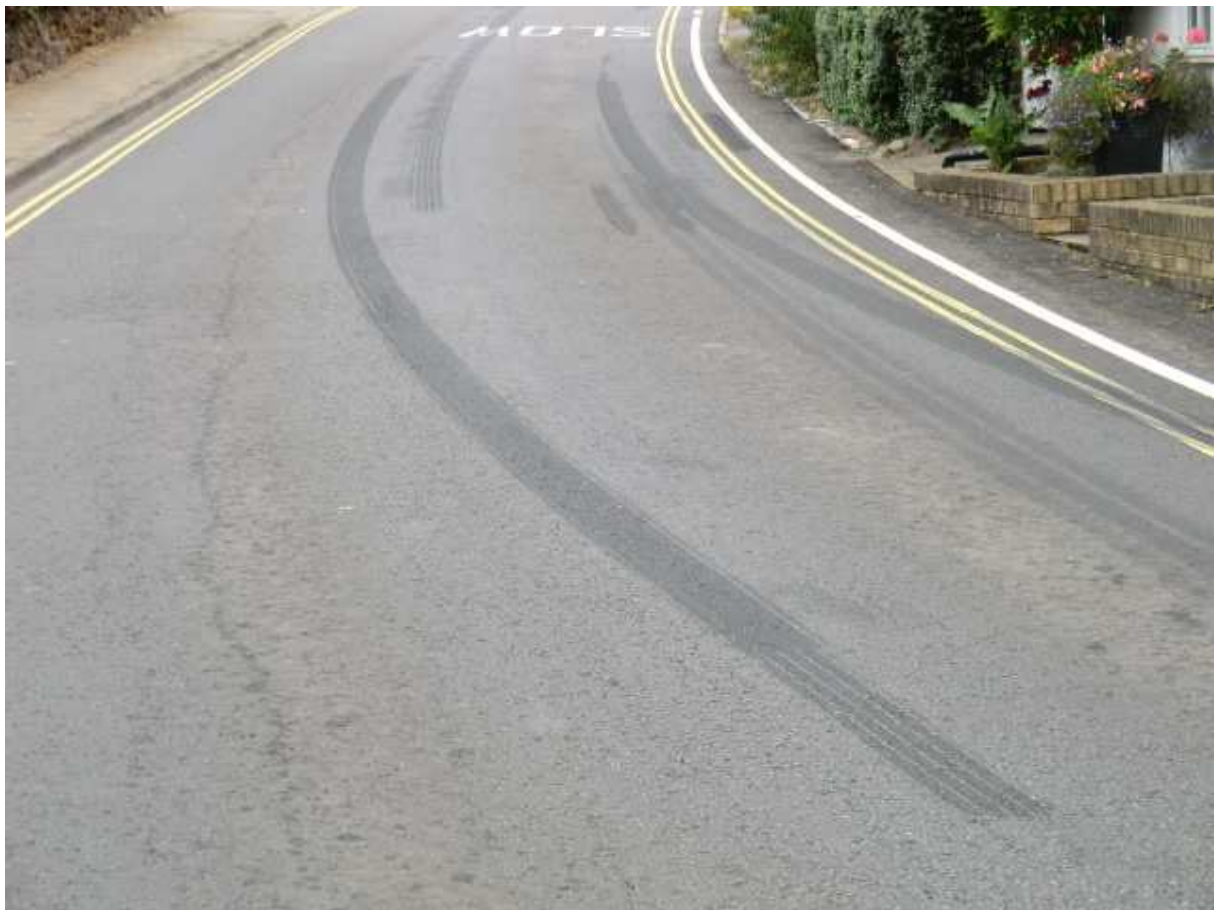
*Nicky Upton*

**Mrs N S Upton MILCM  
Clerk to Harlington Parish Council**















Our ref: RPS / LSB  
23 October 2012

25 OCT 2012

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

For the Attention of Mark Spragg

Dear Mr Spragg

RE: CB/11/03832/FULL AND CB/11/03833/CA 32 SUNDON ROAD, HARLINGTON, BEDS

We have received a copy of the further representations by Harlington Parish Council in respect of the above planning application; the letter is dated 25 September 2012.

We would like to put forward the following comments for consideration concerning that letter:

• **Conservation Area (CA)**

• With all due respect to the Parish Council, their comments are an unjustified opinion, unsubstantiated by any detailed analysis or reasoned argument.

The stance is clearly based on pure preservation and not on accepted conservation principles which is wholly against the Guidance given in the National Planning Policy Framework, PPS5 and your Design Supplement 5 (The Historic Environment).

If we may quote from Page 27 of that document produced by your Authority "the historic character is not only attractive in its own right, but it can act as a catalyst for creative new designs. There is a very important role for designers in the twenty first century to look to the buildings of the past and provide the equivalent quality of built form for the future".

As you are aware, detailed discussions and alternatives for the site were discussed during pre-application consultations wherein it was concluded by all parties that the continuation of a linear form of development following both topography and street alignment would create a 'sense of place'. It is a widely accepted principle that a sense of place is fundamental to a richer and more fulfilling environment and is achieved by creating a strong relationship between the street, buildings and spaces that frame it.

Moreover detailed analysis of the conservation area and surrounding buildings were submitted as part of the Design And Access Statement and Heritage Statement, these are documents of substance based on research and not mere opinion; particularly the Heritage Statement which provides a comprehensive analysis of the conservation area in terms of wider public benefit and the degree of harm (if any) to heritage assets, with the presumption on balance having regard to all material and substantiated considerations being in favour of development.

• **Road safety**

The Parish Council makes a statement at the beginning of this paragraph purporting that the proposed site is between two blind bends where the road is narrow and accidents occur. From our discussions with the site owners they are not aware of any accidents and have brought to our attention the fact that when the farm shop was in operation opening at 08.00 hrs to 18.00 hrs - 6 days a week with takings in excess of £2,500.00 per week with an average 40 movements to and from the site (80 total movements) in a day there were no accidents despite having large commercial deliveries to the site.

The bends in question can hardly be described as blind when they provide more forward visibility than is required (as analysed by independent Highway Engineers and accepted by your own Engineers) for a road of this width and the documented speed patterns produced by the Consultants.

To put things into perspective and disregarding the former retail use of the site, examination of the traffic study clearly reveals that the current proposal generates one trip every six minutes within the peak hour concurrent with school journey times. The traffic leaving the site could of course travel in the opposite direction to the village centre which further reduces the adjacent traffic flow adjacent to the Sundon Road footpath in question.

Having discussed the photographs supplied by the Parish Council with the Highway Consultants they have noted that HGVs are not allowed to pass through the village. They are of the opinion that from the tread pattern and juxtaposition of the skid marks these are probably associated with lightly loaded trailers without the benefit of modern technology braking systems. They have cited a good example as lightly loaded or unloaded farm trailers on return trips which are effectively being dragged along. The implementation of the current proposal will not increase the incidents of this type or any other large vehicle.

The assumption by the Parish Council that the implementation of the current proposal will change the existing pattern of footpath journeys is incorrect, the status quo is unaffected with the exception that the removal of the obstructions along Sundon Road will make this length of footpath safer than it is at present for pedestrians and much better than other locations such as Station Road where pinch points are even narrower, for example on the southern footpath where children would walk.

The reference to Station Road is not understood, nor is the reference to having to cross it at the point of a blind bend as the proposed development has no bearing on Station Road. Even if the reference means Sundon Road rather than Station Road why would parents and children elect to cross the road at the point of the bend when there is a school crossing patrol adjacent to the main crossroads that lead to the school, which is in a safer crossing location.

The impact of removing the electricity pole and road sign from the footpath is a positive contribution of the scheme towards existing pedestrian/highway safety; it will materially increase the available walking width.

To explain, the clear walking width that would be available (following removal of the obstructions) between the face of the existing iron stone wall and road channel edge of kerb is 1180-1200mm. The current clearance between the channel edge of the kerb and the face of the electricity pole is 780mm; the improvement in dimension is 400mm, effectively a 51.3% increase in available walking width. It is therefore undisputable that the improvement in walking clearance requested by your Highways Dept results in the elimination of the worst pinch point along this section of footpath, a positive attribute of the current proposal.

In fact whilst the Developers have agreed to re-site the current telegraph/electricity pole and road sign to improve the extant situation this is in effect a gesture of goodwill on their part.

The resultant width is almost 1200mm which is an accepted minimum footpath dimension (see diagrams in Manual for Streets) to enable an adult and child to walk side-by-side. We would also refer you to the latest document within your Local Transport Plan 3 (LTP3) wherein Appendix E (Page 60, 2nd bullet point) refers to "a minimum footway width of 1.2m is available for pedestrians after permitting verge/footway parking". Whilst this document deals with formalising parking on verges and footways it gives a clear indication that your Authority considers 1.2m to be an acceptable footway dimensions in certain circumstances.

Your attention is respectfully drawn to paragraph 204 of the National Planning Policy Framework which states:

"Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development."

It appears that in the Parish Council's view there is a perceived extant problem with the width of the footpaths, narrow footpaths occur over a substantial portion of Harlington village and indeed many other villages. It is considered that the implementation of the current proposal with the nominal form of development proposed does not justify widening the footpath, is not directly related to the development and certainly not fairly and reasonably related in scale and kind to the development.

- **Flooding**

The Parish Council's assertion that the development of this site will result in flooding elsewhere is incorrect, the land has been tested for percolation and the area evaluated specifically with flood risk in mind. Neither the Environment Agency nor the Water Authority has objected to the development, it is understood that infrastructure was put in approximately twenty years ago to alleviate flooding in other areas of the village.

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- **Urban vs Rural Setting**

Objective examination of the surrounding levels of development with specific regard to density establishes that whilst the application site itself is open, the surrounding development is urban in form similar to the rest of the village albeit the whole village inset within a rural environment.

- **Refuse and Emergency Vehicles**

Detailed examination of the plans clearly indicates refuse storage and collection. Moreover, the principal vehicular access has been specifically designed to accommodate both entry and turning of refuse vehicles. The secondary access (a private drive) is provided with a bin collection point adjacent to the back end of the footpath with the refuse vehicle parked in the road as is the norm.

- **Various**

No comment, already adequately addressed by the Arboriculturist and Trees and Landscape Department of the Local Authority.

- **Consultation Process**

Irrelevant, this matter has now been resolved.

To summarise, no new detailed data or substantiated evidence of relevance has been introduced by the Parish Council that has not already been taken into account by your Authority and their Consultees.

This is an opportunity for Harlington to secure a good mix of much needed housing including smaller units suitable for accommodating single persons/couples with the majority designed to Lifetime-Homes standards rather than the norm for recent development in the village (ie Kent Close) which has been large family homes.

In particular, the proposal provides 4 no. Affordable Homes, which can be used for local people who are in need of housing and provides a substantial financial contribution to community infrastructure in accordance with your Adopted Policies.

No doubt the Planning Committee Council's will have received a full copy of the Parish Council's representations, we would be obliged if you could ensure our representations are also circulated.

Please do not hesitate to contact us should you wish to discuss this matter further.

Yours sincerely

*L. Blake*

PP RICHARD P SHEEN  
Enc  
cc Hearne Holmes

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**Item 7 (Page 43 - 52) – CB/11/03833/CA – Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS**

Refer to item 6.

**Item 8 (Page 53 - 62) – CB/12/03129/FULL – Little Park Farm, Station Road, Ampthill, Bedford, MK45 2RE**

**Additional Consultation/Publicity Responses**

A letter was received from the Agent on behalf of the applicant commenting upon the contents of the Committee Report, these comments are points of clarity which were raised within the letter, the headings of the sub section relate to the sections within the letter, and the text is the officer response to the points raised:

Current State of Site:

The site appears to be used as a builder's storage yard; it also appears to have been constructed as an agricultural building. The site in probability has a commercial use on it, however this has not been regularised, and therefore it is a matter of judgement. The planning policy officer did give comments which largely related to the commercial use within the countryside and it being more appropriate than a residential use within the site. However it is my opinion that within the Green Belt the use of buildings should be retained for agriculture and a commercial use may be acceptable should the agricultural site be redundant. This is in accordance with the National Planning Policy Framework. The location of new dwelling houses should be within settlements, as settlements provide residential accommodation which have accessible services and therefore result in sustainable development.

Planning Policy:

Pre-application advice was sought, which concluded that this development would be unlikely to receive officer support, it is considered that this recommendation is in accordance with the advice previously given, all pre-application advice is officer opinion and does not constitute a decision. The site has been built on and is used for commercial purposes, originally with an agricultural use. However for planning purposes the National Planning Policy Framework defines "Previously developed land" as:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.***

The National Planning Policy Framework states that this development would therefore not be on “Previously Developed Land”. When pre-application advice was given it stated that Very Special Circumstances would need to be demonstrated, as it was considered to be inappropriate to build new dwellings within this location.

The whole of Section 9 (Protecting Green Belt Land) was considered as part of this application, this includes Paragraph 88, which specifies “Very Special Circumstances”. It was considered on balance that the “Very Special Circumstances” which were presented to the Council as part of this application did not outweigh the policy presumption against the development. Impact upon the surrounding Listed and curtilage Listed buildings, reduction in size of the building, removal of the building (in relation to neighbouring amenity), removal of a commercial activity from the site, and the unsightly condition of the surrounding area were all considered, however they were not deemed to outweigh the harm to the Green Belt, by allowing a new dwelling house.

#### Heritage:

The Conservation Officer has expressed concerns relating to the design of the proposed dwelling house. The dwelling house is not considered to be sensitive enough in design or massing to the locality, as the bulk is still on larger proportions when considered in the context of the slim traditional conversions which are on this site. However it is judged that it would not have a greater impact upon the Listed and curtilage Listed Buildings that the utilitarian building currently on the site. No reason for refusal on heritage or design grounds have been recommended, this is due to the neutral impact upon the important heritage assets adjacent.

#### **Additional Comments**

Amendment to “Reason for Committee Call in” – Please note that it was Councillor Duckett whom called the application in for the reason stated.

#### **Additional/Amended Conditions**

No additional or amended conditions.

### ***Item 9 (Page 63 - 70) – CB/12/02845/FULL – The Pastures, Lower Stondon, Bedford, SG16 6QB***

#### **Additional Consultation Responses:**

Six additional letters of objection have been received that do not raise issues not addressed in the report.

The Stondon Residents for Centrally Place Community Facilities have submitted a letter of objection supported by 120 signatures. The letter reads as follows:

#### **FORMAL OBJECTION**

**Re: Planning Application No: CB/12/02845/FULL – The Pastures, Lower Stondon, Bedford, SG16 6QB**

I wish to lodge a formal **Objection** to the above planning application on the following grounds:

### 1) Legal Objections and Material Considerations

**S. 38(6) of the Town and Country Planning Act 1990 states:**

*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

#### Objection relating to a previous S.106 Agreement for Hillside Road

The proposed site is already subject to an outstanding section 106 agreement, S.106 money having already been given to Stondon Recreation Association for a floodlit multi-purpose playing surface. This application, if approved, could lead to the residents of Stondon not only ‘paying’ twice for a MUGA but also being subjected to further development, if the related planning application **CB/12/02929** (97 houses) was approved.

The S.106 agreement between Stondon Recreation Association and David Lewis Simkins and Hazel Parrish dated 29.11.1995, stipulates that the SRA is:

*“4.2 To provide a floodlit multi-purpose playing surface area on part of the Green Land within one year of the payment of the Agreed Sum by the Owners to the Council...”*

*5.1 to provide a floodlit multi-purpose playing surface area on part of the Green Land within one year of the payment of the Agreed Sum by the Owners to the Council”*

On completion of the development linked to the above S.106, Stondon Recreation Association received the sum of £30,000 from Mid Bedfordshire Council for the above purpose. The siting of the floodlit, multi-purpose playing field was to be in a similar location to that now being proposed by Bovis.

In addition the ROSS (still the current document for Recreation and Open Space) published approx. 10 years after the monies were given, writes of the Hillside Road site:

*“The new recreation ground, recently constructed, goes some way to meeting the NPFA standard for outdoor sport in the parish in quantitative terms. There is, however, a need to provide suitable court space on the site to improve the variety of facilities available locally. The need for additional pitch space in the future to fully meet the NPFA standard for outdoor sport will be an issue for future review of the strategy.”*

To date the SRA have not built the MUGA despite receiving the funds specifically for this as part of a legally-binding obligation. In addition, in the years following this report and its recommendation to *“provide sports court provision at the new Recreation Ground,”* they have neither made any attempt to provide this or the five-a-side pitch space on this site.

My understanding is that Officers in Central Bedfordshire Council are aware of this agreement and are currently considering how these unspent monies should be allocated. Whilst this is under investigation, there is a danger that the granting of approval for this planning application may therefore result in frustration (or annulment under section 9.1) of the S 106 agreement. This would be unfair on the residents of Stondon who accepted development linked to the original S.106 in good faith, believing that they would receive the promised ‘planning gain’.

Similarly, failure to carry out enforcement on the previous S.106 agreement may place the Council at risk of legal challenge or at the very least complaints to the LGO for maladministration.

This matter must be brought to a lawful conclusion to prevent further money being spent where it is not considered necessary (see **Appendix A**). The outstanding £30,000 of ‘restricted funding’, which was supposed to provide leisure infrastructure for the enjoyment of villagers, needs to be recovered and spent appropriately and fairly.

#### Material Considerations and Significant Departure from Policies

This planning application **must** be considered in conjunction with planning applications **CB/12/02812** and **CB/12/02929**, since it relates to a further alleged ‘planning gain’ for Site Allocations DPD policy **HA28: Land Rear of Station Road and Bedford Road, Lower Stondon**. Should planning permission be granted for this application, there is not only a danger that this would ‘pave the way’ for the related proposal for 97 houses, but would also set a precedent for the principle of the substitution of on-site

'planning gain' on HA28 for off-site facilities; when there appears to be no justification for this other than profit. This would be extremely divisive and add to the already acute sense of there being two separate communities within Stondon with little in common and an unbalanced distribution of infrastructure. As a consequence, this application is **socially unsustainable** and not only runs counter to policy HA28 but also to the National Planning Policy Framework (NPPF), which seeks to promote a healthy and 'just' society in which community and leisure infrastructure is accessible to all (see also policies CS2, CS3; particularly paras. 4.4.3 & 4.4.4).

The proposals go against my understanding of the Council's own adopted Central Bedfordshire (North) Site Allocations DPD; policy HA28 which refers to "*commensurate community facilities*" linked to "*Land Rear Of Station Road Lower Stondon Henlow SG16 6JQ*" – not to an unrelated location 1 mile away from the HA28 site. The on-site benefits referred to in policy HA28 might have mitigated to some extent the impact of an additional 70 houses (or less) on residents living to the East of Stondon. The removal of virtually all on-site "*commensurate community facilities*" to an off-site location which takes East Stondon residents between 15 and 40 minutes to reach on foot; is **socially unsustainable** and therefore at odds with one of the basic principles of the National Planning Policy Framework and with policy CS2, since developer contributions delivered off-site will do nothing to alleviate the inequitable distribution of community facilities in the village which will be exacerbated by any new housing. It is also at odds with the 'Planning Obligations and Community Infrastructure Levy' (see P.47 the Core Strategy and Development Management Policies)

### **Policy CS3: Healthy and Sustainable Communities**

**Para 4.4.1** "*The LDF can assist by making provision for new open space, leisure and community facilities through new development and by protecting existing facilities.*"

**Para 4.4.3** "*One of the key requirements for community facilities is that they are located where they can be accessed easily by local people. This would normally be within the settlement and allow for users to travel to the facility by means other than a car.*"

The proposed site is situated at one end of a ribbon settlement. With no footpaths to provide a shortcut from one end of the village to the other, walking to this site from the most populated end of the village is a distance of approx 1.75 miles. The only walk-able route is along the A600 (Bedford Road), along another busy and congested road (Station Road), across/past a dangerous mini roundabout and along another narrow, congested road (Hillside Road). There are no traffic calming or road safety measures along the whole of this route and no school crossing patrol. It is doubtful whether teenagers would bother to undertake this unpleasant walk from the East of the village. Indeed, the site has been completely devoid of people every time I have visited it and in the evening, the entrance is used by a group of young adult males in cars who appear to be just 'hanging around' smoking. This is quite intimidating and would discourage other users. It is, however, to be expected, given the secluded location of this site at the extreme North West end of the village.

The submissions fail to demonstrate that the Applicant has carried out "*further assessment work*" with the whole community to determine the "*commensurate community facilities*" as stated in policy HA28. In late 2010 a survey of all residents in Stondon was carried out at the request of Central Bedfordshire Council. This survey was to form part of the "*further assessment work*" to identify what the village wanted in relation to this site. The results of this survey appear to have been ignored by both CBC and the Applicant. The release of the village plan – a further opportunity for residents to give their views about community facilities - has been delayed until the end of September with the landowner/agent/developer apparently making no attempt to obtain this data either.

Furthermore, Bovis did not approach the Parish Council until after the village had been leafleted, the landowner having determined the '*community benefits*' at a 'closed' meeting held on 23<sup>rd</sup> January, 2012 in the Golf Club, to which only selected individuals were invited and who had been given no remit from their various grass-roots members.

Additionally, many residents receiving the Bovis brochures were denied the opportunity to take part in the Bovis 'consultation' (described by them as an "exhibition") because the leaflets gave the impression that planning permission had already been obtained and, as a consequence, most of them did not attend the exhibition or provide any feedback. The Advertising Standards Authority is currently investigating this aspect of the Bovis publicity materials.

The way in which consultation has been carried out in relation to this site is deeply flawed and goes against the Council's own Statement of Community Involvement which states that for developments of more than 10 houses consultation must be "*carried out at the earliest stage*", "*must optimise community benefits as part of the development*" and "*must engage with hard to reach groups*".

Residents have now twice submitted their views on what leisure facilities and infrastructure they would like and many residents worked hard to distribute surveys and questionnaires only for the Applicant to maintain that it has been difficult to determine residents' wishes when I personally made them aware of the existence of both sets of data at the Bovis exhibition and Curtin & Co assured me that this would be chased up and taken into consideration.

### **Additional Comments**

None

### **Additional/Amended Reasons**

None

## ***Item 10 (Page 71 - 78) – CB/12/02846/FULL – Land South of Station Road and West of Three Star Park, Lower Stondon,***

### **Additional Consultation/Publicity Responses**

15 additional consultation responses have been received that do not raise issues not already addressed in the report.

The Stondon Residents for Centrally Placed Community Facilities has submitted a letter of objection supported by a petition of 101 signatures. The letter reads as follows:

#### **FORMAL OBJECTION**

**Re: Planning Application No: CB/12/02846/FULL – Access Path and Parking for Allotments (Land South of Station Road and West of Three Star Park)**

NB. This planning application must be considered in conjunction with **CB/12/02812**, and **CB/12/02845** as they all relate to alleged 'community benefits', should planning permission be granted for application number **CB/12/02929**.

**I wish to lodge a formal Objection to the above planning application on the following grounds:**

#### **1) Legal Points**

**a) S. 38(6) of the Town and Country Planning Act 1990 states:**

***“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”***

**b) “S. 23 subsections (1) & (2) Small Holdings and Allotments Act 1908**

The law relating to the provision of allotments is covered by the Smallholding and Allotments Act 1908. Stondon Parish Council is under a legal obligation to “*provide a sufficient number of allotments*” if “*six Parliamentary electors make representations to the municipal authority, expressing a demand for allotments*”.

If Stondon Parish Council vote to approve planning permission for this access road and, by implication, the allotments; this could be viewed by the public as accepting a 'gift' from Bovis in exchange for development. Stondon Parish Council is under a legal duty to provide allotments if there is the necessary demand without being seen to be 'bartering' with developers or even passively allowing this to happen.

**2. The application is premature as no decision has been made by Stondon Parish Council on the appropriate site for allotments and demand for allotments is unclear**

Although the subject of allotments has been under discussion by the Parish Council for some time, the owner of the allotments land did not officially proffer this site for allotment use until February, 2012. This is minuted under item 833 of the minutes from the Feb, 12 full P.C. meeting:

*“D Simkins outlined an offer to the Parish Council for a plot of land for allotment use, leased for 99 years. His only stipulation was that the land be used solely for allotments and that it would not be built on by either party. Mr Simkins confirmed that there would be no strings attached to this offer.”*

Under item 842f) of the same meeting it was resolved to set up an allotments working party:

*“To set up a working party consisting of Councillors and Members of the Stondon Allotment and Leisure Gardeners Association (SALGA) to investigate possible sites within Stondon with a view to purchasing, on the open market, sufficient land to provide allotments for those who have requested them; and to liaise with CBC and NSALG in order to ensure that any action taken by the working party is lawful, transparent and in the best interests of the parishioners of Stondon. In the event of land being offered to the Parish Council for allotment use, the working party will work towards a contract which ensures that any offer is solely an act of generosity towards the village and is made without strings attached”*

Although the landowner insisted that there would be “no strings attached” he returned to the March meeting and stated (under item 849): *“David Simkins confirmed that he would be compensated by John Boyle for the use of his land for allotments. He informed the meeting that the land offered would provide 32 allotments and space for an access track.”*

Since then, as far as I am aware, no decision about the most appropriate site for allotment use has ever been made – either by the Allotments Working Party or by the Parish Council - Minutes can be checked at: [http://www.stondon-pc.gov.uk/files/index?folder\\_id=4239253](http://www.stondon-pc.gov.uk/files/index?folder_id=4239253)

Additionally, a promising alternative site in the vicinity of Derwent Lower School (and therefore easily accessible to Stondon Residents) is also under discussion and members of the Allotments group have been made aware of the following email from the Clerk of Henlow Parish Council dated 30<sup>th</sup> August, 2012 (email thread included as **Appendix A**):

*“.....HPC are in the process of acquiring the land from CBC. Our bid has been successful and the sale of the land is with CBC’s Legal Department and our Solicitor. It is intended for community use, and we hope to include provision of allotments. It may be a bit premature at this stage to talk actual numbers but I have confirmed to Stondon PC that we would be more than happy to discuss further once we have more definite proposals. I have asked them to confirm the demand from residents in Stondon, and we will endeavour to accommodate them once HPC have acquired the land. We will certainly consider applicants from Stondon. Kind regards – Bert”*

There are around 45 people on the SALGA waiting list but many of these are couples wishing to share a single plot and many others originally stated that they only wish to have a half or quarter plot. (As I was a founder member and at first kept up the waiting list, I had access to this information and plot requirements was one of the first things new ‘members’ were asked.) The Chair of SALGA (who was one of those attending a meeting on 23<sup>rd</sup> January, 2012 with the developer to determine how the ‘planning gain’ should be spent) has refused to hold a meeting since May to gather the views of members (whose views were also not gathered before the closed meeting with the developer). (**Appendix B**)

An email to the Clerk of Stondon Parish Council to ask how many individuals had officially registered their interest in a possible allotment on either of the two sites mentioned above was more successful and I received an immediate response stating that none had made representations. (**Appendix C**)

**Not only does there not appear to be any official demand for allotments but this application is premature and appears to have been rushed through before a Parish Council vote on allotment sites.**

**3. This application is against Central Bedfordshire’s policy HA28 and their Community Engagement Strategy.**

A condition for any planning application related to this site was that the “commensurate community facilities” would be “identified through further assessment work”.



As explained above, the exact demand for allotments has not yet been determined and yet the Applicants are stating that access will be provided for 60 plots. Where is the evidence that 60 plots will be needed?

One of the various versions of the draft lease between the landowner and Stondon Parish Council that I have seen allows the "Landlord" to repossess the land if the "Tenant" fails to maintain his/her plot. An excess of plots might lead to the repossession of this land by the "Landlord" and because the lease agreement seems to imply that the landowner would retain ownership of this land, this could hardly be described as a 'Community benefit' to the village and S.106 monies should, in my view, not be spent in this way.

My attempts to obtain further details about the nature of the 'deal' between Simkins, John Boyle and Bovis, leading to the current situation in which Bovis (as opposed to the landowner) now appears to be 'offering' allotments as part of S.106 monies, have been unsuccessful and I would urge both Officers and elected members to seek answers to any of the questions in my email of 24<sup>th</sup> August, 2012 which they consider relevant to deciding this application (see **Appendix D**)

In addition, the proposed allotment site is, as with other alleged 'community benefits', outside the borders of the site described in policy HA28. All "*commensurate community facilities*" should, in my view, remain within the boundaries of this site for the benefit of both the new and existing community and should be determined by them.

The landowner has already built an access road without planning permission and is currently approaching residents (from his neighbour's land) on the Western boundary of Three Star Park to ask them how high they want their boundary fence. He has assured many of them that the allotments, development, access road and parking will all definitely go ahead. He appears to have also instigated a petition within 3-Star Park informing residents that "*if they didn't accept allotments they would get more housing*". This has served to increase many residents' anxieties and confuse them as to the true 'state of play'.

In late 2010 a survey of all residents in Stondon was carried out at the request of Central Bedfordshire Council. This survey was to form part of the "*further assessment work*" to identify what the village wanted in relation to the policy HA28 site. The results of this survey appear to have been ignored by both CBC and the Applicant. The release of the village plan – a further opportunity for residents to give their views about community facilities - has been delayed until the end of September with the landowner/agent/developer apparently making no attempt to obtain this data either.

Additionally, many residents receiving the Bovis brochures were denied the opportunity to take part in the Bovis 'consultation' (described by them as an "exhibition") because the leaflets gave the impression that planning permission had already been obtained and, as a consequence, most of them did not attend the exhibition or provide any feedback. The Advertising Standards Authority is currently investigating this aspect of the Bovis publicity materials.

The way in which consultation has been carried out in relation to the whole of this site, including the position of potential allotments, is deeply flawed and goes against the Council's own Statement of Community Involvement which states that for developments of more than 10 houses consultation must be "*carried out at the earliest stage*", "*must optimise community benefits as part of the development*" and "*must engage with hard to reach groups*". Residents have now twice submitted their views on what leisure facilities and infrastructure they would like and many residents worked hard to distribute surveys and questionnaires only for the Applicant to maintain that it has been difficult to determine residents' wishes when I personally made them aware of the existence of both sets of data at the Bovis exhibition and Curtin & Co assured me that this would be chased up and taken into consideration.

#### **4. Impact on neighbours**

The people most affected by this application would be those living to the Western border of Three Star Park. The map supplied by Bovis in their application plans is outdated and in fact there are more neighbouring park homes than indicated, since Ting Dene have put additional plots all along their Western perimeter. These newer plots in the Northwest corner of the park were advertised by Ting Dene as having an open aspect and providing a safe and enclosed residential enclave for the over 50s. Whilst I am aware that there is no planning 'right to a view', I do feel that the application may be at odds with S.4.11 of CBC's Core Design Guide which states:

*“Consider the area within 250 – 500 metres of the site. It may be necessary to consider a longer distance in some places, to establish whether any proposed development would have a detrimental effect on the skyline of the settlement, or obscure views of for instance a church tower.”*

These residents are in many cases, elderly and vulnerable, have a heightened fear of crime and are currently experiencing problems with villagers of all ages using the ‘park’ as a thoroughfare to walk their dogs. Others are trespassing across the proposed allotment site because of the lack of a shortcut from the East to the West of the village. The building of an access road across the HA28 site (without planning permission) has worsened this situation, since residents believe that this new road must lead somewhere. Although no planning permission has been granted, there are now regular visits from vehicles travelling along this path close to residents’ homes. This has increased Three Star Park residents’ anxiety about crime and loss of privacy, since their homes are raised from the ground and the inside of some homes are visible from where the proposed allotments and existing ‘access road’. Furthermore, the neighbours have raised concerns to the parish council about bonfires, rubbish and the visual aspect of allotments, were they to become neglected.

The combined impact of simultaneous development to both the immediate North and West would cause extreme stress and worry for many of the residents which makes this proposal **socially unsustainable** and goes against the principles of the National Planning Policy Framework. It heightens the problems of an already vulnerable and fearful group of parishioners. In my view, the disadvantage caused to this group outweighs any benefit to those seeking allotments. The site for allotments can be moved very easily. It is not so easy for the residents of Three Star Park to move. This is at odds with CBC policy CS3 as it does not meet the needs of the entire community.

## **5. Planning History**

There appears to be some planning history relating to attempts to build on or near this site and I refer you to policies H208 and H209 from the Site Allocations: Stondon – Issues and Options Consultation document dated February 2008. (**Appendix E**). It appears that same landowner offering the allotment site has previously applied to have two sites included in the final version of the Site Allocations document. H208, in particular, relates to a proposal for a mobile home development on the Western boundary of Three Star Park (for an unspecified number of park homes). The location of that proposal is where the southernmost 30 plots on this application lie; and perhaps an ‘overprovision’ of allotment plots could be viewed as a step towards the resubmission of this, and possibly other, planning applications in this vicinity.

I therefore feel that, if allowed, questions need to be asked about his offer of an allotment site in this particular location, as it is not difficult to see that the creation of a road from the HA28 site onto his (currently landlocked) land could pave the way for further unsustainable development in the village and a further overall loss of agricultural greenbelt land.

## **6. Highways**

Creating a vehicular access road and parking for allotments, even for only an additional 10 cars, will nonetheless exacerbate the problems on Station Road, when added to the possible 150 – 200 cars arising from a development of 97 houses. These additional cars will be entering and exiting the road from a junction with poor sight lines onto a poorly-marked B road which already has problems with speeding vehicles. Vehicles emerging from the site will have to negotiate children walking to and from Stondon Lower School, traffic and pedestrians visiting the G.P. surgery and heavy goods vehicles travelling East/West.

The resulting increase in car use would be counter to the NPPF guidance for mixed-use settlements; CBC policies CS3, CS4, DM4, DM9; the aspirations of the targets of Bedfordshire and Luton Casualty Reduction Partnership of which CBC are a key stakeholder and:

- Sustainable Communities Directorate Plan 2009/10, items 6 & 8
- Sustainable Modes of Travel Policy
- Policy for Sustainable Development to incorporate Travel Plans
- Department for Transport’s policies for Delivering a Sustainable Transport System (DaSTS)

## **6. Design**

It appears that the Applicant has made little effort to apply the principles embodied in Central Bedfordshire Council’s Core Design Guide to this or the related applications (in particular, **CB/12 02929**). For example, S.2.13 of the Guide states:

*“In all cases developers will need to justify their approach through a careful appraisal of context as summarised in the diagram on pages 06-07 and sections 3.00 and 4.00 of this Guide, and then the adoption of placemaking and sustainability principles as set out in section 5.00.”*

Just a few examples are:

- they have made no attempt to gather information from either the neighbours or the experienced gardeners wishing for allotments which might have steered them away from spending money in this location.
- this site is subject to a prevailing westerly wind which dries out the soil and would make it much more difficult to cultivate vegetables that require a lot of watering. The plans do not include any design features which would mitigate the effects of the wind, such as windbreaks (hedgerows or trees). (Core Design Guide: 6.07 Creation of Shelter and Habitats)
- the Applicant appears to have failed to consider this wind as a possible source for small-scale energy production, eg. for pumping water, etc. or look at the possibility of retaining water on site (Core Design Guide: 6.10A and CBC policies CS13 & DM2)
- the community neighbouring the proposed site are the very least able to cope with change, loss of privacy or any adverse impact (real or perceived) on crime in the immediate vicinity; yet the Applicant has proposed nothing to mitigate the effect on this group, such as visual screening or intruder deterrent planting (Core Design Guide: 6.22 and CS3 & DM3)
- the proposed allotment site may not have the ‘critical mass’ of users to justify the disruption caused to neighbours and may therefore become a ‘white elephant’ of underused and abandoned plots, leading to vandalism and the possible ‘clawing back’ of the land by the landowner (CS14 and DM3).

Although I am in principle very much in favour of allotments and other local food production initiatives, I feel that I must object to this application because I simply cannot support the use of this site for the purposes outlined and believe that allowing an access road from one landlocked greenfield site onto a further landlocked greenfield site is a dangerous precedent to set in such an over-developed village like Stondon.

### **Additional Comments**

None

### **Additional/Amended Reasons**

None

## ***Item 11 (Page 79 - 88) – CB/12/02812/FULL – Village Hall, Hillside Road, Lower Stondon, Henlow, SG16 6LQ***

### **Additional Consultation Responses:**

Five additional letters of objection have been received that do not raise issues not addressed in the report.

The Stondon Residents for Centrally Place Community Facilities have submitted a letter of objection supported by 121 signatures. The letter reads as follows:

#### **FORMAL OBJECTION**

**Re: Planning Application No: CB/12/02812/FULL – Single storey side extension to village hall, new parking area & change of use of public open space to school playing field use.**

**I wish to lodge a formal Objection to the above planning application on the following grounds:**

#### **1) Legal Objections and Material Considerations**

**S. 38(6) of the Town and Country Planning Act 1990 states:**

*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

**Important**

This planning application **must** be considered in conjunction with **CB/12/02929**, since it relates to an alleged ‘planning gain’ for Site Allocations DPD policy **HA28: Land Rear of Station Road and Bedford Road, Lower Stondon**. Should planning permission be granted for this application, there is not only a danger that this would ‘pave the way’ for the related proposal for 97 houses, but would also set a precedent for the principle of the substitution of on-site ‘planning gain’ on HA28 for off-site facilities; when there appears to be no justification for this other than profit. This would be extremely divisive and add to the already acute sense of there being two separate communities within Stondon with little in common and an unbalanced distribution of infrastructure. As a consequence, this application is therefore **socially unsustainable** and not only runs counter to policy HA28 but also to the National Planning Policy Framework (NPPF), which seeks to promote a healthy and ‘just’ society in which community and leisure infrastructure is accessible to all. (see also policies CS2, CS3; particularly paras. 4.4.3 & 4.4.4).

**Planning History**

With regard to the proposed Stondon Recreation Association ‘land swap’, in March 2010, a planning application (CB/10/00704) to build a purpose-built building for Stondon Stompers on Designated Recreation and Open Space was refused by the Council’s Planning Department for various reasons but one legal issue was that the Charities Commission refused to alter the SRA’s charitable Scheme to dispose of recreation ground for other purposes. In order to obtain permission to do this, the SRA would “*need to make a case that the land is not needed and would not be needed for the term/length of the lease*” (see letter from Charities Commission – **Appendix A**)

The wording on the orange-coloured, rectangular area on the proposed block plan (marked “*SRA agreed area of land for school use*”) clearly indicates that the SRA intend to enter into some kind of agreement with the Village Hall Committee, Stondon Stompers, the landowner/agent/Bovis to ‘swap’ an area of Stondon’s Recreational Open Space with the school, which is not within their remit. Furthermore, although the plan implies that this is a ‘swap’ in fact, the SRA intention is to dispose of this land, so that the village hall can gain additional parking.

I copy below an extract from a recent email from the Charity Commission:

1. *Regardless of the purposes (objects), all charities have access to various statutory powers enabling them to undertake disposals, whether by sale, lease, or exchange, of land held by or on behalf of that charity. These powers vary from charity to charity, based on their individual purposes, their governing documents and the specific nature of the trusts effecting the land in question. In some circumstances charities can dispose of land without any reference to the Commission, provided their trustees can comply with the requirements of section 117 to 123 of the Charities Act 2011 - in other circumstances disposals could on only occur via an Order of the Commission. Exchanges of land (swaps) are a form of disposal where a charity exchanges one area of land for another of at least equal value. Any charity, regardless of its purposes, can undertake such an exchange simply on the basis that there is no loss to the charity and because the charitable trusts relating to the original land transfer automatically to the land received in exchange - no consents or authorities are required from the Commission in relation to such exchanges, provided the land received is of at least equal value to the land being exchanged by the charity.*
2. *The decision on undertaking any form of disposal rests exclusively with the trustees of the charity concerned, however this is subject to any relevant provisions within the charity’s governing document - for example any provisions requiring the consent of a ‘General Membership’ at a General Meeting, usually found in the ‘Dissolution’ section of a charity’s governing document, would still apply where exchanges rather than sales/leases were concerned. Where such provisions exist, it is for those constituting the ‘General Membership’ to make the final decision - if they choose not to engage to the extent technically possible, then they leave it to those who do attend and vote to make the final decision. This is ultimately a democratic process, with which the Commission could not interfere - because it would have no legal authority to overturn the decision of those who participated and voted either way”*

The SRA’s governing Scheme (**Appendix B**) does not give it the right to dispose of its land and there is no section on ‘**Dissolution**’.

The proposed land ‘swap’ area is within a designated Open Space Sports and Recreation area, as defined in the PPG17 Study carried out in 2005. The current boundaries on the LDF map of Stondon

published in November 2009 originated from the Recreational Open Space Strategy (ROSS) produced in 2001 and updated in 2005. (**Appendix C**) The table on P.1 (reproduced below) shows a considerable deficit of outdoor sport (-1.11 ha) and amenity open space (-0.86 ha) in the village. Following the adoption of the Core Strategy in Nov, 2009 the deficit of outdoor sport became even greater, since Annex E (P.203) of this document states that there should now be 1.8 ha of outdoor sport per 1000 pop. This proposal, if granted, will increase the existing deficit and is at odds with policy CS3.

		<b>Local Plan</b>	<b>Current Provision</b>	<b>Surplus/Shortfall</b>
Children’s play	0,7 per 1000 pop.	1.27	1.38*	0.11
Outdoor sport	1.7 per 1000 pop.	<b>3.09</b>	<b>1.98</b>	<b>-1.11</b>
Amenity open space	0.8 per 1000 pop.	<b>1.46</b>	<b>0.60</b>	<b>-0.86</b>
allotments	0.34 per 1000 pop**	Waiting list (28)	0.00	?

\* this figure is incorrect since Station Road is listed as having 0.50ha when in fact it only has 0.145 ha.

\*\* taken from Annex E: Core Strategy and Development Management Policy, Nov 2009

In addition **Policy DM5: Important Open Space** states that:

*“Redevelopment or partial development of an Important Open Space will only be considered favourably:*

- *Where proposals would result in enhanced provision in functional terms (both the facility itself and its location)*
- *Where there are exceptional circumstances resulting in overall community benefit”*

I maintain that there are no exceptional circumstances in this case; which would warrant the loss of what little open and recreational space we have.

and

**Policy DM17: Accessible Green Spaces** states:

*“Planning applications that contain proposals that would adversely affect existing accessible green space will not be permitted.”*

The sole beneficiaries of the planned ‘swap’ are Stondon Stompers, of which only 21 pre-schoolers and 5 staff reside in Stondon. I am not aware of any cost benefit analysis having been carried out to justify the level of spending against any benefit the proposed plans might bring to all villagers; but it is clear that the land swap (which is essentially recreation land for parking), if approved, will result in an overall loss to the village and may not be allowed by the Department of Central Bedfordshire Council responsible for school fields.

The proposed land swap is therefore against policy CS3, DM3, DM5 and DM17 of the Core Strategy and Development Management Policies.

**2. Further Significant Departure from Policies**

The proposals go against my understanding of the Council’s own adopted Central Bedfordshire (North) Site Allocations DPD; policy HA28 which refers to “*commensurate community facilities*” linked to “*Land Rear Of Station Road Lower Stondon Henlow SG16 6JQ*” – not to an unrelated site 1 mile away from the HA28 site. The on-site benefits referred to in policy HA28 might have mitigated to some extent the impact of an additional 70 houses (or less) on residents living to the East of Stondon, The removal of virtually all on-site “*commensurate community facilities*” to an off-site location which takes East Stondon residents between 15 and 40 minutes to reach on foot and is impossible for elderly residents to access; is **socially unsustainable** and therefore at odds with one of the basic principles of the National Planning Policy Framework and with policy CS2, since developer contributions delivered off-site will do nothing to alleviate the inequitable distribution of community facilities in the village which will be exacerbated by any new housing. It is also at odds with the ‘Planning Obligations and Community Infrastructure Levy’ (see P.47 the Core Strategy and Development Management Policies)

The submissions fail to demonstrate that the Applicant has carried out “*further assessment work*” with the whole community to determine the “*commensurate community facilities*” as stated in policy HA28. In late 2010 a survey of all residents in Stondon was carried out at the request of Central Bedfordshire Council. This survey was to form part of the “*further assessment work*” to identify what the village wanted in relation to this site. The results of this survey appear to have been ignored by both CBC and the Applicant. The release of the village plan – a further opportunity for residents to give their views

about community facilities - has been delayed until the end of September with the landowner/agent/developer apparently making no attempt to obtain this data either.

Furthermore, Bovis did not approach the Parish Council until after the village had been leafleted, the landowner having determined the '*community benefits*' at a 'closed' meeting held on 23<sup>rd</sup> January, 2012 in the Golf Club, to which only selected individuals were invited and who had been given no remit from their various grass-roots members (**Appendix D**).

Additionally, many residents receiving the Bovis brochures were denied the opportunity to take part in the Bovis 'consultation' (described by them as an "exhibition") because the leaflets gave the impression that planning permission had already been obtained and, as a consequence, most of them did not attend the exhibition or provide any feedback. The Advertising Standards Authority is currently investigating this aspect of the Bovis publicity materials (**Appendix E**).

The way in which consultation has been carried out in relation to this site is deeply flawed and goes against the Council's own Statement of Community Involvement which states that for developments of more than 10 houses consultation must be "*carried out at the earliest stage*", "*must optimise community benefits as part of the development*" and "*must engage with hard to reach groups*". Residents have now twice submitted their views on what leisure facilities and infrastructure they would like and many residents worked hard to distribute surveys and questionnaires only for the Applicant to maintain that it has been difficult to determine residents' wishes when I personally made them aware of the existence of both sets of data at the Bovis exhibition and Curtin & Co assured me that this would be chased up and taken into consideration.

The proposed extension to the village hall (which is currently a multi-use, shared facility) will result in a reduction in the overall indoor community space accessible to the general public and will effectively 'privatise' a facility intended for the "*inhabitants of Lower Stondon*" (Rands/Village hall lease). Furthermore, the reduced WC and kitchen facilities would make the hall less attractive to the community as a whole. I also note that the plans provided suggest the loss of a fire escape.

The numbers gaining from this extension total 26 Stondon residents, ie. 21 pre-schoolers and 5 staff; weighed against the 8 – 10 organisations and members who also regularly use this hall (possibly totalling 100 – 200 hundred individuals). As with the land swap, I am not aware of any cost benefit analysis having been carried out to justify the level of spending against any benefit the proposed plans might bring; but it is clear that this extension will use up considerable 'S. 106 planning obligations' monies from the HA28 site (if approved) and that there will be a net loss to the inhabitants of Stondon if this extension is approved. (see **Appendix F**). This will have an adverse effect on the health and well-being of residents, will further erode social cohesion in an already divided village and is at odds with the Council's own policies CS3, CS14, DM3 and possibly DM17.

Finally, this building is not currently owned by the community but by the Rands Educational Foundation and there are only 19 further years of the lease with Rands to run. (**Appendix G**) Apart from the possible legal implications surrounding ownership of the hall, I am unconvinced that monies spent in this way can be described as 'community gain' in the sense that it will provide 'the community' with an asset in perpetuity. For this reason this application runs counter to the Council's Planning Obligations Guidance which seeks to create "*sustainable communities...that will stand the test of time*" and "*will make unacceptable developments acceptable in planning terms*"

### Further considerations

The assessment of the traffic implications of the development should be elaborated upon to include consideration of the relationship between cars leaving the site at the same time as cars leaving driveways on the opposite side of Hillside Road. The position of the vehicular access to the site would change and there would, occasionally be situations where cars were trying to leave at the same time as cars from opposite houses. This would be potentially frustrating for road users, especially in the context of how heavily the road is used at school drop off and collection times. The situation, though, would not be significantly different to the existing situation at the site and in any event would not be materially harmful.

It should also be noted that no car park lighting is proposed and if it were, a new planning application would be required that be assessed on its merits if submitted.

**Additional Comments**

None

**Additional/Amended Reasons**

None

***Item 12 (Page 89 - 102) – CB/12/02568/FULL – Twin Acres, Hitchin Road, Arlesey, SG15 6SE*****Additional Consultation/Publicity Responses**

91 additional representations have been received since the officer's report was published. In some cases, a number of representations have been sent by the same person. Included in those who have written to the Council objecting to the planning application are Alistair Burt MP and Ickleford parish Council.

The Town Council also wrote to express its objection to the revised proposals.

Around 500 individually signed copies of a standard letter declaring 'I/we, the undersigned, agree with the ARA (Arlesey Resident's Association) in objecting to any additional Gypsy sites in Arlesey have been received.

**Amendments to the committee report**

Conditions 5 and 6 as set out in the report should be deleted and replaced with the following condition:

**5.** The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (1) to (4) below:

1. within 3 months of the date of this decision:

- a scheme for improved visibility splays at the site showing minimum dimensions of 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 215m measured from the centre line of the proposed access along the line of the channel of the public highway and;
- a scheme showing that , gates provided at the access to the site shall be set back a distance of at least 15m from the near side edge of the carriage way of the adjoining highway and shall open away from the highway

shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation (hereafter referred to as the site development scheme).

2. within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision

within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

3. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
4. the approved scheme shall have been carried out and completed in accordance with the approved timetable

Reason: In the interests of highway safety.

Conditions 7 and 8 should be read as conditions 6 and 7 respectively.

#### **Additional Comments**

None

#### **Additional/Amended Reasons**

None

### ***Item 13 (Page 103 - 118) – CB/12/02894/FULL – Land west of Larksfield Surgery, Arlesey Road, Stotfold, Hitchin, SG5 4HB***

#### **Additional Consultation Responses**

Public Protection Contaminated Land Pollution Team - No comments to make

#### **Additional comments**

#### **Julia Scott Landscape Officer CBC**

Suggest a simple timber fence with hedgerow planting.

The design and location of the toilets is a concern especially in relation to Arlesey Road and entrance to the village – suggest planting to screen the toilets of advanced stock to create an instant screen to enhance landscape character,

#### **Additional/Amended Reasons**

None

### ***Item 14 (Page 119 - 140) – CB/12/03000/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB***

#### **Additional Consultation/Publicity Responses**

Photos sent by a neighbour wishing to speak at committee

**Junction of Orchard Rd, Footpath 40 and The Green**





**Blind Bend on Footpath 40**



Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

*Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.*

*Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.*

Letter received from the applicant's agent, which applies to all four applications for this site on the agenda:



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Our reference: **PJ/BE1316/6**  
19<sup>th</sup> November 2012

D A Lamb – Planning Manager (East)  
Development Management  
Central Bedfordshire Council  
Monks Walk  
Chicksands  
Shefford  
Bedfordshire  
SG17 5TQ

Dear Mr. Lamb

**Beeston Timber Yard, 64 High Road, Beeston – Variation of Planning Condition Applications Reference CB/12/03000/VOC, CB/12/03047/VOC, CB/12/03046/VOC and CB/12/03045/VOC**

I write as the Agent dealing with the above planning applications on behalf of B G Timber, which are to be considered by the Development Management Committee at its next meeting on 21<sup>st</sup> November 2012.

We have now had chance to review in detail the (4 no.) reports relating to the applications, and we are writing to outline both our concerns over the analysis brought to bear by Officers, and our disappointment at the way in which these applications are being dealt with by the Council, despite the clear and express wishes of our client to have the applications considered on the basis on which they were made.

It is we believe essential that the following two points in particular are reviewed by the Council's Legal Team, and I also request that a copy of this letter is passed to Members of the Committee and they be informed of the processes and events which have taken place leading to its production.

#### Scope of Section 73 Applications

I attach for reference purposes a copy of Section 73 of the Town and Country Planning Act 1990 below:-

- 73 Determination of applications to develop land without compliance with conditions previously attached.
- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- (3) [F1] Special provision may be made with respect to such applications—
- (a) by regulations under section 62 as regards the form and content of the application, and
- (b) by a development order as regards the procedure to be followed in connection with the application.]
- (4) This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.
- [F2] (5) Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—
- (a) a development must be started,
- (b) an application for approval of reserved matters (within the meaning of section 62) must be made.]

**DLP Planning Ltd**  
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A list of directors is available for inspection at the registered office.



Section 73(2) of the Act is very clear that when considering such applications the Local Planning Authority (LPA) shall consider the question of the conditions subject to which planning permission should be granted only.

As such, there is an error in the assertion in the Officer's assessment of the issues in this respect, which was repeated to me in an email on the matter last week, this stating:-

*"The Encyclopaedia of Planning Law and Practice advises that for Section 73 applications local planning authorities are required to consider only the question of the conditions subject to which planning permission should be granted, but that this does not prevent them from looking at the wider consideration affecting the grant of permission. Case law dictates that the authority may be unrestricted in its consideration of the full planning merits of the application, and the result of a successful application under Section 73 is a wholly new permission."*

Based on the wording of the Act, we are of the view this interpretation is in error.

We are seeking on behalf of the client to vary and remove conditions – this does not and cannot change the original permissions (which will still subsist in any event) and does not allow unrestricted consideration of all of the matters considered in their original determination. We accept that conditions can be reconsidered where directly relevant to the variation/removal sought, but not as stated or as Members are being, incorrectly, informed such that the Authority may be "unrestricted in its consideration of the full planning merits of the application".

It is also we believe an error in law and an incorrect interpretation that the principle matters of an application already consented and implemented can be revisited via a Section 73 application.

Such a stance is we believe *ultra vires*, and potentially challengeable at appeal and via the Ombudsman.

**Is the proposed access condition on the four Section 73 applications reasonable in all respects?**

Whilst Section 73 provides the LPA with power to reconsider conditions (as above), such a reconsideration is bound by policy advice in the same way as the imposition of conditions is.

In this respect it is considered that the imposition of conditions restricting the point of access to a site in a section 73 applications considering only hours of use of machinery and delivery, as well as storage heights, are not reasonably or fairly related to the issues in contention.

Furthermore, as the condition would be inherently more restrictive and onerous than the condition placed on the original permission, and again accepting that if the conditions for additional storage height and hours/use of machinery are never implemented the proposed condition fails to bite, it is highly likely an Inspector would find the condition unreasonable on that basis also.

As the validity of the original planning permission for the use of the site as a timber yard, which was not challenged, will remain whatever the outcome of these applications, this is a highly pertinent material planning consideration.



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Finally, we consider the condition as worded, requiring the *completion* of works within a set timeframe and in part out-with the control of our client, to be unlawful. There is no absolute obligation in planning law which requires any development to be completed by a certain time. Given the lack of any requirement on the original application for the use of the timber yard to use the A1 access as the sole access to the site, in this sense for deliveries, this further suggests the imposition of the proposed condition would be unreasonable.

Such a condition appears to flies in the face of guidance in Circular 11/95, and may also be *Wednesbury* unreasonable in its application.

### Conclusions

In conclusion, the stance of the LPA is factually and materially incorrect. It is highly regrettable that these simple applications are being progressed on this basis, when there are no legitimate material planning policy or other considerations to indicate that they can only be made acceptable in planning terms by proceeding on this basis.

As it stands, we fear Members are being incorrectly advised and this could potentially form a very serious Ombudsman complaint, which we are in reality, keen to avoid.

I look forward to receiving your response regarding the above before the Committee Meeting and once you have received legal advice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Johnson', written over a horizontal line.

**Paul Johnson** MA (Cantab) MA TP MRTPI  
Associate Director

**Additional Comments**

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

**Additional/Amended Reasons**

None.

**Item 15 (Page 141 - 158) – CB/12/03046/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB****Additional Consultation/Publicity Responses**

Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

*Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.*

*Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.*

**Additional Comments**

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

**Additional/Amended Reasons**

None

**Item 16 (Page 159 - 174) – CB/12/03047/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB**

**Additional Consultation/Publicity Responses**

Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

*Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.*

*Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.*

**Additional Comments**

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

**Additional/Amended Reasons**

None

**Item 17 (Page 175 - 192) – CB/12/03045/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB**

**Additional Consultation/Publicity Responses**

Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

*Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.*

*Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.*

### **Additional Comments**

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

### **Additional/Amended Reasons**

None

## ***Item 18 (Page 193 - 222) – CB/11/02261/OUT – Land at Pratts Quarry north of the A505, known as Pulford Corner, Leighton Linlade***

### **Additional Consultation/Publicity Responses**

#### Highways (15/11/2012)

*I have reviewed the Traffic Assessment for the above application and confirm that I am content that it is a fair representation and that the development will not cause an undue problem on the public highway.*

*However, at the time of the outline planning application for the surrounding area (land south of Leighton Buzzard) improvements were identify to public transport and sustainable modes of transport to mitigate against congestion. This equated to approximately £1580 per dwelling. This development should also make a contribution towards improving sustainable modes of transport and public transport and it would be appropriate if this sum was used for this development.*

*The proposed development will be taking access from a development already proposed within an application but not yet constructed. For completeness I question if the red line should extend all the way to the public highway (namely Billington Road). Failing this I do not see how the means of access can be secured or conditioned. However, this is an outline planning application with all matters reserved with exception to the above I confirm that all other highway matters can be dealt with within a detailed application and for that reason I would not want to restrict the above application.*

#### Environment Agency (12/11/2012)

Officers have been engaged in recent discussions with the Environment Agency regarding EA's recommended Condition 2 in their previous response. This condition



required that development should not commence until the adjacent lake for surface water attenuation is fully operational. In light of the concerns raised in relation to this condition, as set out in Section 3 of the Considerations section of the Committee report, EA recommend that the following condition be imposed as part of any permission granted:

*Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratt's Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details.*

*Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.*

### **Additional Comments**

#### Informal open space and amenity land

Recommended Condition 13 requires the submission of a scheme for the laying out, landscaping, maintenance and management of all of the areas of informal open space and amenity land forming part of the development site, including that under the overhead pylons crossing the site. It is considered that the laying out of these areas should be secured as part of a Section 106 Agreement. This would provide a robust method of ensuring that the informal open space and amenity land are laid out to an acceptable standard within a suitable timeframe. This would be consistent with the approach taken in relation to the area traversed by overhead pylons on the adjacent Site 15C, which is also subject to Section 106 controls.

#### The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

As noted within the Committee report, this application was submitted in combination with the applications for residential development at Land South of Pages Field Sports Ground and Land at Stanbridge Road. While the proposed developments by themselves are unlikely to have significant effects on the environment, as none of these sites are environmentally sensitive, the Council has issued a screening opinion (CB/11/00968/SCN refers) which sets out that the Pulford Corner, Pages Field and Stanbridge Road proposals represent EIA development which should be accompanied by an Environmental Impact Statement. This is due to the cumulative scale of the developments proposed when considered with the Southern Leighton Buzzard and East Leighton Linslade urban extensions, the relationship between the Pulford Corner proposal and the minerals restoration plan for Pratt's Quarry, the associated implications for the drainage of the site and the potential environmental consequences. As stated within the Committee report, the applications relating to residential development at the Pages Field and Stanbridge Road sites have now been formally withdrawn. Having regard to the accompanying Environmental Statement and its addendum of June 2012 which have been submitted in support of the Pulford Corner application, it is considered that there are no undue adverse impacts upon the environment, or other matters of acknowledged importance. Accordingly, the Reasons for Granting should be amended to read as follows:

*The proposed residential scheme would be inappropriate development within the Green Belt. However, having regard to the provisions of the Southern Leighton Buzzard Development Brief (2006); the Unilateral Undertaking of the adjoining residential development at Site 15C-D allowed at appeal; that the limited importance of the area to the long term Green Belt is therein acknowledged; the bringing forward of the provision of access to Astral Park proposed community facilities for the locality; the bringing forward of access to Billington Road for pedestrians and cyclists; and the securing of essential contributions required for the larger urban development, it is considered that, on balance, very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt arising from the development and the loss of part of the Proposed Area of New Urban Open Space. Having regard to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Environmental Statement and its addendum of June 2012 which have been submitted in support of the application, it is considered that there are no undue adverse impacts upon the environment, or other matters of acknowledged importance. The proposed development is capable of achieving an acceptable scheme in terms of the impact upon the character and appearance of the locality and incorporating adequate landscaping, road, cycle and footpath routes, parking, amenity areas and residential mix. The proposal is therefore in conformity with Supplementary Planning Guidance contained within Central Bedfordshire Design Guide: A Guide for Development 2010, the Council's Planning Obligations SPD, 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 and national guidance contained in the National Planning Policy Framework.*

#### **Additional Condition**

Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratt's Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details. The development shall then be carried out in accordance with the approved interim drainage plan.

Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.

#### **Item 19 (Page 223 - 234) – CB/12/03697/FUL – Land Adj to 2 Sandy Lane, Leighton Buzzard, LU7 3BE**

#### **Additional Consultation/Publicity Responses**

Objection Letter dated 7/11/12 rec'd on 8/11/12  
No 8 Sandy Lane

- **We feel that the application is not in keeping with the road.** This is due to the fact that a bungalow with garaging already occupies the plot and along the road are immediately houses with garages. The "land adjacent" is in fact the

property's garden which is more than useable for its purpose. Removing its garaging is clearly not in keeping.

- **We are very concerned about the effect on traffic and in particular road safety.** As you know there are a large number of properties and a school in Sandy Lane. Therefore extra vehicles entering and exiting from the proposed new bungalow into Sandy Lane will create even more traffic onto an already narrow road that is not even wide enough for vehicles to park either side and have enough room for a vehicle to pass in between. We note that the present bungalow seems to already have such little parking space – despite having a double garage and driveway - that vehicles are parked on the council verge between the road and the public footpath.
- **Concern over drainage.** The proposed property will be another draw on Sandy Lanes overworked drainage system which struggles with the amount of the large existing trees.
- **Excessive development.** On the 27<sup>th</sup> March 2011 we raised our concerns that if the Council were to grant the planning permission regarding the applicants wish to enclose land at the front that this could lead to the applicants then making further planning applications. This planning application quite clearly justifies our concerns and may still lead to more applications in the future. Again we feel the Council should be reminded of this possibility.
- **Finally the legality of two properties on one plot / if there is a restrictive covenant**

Objection Letter dated 13/11/12  
21 Sandy Lane

- Amenity – adverse consequences on No 2 and No 4 Sandy Lane.
  - No 4 Sandy Lane there will be a loss of light to the side windows
  - Privacy to No 4 Sandy Lane
  - Development results a in a loss of amenity and useable garden to No 2 Sandy Lane
  - Design and lack of garden would seriously undermine the character and quality of the area and have a seriously adverse impact on Sandy Lane
- Design
  - Ref to The Design & Access Statement
  - It is considered that the design is not appropriate to the area of Sandy Lane and does not fit in with the 'vein of design' in the Lane
  - Sandy Lane is a mature prime residential area largely comprising of spacious individually designed homes
  - The proposal is classed as overdevelopment of the existing No.2 Sandy Lane plot and the development is being squeezed into an unsuitable area with a poor standard of design that is unsympathetic to the area and not in keeping with the ambience and quality of the property in the Lane
  - The proposal looks more like a holiday cottage or granny annex

- Highways
  - Sandy Lane provides access to Sandy Lane and Carlton Grove and the Lane is the main route to Oak Bank School. The students are bussed in, arrive by taxi or private car.
  - The newsagent on the corner of Sandy Lane and Heath Road opposite No 2 Sandy Lane also gives rise to traffic as a result of parking by customers. Double yellow lines were installed last year in an attempt to improve this area / junction. As the parking restrictions are not effectively enforced there is frequent congestion at the junction and in this corner area caused by badly and inappropriately parked vehicles which causes dangerous situations on the junction of Sandy Lane and Heath Road
  - Currently the residents of No.2 Sandy Lane already find it necessary to utilise the two spaces they have on their plot and also park a vehicle on Sandy Lane adding to the congestion
  - The plans and design and access statement indicate a 2<sup>nd</sup> proposed access to be constructed nearer to the junction and on site parking at both the existing and new proposed property.
  - The new access will exacerbate the existing congestion at the junction and may only add to additional on street car parking from No.2 Sandy Lane and the proposed dwelling
  - Culmination of existing traffic and road problems together with the development causes concern for what is already a dangerous junction due to its high traffic flow route for the residents, school, the newsagents on the corner etc

#### Committee

- Wishes to register to speak at Committee

Objection Letter dated : 19 November 2012

#### 1) Access to Sandy Lane

Access to Sandy Lane is already very difficult due to parked cars opposite the entrance to No 2 Sandy Lane and consequently the lane is only wide enough for one vehicle to proceed at a time. The proposed new entrance to No 2 is to be situated even closer to the junction with Heath Road and would cause even more congestion than at present. The double yellow lines opposite No 2 are not being enforced and visitors to the newsagent frequently park there. The congestion is particularly a problem between morning and afternoon/evening rush hours. At these times the minibus traffic to and from Oak Bank School causes further congestion and potentially dangerous situations when trying to turn left from Heath Road into Sandy Lane. By supporting the construction of a new entrance at such close proximity to the junction with Heath Road it appears that the LBC Highways Department may not have taken full account of these facts.

#### 2) Design

The design of the proposed new building does not keep "within the vein of design" of the vast majority of the buildings in the whole of this prime residential area. In fact the ONLY building in the road that has been referred to as being of similar size to the proposed dwelling is the single terrace of three small cottages which were built

before Sandy Lane was developed with a mixture of larger properties on substantial plots. The Design and Access Statement describes the new development as being "of a modest size and nature" which is totally out of character in this prime residential road.

### 3) Proposed plot

The Planning Statement states that the proposed small dwelling is to be built in the "area of garden almost unused and not of benefit to No 2 Sandy Lane" while the Planning Application states that the site where the proposed dwelling is planned is currently used as the garden and garage for No 2. It appears that the above statements are contradicting each other, resulting in the conclusion that the proposed site is not currently "almost unused" when the planned site is in fact the area of the double garage and almost half of the existing garden of No 2.

The proposed development would be a serious over development of the plot of No 2 resulting in a small two bedroom dwelling with a garden of minimal depth as described in the Application. The proposed new development would also result in No 2 losing a substantial part of their garden area which again will not be in keeping with this prime residential area. This development could in no way "enhance the local area" as stated in the Planning Statement but in my view would have quite the opposite effect.

### **Additional Comments**

None

### **Additional/Amended Conditions/Reasons**

None

## ***Item 20 (Page 233-245) – CB/12/01812/FULL – Recreation Ground, The Rye, Eaton Bray***

### **Additional Consultation/Publicity Responses**

Objection from 11 Green Lane (received 06/11/12) as follows:

- the EB Lions published a notice on their website stating that planning permission had been granted.
- questions validity of support petition put forward by the E B Lions

Objection from 30 The Rye (received 06/11/12) as follows: I strongly object to these plans because I believe the recreation ground should be available for the use of the whole village not just a select few. Also parking is already a problem on match days with cars on pavements so pedestrians have to walk in the road. And why on EB Lions website does it claim to have received formal planning permission already, when they clearly have not.

Objection from 25 Wallace Drive (received 14/11/12) as follows: How can anyone fence off part of a village green legally.

'Representation by the Parish of Eaton Bray' together with a petition of approximately 216 names - received 16/11/12 presented by Mrs R Archer.

30 Totternhoe Road (received 19/11/12) objection with regard to:

- contravenes Village Green status
- parking issues
- noise levels due to proposed operating times
- unacceptable floodlighting
- all weather facilities available in Leighton Buzzard and Dunstable

### **Additional Comments**

The planning application was registered on 06/06/12, consultation letters were sent to addresses in close proximity of the Green on this date, giving the standard 21 days consultation period.

Two site notices were erected and the application was publicised in the Leighton Buzzard Observer and Dunstable Gazette on 27<sup>th</sup> June.

No request was made for a larger site plan. Full details of the floodlighting included within the application documents on the Council's website. The demolition of the pavilion was agreed much later in the application in order to secure more parking spaces.

The references made to points of law with regard to the Village Green Act are separate from the Town and Country Planning Act and such, cannot be given consideration in the determination of the planning application.

Amendment to report with regard to number of objectors: 35 letters/e-mails objections received.

### **Additional Conditions**

Before development begins, a scheme for the method of surface water/storm water drainage shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure suitable provision is made for surface water drainage.

<b>Item No. 12</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/02568/FULL</b>
<b>LOCATION</b>	<b>Twin Acres, Hitchin Road, Arlesey, SG15 6SE</b>
<b>PROPOSAL</b>	<b>Replacement of existing static caravan and the siting of four additional static caravans and an amenity block together with associated parking and hardstanding (PLEASE NOTE AMENDED DESCRIPTION).</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>20 August 2012</b>
<b>EXPIRY DATE</b>	<b>15 October 2012</b>
<b>APPLICANT</b>	<b>Mr L Connors</b>
<b>AGENT</b>	<b>Philip Brown Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>This application was called to committee by Cllr Dalgarno because of significant local interest.</b>
	<b>Full Application - Granted</b>

### Recommendation

That Planning Permission be granted subject to the following conditions:

- 1 This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in Planning Policy for Traveller Sites (CLG, 2012).  
  
Reason: To limit the use of the site to gypsies and travellers.
- 2 No more than 5 caravans shall be stationed on the site at any one time.  
  
Reason: To control the level of development in the interests of visual and residential amenity.
- 3 No commercial activities shall take place on the land, including the storage of materials.  
  
Reason: In order to protect the amenities of local residents.
- 4 No additional external lighting to be installed on the site unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority, the scheme shall include the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, the

lighting shall then be installed and operated in accordance with the approved scheme.

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

- 5 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (1) to (4) below:-

1. within 3 months of the date of this decision:

- a scheme for improved visibility splays at the site showing minimum dimensions of 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 215m measured from the centre line of the proposed access along the line of the channel of the public highway and;
- a scheme showing that, gates provided at the access to the site shall be set back a distance of at least 15m from the near side edge of the carriage way of the adjoining highway and shall open away from the highway

shall have been submitted for written approval of the local planning authority and the said scheme shall include a timetable for its implementation (hereafter referred to as the site development scheme).

2. within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
3. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
4. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interest of highway safety.

- 6 The hard and soft landscaping shown on drawing CBC/002 shall be completed during the planting season after the date of this permission and shall be permanently retained thereafter.

Reason: In the interest of visual amenity.

- 7 The development hereby permitted shall not be carried out except in



complete accordance with the details shown on the submitted plans, numbers [CBC/001, CBC/002, CBC/003, CBC/004, CBC/005 and CBC/006].

Reason: For the avoidance of doubt.

### **Reason for approval:**

The principle of additional caravan pitches in this location would be acceptable and would help to meet future identified need for Gypsy and Traveller accommodation in Central Bedfordshire. There would be no harm caused to the appearance of the site and no harm caused to living conditions at neighbouring properties. Access to the site would be improved so that highway safety would be acceptable. The development would be in accordance with the National Planning Policy Framework (2012) Planning Policy for Traveller Sites, the Central Bedfordshire Core Strategy and Development Management Policies (2009), the Mid Beds Local Plan First Review - Saved Policies (2005) and Design in Central Bedfordshire - a guide for development (2010).

### **Notes to Applicant**

#### 1. Land contamination

The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during development should be described to CBC Public Protection. Any imported material for gardens and landscaping (including earth bunding) must be of a quality that adheres to British Standard for Topsoil BS3882:2007, as expected by the NHBC and other bodies. Further information can be obtained from Andre Douglas, Contaminated Land Officer, Tel 0300 300 8000.

#### Noise

The proposed residential caravan site is located within 150m of the mainline London to Edinburgh railway to the west of the site. I would request that the following informative is attached to any approval.

The Council is concerned that Noise from the mainline railway may cause detriment to the residents of this development. Further information may be obtained from Public Protection on 0300 300 8000.

#### Caravan Site Licence

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

2. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View

a Planning Application pages of the Council's website  
[www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

[Note:

1. In advance of consideration of the application the Committee were advised that 91 additional representations, several by the same person but including Alistair Birt MP and Ickleford Parish Council. In addition, 500 individually signed copies of an objection letter had been received, as detailed in the Late Sheet.
2. Conditions 5 and 6 in the report are to be deleted and condition 5 replaced as above, with the one detailed in the Late Sheet, and the existing conditions 7 and 8 be renumbered 6 and 7 respectively.
3. In advance of consideration of the application the Committee received representations under the Public Participation Scheme.]

<b>Item No. 6</b>
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<b>APPLICATION NUMBER</b>	<b>CB/11/03832/FULL</b>
<b>LOCATION</b>	<b>Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS</b>
<b>PROPOSAL</b>	<b>Demolition of 2 dwellings and re-development of site for 2 No. One bed dwellings, 4 no. Two bed dwellings, 4 no. Three bed dwellings, 2 no. Four bed dwellings and 1 no. Five bed dwelling, with associated garaging and parking.</b>
<b>PARISH</b>	<b>Harlington</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>11 November 2011</b>
<b>EXPIRY DATE</b>	<b>10 February 2012</b>
<b>APPLICANT</b>	<b>Hearne Holmes Developments</b>
<b>AGENT</b>	<b>Triad Planning &amp; Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>An unresolved Parish Council objection to a major application. Deferred from the Council's Development Management Committee of 19<sup>th</sup> September 2012 to allow consultation with English Heritage.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**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 **Development shall not commence until details of the materials to be used for the external windows, doors, walls, roofs and rainwater goods of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.**

Reason: To ensure that the development is in keeping with the character of the surrounding Conservation Area.

- 3 **No development shall commence until detailed drawings of all proposed new doors & windows to a scale of 1:20, together with a detailed specification of the materials, construction & finishes, have been submitted to & approved in writing by the Local Planning Authority.**

**Reason: To ensure that the new development is sympathetic to the character & appearance of historic buildings within the Conservation Area and the setting of listed buildings.**

- 4 **No development shall commence until details of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

**Reason: To ensure that adequate surface water drainage is provided to prevent water pollution and flooding.**

- 5 **No development shall commence until all preliminary works, ground protection and protective fencing has been implemented in strict accordance with the Method Statement and Tree Protection Plan, as shown on the drawing "Tree Removal and Protection Plan" (Drawing No. 11-734-P-15) as prepared by Triad Planning and Design, unless otherwise agreed in writing by the Local planning Authority.**

**Reason: To safeguard the integrity of the rooting medium, rooting system and existing canopy spread of retained trees and hedges, in the interests of maintaining the respective Root Protection Areas, good health and natural appearance of retained trees and hedging, thereby maintaining visual amenity and effective boundary screening.**

- 6 **Consent is being granted in recognition that no underground services are scheduled to be routed through the Root Protection Areas of retained trees and hedging. If any services are subsequently required to be routed through those areas protected under the Tree Protection Plan, then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees"**

**Reason: To safeguard the integrity of the rooting medium and root system of trees and hedges in the interests of maintaining tree health, visual amenity and effective boundary screening.**

- 7 **No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning, showing the species, sizes, position and planting specification of new trees, shrubs, climbers and hedging, to be planted during the planting season following completion of development. During each subsequent August for the first five years following initial planting, any losses of plants shall be checked and recorded and losses shall be replaced using the same species, planting size and planting specification in the following growing season (a growing season shall be deemed to be between 1st November to 31st March).**

**Reason: To ensure a satisfactory establishment of landscape planting in order to enhance visual amenity and to integrate the development into the urban landscape.**

- 8 **No development shall commence until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority and no dwelling shall be occupied until the junction which provides a means of access to it has been constructed in accordance with the approved details.**

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

- 9 No dwelling shall be occupied until visibility splays have been provided at the junctions of the access roads with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel of the public highway and 38m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

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

- 10 **No development shall commence until detailed plans and sections of the proposed roads, including gradients and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed apart from final surfacing in accordance with the approved details.**

**Reason: To ensure that the proposed roadwork's are constructed to an adequate standard.**

- 11 **No development shall commence until details of a scheme showing the relocated position of the street furniture and electricity pole has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the street furniture and electricity pole have been relocated in accordance with the approved details.**

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

- 12 Before any dwelling is 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.

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

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

- 14 The turning spaces for vehicles illustrated on the approved Plan (Drawing No 11-734-P-01 Rev F) shall be constructed before the development is first brought into use.

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

- 15 **No development shall commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

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

- 16 **No development shall 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.**

- 17 **No development shall commence until details of the final ground and slab levels of the dwellings hereby approved are 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.**

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

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

- 19 **No development shall commence until details of all boundary walls and fencing have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

**Reason: To safeguard the amenity of the area and ensure privacy between dwellings.**

- 20 Tree felling and scrub clearance of the site should avoid the bird nesting season between March and August inclusive and consideration should be given during site clearance to the presence of hedgehogs.

Reason: To ensure the protection of wildlife interests within the site.

- 21 The first floor west elevation windows of plot 5 and the first floor east and west elevation windows of plot 3 shall be fitted with obscured glass of a type to substantially restrict vision at all times, and thereafter retained as such. No first floor windows or other openings shall be formed in those elevations or in the first floor north elevation of plot 4 unless approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of existing and future properties.

- 22 **No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme."**

**Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development. This is in line with policy 46 of the Draft Development Strategy for Central Bedfordshire.**

- 23 **No development shall commence until a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

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

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

Reason: In the interest of amenity.

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [11-734-P-01F, 02C, 03C, 04C, 05D, 06C, 07D, 08D, 09D, 10D, 11C, 13B, 14A, 15A, 16A ].

Reason: For the avoidance of doubt.



### Reasons for Granting

The proposal is in conformity with the National Planning Policy Framework and policies CS1, CS2, CS3, CS5, CS7, CS14, CS15, DM2, DM3, DM4, DM10, DM13, and DM15 of the Development Management Policies of the Core Strategy Adopted 2009, as it preserves the character and appearance of the surrounding Conservation Area. The proposal would also have no unacceptable impact on the amenities of neighbours, highway safety, on any heritage, tree or ecological assets, subject to appropriate conditions.

It is also in accordance with the Adopted Supplementary Planning Document, 'Design in Central Bedfordshire', 2010 and the Planning Obligations Strategy, Adopted 2008.

### Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 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.
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
3. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

4. The applicant is advised that in order to comply with Conditions 1 and 5 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
6. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
7. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance – July 2010".
8. In order to encourage biodiversity on the site native trees and shrubs should be included as part of any landscaping and bird and bat boxes and ladybird/lacewing boxes, should be provided as recommended in the Design and Access Statement.
9. Prior to removal of any fruit trees from the site the developer is requested to contact the Council's Ecologist Liz Anderson on 0300 300 4869 so that arrangements can be made with the Beds Community Tree Trust to take cuttings, as it is possible that the trees could be examples of old Bedfordshire varieties.
10.
  - The proposal is situated over a Secondary aquifer.
  - Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

- Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
  - Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.
  - Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.
11. The applicant is requested to have it written into the sale of contract that bins must be stored in the rear of each property when not placed out on day of collection.

[Notes:

1. In advance of consideration of the application the Committee were advised of correspondence from both the Parish Council and the Applicant, which were detailed in full in the Late Sheet.
2. In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.
3. English Heritage had confirmed that any perceived harm resulting from the proposed development would result in "less than substantial harm" to the character of the Conservation Area.]

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<b>Item No. 7</b>
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<b>APPLICATION NUMBER</b>	<b>CB/11/03833/CA</b>
<b>LOCATION</b>	<b>Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS</b>
<b>PROPOSAL</b>	<b>Demolition of 2 dwellings and re-development of site for 2 No. One bed dwellings, 4 no. Two bed dwellings, 4 no. Three bed dwellings, 2 no. Four bed dwellings and 1 no. Five bed dwelling, with associated garaging and parking.</b>
<b>PARISH</b>	<b>Harlington</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>CLlrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>11 November 2011</b>
<b>EXPIRY DATE</b>	<b>06 January 2012</b>
<b>APPLICANT</b>	<b>Hearne Holmes Developments</b>
<b>AGENT</b>	<b>Triad Planning &amp; Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>An unresolved Parish Council objection to a major application. Deferred from the Council's Development Management Committee of 19th September 2012 to allow consultation with English Heritage.</b>
<b>RECOMMENDED DECISION</b>	<b>Conservation Area - Granted</b>

**Recommendation**

That the Conservation Area Consent be **GRANTED** subject to the following conditions:

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

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

- 2 This consent relates only to the details shown on plans 11-734-P-01F, 02C, 03C, 04C, 05D, 06C, 07D, 08D, 09D, 10D, 11C, 13B, 14A, 15A, 16A or to any subsequent appropriately endorsed revised plan.

Reason: To identify the approved plan/s and to avoid doubt.

- 3 The demolition works hereby approved shall only be carried out in connection with the redevelopment of the site as permitted by planning permission reference CB/11/03832/FULL and the two permissions shall be implemented as a single

continuous development scheme.

Reason: To ensure that an unsightly cleared site is not created to the detriment of the character and amenities of the area

### **Reasons for Granting**

The proposal to demolish the existing buildings in connection with the development proposed in planning application CB/11/03832/FULL would preserve the Harlington Conservation Area. The proposal is therefore in conformity with The National Planning Policy Framework (paragraph 126), which relates to the conservation and enhancement of the historic environment, and policies CS15 and DM13 of the Central Bedfordshire Core Strategy.

It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development.

### **Notes to Applicant**

[Notes:

1. In advance of consideration of the application the Committee were advised of correspondence from both the Parish Council and the Applicant, which were detailed in full in the Late Sheet.
2. In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.
3. English Heritage had confirmed that any perceived harm resulting from the proposed development would result in "less than substantial harm" to the character of the Conservation Area.]

<b>Item No. 8</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/03129/FULL</b>
<b>LOCATION</b>	<b>Little Park Farm, Station Road, Ampthill, Bedford, MK45 2RE</b>
<b>PROPOSAL</b>	<b>Demolition of commercial building and construction of dwelling with associated landscaping</b>
<b>PARISH</b>	<b>Ampthill</b>
<b>WARD</b>	<b>Ampthill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Smith</b>
<b>CASE OFFICER</b>	<b>Annabel Gammell</b>
<b>DATE REGISTERED</b>	<b>31 August 2012</b>
<b>EXPIRY DATE</b>	<b>26 October 2012</b>
<b>APPLICANT</b>	<b>Mr Olney</b>
<b>AGENT</b>	<b>Phillips Planning Services Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Whilst it might be nominally Green Belt there are other residences there who's owners find the current building an eyesore and a health hazard too</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

Delegated Decision - See Minute No. DMC/12/

That the Head of Planning be delegated authority to approve the application subject to the following, in consultation with the Chairman and the Vice-Chairman:-

### **Reasons for Granting**

The proposed development is in conflict with Green Belt policy however very special circumstances have been demonstrated to justify the departure from policy. The proposal would result in a significant environmental improvement to the appearance of the immediate residential area known as "Little Park Farm" and the proposed development would have a positive impact on the adjacent Listed Buildings and the setting of the Listed Buildings these benefits cumulatively outweigh any harm to the Green Belt. In addition to the very special circumstances, the development would have a positive impact upon neighbouring residential amenity, and would not result in any parking or highway issues. The cumulative benefits constitute very special circumstances and by reason of its siting and design is in conformity with the National Planning Policy Framework Paragraph 88 and Policies DM3, CS2, Central Bedfordshire Core Strategy and Development Management Policies. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide to Development".

The Council as the Local Planning Authority hereby gives notice of its decision to **GRANT PERMISSION** for the development specified above and shown on the submitted plans, subject to the following conditions:

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 works shall commence on site until a scheme is submitted to and approved in writing by the Local Planning Authority setting out the details of the materials to be used for the external walls, windows, doors 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 works to commence on site until a landscaping scheme to include any boundary treatment, hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March).**

**Reason: To ensure a satisfactory standard of landscaping and boundary treatment.**

4. **No works shall commence on site until details of the ground levels of the site, finished floor level of the dwelling in relation to adjacent dwelling (south east of the application site) are to be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

**Reason: To produce a satisfactory relationship between the dwelling and adjacent properties.**

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

Reason: To control the external appearance of the building in the interests of the amenities of the area and to protect the Green Belt from further encroachment.

6. **1. Prior to the commencement of the development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**



- (a) A Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate sampling, as shown to be necessary by the Phase 1 Desk Study by Applied Geology of June 2012 already submitted.
- (b) Where shown necessary by this Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and wider environment.

**2. Prior to occupation of the dwelling, the developer shall provide written confirmation that any and all works including responses to any unexpected contamination discovered during works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and validation sampling.**

Reason: To protect human health and the environment.

- 7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SE2737/3A, 01, SE2737/1, SE2737, SE2737/2C.

Reason: For the avoidance of doubt.

**Notes to applicant:**

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

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

- 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.

[Note:

- 1. In advance of consideration of the application the Committee were advised that the agent for the applicant had provided comments to the report. The comments were detailed in the Late Sheet.
- 2. In advance of consideration of the application the Committee received representations under the Public Participation Scheme.]

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<b>Item No. 9</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/02845/FULL</b>
<b>LOCATION</b>	<b>The Pastures, Lower Stondon, Bedford, SG16 6QB</b>
<b>PROPOSAL</b>	<b>Erection of a multi-use games area (MUGA) and associated works.</b>
<b>PARISH</b>	<b>Stondon</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>15 August 2012</b>
<b>EXPIRY DATE</b>	<b>10 October 2012</b>
<b>APPLICANT</b>	<b>Bovis Homes Limited</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This application was called to committee by Cllr Drinkwater because of its association with an application for housing in Stondon.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Planning Context:**

If planning permission is granted for this development, it is proposed that it would be delivered through a s106 agreement attached to an application for housing in Lower Stondon (12/2929). That application has not yet been determined. Notwithstanding the potential relationship between the two developments, this application should be determined on its individual merits.

**Recommendation:**

That Planning Permission be granted subject to the following conditions:

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

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

- 2 The development shall be carried out in accordance with the specification shown on drawing Ston-03-100 rev C unless otherwise agreed beforehand in writing by the Local Planning Authority.

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

- 3 No flood lighting shall be used at the site between the hours of 2100 and 0800.

Reason: To protect living conditions at neighbouring properties.

- 4 No development shall commence at the site before a scheme has been submitted to the Council for approval outlining what measures shall be put in place to protect neighbouring properties from excessive noise and disturbance. The submission shall be supported by a noise assessment. The measures shall be carried out as approved and shall be permanently retained thereafter.

Reason: To protect living conditions at neighbouring properties.

- 5 No development shall commence at the site before a scheme has been submitted to the Council for approval outlining what measures shall be put in place to protect neighbouring properties from light pollution associated with the use of flood lighting. The submission shall be supported by a lighting assessment. The measures shall be carried out as approved and shall be permanently retained thereafter.

Reason: To protect living conditions at neighbouring properties.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [STON-03-200 and Ston-03-100 rev C].

Reason: For the avoidance of doubt.

#### **Reason for approval:**

The development would represent a valuable local facility in Stondon, would cause no harm to the appearance of the site and subject to appropriate conditions, would cause no harm to living conditions at neighbouring properties. The development would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design in Central Bedfordshire (a guide for development) (2010).

#### **Notes to Applicant**

1. For the avoidance of doubt, this permission does not imply consent for any pedestrian or vehicular gates at the entrance to the site from The Pastures.

[Notes:

1. In advance of consideration of the application the Committee were advised that six additional letters of objection had been received and the Stondon Residents for Centrally Place Community Facilities submitted a letter of objection supported by a petition with 120 signatures as detailed in the Late Sheet.
2. In advance of consideration of the application the Committee received representations under the Public Participation Scheme.]

<b>Item No. 10</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/02846/FULL</b>
<b>LOCATION</b>	<b>Land South of Station Road and West of Three Star Park, Lower Stondon,</b>
<b>PROPOSAL</b>	<b>Construction of access road and parking to serve proposed allotments.</b>
<b>PARISH</b>	<b>Stondon</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>16 August 2012</b>
<b>EXPIRY DATE</b>	<b>11 October 2012</b>
<b>APPLICANT</b>	<b>Bovis Homes Limited</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>This application is being determined by committee because of significant local interest in it.</b>
	<b>Full Application - Granted</b>

**Planning Context:**

If planning permission is granted for this development, it is proposed that it would be delivered through a s106 agreement attached to an application for housing in Lower Stondon (12/2929). That application has not yet been determined. Notwithstanding the potential relationship between the two developments, this application should be determined on its individual merits.

**Recommendation:**

That Planning Permission be granted subject to the following conditions and the signing of a legal agreement preventing the commencement of this development before the housing development to the north, if permission is granted for that development:

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

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

- 2 **No development shall commence at the site before details of the materials to be used in the construction of the road have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved.**

**Reason: To ensure a satisfactory appearance at the site.**

- 3 **No development shall commence at the site before details of any security entrance gate and fencing at the site have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved.**

**Reason: To ensure a satisfactory appearance at the site.**

- 4 **No development shall commence at the site before details of how the proposed road will connect with the public highway have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the site is accessible.**

- 5 The development shall not be brought in to use before the junction of the proposed access with the highway has been constructed in accordance with the approved details.

Reason: In the interest of highway safety.

- 6 The development shall not be brought in to use before details showing that on site vehicular areas will be constructed and surfaced in a stable and durable manner have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: In the interest of highway safety.

- 7 The development shall not be brought in to use before the parking spaces and turning areas shown on the approved drawings have been completed. They shall be permanently retained thereafter.

Reason: To ensure that adequate parking and turning facilities are available.

- 8 **No development shall commence at the site before details of the traffic calming measures shown on the approved drawings have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved and shall be permanently retained thereafter.**

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

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [STON-03-101C, STON/03/201B and STON/03/202A].

Reason: For the avoidance of doubt.

**Reason for approval:**

The development would facilitate the use of the site for a valuable community facility and would be acceptable in principle. There would be no harmful impact on the appearance of the site or on living conditions at neighbouring properties. There would no harmful impact on the safe and free flow of traffic. The development would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design in Central Bedfordshire (a guide for development) (2010).

**Notes to Applicant**

[Notes:

1. In advance of consideration of the application the Committee were advised that 15 additional consultation responses had been received which highlighted issues contained within the report only and the Stondon Residents for Centrally Place Community Facilities submitted a letter of objection supported by a petition with 101 signatures as detailed in the Late Sheet.
2. In advance of consideration of the application the Committee received representations under the Public Participation Scheme.]

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<b>Item No. 11</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/02812/FULL</b>
<b>LOCATION</b>	<b>Village Hall, Hillside Road, Lower Stondon, Henlow, SG16 6LQ</b>
<b>PROPOSAL</b>	<b>Single storey side extension to village hall, new parking area &amp; change of use of open space to school playing field.</b>
<b>PARISH</b>	<b>Stondon</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>06 August 2012</b>
<b>EXPIRY DATE</b>	<b>01 October 2012</b>
<b>APPLICANT</b>	<b>Waterway Estates Limited</b>
<b>AGENT</b>	<b>JLM ARCHITECTURE LIMITED</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This application was called to Committee by Cllr Dalgarno because of local interest.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Planning Context:**

If planning permission is granted for this development, it is proposed that it would be delivered through a s106 agreement attached to an application for housing in Lower Stondon (12/2929). That application has not yet been determined. Notwithstanding the potential relationship between the two developments, this application should be determined on its individual merits.

**Recommendation:**

That Planning Permission be granted subject to the following conditions:

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

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

- 2 **No development shall commence at the site before samples of materials to be used in the external surfaces of the extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the development would be satisfactory.**

- 3 The development shall not be occupied before details of showing that all on site vehicular areas shall be surfaced in a stable and durable manner have been submitted to and approved in writing by the Local Planning Authority. The details shall show arrangements for surface water from the site to a soak away within the site. so that it does not.

Reason: In the interests of highway safety and sustainable drainage.

- 4 **No development shall commence at the site before details of secure and covered cycle/scooter parking and a buggy bar have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: In the interest of sustainable transport.**

- 5 **No development shall commence at the site before a scheme to show construction worker parking arrangements has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that construction causes the minimum disruption to other road users.**

- 6 **No development shall commence at the site before a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a tree to replace that which would be felled at the front of the site and shall be carried out as approved in the planting season after the development is commenced.**

**Reason: To ensure a satisfactory appearance at the site.**

- 7 Prior to the first use of the extension hereby approved, the additional parking spaces shall be provided as approved and be permanently retained thereafter.

Reason: To ensure that adequate car parking is provided to meet the needs of the development.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [10351-LP, 10351-05, 10351-04-C, 10351-01 and 10351-02].

Reason: For the avoidance of doubt.

**Reason for approval:**

The development would improve this community facility in Stondon and would be acceptable in principle. The loss of outdoor play space would be acceptable by virtue of its existing value as recreation space and the wider community benefits of the development. There would be no harmful impact on the appearance of the site or on living conditions at neighbouring properties. There would be no harmful impact on the safe and free flow of traffic. The development would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design in Central Bedfordshire (a guide for development) (2010).

**Notes to Applicant**

1. The applicant is advised that the approval of this planning application in no way implies the agreement of the Council to any land exchange, which will need to be considered independently to this application.

[Notes:

1. In advance of consideration of the application the Committee were advised that five additional letters of objection had been received and the Stondon Residents for Centrally Place Community Facilities submitted a letter of objection supported by a petition with 121 signatures as detailed in the Late Sheet.
2. In advance of consideration of the application the Committee received representations under the Public Participation Scheme.]

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**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/12/02894/FULL</b>
<b>LOCATION</b>	<b>Land west of Larksfield Surgery, Arlesey Road, Stotfold, Hitchin, SG5 4HB</b>
<b>PROPOSAL</b>	<b>Proposal of two Football Pitches as well as Toilet Facilities and provision for informal car parking spaces (x30)</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>16 August 2012</b>
<b>EXPIRY DATE</b>	<b>11 October 2012</b>
<b>APPLICANT</b>	<b>Stotfold Town Council</b>
<b>AGENT</b>	<b>B3 Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application site is on Council owned land and objections to the proposal have been received.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**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 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:-**

- proposed finished levels or contours;
- materials to be used for any hard surfacing including the parking area and footpaths;
- minor structures (e.g. furniture, play equipment, signs, etc);
- 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.**

- 3 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.

- 4 **No development shall take place until a written scheme of archaeological investigation, recording, analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme**

**Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development.**

- 5 **No development shall commence until details of all fencing to be erected, including height, design and materials together with details of any gates or openings, have been submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details. The perimeter fencing shall be provided prior to the use hereby permitting coming into effect.**

**Reason: To ensure a satisfactory development and in the interests of site security**

- 6 **No development shall take place until details of the height and location of the grass banking located along the eastern site boundary shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in accordance with the approved**

details and shall be completed prior to the first use of the development unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

7 **No development shall take place until -**

i) a detailed assessment of ground conditions of the land proposed for the new playing field land as shown on drawing number 101C shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

ii) based on the results of this assessment to be carried out pursuant to i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

**Reason:** To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy CS3.

8 **No development shall commence until details of the junction of the modified vehicular access with the highway have been approved by the Local Planning Authority and the football pitches shall not be brought into use 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 premises.

9 The modified vehicular access shall have a minimum width of 7.3m, kerb radii of 9m, and shall be located in accordance with the approved Site layout Plan, drawing number 20192/101C.

**Reason:** In the interest of road safety and for the avoidance of doubt

10 Before the modified access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway/cycleway into the site along the centre line of the anticipated vehicle

path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway/cycleway level.

Reason: To provide adequate visibility between the existing footway/cycleway and the modified access and to make the access safe and convenient for the traffic that is likely to use it.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 101C, GA/EL 120 A.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed football pitches 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. The proposal is also considered acceptable in terms of its impact on biodiversity and the landscape therefore by reason of its size, design and location, the proposal is in conformity with Policies CS3, CS14, DM3, DM4, DM14 and DM15 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012.

### **Notes to Applicant**

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 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 Ampthill Road, Bedford MK42 9BD.



2. The applicant is advised that the proposed landscaping scheme required for the approval of condition 2 should be discussed with Tree and Landscape Officers to agree an acceptable scheme prior to the submission.

[Note

1. In advance of consideration of the application the Committee were advised that the Public Protection Contaminated Land Pollution Team had no comments and the Landscape Officer for Central Bedfordshire Council had provided comments which were detailed in the Late Sheet.
2. In advance of consideration of the application the Committee received representations under the Public Participation Scheme.]

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<b>Item No. 14</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/03000/VOC</b>
<b>LOCATION</b>	<b>Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB</b>
<b>PROPOSAL</b>	<b>Variation of condition 4 (hours of operation and delivery) of planning approval reference CB/11/03441/VOC to allow for the operation of machinery and deliveries on Saturday between 0800 hours to 1600 Hours.</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	
<b>CASE OFFICER</b>	<b>Amy Lack</b>
<b>DATE REGISTERED</b>	<b>17 August 2012</b>
<b>EXPIRY DATE</b>	<b>12 October 2012</b>
<b>APPLICANT</b>	<b>Big Timber</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Aldis and Cllr Maudlin due to local concerns regarding the development</b>

<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>
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Delegated Decision - See DMC/12/

That the Head of Planning be given delegated authority to refuse the variation to Condition 4 for the following reasons:-

[Note:

1. In advance of consideration of the application the Committee were advised that a neighbour to the site had provided photos, which were contained in the Late Sheet.
2. The Highways Agency had proposed a revised condition 6, which was agreed by the Committee and is detailed in the Late Sheet.
3. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.]

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<b>Item No. 17</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/03045/VOC</b>
<b>LOCATION</b>	<b>Beeston Timber Yard, 64 High Road, Beeston, Sandy, SG19 1PB</b>
<b>PROPOSAL</b>	<b>Variation of Condition No. 4 on Application No. CB/11/03441/VOC dated 08/06/2012</b> <b>From: There shall be no machinery used at the site, outside the hours of 0730 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays and there shall be no goods moved within the site or deliveries received or despatched outside the hours of 0600 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays.</b> <b>To: There shall be no machinery used at the site outside the hours of 0730 hours to 1800 hours Monday to Friday or outside the hours of 0800 hours to 1600 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays and there shall be no goods moved within the site or deliveries received or despatched outside the hours of 0600 to 1900 hours Monday to Friday or outside the hours of 0800 hours to 1600 hours on Saturdays and at no time on Sundays, Bank or Public Holidays</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Aldis, Maudlin &amp; Sheppard</b>
<b>CASE OFFICER</b>	<b>Amy Lack</b>
<b>DATE REGISTERED</b>	<b>23 August 2012</b>
<b>EXPIRY DATE</b>	<b>18 October 2012</b>
<b>APPLICANT</b>	
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Aldis and Cllr Maudlin due to local concerns regarding the development.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>

Delegated Decision - See DMC/12/

That the Head of Planning be delegated authority to refuse the variation to condition 4 for the following reasons:-

[Note:

1. The Highways Agency had proposed a revised condition 6, which was agreed by the Committee and is detailed in the Late Sheet.
2. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.]

<b>Item No. 15</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/03046/VOC</b>
<b>LOCATION</b>	<b>Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB</b>
<b>PROPOSAL</b>	<b>Removal of Condition No.4 on Permission CB/12/01201/FULL Dated 02/08/2012 -in relation to Highways Access from the A1</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Aldis, Maudlin &amp; Sheppard</b>
<b>CASE OFFICER</b>	<b>Amy Lack</b>
<b>DATE REGISTERED</b>	<b>23 August 2012</b>
<b>EXPIRY DATE</b>	<b>18 October 2012</b>
<b>APPLICANT</b>	
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Aldis and Cllr Maudlin due to local concerns regarding the development</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>

### Recommendation

That removal of the condition be granted subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby approved shall be carried out in materials as set out in the application form, unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.
- 3 **Before the development hereby permitted is commenced; details of a scheme showing the provision of 19 car parking spaces and 7 HGV parking spaces to serve the new warehouses shall be submitted to and**

**approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.**

**Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.**

- 4 Within 12 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall be used as the sole access for all deliveries to the application site.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road; and to safeguard the residential amenity of nearby occupiers.

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

**Reason: To record and advance understanding of the significance of the heritage assets with archaeological in accordance with Policy 141 of the National Planning Policy Framework (2012).**

- 6 The use of the warehouse buildings hereby approved shall be solely in conjunction with the use of the site as a commercial timber yard as approved by CB/11/01546/FULL or CB/11/03341/VOC whichever permission is implemented or subsequently supersedes these permissions thereafter.

Reason: For the avoidance of doubt and to preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy and Development Management Policies (2009)

- 7 There shall be no machinery used at the site, outside the hours of 0730 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, and there shall be no goods moved within the site or deliveries received or dispatched outside the hours of 0600 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays.



Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy and Development Management Policies (2009).

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [BE1316; PL01 E; PL04 B; PL05 C; 100 B].

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed 2no. warehouse buildings will provide a means of acceptable covered storage in conjunction with the extant permission for use of the site as a commercial timber yard. The development will not have any significant adverse impact upon the character of the surrounding area, the residential amenity currently enjoyed by nearby occupiers, highway safety or archaeological heritage assets.

The variation condition 4 of planning application reference CB/12/01201/FULL is considered acceptable. Requiring the completion of the improvements to the access off the A1 within 12 months from the date of approval of this application will allow the construction and use of the 2no. warehouse buildings to commence in accordance with Central Government advice contained within the National Planning Policy Framework (2012) (Section 1, paragraph 19). Its variation will not have any significant adverse impact upon the character of the surrounding area, the residential amenity currently enjoyed by nearby occupiers or highway safety.

For the above reasons the variation of condition 4 of planning application reference CB/12/01201/FULL is acceptable and the development remains compliant with policies CS14; DM3; DM4 and DM12 of the Core Strategy and Management Policies (2009) and Central Government guidance contained within the National Planning Policy Framework (2012) in particular paragraph 19 with respect to supporting economic growth and paragraph 56 with respect to good design.

### **Notes to Applicant**

[Note:

1. The Highways Agency had proposed a revised condition 4, as above, which was agreed by the Committee and is detailed in the Late Sheet.
2. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.]

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<b>Item No. 16</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/03047/VOC</b>
<b>LOCATION</b>	<b>Beeston Timber Yard, 64 High Road, Beeston, Sandy, SG19 1PB</b>
<b>PROPOSAL</b>	<b>Variation of Condition No 5 on Permission CB/11/01546/FULL dated 15/09/2011 to be varied to: No goods, waste or other materials shall be stored, stacked or deposited outside the building(s) to a height exceeding 5 metres, unless otherwise agreed in writing by the local planning authority.</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Aldis, Maudlin &amp; Sheppard</b>
<b>CASE OFFICER</b>	<b>Amy Lack</b>
<b>DATE REGISTERED</b>	<b>23 August 2012</b>
<b>EXPIRY DATE</b>	<b>18 October 2012</b>
<b>APPLICANT</b>	
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This application accompanies other applications at this site which have been called to Committee by ward Cllrs.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>

**Recommendation**

That the variation of condition 5 be granted subject to the following conditions:

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

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

- 2 Prior to the first use of the application site as a commercial timber yard the advanced signing scheme as detailed on drawing numbers BE1316T-001-02 and approved by the local planning authority on 16.04.2012 in connection with planning application reference CB/11/01546/FULL shall be fully implemented in accordance with the approved details.

Reason: In the interest of highway safety and for the avoidance of doubt in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 Noise resulting from the use of any plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10bDA if there is a tonal distinctive quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: to preserve the residential amenity of neighbouring properties in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and Central Government guidance contained within the National Planning Policy Framework (2012).

- 4 There shall be no machinery used at the site, outside the hours of 0730 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays and there shall be no goods moved within the site or deliveries received or despatched outside the hours of 0600 hours to 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

- 5 No goods, waste or other materials shall be stored, stacked or deposited outside the building(s) to a height exceeding 5 metres, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 Within 12 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall be used as the sole access for all deliveries to the application site.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road; and to safeguard the residential amenity of nearby occupiers.

- 7 This permission is solely for the change of use of the land and does not grant permission for any buildings indicated on the submitted plans.

Reason: For the avoidance of doubt

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [BE1316; 11/BGT/01, 11/BGT/02, JKK6849 Rev B, Design and Access Statement - submitted 21.04.11.].

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed change of use from a horticultural/nursery use to a commercial timber yard will not have any significant adverse impact upon the character of the surrounding area, the residential amenity currently enjoyed by nearby occupiers, highway safety or archaeological heritage assets.

The variation condition 5 of planning application reference CB/11/01546/FULL to increase the height to which the storage of goods, waste and materials externally on the site may be stored by an additional metre, to a total of 5 metres in height would not have a significant adverse impact upon the character of the surrounding area nor the residential amenity currently enjoyed by nearby occupiers.

For the above reasons the variation of condition 5 of planning application reference CB/11/01546/FULL is acceptable and the change of use from a horticultural/nursery use to a commercial timber yard remains compliant with policies CS14; DM3; DM4 and DM12 of the Core Strategy and Management Policies (2009) and Central Government guidance contained within the National Planning Policy Framework (2012) in particular paragraph 19 with respect to supporting economic growth and paragraph 56 with respect to good design.

[Note:

1. The Highways Agency had proposed a revised condition 6, as above, which was agreed by the Committee and is detailed in the Late Sheet.
2. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.]

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<b>Item No. 20</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01812/FULL</b>
<b>LOCATION</b>	<b>The Recreation Ground, The Rye, Eaton Bray</b>
<b>PROPOSAL</b>	<b>Erection of all weather training pitch with associated fencing and floodlighting.</b>
<b>PARISH</b>	<b>Eaton Bray</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Mustoe</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>06 June 2012</b>
<b>EXPIRY DATE</b>	<b>01 August 2012</b>
<b>APPLICANT</b>	<b>Eaton Bray Parish Council</b>
<b>AGENT</b>	<b>Mr Farnfield</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Assistant Director is sending this application to Development Management Committee following the concerns raised by the Environmental Health Officer</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### Recommendation

That subject to the completion of a prior Section 106 Agreement to secure appropriate community use of the pitch and control over the use of other events on the Green at the same time as use of the pitch, then Planning Permission be GRANTED subject to the following:

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

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

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

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

- 3 The all weather sports pitch and associated floodlighting shall not be used outside the hours of 09:00 to 21:00 on Mondays to Fridays, outside the hours of 10:00 to 17:00 on Saturdays and 10:00 to 16:00 Sundays, Bank and Public Holidays.

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

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

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

- 5 **Prior to the construction of the all weather pitch, the existing pavilion shall be demolished and removed from the site and the additional parking spaces shown of Drawing No. shall be marked out and retained for purpose thereafter.**

**Reason: In the interests of Highway Safety.**

- 6 All proposed external lighting shall be correctly adjusted and maintained so that it illuminates the intended area only as indicated on the approved Plan and does not throw lighting beyond thereby ensuring minimum light pollution.

Reason: In the interests of visual amenity.  
(Policy BE8 S.B.L.P.R.)

- 7 Before development begins and notwithstanding the details submitted with the application, the scheme for floodlighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the site and its surrounding area.  
(Policy BE8 S.B.L.P.R.)

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

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

- 9 Before the development begins, a scheme for the method of surface water/storm water drainage shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure suitable provision is made for surface water drainage.

- 10 The development hereby permitted shall not be carried out except in



complete accordance with the details shown on the submitted plans, numbers CBC/001, 01, 002, 003 Rev 01, 04, 05, 006, 007, TB108/H/CR Rev A & T1.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

The proposed all-weather sports pitch would provide a rural sports facility both for a local football club and wider community use. With the imposition of appropriately worded conditions, the development would not have a detrimental impact upon the openness or visual amenity of the Green Belt or a significant adverse impact on the residential amenity of neighbouring properties. A Section 106 Agreement ensures that the proposal is acceptable in terms of highway safety therefore by reason of its site, design and location, the development is in conformity with Policy ENV7 in the East of England Plan (May 2008), Policies BE8 and R16 of the South Bedfordshire Local Plan Review 2004 and the National Planning Policy Framework.

### **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. This permission is subject to a legal obligation under Section 106 of The Town and Country Planning Act 1990.
4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

[Note:

1. In advance of consideration of the application the Committee were advised of four further letters of objection being received along with a petition containing 216 names as detailed in the Late Sheet.

2. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
3. An additional condition 9 has been added above, dealing with surface water drainage.
4. The legal officer confirmed to members that issues surrounding the Village Green usage were a civil matter and were not a planning consideration as detailed in Section 3 of the report.]

<b>Item No. 18</b>
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<b>APPLICATION NUMBER</b>	<b>CB/11/02261/OUT</b>
<b>LOCATION</b>	<b>Land at Pratts Quarry north of the A505, known as Pulford Corner, Leighton Linlade</b>
<b>PROPOSAL</b>	<b>Outline application for residential development of up to 75 dwellings, together with associated landscaping, open space, parking and access</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Berry, Bowater &amp; Dodwell</b>
<b>CASE OFFICER</b>	<b>Adam Davies</b>
<b>DATE REGISTERED</b>	<b>09 August 2011</b>
<b>EXPIRY DATE</b>	<b>29 November 2011</b>
<b>APPLICANT</b>	<b>Arnold White Estates Ltd</b>
<b>AGENT</b>	<b>Mr M Schnull</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Unresolved Town Council objection to major application</b>
	<b>Subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement to secure essential planning obligations, Planning Permission be GRANTED</b>

### Recommendation

That, subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement to secure access to Astral Park proposed community facilities for the locality, the bringing forward of access to Billington Road for pedestrians and cyclists; the laying out of the areas of informal open space and amenity land forming part of the development site; and essential planning obligations, that the Head of Development Management be authorised to GRANT Planning Permission subject to the following:

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

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

- 2 Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

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

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

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

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the dwellings 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.).**

- 5 **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of screen fencing and/or walling and including the timing of its implementation. The development shall be carried out in accordance with the agreed details.**

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

- 6 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of any existing trees and hedgerows to be retained as part of the development and details of protection measures for the retained trees and hedgerows. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The new and retained 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.).**

- 7 **Prior to the commencement of any phase of development approved by**

**this planning permission the developer shall submit to the Local Planning Authority for written agreement:**

- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
- b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
- c) Where shown to be necessary by the Phase 2 Site Investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
- d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.**

**Any remediation scheme, including variations, shall be submitted in writing to the local planning authority for the agreement prior to the commencement of such works. This should include responses to any unexpected contamination discovered during works.**

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

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

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

- 8 Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure a minimum standard of internal noise level from external noise sources of 30dB LAeq, 23:00-07:00 and that internal noise levels from external noise sources shall not exceed and 45dB LAmax 23:00-07:00 inside any bedroom and 35dB LAeq, 07:00-23:00 in any habitable room. External noise levels from external sources shall not exceed 55dB LAeq 1hour in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local planning authority in writing before any permitted dwelling is occupied, unless**

an alternative period is approved in writing by the Local Planning Authority. The scheme shall identify any windows which need to remain closed in order to limit external road traffic noise to meet this standard. Those windows shall be fixed closed and shall be permanently non-opening. Alternative means of ventilation must be provided in those rooms affected.

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

9 **Prior to the commencement of development, a scheme for surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme shall include the following:**

- **Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus climate change;**
- **Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;**
- **Details of flow control measures to be used, demonstrating that runoff rates will not exceed those give in Tables 7 and 8 within Section 6.21 of the agreed Flood Risk Assessment dated 7 June 2011, reference 3722.FRA (FINAL) Issue 02, compiled by Stuart Michael Associates;**
- **Full calculations of the attenuation storage volume required, based on the simulated rainfall runoff and the agreed post-development discharge rates;**
- **Full details o the maintenance and/or adoption proposals for the drainage system including all elements listed above.**

**The scheme shall be implemented as approved.**

**Reason: To ensure that suitable provision is made for surface water drainage.**

10 **No development shall take place on a phase of the development until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme, relating to both the construction works forming part of the development and the subsequent use and occupation of the dwellings and open space created, to include details of:**

- (i) **the anticipated nature and volumes of waste that will be generated by the development;**
- (ii) **measures to minimise the generation of waste as a result of the**

- building, engineering and landscaping works;**
- (iii) measures to maximise the re-use on-site of such waste;**
- (iv) details of the bin storage and collection arrangements**
- (v) measures to be taken to ensure effective segregation at source of other waste arising during the carrying out of such works, including the provision of waste sorting, storage, recovery and recycling facilities as appropriate;**
- (vi) measures to be taken to encourage the users and occupiers of the completed development to manage their waste effectively and sustainably;**
- (vii) provisions for the monitoring of (i) to (v); and**
- (viii) the timing of its implementation;**

**The measures forming part of that scheme shall be carried out in accordance with it.**

**Reason: In the interests of amenity and to ensure waste is managed effectively and sustainably.**

11 Prior to the initial occupation of the development, a residential travel plan shall be submitted to and approved in writing by the Council. The travel plan shall include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.
- Details of provision of cycle parking.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include walking, cycling, public transport and rights of way information.
- Details of the appointment of a travel plan co-ordinator.

The travel plan shall then be implemented in accordance with the timetable contained therein.

Reason: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

12 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. Before the initial occupation of the individual dwellings the cycle parking scheme for that individual dwelling shall be fully implemented and thereafter retained for this purpose.**

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

13. **No development shall take place until a scheme for the laying out, landscaping and maintenance and management of all of the areas of informal open space and amenity land forming part of the development site, including that under the overhead pylons crossing the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of its implementation and shall reflect the need to integrate the development with the surrounding lakeside landscape and enhance the visual amenity of the site to both passive and active users of the lake. The landscape management plan shall provide long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas including details of any new habitat features to improve the area for European protected and BAP species. The works and other measures forming part of that scheme shall be carried out in accordance with it.**

**Reason: To protect and enhance the character of the locality and ensure the protection of wildlife and supporting habitats opportunities (Policy BE8 S.B.L.P.R and Policy ENV1 E.E.P).**

14. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted parameter plan number FIGURE 1.31. Revision D.

Reason: For the avoidance of doubt.

15. Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratts Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details. The development shall then be carried out in accordance with the approved interim drainage plan.

Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.

16. Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratt's Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details. The development shall then be carried out in accordance with the approved interim drainage plan.

Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.



## Reasons for Granting

The proposed residential scheme would be inappropriate development within the Green Belt. However, having regard to the provisions of the Southern Leighton Buzzard Development Brief (2006); the Unilateral Undertaking of the adjoining residential development at Site 15C-D allowed at appeal; that the limited importance of the area to the long term Green Belt is therein acknowledged; the bringing forward of the provision of access to Astral Park proposed community facilities for the locality; the bringing forward of access to Billington Road for pedestrians and cyclists; and the securing of essential contributions required for the larger urban development, it is considered that, on balance, very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt arising from the development and the loss of part of the Proposed Area of New Urban Open Space. Having regard to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Environmental Statement and its addendum of June 2012 which have been submitted in support of the application, it is considered that there are no undue adverse impacts upon the environment, or other matters of acknowledged importance. The proposed development is capable of achieving an acceptable scheme in terms of the impact upon the character and appearance of the locality and incorporating adequate landscaping, road, cycle and footpath routes, parking, amenity areas and residential mix. The proposal is therefore in conformity with Supplementary Planning Guidance contained within Central Bedfordshire Design Guide: A Guide for Development 2010, the Council's Planning Obligations SPD, 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 and national guidance contained in the National Planning Policy Framework.

## Notes to Applicant

1. The development is subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
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 Development Plan comprising of the East of England Plan (May 2008), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review.
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The watercourse along the southern boundary of the site is within the control of the Buckingham and River Ouzel Internal Drainage Board. No development should take place within 9 metres of the bank top without the Board's consent. This includes planting, fencing or other landscaping.
5. With respect to the construction phase, the applicant has cited a number of measures to minimise the escape of dust. The applicant's attention is also

drawn to the Mayor of London's Best Practice Guidance *The Control of Dust and Emissions from Construction and Demolition*. Mitigation measures should also include solid barriers to the site boundary where necessary. Contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites. Normal working hours are 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

6. With regard to the requirement for a surface water drainage scheme as part of this permission and the submitted Flood Risk Assessment dated 7 June 2011, reference 3722.FRA (FINAL) Issue 02, compiled by Stuart Michael Associates, the applicant is advised that the following detailed matters require further consideration:
- (a) The figures for QBAR in Table 1 (Section 6.9) should be given as litres per second, not litres per second per hectare;
  - (b) Section 6.17 should be amended to demonstrate that water butts will not be considered in any calculations as a method of source control. These are water efficiency measures and are therefore to be encouraged. However, they are unreliable as a measure of source control;
  - (c) Figure 3 shows a diversion of a watercourse, although this is not referred to within the Flood Risk Assessment.
  - (d) All of the simulated storm return periods within appendices G and H are greater than 60 minutes in duration. It is recommended that FEH rainfall data (as opposed to FSR) is used in these circumstances.
- Should you wish to discuss these matters further please contact the Environment Agency directly prior to the submission of a detailed surface water drainage scheme pursuant to this permission.

[Notes:

- 1. In advance of consideration of the application the Committee were advised that both the Highways Agency and the Environment Agency had provided comments with the later proposing an additional condition 15 above as detailed in the Late Sheet.
- 2. In advance of consideration of the application the Committee were advised that the informal open space and amenity land should be contained within a Section 106 agreement to bring it in line with the adjacent site 15C, as detailed in the Late Sheet.
- 3. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.]

**Item No. 19**

<b>APPLICATION NUMBER</b>	<b>CB/12/03697/FULL</b>
<b>LOCATION</b>	<b>Land Adj to 2 Sandy Lane, Leighton Buzzard, LU7 3BE</b>
<b>PROPOSAL</b>	<b>Demolition of existing detached double garage &amp; construction of a 2 bedroom bungalow, with new access and associated parking</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Heidi Antrobus</b>
<b>DATE REGISTERED</b>	<b>16 October 2012</b>
<b>EXPIRY DATE</b>	<b>11 December 2012</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs M Ciancio</b>
<b>AGENT</b>	<b>Lee Butler MRICS</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>One of the applicants is an officer of CBC</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

**Deferred Decision - See DMC/12/**

**That this application be deferred for one cycle to allow updated measurements to be included within the report.**

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