

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



please ask for Helen Bell
direct line 0300 300 4040
date 14 April 2013

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 27 March 2013 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

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

[Named Substitutes:

L Birt, P A Duckett, C C Gomm, Mrs D B Gurney, R W Johnstone, J Murray,
B J Spurr, N Warren and P Williams]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

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

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 13 February 2013.

(previously circulated)

4. **Members' Interests**

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

REPORT

Item	Subject	Page Nos.
5	Planning Enforcement Cases Where Formal Action Has Been Taken	7 – 10

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

Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider
the planning applications contained in the
following schedules:**

Item	Subject	Page Nos.
6	<p>Planning Application No.CB/13/00470/FULL</p> <p>Address : 15 The Avenue, Flitwick</p> <p>Change of Use of current dwelling to form Children's Nursery including associated alterations to property and site.</p> <p>Applicant : Merry Poppets Ltd.</p>	11 - 24
7	<p>Planning Application No.CB/11/04445/OUT</p> <p>Address : Land at Moreteyne Farm, Wood End, Marston Moretaine</p> <p>Outline Application: mixed use development on 14.5ha comprising up to 125 dwellings including affordable housing on 4.15ha, employment uses (class B1 and B8) on 7.01ha, allotments, landscaping, balancing ponds and amenity space on 3.34ha.</p> <p>Applicant : Hallam Land Management Ltd.</p>	25 - 54
8	<p>Planning Application No. CB/12/04484/OUT</p> <p>Address : Land at East of Marston Gate Distribution Park, Badgers Rise, Brogborough, Bedford MK43 0ZA</p> <p>Outline: Erection of a storage and distribution warehouse (Use Class B8) with ancillary office space, car parking, landscaping, access and associated works.</p> <p>Applicant : Prologis UK Ltd.</p>	55 - 80

- 9 **Planning Application No.CB/12/04207/FULL** 81 - 98
- Address :** 35 to 39 High Street, Cranfield, Bedford MK43 0DP
- Conversion of 35 to 39 High Street, Cranfield to one dwelling with single storey side and rear extensions and conversion of roof space to create a first floor.
- Applicant :** Hartwell Trust
- 10 **Planning Application No.CB/12/04208/LB** 99 - 110
- Address :** 35 to 39 High Street, Cranfield, Beds MK43 0DP
- Conversion of 35 to 39 High Street, Cranfield to one dwelling with single storey side and rear extensions and conversion of roof space to create a first floor.
- Applicant :** Hartwell Trust
- 11 **Planning Application No.CB/12/03121/OUT** 111 - 130
- Address :** Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford MK43 0LP
- Outline: Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to own use land.
- Applicant :** Westhaven Estates
- 12 **Planning Application No.CB/13/00359/FULL** 131 - 138
- Address :** 27 High Street, Blunham, Bedford MK44 3NL
- Single storey side and rear extensions, enlargement of front dormer, and new driveway
- Applicant :** Mr Smith
- 13 **Planning Application No. CB/12/04464/RM** 139 - 156
- Address :** Stables rear of 50 High Road, Shillington, Hitchin, SG5 3PJ
- Reserved Matters: following Outline planning permission CB/12/00645 erection of 20 dwellings together with associated garaging infrastructure.
- Applicant :** Bloor Homes (South Midlands)

- 14 **Planning Application No.CB/12/1722/RM** 157 -
172
- Address :** Land at 59 & 69 The Green, Stotfold, Hitchin SG5
4AN
- Reserved Matters: Residential development of 33
dwellings (pursuant to outline planning permission
CB/10/02061/REN dated 31 August 2010).
- Applicant :** Abbey New Homes
- 15 **Planning Application No.CB/12/04272/FULL** 173 -
186
- Address :** 32 Astwick Road, Stotfold, Hitchin SG5 4AT
- Erection of 3 dwellings.
- Applicant :** Mr T Saunders
- 16 **Planning Application No. CB/12/04305/FULL** 187 -
196
- Address :** Hadrian Lower School, Hadrian Avenue,
Dunstable LU5 4SR
- Construction of a two classroom modular unit.
- Applicant :** Hadrian Academy
- 17 **Planning Application No. CB/13/00089/FULL** 197 -
204
- Address :** 11 Medley Close, Eaton Bray, Dunstable LU6 2DX
- Erection of side dormer bedroom extension and
front porch.
- Applicant :** Mr Michael Simkins
- 18 **Planning Application No. CB/13/00242/FULL** 205 -
214
- Address :** The White House, High Street, Eggington,
Leighton Buzzard LU7 9PQ
- Biomass boiler system to be installed.
- Applicant :** Mr Janes

- 19 **Planning Application No. CB/12/04446/FULL** 215 -
226
- Address :** Touchwood, Plantation Road, Leighton Buzzard
LU7 3JE
- Retention and use of detached timber outbuilding
as beauty therapy business
- Applicant :** Mrs P Goodwin
- 20 **Planning Application No. CB/13/00664/FULL** 227 -
234
- Address :** 20 The Maltings, Leighton Buzzard LU7 4BS
- Erection of two storey rear extension
(resubmission of CB/13/00098/FULL)
- Applicant :** Mrs C Lake
- 21 **Planning Application No. CB/12/03622/FULL** 235 -
250
- Address :** Home Farm, Dunstable Road, Tilsworth, Leighton
Buzzard LU7 9PU
- Permission is sought for change of use of land to a
residential caravan site for one Romani Gypsy
family. The pitch to contain one static caravan,
one touring caravan and parking for two vehicles
with associated hardstanding, one portaloo and
one septic tank. (Retrospective).
- Applicant :** Mr John & Mrs Debbie Price
- 22 **Site Inspection Appointment(s)**
- Members are advised that the Committees next meeting will not
be held until 24 April 2013 following the Annual General
Meeting.
- As a result, and in accordance with Appendix A of the Code of
Practice for the Conduct of Site Inspections required prior to 24
April 2013, the Assistant Director of Planning Services and
Monitoring Officer in consultation with the Chairman of the
Committee will determine arrangements to include appointing
Members.

Meeting: Development Management Committee
Date: 27th March 2013
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Sustainable Communities
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

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

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

1. **To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**
- 2.

Background

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

Appendices:

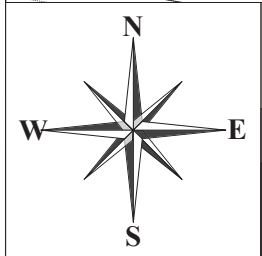
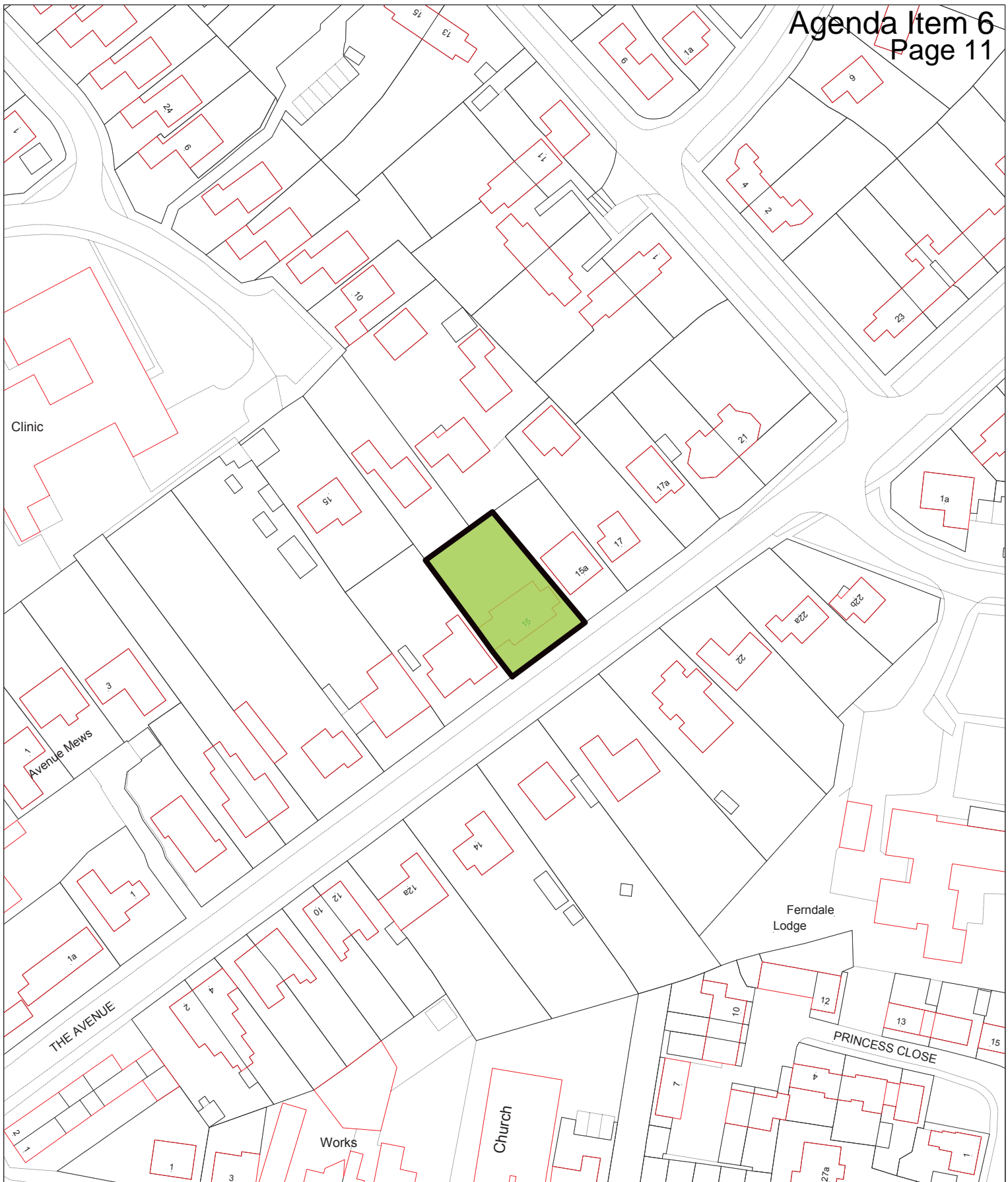
Appendix A – Planning Enforcement Formal Action Spreadsheet – North & South

Planning Enforcement formal action (DM Committee 27th March 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/10/0037	Land at 6 Sutton Road, Pottton, SG19 2DS	Enforcement Notice - siting of mobile home for independent residential accommodation	31-Aug-12	01-Oct-12	01-Dec-12			Not complied	Proceed to further action
2	CB/ENC/10/0140	Land at 6 The Belfry, Luton. LU2 7GA	Enforcement Notices - change of use of land from amenity land to use as garden.	13-Sep-12	11-Oct-12	08-Nov-12	Appeal submitted 27/9/12			Await outcome of appeal
3	CB/ENC/10/0189	Land adjacent to 17 The Causeway, Clophill Bedfordshire MK45 4RA	2 Enforcement Notices material change of use of the land to a caravan site and construction of hardstanding	10-Aug-11	08-Sep-11	07-Nov-11 and 08-Mar-12	Appeal dismissed, compliance extended	29-May-13		Check compliance after 29/5/13
4	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12				Timber building has been sold, awaiting removal then fence to be moved back
5	CB/ENC/12/0057	Land at The Drovers, Flitwick Road, Steppingley	Enforcement Notice - Terracing of land and installation of timber retaining walls	30-May-12	30-Jun-12	30-July-12 30-Aug-12	Appeal dismissed 24/10/12	24-Nov-12 and 24-Jan-13		Appeal dismissed. Plans submitted for regrading land
6	CB/ENC/12/0173	Land at London Gliding Club, Tring Road, Dunstable LU6 2JP	Enforcement Notice. The construction of a T Hangar.	17-Apr-12	15-May-12	15-Jul-12	Appeal dismissed 3/1/13	3-Mar-13		Appeal dismissed. Revised planning application received to resite hangar - CB/13/00282/FULL
7	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Occupied temporarily, await outcome of appeal for Kingswood Nursery
8	CB/ENC/12/0231	Land at 31 Applecroft, Lower Stondon, Henlow	Enforcement Notice - construction of a fence above one metre in height	15-Feb-13	18-Mar-13	15-Apr-13				Check compliance after 15/4/13
9	CB/ENC/12/0257	Unit H Kensworth Industrial Estate, Common Rd Kensworth	Breach of Condition Notice. Condition 1 SB/TP/87/0748 height of storage	19-Jun-12	19-Jun-12	19-Jul-12				Pre-app received for variation of condition. Await application to vary condition.

Planning Enforcement formal action (DM Committee 27th March 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
10	CB/ENC/12/0330	Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ	Enforcement Notice - raising and leveling of the land by the importation of waste material	08-Aug-12	10-Sep-12	10-Nov-12	Appeal submitted 10/9/12			Await outcome of appeal
11	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hardstanding.	17-Jan-13	14-Feb-13	14-Mar-13				Check after 14/3/13
12	CB/ENC/12/0641	Land at Motorcycle Track South of Billington Road, Stanbridge.	Breach of Condition Notice, Condition 3 planning permission SB/TP/95/0176. Training and practice taking place outside 1st April to 30th September	02-Jan-13	02-Jan-13	30-Jan-12	N/A		No further breaches	Monitor compliance. LDC application received
13	SB/ENF/07/0006 SB/ENF/07/0007 SB/ENF/07/0008	Dunedin, Harlington Road, Toddington	Change of use to bedsit accommodation, erection of building & extensions, non compliance with Condition 2 of SB/TP/98/0838	10-Aug-07	12-Sep-07	4-Dec-07	Appeal dismissed.	9-Jan-09	Part complied - (use of buildings and land)	Prosecuted and fined September 2011. Monitor site and action on completion of M1 roadworks if there is a breach of planning control.
14	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	04-Sep-09	LDC proposed granted 22/3/12. Part complied with LDC proposed	Prosecuted and fined October 2011. In process of altering to comply with proposed LDC. Neighbour dispute re access



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Date: 11:March:2013

Grid Ref: 503618,235260

Application No.
CB/13/00470/FULL

Scale: 1:1250

15 The Avenue, Flitwick

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Item No. 6

APPLICATION NUMBER	CB/13/00470/FULL
LOCATION	15 The Avenue, Flitwick, Bedford, MK45 1BP
PROPOSAL	Change of Use of current dwelling to form Childrens Nursery including associated alterations to property and site
PARISH	Flitwick
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Annabel Gammell
DATE REGISTERED	11 February 2013
EXPIRY DATE	08 April 2013
APPLICANT	
AGENT	Coates Dixon & Mitchell Surveying & Design
REASON FOR COMMITTEE TO DETERMINE	Councillor Turner called in on grounds of adverse affect on local residents, traffic issues, noise, parking. One of the neighbours who raised concerns works for CBC.
RECOMMENDED DECISION	Full Application - Granted

Reason for Committee: Councillor Turner called in on grounds of adverse affect on local residents, traffic issues, noise, parking.
One of the neighbours whom raised concerns works for CBC.

Site Location:

The application site is 15 The Avenue, Flitwick, a two storey detached dwelling, located on the north side of The Avenue. It is a large property constructed of orange brick, partly cream rendered with a brown tile roof and later additions of a large flat roof garage. The vehicular access and driveway is located to the west side of the property and leads into a parking area in front of the property enclosed behind a wall. Parking provision on the site is for approximately 4 spaces (excluding the double garage).

Residential properties on The Avenue are of varying ages, sizes and styles surround the site as well as a mixture of commercial and retail to the west towards Flitwick town centre.

The Application:

This is a full planning application for the change of use of the property from a dwelling (Use Class C3), to a children's nursery (Use Class D1).

The nursery accommodates up to 37 children aged between 0-5 years old. Nine members of staff would be employed at the site, the application is being made by Merry Poppets Nursery an existing child care facility currently operating at 20

Steppingley Road, Flitwick. The enclosed rear garden would be used as an outdoor play area. It is proposed to demolish the existing garage, and create 7 off street parking spaces.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework

- 1- Building a strong, competitive economy
- 2-Ensuring the vitality of town centres
- 4- Promoting Sustainable Transport
- 8-Promoting Healthy Communities

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

CS1	Development Strategy
CS3	Healthy and Sustainable Communities
CS10	Location of Employment Sites
CS14	High Quality Development
DM3	High Quality Development
DM4	Development within Settlement Envelopes
DM9	Providing a range of transport

Development Strategy for Central Bedfordshire 2013

Policy 1	Presumption in Favour of Sustainable Development
Policy 21	Provision for Social and Community Infrastructure
Policy 43	High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire, 2010

Planning History

MB/92/01487/FA	Erection of two storey side extension and single storey rear extension and change of use to residential care home - Granted
MB/83/0759A/FA	Change of use of dwelling to offices - Refused
MB/83/00759/FA	Extensions and Alterations - Granted
MB/76/01151/FA	Erection of a garage - Granted

Representations: (Parish & Neighbours)

Flitwick Town Council

Object:

Although Members in principle support the development of the building they are extremely concerned regarding

parking, access and egress proposals. Members discussed the parking and drop off requirements in some details and felt that it would be better if there were individual "in" and "out" entrances which would alleviate the concerns regarding reversing from the site onto an already busy vehicular and pedestrian area.

Neighbours

Seven letters of comment and objection have been received:

13 The Avenue, Flitwick:

- No objection to the use, requested suitable boundary treatment, taking account of the levels of the site, and the privacy from bungalow windows.

14 Highlands, Flitwick

- Potential noise from play area - would need to ensure suitable fencing and maintenance/removal of trees to rear.

14 The Avenue, Flitwick:

- Parking/Congestion issues.
- Commercial activity inappropriate within residential street.

15A The Avenue, Flitwick:

- Traffic issues and Pedestrian Safety
- Parent/Staff travel arrangements
- Noise
- Use of a residential property for commercial purposes
- Drainage

It is noted that a survey of the existing Merry Poppets Steppingley Road site was submitted with this letter of objection.

Also a receipt from Dyno Rod showing works that have been undertaken to the sewerage system.

17 The Avenue, Flitwick:

- Car parking problems
- Existing facilities including Steppingley Road, Merry Poppets already service the community need
- Noise concerns

18 The Avenue, Flitwick

- Traffic concerns
- Close proximity to Kingsmoor Lower School
- Impact upon neighbouring properties, value of properties, noise from play area

20 The Avenue, Flitwick

- Traffic issues/Parking

Consultations/Publicity responses

Highways	No objection - Recommends Conditions
Disability Discrimination Officer	No comments
Landscape Officer	No comments received
Community Safety Officer	No comments received
Public Protection	No objections - Recommends Conditions

Determining Issues

The main considerations of the application are;

- 1. The principle of the development**
- 2. Impact on visual amenities of area**
- 3. Impact on neighbours' amenities**
- 4. Access and parking issues**
- 5. Any other material planning considerations**

Considerations

1. The principle of the development

The application seeks planning permission for a children's nursery accommodating approximately 37 children. This is an existing business, operating from Steppingley Road, and the number of children cared for varies on a daily basis, from between 27-36 children at any one time. The existing business is looking for a site to buy, opposed to their existing facilities which is leased. This property has been previously redeveloped as a house in multiple occupancy, and has therefore been considered acceptable as something other than a residential family home previously.

Relevant Policy Position:

Core Strategy Policy CS1 identifies Flitwick as a Major Service Centre wherein the Local Development Framework states that additional housing, employment

and services will be provided through continued redevelopment of the built up area. Policy CS3 promotes the creation of healthy and sustainable communities via the provision of a range of social and recreational facilities which includes the safeguarding and upgrading of education of facilities. Policy DM9 is concerned with transport facilities and in particular, the encouragement of accessing new facilities other than by car.

The application site is within the centre of Flitwick which is an accessible location with a mixture of uses. The principle of locating this type of facility in and close to residential properties to provide child care to local residents is considered to be acceptable so long as it does not significantly impact on neighbouring properties in terms of noise and disturbance, and highway considerations are deemed acceptable, in accordance with Policy DM3.

Within the Development Strategy (2013) Policy 21 preamble states that schools and child care facilities are considered to be Community Infrastructure and it is necessary to provide these facilities in accessible locations to meet local need.

The National Planning Policy Framework places the creation of sustainable development as a golden thread running through decision making, it is considered that the appropriate location of community facilities to be vital to the creation of sustainable development.

It is considered that it is appropriate to locate child care facilities within locations where parents/guardians can use a variety of methods to access them. It is judged that providing the amenities of local residents can be ensured a community facility would be appropriate within this location.

2. Impact on visual amenities of area

The site is located centrally within the town of Flitwick, some 112 metres from the designated Town Centre. The area is predominantly residential, however there is a small retail area, to the south west of the site, at the junction of the Avenue with The High Street. The external changes to facilitate the development would be the removal of the existing double garage, and the removal of the front wall, this area would be replaced with a parking area.

Given the fact that the building and the external area will remain much as at present, it is felt that there will be minimal impact on the visual amenities of the area generally, and the proposal would preserve the character and appearance of the area in accordance with Policy DM3 (Core Strategy and Development Management Policies) and Policy 43 (Development Strategy).

3. Impact on neighbours' amenities

The site is surrounded by residential properties. The neighbouring properties potentially most affected by the proposal would be 13 and 15A The Avenue, as they are directly adjacent, with 16, 18 and 20 on the opposite side of the road, and 13 and 14 Highlands to the rear.

The only physical alterations to the exterior of the building is the removal of the

flat roof garage to the side of the dwelling, this would create an additional parking area. It is considered that it is unlikely the development would significantly impact upon any residential properties in terms of loss of light, the causing of an overbearing impact, loss of outlook, or loss of privacy.

Seven letters have been received from neighbouring properties, the concerns/objections can be categorised into these subsections:

Parking/Traffic/Highway Concerns

The existing access into the site is to be modified and used for traffic dropping off and picking up children. There is potential for noise/parking disturbance as a result of this, however the site can adequately accommodate 7 vehicles at one time and the edge of town centre location is very accessible in terms of alternative methods of transport.

Please see section "Access and Parking Issues" for more information on this matter.

Noise from use of the building and play area

The application property is a detached property so internal noise transmission to neighbouring properties is not considered to be significant. There is the potential however, for noise disturbance from the children as they play in the rear garden and in summer months when windows and doors are open.

With regard to the potential impact on the amenities of neighbours, the activity is only to take place on week days during working hours and not at all at week ends. In view of these hours, it is considered that the potential impact on neighbours by way of noise and general disturbance will not be sufficient as to justify refusal. It is very unlikely that all of the children would arrive or leave at the same time nor would they play in the rear garden at the same times in the day. As it is a nursery for the 0-5 year old's, it is likely that a proportion of these children would not be of an age to play in the out door space.

Boundary Treatment

It is considered that noise issues and tree related issues could be suitably controlled by the imposition of conditions regarding boundary treatment. It is noted that the site is on a slope, with number 13 being at a lower level than the application site, this would need to be reflected within the choices of boundary treatments.

Use of residential building for commercial purposes

The change of use or redevelopment of sites can be acceptable providing there is no unreasonably harm to the amenities of the adjacent properties or character of the surrounding area. It is considered that nurseries being a community facilities (D1 use) are often located within residential areas, this is to encourage people to use sustainable modes of transport to access them, and be located close to where people live and work. The site is very near Flitwick Train Station,

which would be accessible to commuters wishing to use this facility. It is noted that this site has previously been given consent for a use other than that of a family house, the site was granted consent to be used as a care home, which was used as a house in multiple occupancy. It is considered with this type of use more than the average number of people would use the site.

Drainage of the site and Property values

These are not material planning considerations, it is considered that the suitability of the shared drainage would be a legal matter between the owners of the properties.

The proposal is in light of the above considered to be acceptable to preserve the residential amenities of neighbouring properties.

4. Access and parking issues

The Avenue is a through route between Hinksley Road and High Street in Flitwick, this is a relatively busy road, which is predominantly residential however it is a road is used for people walking to Kingsmoor Lower School and to access the amenities within the town centre and at the top of the Avenue, for example the dentist, restaurants and shops. There are bus stops on this road, it has a suitably wide footpath on both sides of the road. It is considered that it is a relatively wide road for a residential street, with the characteristics of a thoroughfare.

The site access would be widened to allow seven car parking spaces on the frontage of the site. On The Avenue there are parking restrictions which impose no parking on the southern side of the road between 8 am -12.45 pm (Mon-Fri), and on the northern side of the road between 1.15 pm - 6 pm (Mon-Fri). It is accepted that some guardians would drive to drop their children off at the site, and this may lead to some on road parking, however it is considered that providing the cars are parked legally, the road would never be blocked. There are seven parking spaces to be provided, it is considered that these may be used for both staff parking and possibly to allow some guardians to drop off on the site and park off road.

It is acknowledged that there would be likely to be a level of disturbance during the traditional drop off and pick up times, relating to parking, however on this type of road, with the restrictions in place, it is considered that it would be an acceptable level of impact. The school would also be required to provide a travel plan, which would encourage sustainable travel to and from the site.

Subject to conditions relating to the construction of the junction with the highway and access, visibility splays, surfacing, refuse collection points, cycle parking and details of the parking spaces, construction worker parking, and retention of the parking area the proposal is considered to be acceptable in highway safety terms.

It is considered unnecessary to impose a condition regarding construction worker parking, the only physical works to the building would be the demolition

of the side garage, and the construction of fencing. It is considered that there is ample space on the frontage to accommodate vehicles for these relatively minor works.

Town Council comments regarding the parking provision:

The Town Council have objected to the development on parking/highway grounds, although were generally supportive of the development of the site. They suggested that an "in/out" system would be better than the 7 spaces provided. The scheme was originally submitted with an "in/out" system, the highway officer thought that the 7 spaces would provide a greater level of off road parking, as due to the nature of the nursery, it is likely that some guardians would take a few minutes dropping children off, and therefore this system could easily get blocked, leading to possible reversing out of the "in" and causing potentially greater hazard. It is judged that providing set parking spaces is more appropriate.

5. Any other material planning considerations

Noise issues:

The Councils Public Protection Officer is confident with appropriate acoustic fencing and a management plan to control the amount of time the children can play outside that any significant noise generated could be suitably mitigated to ensure an appropriate development in terms of noise.

It is noted that the conditions recommended by the Councils Public Protection officer have been recommended to Committee, however the specified hours to which children can or can not play in the out door space has been removed, this is considered unenforceable, however a management plan where the onus of managing noise levels falls with the nursery operators is considered appropriate. It is expected within the management plan, hours of play will be submitted to the council, however there may be a degree of flexibility within this approach, so requirements for the nursery to operate safely and to provide care of a high standard can be achieved.

It is noted that a condition to restrict the use of the building to week day, day time activities is reasonable and recommended, and therefore it is considered that at the times of the day when the exterior amenity area of the average family house would be most used (evenings and weekends), the site would be unoccupied.

Should noise become a statutory nuisance then there are laws outside planning regulations which would deal with this unlikely situation. It is noted that no complains relating to noise have been received by the Councils Public Protection department from the use of the existing Steppingley Road site, which is within a residential area, which is also shared with a music school. The Steppingley Road site, is close to residential properties, and the road is of a similar character to The Avenue, with highway restrictions.

Recommendation

That Planning Permission be granted subject to the following:

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

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

- 2 The development shall not be brought into use until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

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

- 3 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

- 4 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits .

- 5 **No works to commence on site until, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto) is 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.

- 6 Details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the development being brought into use. The scheme shall be fully implemented prior to the development being brought into use and shall be retained thereafter.

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

- 7 Before the development is brought into use, a School Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority.

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

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

Reason: To retain off-street parking provision.

- 9 The use hereby approved shall not commence until a Management Plan for the use of outside garden areas has been submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall be implemented and adhered to in perpetuity. The Management Plan shall detail;

- The times that the garden areas are to be used for outdoor play.
- Mitigation and/or control measures to protect neighbouring properties from noise from the use of the outside garden areas.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 10 The use hereby approved shall not commence until the full details of the acoustic fence to be installed has been submitted and approved in writing by the Local Planning Authority. The details will include the height and its construction. The acoustic fence shall be installed prior to the use commencing and therefore maintained in perpetuity accordance with the approved details.

Reason: To safeguard the amenities which the occupiers of neighbouring

properties might reasonably expect to enjoy

- 11 **No works to commence on site until, a landscaping scheme to include any boundary treatment, levels, 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.

- 12 The use of the land and building shall only be used as a D1 Childrens Nursery and for no other use within that class, it shall not be used outside the hours of 7.30am and 6.30pm on Mondays to Fridays, nor at any time on Saturdays, Sundays, Bank or Public Holidays. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenities of the area.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 02, 3B.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

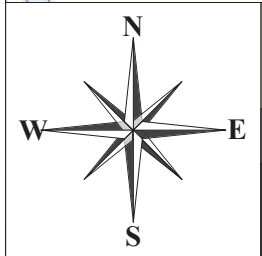
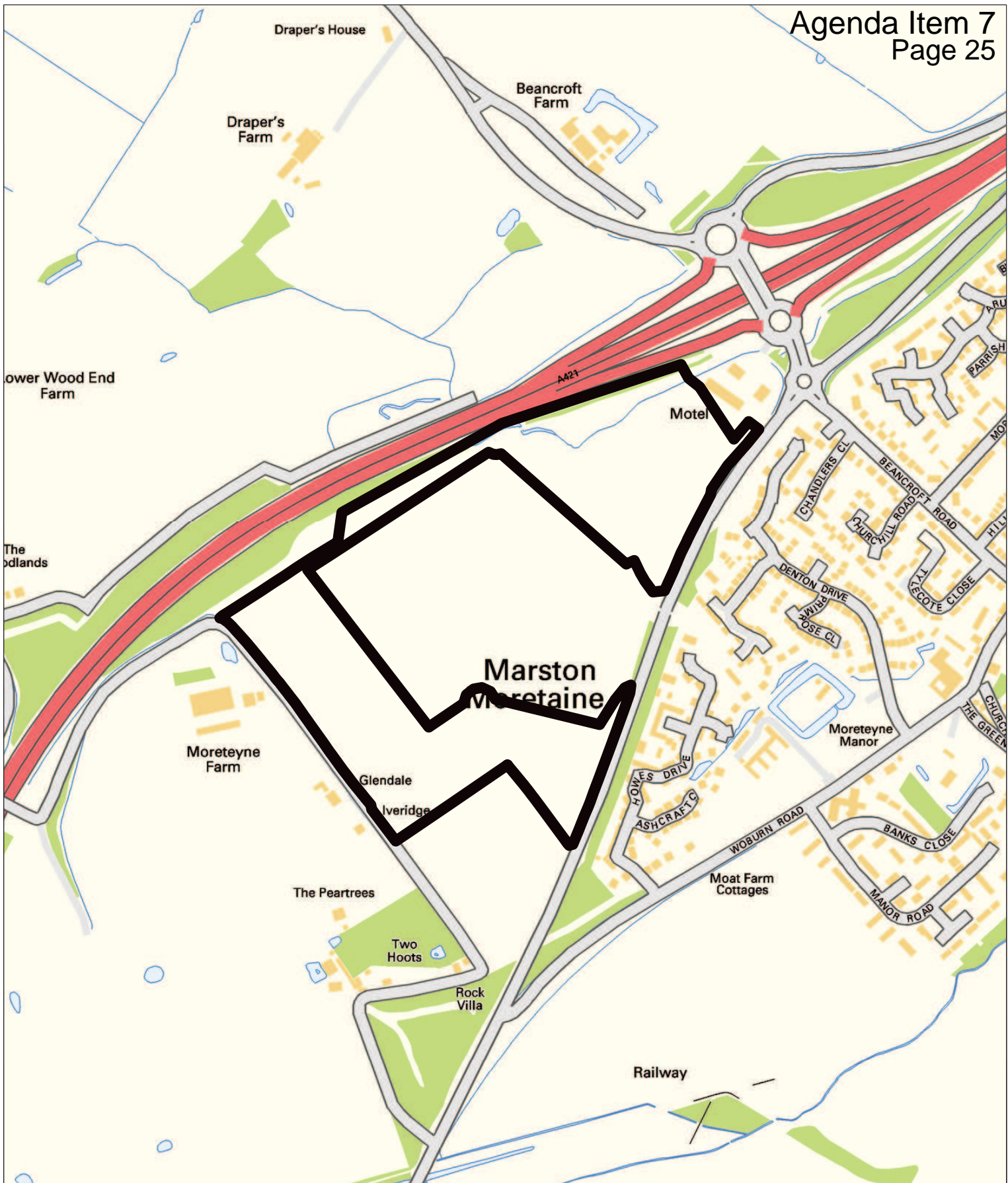
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The change of use of the dwelling (C3 use) into a children's nursery (D1 use) has a minimal impact on the residential amenities of nearby occupiers, does not detract from the visual amenity of the surrounding area, and would have acceptable parking and access arrangements. The proposal is therefore in conformity with policies CS1, CS3, CS10, CS14, DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North), Policies 1, 21 and 43 of the Development Strategy (2013), and sections 1, 2, 4, and 8 of the National Planning Policy Framework. The proposal is also in accordance with the Council's Adopted Design Guide - Design in Central Bedfordshire, 2010.

Notes to Applicant

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



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Date: 12:March:2013

Grid Ref: 498872, 241460

Application No.
CB/11/04445/OUT

Scale: 1:7500

Land at Moreteyne Farm, Wood End, Marston Moretaine

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Item No. 7

APPLICATION NUMBER	CB/11/04445/OUT
LOCATION	Land At Moreteyne Farm, Wood End, Marston Moretaine
PROPOSAL	Outline Application: mixed use development on 14.5ha comprising up to 125 new dwellings including affordable housing on 4.15ha, employment uses (class B1 and B8) on 7.01ha, allotments, landscaping, balancing ponds and amenity space on 3.34ha.
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Dee Walker
DATE REGISTERED	28 December 2011
EXPIRY DATE	28 March 2012
APPLICANT	Hallam Land Management Ltd C/o agent
AGENT	DLP Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Due to scale of development, policy requirements and issues raised by Parish Council
RECOMMENDED DECISION	Outline Application - Granted

Site Location:

The application site comprises of 14.5 hectares of land located on the western edge of Marston Moretaine. The site, which is roughly triangular in shape, sits between the realigned new A421 on its northern boundary and the old A421 to the south-east. A Travelodge, petrol station and Little Chef back onto the north eastern boundary with the residential properties in Wood End facing the south west site boundary. These properties, which there are only a few, are mainly two storeys and accessed off the old A421.

Beyond the old A421 is the existing settlement of Marston Moretaine, which has public access to the site by the existing public rights of way/SUSTRANS Route 51 via a bridge. The site is wholly within the open countryside and consists mainly of arable land. The site slightly varies in levels with two watercourses running in close proximity to the site, an ordinary watercourse runs along the northern boundary and in the south the land drains to a culvert beneath the old A421. There are a number of dividing mature hedgerows within the entire site as well as mature tree's and hedgerow forming the boundary along the old A421.

The Application:

This application seeks outline permission for the development of up to 125 dwellings and 7.0 hectares of employment land for B1 and B8 use with associated affordable housing, allotments, landscaping, balancing ponds and amenity space. All matters are reserved except means of access for which detailed drawings have been submitted.

The application is accompanied by a Design and Access Statement, which indicates key principles for the site including a design concept, illustrative masterplan, land use layout, open space & landscape plan and character areas plan. The application is also accompanied by a planning statement, transport assessment, framework travel plan, flood risk assessment, ecological assessment, noise assessment, air quality assessment, arboricultural & hedgerow assessment, archaeological desk based assessment together with evaluation & earthworks survey, employment generation and other benefits report, statement of community involvement and landscape & visual appraisal.

The net residential development area is 4.15 hectares which provides an average net density of 30 dwellings per hectare. A range of house sizes and types are proposed with 30% as affordable tenure types dispersed throughout the site. The dwellings will be mainly 2 storeys with some 2½ storey landmark buildings at key nodes and junctions to act as focal points.

The employment area is 7.0 hectares which will provide some 5,750m² gross external area (GEA) of B1 Office use and 26,500m² GEA of B8 warehousing. A range of unit sizes are indicated on the illustrative masterplan with the units being proposed no higher than 20.0m in height. It is stated within the Employment Generation and Other Benefits Report (6 September 2011) that some 750 jobs will be created.

The two parcels of land the subject to this application are separated by a contingency site.

Vehicular access to the site is proposed from two entrances off the old A421, one a standard 'T' junction into the residential development and the other a roundabout to initially serve the employment land but will create an access for the contingency site. A hierarchy of roads including shared surfaces and squares would branch off the primary routes into the developments. A length of combined cycle/footpath will be provided between the Beancroft Road roundabout to footpath no. 24 to the south west of the site. The old A421 will be narrowed in carriageway width from 9.1m to 6.25m to change the appearance of this previous major trunk road to a more local low key road. The existing public rights of way and Sustrans Route 51 will be maintained and enhanced to give further pedestrian/cycle access via the existing bridge into the village.

The application proposes public open space, which includes 2 no. children's play areas each equivalent to 1 no. LEAP and 1 no. LAP. The provision for allotments will be provided along the northern boundary.

The following changes have been made to the original application as a result of consultation:

- The re-characterisation of the old A421
- Indicative layout of the contingency site to illustrate eventual connectivity between all three phases of the site.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

Central Bedfordshire Council's Site Allocations (North) DPD 2011

Policy MA4 Land at Moreteyne Farm, Marston Moretaine

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

Policy CS1 Development Strategy
Policy CS1 Development Strategy
Policy CS2 Developer Contributions
Policy CS3 Healthy and Sustainable Communities
Policy CS4 Linking Communities
Policy CS7 Affordable Housing
Policy CS9 Providing jobs
Policy CS13 Climate Change
Policy CS14 High Quality Development
Policy CS16 Landscape and Woodland
Policy CS17 Green Infrastructure
Policy CS18 Biodiversity and Geological Conservation
Policy DM3 High Quality Development
Policy DM4 Development Within and Beyond Settlement Envelopes
Policy DM9 Providing a Range of Transport
Policy DM10 Housing Mix
Policy DM14 Landscape and Woodland
Policy DM15 Biodiversity
Policy DM16 Green Infrastructure

Central Bedfordshire Council's Emerging Development Strategy 2013

Policy 6 Employment Land
Policy 19 Planning Obligations and the Community Infrastructure Levy
Policy 22 Leisure and open space provision
Policy 23 Public Rights of Way
Policy 24 Accessibility and Connectivity
Policy 26 Travel Plans
Policy 30 Housing Mix
Policy 34 Affordable Housing
Policy 38 Within and Beyond Settlement Boundaries
Policy 43 High quality development
Policy 45 The historic environment
Policy 56 Green infrastructure
Policy 58 Landscape
Policy 59 Woodlands, Trees and Hedgerows

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is considered consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013

Supplementary Planning Guidance

Central Bedfordshire Council's Technical Guidance - *Design Supplement 1: New Residential Development* (2010)

Central Bedfordshire Council's Technical Guidance - *Design Supplement 2: Larger Footprint Buildings* (2010)

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

Relevant Planning History

CB/11/02137 EIA Screening Opinion: Development of land for mixed use of residential and employment – 07.07.2011
The proposed development is considered to be an Environmental Impact Assessment Schedule 2 development however; it is not likely to have significant effects on the environment as it is not in an environmentally sensitive location, is not development that will have unusually complex and potentially hazardous environmental effects. As such it was the Council's opinion that an EIA would not be required for the development

Representations: (Parish & Neighbours)

Marston Moretaine Upholds its previous comments in regard to feeling very
Parish Council (PC) strongly that this application undermines the ongoing 480
home development at Marston Park. The PC is not against
development on this site but continues to feel that this is the
wrong time to bring forward such an application. A delay in
construction would enable the village time to accommodate the
current development before having further construction forced
upon the community.

Flood Risk

It is felt that the flood risk concerns have been addressed.

Employment Area

Concerns that B8 may result in high levels of HGV movements. The PC support residents concerns over B8 and objects to B8 provision. It is their opinion that a village is not the ideal location for warehousing and that employment of this nature does not necessarily encourage high employment. The PC feels that some element of B2 should be included and that A2 (Financial & Professional Services) should also be encouraged. The opinion is that these classes would allow the development of local jobs for local people and thus creating a sustainable community. The PC are against the height range proposal of between 12.5m – 20.0m and wish to specify that

any industrial unit should be no higher than the Travelodge, which is anticipated at a height of 12.5m. This would ensure the development is in keeping with the surrounding area.

Access/Layout

It is felt that the access/layout concerns have been addressed.

Acoustic Fencing

It is noted the fencing has been removed along the old A421 frontage of the site

Adjacent Occupiers Five letters of objections received on the initial round of public consultations in early 2012. A further one letter (two from one address stating the same matters) was received after the re-consultation in late 2012 from the following properties:

Howes Drive: No. 37

Moat Farm Close: No. 22 (2 from same address)

St Marys Close: No. 27

Wood End: Glendale

Marston Moretaine Action Group

Objections and comments raised by the above can be summarised as follows:

Principles of development

- Development does not comply with Local Policy;
- Development does not make the best use of land;
- Not considered current development schemes within Marston Moretaine;

Traffic Issues

- Traffic intensification especially HGV movements;

Impact on Amenity

- Has not addressed the impact on existing residents;
- Noise disturbance;
- Hours of operation of employment buildings;
- Construction activities and impact on nearby residents.

Environmental Impacts

- Flood risk;
- Inadequate sewage system to cope with further development;
- Refuse collection for development;
- Lighting proposals;

Submitted Documents

- Incomplete detail within application;
- Design and Access statement incomplete;

Planning Process and Consultation

- Concerns about insufficient consultation time for objectors;

Consultations/Publicity responses

Site Notice posted	18.10.2012
Newspaper Advert	13.01.2012
CBC Public Protection	No objections to the proposed development, however should planning permission be it is requested that conditions be imposed regarding noise levels and curfew of HGV movements overnight
CBC Housing Strategy	Supports 35% affordable housing or 44 affordable residential units dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. Would like to see tenure split of 63% social/affordable rent and 37% intermediate tenures such as shared ownership as per our SHMA. All units should meet the code for sustainable homes level 3 and all HCA design and quality standards. The emerging Development Strategy seeks for 30% affordable housing and this is what is being proposed
CBC Education	The development would result in the need for additional lower, middle and upper school places for which financial contributions have been agreed with the breakdown of Early Years & Lower within CBC boundary and Middle and Upper within Bedford Borough Council
CBC Waste Management	The applicant should provide a site waste management plan including bin storage areas, collection points, recycling point prior to commencement of development.
CBC Tree & Landscape Officer	No objections raised but comments made regarding biodiversity and protective fencing for onsite hedges/trees. The retention of onsite hedgerows should be encouraged
CBC Archaeology	The proposed development site lies within an established archaeological landscape dating from the later prehistoric onwards and has been proven to contain below and above ground heritage assets with archaeological interest. No objection has been raised subject to a condition being attached to any consent granted for further investigation and recording
CBC Ecologist	No objection subject to an ecological management plan being produced
CBC Leisure Services	Additional open space and financial contributions will be required from this development for children's play, outdoor sports, amenity open space and indoor sports & leisure centres
CBC LDF Team	In principle planning policy has no objection to the proposal as it is in accordance with the Site Allocations DPD. Concerns remain that little has been offered in terms of civilizing the A421
CBC Sustainable Transport	No objections subject to insertion within the S106 relating to the agreed Framework Travel Plan
CBC Rights of Way	No comments received
CBC Highways	The principle of the development is acceptable from a highway viewpoint. The amended proposals provide more detail in respect of a possible layout for the reserved land, a roundabout providing access to the employment land and

		details of the treatment to the former trunk road, A421 from which access will be taken from. Conditions have been recommended relating to access arrangements to the different parcels of land and off site foot/cycle provision.
CBC Economic Development		No comments received
Highways Agency		No objection subject to a condition for the requirement of a Travel Plan
NHS Bedfordshire & Luton		A financial contribution to redress the impact is required
Environment Agency		Suggested condition relating to surface water drainage to the 'southern catchment' area of the site and advisory comment made on flood defense consent
Internal Drainage Board		The Board is concerned that the proposed method of storm water attenuation requires the modification of a channel under the IDB's control. Any such modification would require the statutory consent of the Board which to date has not been sought or issued by this office
Anglian Water		No objections subject to conditions being attached to any consent granted for surface water disposal
National Grid		No comments received
Forest of Marston Vale		Wants to ensure a contribution for of the Forest of Marston Vale is delivered considering the close proximity to the Forest Centre and any scope for improving access to the Country Park in the form of cycle lanes on the road network or upgrading signage
Police Architectural Liaison Officer		No comments received
SUSTRANS		No comments received

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Layout, Density and Built Form
3. Employment
4. Impact on Amenities of Existing and Future Residents
5. Highways Implications and Sustainable Transport
6. Re-characterisation of Bedford Road (C94)
7. Flood Risk and Drainage
8. Open Space, Landscaping and Ecology
9. Archaeology
10. Impact on Infrastructure and Services
11. Other Issues

Considerations

1. Principle of Development

Marston Moretaine is identified as a 'Minor Service' centre within the Bedford/Kempston/Northern Marston Vale Growth area as set out in the Core Strategy and Development Management Policies 2009, Site Allocations DPD 2011 and the emerging Development Strategy for Central Bedfordshire. Policy

MA4 of the Site Allocations DPD allocates this site for the development of 125 dwellings; 7ha of employment land for B1, B2 and B8 uses; and remaining land reserved for contingency housing provision of 320 dwellings. The policy sets out that the contingency provision will only be brought forward for development after 2016 if the housing trajectory for the whole of the Bedford/Kempston/Northern Marston Vale Growth Area indicates a clear likelihood of a shortfall in housing delivery by 2021 hence why it does not form part of this development scheme.

The principle of residential and commercial development for the site has therefore already been established in policy terms. Representations have raised issues regarding the principle of development including objections about land use, contrary to policy, need and site suitability. However, these issues were considered previously at the site allocation stage.

As the current application proposes up to 125 dwellings and for B1 and B8 uses only it has been advertised as a major development. The potential lower number of dwellings proposed is considered to be acceptable in view of there no longer being minimum density requirements set by Central Government and a general acceptance of lower density developments.

With regards to the emerging Development Strategy for Central Bedfordshire (Pre-Submission 2013), significant weight can be given to the policies contained within it which are consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013 and any future application for Reserved Matters is likely to be judge against these policies.

Policy 6 (Employment Land) of the emerging Development Strategy sets out that the Council will work with the development industry, landowners and local communities to deliver an appropriate portfolio of employment land within Central Bedfordshire. The portfolio will consist of:

- existing allocated employment sites (as identified on the Policies Map);
- established (non-allocated) sites in employment use;
- allocation from the North Site Allocations DPD; and
- up to 139ha of additional Strategic Sites.

As this site was an allocation from the North Site Allocations DPD it is compliant with this policy.

Policy requirements in the Core Strategy and Development Management Policies 2009 and appropriate contributions to infrastructure provision in the Planning Obligations Strategy, set out that development on this site will be subject to the following:

- The production of a Masterplan to guide a mixed-use phased development;
- Sensitively designed layout showing integration of the three elements of the site, and integration within the village;
- Provision of an acceptable landscaping scheme for the entire site;
- Safeguarding and enhancement of the Sustrans Route 51 with improvements to existing footpaths and cycle ways within the development and adequately linking the site with the existing settlement;

- Contributions to improvement to transport and traffic movements on the downgraded A421 road within Marston Moretaine;
- Preparation of a Transport Assessment to help identify the impacts of the development on the A421, considering both the 'with' and 'without' contingency site scenarios; and
- Maintenance and enhancement of existing rights of way within the site including SUSTRANS Route 51.

The preamble to the policy goes on to say that to assist in making Marston Moretaine a more sustainable settlement, the opportunity exists to bring the employment land to development prior to the housing land.

The policy requires the production of a Masterplan, which the developers have submitted in illustrative form. Although the LDF Team have not been involved in the creation of this, it is considered that the application submitted complies with the policy on the following points:

- Illustrative Masterplan has been produced guiding a mixed-use phased development;
- The layout has been designed to show integration of the three elements of the site and its integration with the village;
- The illustrative Masterplan shows the provision for a landscaping scheme for the entire site;
- SUSTRANS Route 51 has been integrated within the design of the development to safeguard it. There are enhancements to the existing footpaths and cycleways on site and adjacent that will retain a link with the existing settlement;
- Contributions have been sought to improve the transport and traffic movements on the old A421 and a scheme to re-characterise the road has also been agreed;
- Transport Assessment was submitted and assessed to identify the impacts of the development on the highway network both 'with' and 'without' the contingency site.

It is therefore considered that the development would deliver sustainable development that is compliant with other policies and the NPPF.

It should be noted that the applicant has advised in writing that they would wish to progress a comprehensive master planning of the contingency site should planning permission be granted.

2. Layout, Density and Form

Site Allocations Policy MA4 required the production of a masterplan to guide a mixed use phased development. The masterplan outlines the broad design principles that have led to the form and type of development proposed and set the application site in context with its surroundings. The design principles seek to:

- Accommodate a balanced mix of quality homes and employment units set within the sites parameters;
- Create a community and place – attractive built form, layout and appealing place to live and play;
- Create a place – legible pattern of streets, routes and spaces – attractive,

- safe to use and based on inclusive design;
- Establish connectivity to the existing Marston Moretaine settlement;
- Generate a place which positively responds to the site and context – natural features, public right of way;
- Establish a place from inspiration from local character of Marston Moretaine in terms of built form, mass, height and materials;
- Best examples of local character to base design;
- Encourage wider community benefits – landscape, visual amenity, recreation, education and biodiversity enhancements
- Create and facilitate street frontage along the old A421.

The masterplan proposals submitted under this application adequately demonstrates that the design principles for the site can be achieved. The illustrative layout provides a balanced mix use development and enhances existing public right of way and hedgerows. The design of the site will create a sense of place through use of materials, connectivity and legible open space. The elevation fronting Bedford Road (old A421) will be the most visible part of the development, and therefore the design and appearance is critical to the scheme to ensure it will enhance the site and its relationship with the existing Marston Moretaine settlement.

The average net density of 30dph is considered to be appropriate for this site on the edge of the village and would be similar to densities in nearby established residential areas. The development would be dispersed with open space in the form of formal play areas and informal open space. The applicants have stated that a range of house sizes and types will be provided to reflect local need and provide a mixed community.

The employment units located on the south west border will be higher by nature but the use of brick and light cladding will compliment the adjoining residential development. Concerns have been raised regarding the maximum height of the proposed employment buildings at some 20.0m. Given that the site is set within the open countryside, a maximum height of 12.5m is more acceptable and in keeping with the existing commercial buildings to the north of the site (Travelodge), a condition is recommended to that effect. Furthermore, as there are existing residential dwellings in Wood End and this is part of a mixed use development, substantial landscape screening to lessen the visual impact would be required on either side of the employment land.

The application proposes mainly 2 storey dwellings with some 2½ storey height at entrances and focal points. These heights would be in keeping with surrounding properties and is considered appropriate for this edge of village site. The applicants Design and Access Statement provides an assessment of the existing design context, sets out different character areas for the development and commits to a unique identity which recognizes locally distinctive styles and materials.

3. Employment

The outline proposal seeks consent for 7.01ha of employment land in accordance with the Policy MA4. The policy supports a mix of B1, B2 and B8 although the applicant states that opportunity only exists for a mix of B1 and B8 uses on this location.

Although an Employment Generation and Other Benefits report has been submitted with the application this gives no evidence that B2 is not suitable in this location. Concerns have been raised by the parish council and local residents regarding the proposed B8 use and associated potential disturbance, these comments are noted and the Public Protection Officer has also highlighted this matter. Given that layout is a reserved matters, this could be addressed in detail within the application for reserved matters. Notwithstanding this, a condition has been suggested by the Public Protection Officer to restrict HGV movements and noise levels to protect residential amenity.

Given that the Council is committed through the current policy and the emerging Development Strategy to promote the delivery of housing and employment land within this growth area, the policy preamble would want to see the employment land come forward in advance to secure new sources of employment at the earliest opportunity. It is recommended that the S106 agreement includes a requirement that the employment site is appropriately marketed.

4. Impact on amenities of existing and future residents

Concerns have been raised regarding the increased foot traffic along the existing public rights of way/SUSTRANS Route 51 on the residents that border the footway. This concern has to be balanced with the need to provide a direct route for new residents to the village and facilities in a sustainable mode as well as enhance this existing route

Subsequent applications for reserved matters will address attention to detail within the scheme so that solutions and measures will be adopted to ensure consideration of privacy, relationships between dwellings, garden spaces and relationships with access roads, footpaths and public spaces. Careful consideration will also need to be given to guidance set out within the Council's adopted planning document 'Design in Central Bedfordshire: A Guide for Development' (2009).

Conditions on any consent could ensure that any disruption from construction work and traffic is minimized by agreement of details of wheel cleaning facilities and construction traffic routing and parking.

The Public Protection Officer has not objected to the proposal but suggested a condition be attached to any consent granted for the submission of a noise attenuation scheme to restrict noise levels. However, they have raised concerns with regards to the noise from HGV's starting/stopping/moving off in low gear and what impact that may have on neighbouring residential dwellings. They feel it prudent to curfew movement of HGV's between 23:00 to 07:00hrs.

These latter comments are noted however, this may transfer the issue to another location nearby. Therefore, a solution is to limit the location of B8 units to the eastern side of the site to restrict the distance they will travel into and out of the site.

The proposal also has provisions for an acoustic fence to be erected between the residential development parcel and the realigned A421 to protect future occupiers from any potential noise issue. A condition can be attached to any permission granted for the details of this fence.

5. Highway Implications and Sustainable Transport

The main area of concern raised by local residents was the traffic intensification especially HGV movements.

The Transport Assessment (TA) submitted with the application confirms that the development would not have an adverse effect upon the existing highway network. Traffic impact has also been applied for a period of 10 years to provide a robust assessment of the traffic impact of the development.

The proposal also includes off site highway works to the old A421 (which is covered within the next section) and improvements to pedestrian/cycle links from the existing Marston Moretaine settlement to the application site and beyond.

There are two points of access proposed; one serving the residential element and one serving the employment element with neither being linked but separated by land reserved for future residential development. The proposal has been revised to incorporate a roundabout at the employment/commercial access. It is worth noting that the proposed access arrangements within this proposal provide adequate access to the future development of the contingency site thus not making it sterile.

Other Highway Issues

There are currently no footways on Bedford Road (old A421) along the site frontage. However the site does benefit from public footpath nos. 24 and 33 that connect the site with the village of Marston Moretaine to the south. A combined footway/cycleway is proposed on the northern side of Bedford Road from the Beancroft roundabout up to the point at which footpath no. 24 connects to Bedford Road. A further section is proposed on the southern side to allow pedestrian crossing and to connect with the new footway at Beancroft Road roundabout.

Sustainable Transport

A Framework Travel Plan (FTP) has been developed for the site and this has set out initial modal share targets for the development. This is based on the multi-modal trip generations as derived from the TRICS database that are estimated to be generated by the proposed uses. From this baseline, the modal split targets have been set with a proposed shift from the single occupancy car use of 8% to more sustainable modes, such as public transport, cycling and walking. This provides a target for reduced car trips to monitor performance against.

The TRICS multi-modal trip generations show that approx. 1 resident and 12 employees from the employment site would use public transport in the AM network peak whilst in the PM network peak approx. 3 residents would use public transport and no employees. This low level of public transport usage is likely to be for two main reasons: firstly the location of the site is rural, which historically tends to mean higher car usage and secondly, with particular reference to the employment site) the nature of the land uses mainly lend themselves to shift work or irregular hours, where it is likely people would want to drive to the site. It is anticipated therefore that there would be sufficient capacity on the local public transport network to cope with the projected increase in numbers of public transport users. Notwithstanding this, 125 bus passes (which would entitle each household one month's free travel on the Stagecoach

bus network) will be provided to incentivise travel behaviour change and assist the TP targets as set out in the Framework Travel Plan. The issue of encouraging public transport to the employment element is being addressed through the provision of a mini-bus.

6. Re-characterisation of Bedford Road (C94)

Prior to the construction of the new A421 immediately to the north of the site, the road between the site and the village of Marston Moretaine was used as a main trunk route, the A421 between the M1 and Bedford/A1. The old A421, now known as Bedford Road (C94) has been declassified and is only used by local traffic. As part of the development of the site, re-characterisation works are required to alter the appearance from that of a trunk road to a local road with residential frontage onto it. These works include:

- Construction of a new roundabout access;
- Narrowing of the carriageway between the new and existing roundabouts from 9.1m to a width of 6.25m;
- Constructing a new 3.0m wide shared foot/cyclepath, set back from the road behind a new 2.0m wide grassed verge;
- Installing a new highway kerb to the carriageway for the length of the works;
- Installing new highway lighting for the length of the works;
- Providing a new gateway feature at the southern end of the works; and
- Contributing towards a Traffic Regulation Order in respect of a reduced speed limit and weight limit restriction.

By transforming the character of Bedford Road, it will assist the connection with the existing settlement to the south rather than providing a segregated barrier between the two. This application indicates that the character of the existing carriageway from a trunk road to a softer appearance enclosed with planting will create a more intimate residential street that is overlooked by dwellings to create active surveillance. The provision of street lighting and combined footway/cycleway will also create a lower key road rather than a major trunk road.

The applicant has agreed that these re-characterisation works will be completed prior to the occupation of the first dwelling at a cost covered by them. It is recommended that this requirement be incorporated within the S106 agreement.

7. Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted in support of this application. The site appears to be split northern catchment and southern catchment. The Bedford & River Ivel Internal Drainage Board (IDB) are the operators and maintainers of watercourses in the northern catchment with Environment Agency (EA) covering the ordinary watercourse in the southern catchment.

The EA was consulted on the proposed development and requested a condition be attached to any consent granted regarding surface water drainage for the site.

The FRA includes illustrative designs for the flood risk management infrastructure but these designs do not show the buffer zones required for

maintenance purposes between the development and the water-bodies. The illustrations show a conveyance channel, a detention berm and online storage with ground re-profiled to form a flood berm. The IDB's objection of 19.11.2012 is on the basis that channel modification could compromise the Boards ability to maintain the channel and therefore increase flood risk to both the site and neighbouring property. Specifically the Board would require that any specific design proposed allows sufficient space and access for the Boards plant to operate. In addition, the Board must be compensated for any additional works or plant that would be required to maintain the modified channel and as such the modification of the channel would be subject to a legal agreement and the payment of a commuted sum. The Board note that the proposed development is under an outline planning application and so would be content for the storm water drainage to be dealt with as a reserved matters application.

8. **Open Space, Landscaping and Ecology**

Open Space

The application proposes the inclusion of a LEAP and Lap play area. There will be an estimated occupancy of some 300 persons within the site and on this basis; the scheme requires the provision of 0.21ha of children's play space, 0.51ha of outdoor sport provision and 0.24ha of amenity open space.

The Play and Open Space Officer has advised that the development needs to provide the following:

- *Children's Play* - 2 no. LEAP play area's (400sqm, 5+ piece equipment suitable for 4-8yrs or 1 no. LAP and 1 no. combined LEAP and LAP at the locations shown on the illustrative masterplan;
- *Outdoor Space* – if no onsite provision is possible then an off-site contribution should be sought towards the improvement of outdoor sporting facilities locally;
- *Amenity Open Space* – as a flood berm forms part of the site it is important that this is protected from public access and cannot form part of the amenity open space. The Council would not take responsibility for any future maintenance or liability of the area of land including or associated with the flood berm.

Furthermore, a financial contribution should also be sought towards the provision/improvement of indoor sporting facilities locally.

The illustrative masterplan shows play and open space areas and the following comments have been received from the Play and Open Space Officer:

- The amenity area appears to form no real purpose except to provide a buffer along the length of the Sustrans Route. Clear links from the development site to the amenity space are needed;
- The general layout and position of the play areas are acceptable i.e. pathways, apparent distances from houses, visibility. However, care must be taken with planting plans to ensure visibility is maintained;
- More detail is required on the exact size of the play area, and the plan should say which type of play area(s) it will accommodate i.e. LEAP and LAP in each location.

This level of detail will form part of the reserved matters stage.

The application proposes 25 no. allotments to the northern boundary of the site along side the re-aligned A421. Due to the location of the allotments a low level provision of parking should be provided. The details of layout and access can be finalised within the application of reserved matters.

Landscaping

The site is at present relatively open and sparse of any mature trees with the majority being within the boundary hedge of the northern edge of the site. The site itself has substantial native hedging of various age structures around most of the site perimeter and a number of internal hedgerows, most have been well maintained as agricultural hedgerows although the hedge and tree line along the boundary of the south of the site along Bedford Road (C94) has been allowed to mature and now forms a substantial screen from the road and should continue to be retained as such. One of the internal hedges is identified for removal, and there appears to be no indication on the indicative layout plan of the hedge line that at present exists along the north boundary of the land reserved for future residential development.

The idea of utilising the strip of land between the new trunk road and the north edge of the site for the use of allotment plots is worthwhile and will provide a function for this area.

There is already new planting along the new trunk road area on the banks and also some addition new hedge planting. This will mature and help to provide a wildlife link running east/west along the edge of this boundary. The small watercourse that exists along here will be incorporated into the flood berm on the indicative layout and it would appear that this will result in a substantial wetland/pond area, this will be close to the few existing mature trees on the site and so it will be important that no damage occurs to these trees either by level changes in the root protection areas or compaction by excavation machinery. There is potential within this area for substantial native wetland type planting dependant on the level of water in the soil and the form of construction of this berm. This will help maintain and enhance a wildlife corridor alongside the new trunk road. This area has also been identified as requiring a sound reducing bund or acoustic fencing along this boundary.

On the boundary with Bedford Road there is a fairly mature hedge line along part of this eastern boundary but the length of hedge near the residential development is relatively immature and offers little in the way of screening or sound reduction. It would be important to retain the hedge as much as possible throughout the length of this boundary.

The two balancing ponds could provide an opportunity for increasing biodiversity on the site and also act as focal features on the access to the employment area. Carefully selected landscaping within this area to get the best from this feature should be used.

Full landscaping details for the entire site should be supplied including species, sizes, densities, soil preparation, timing of planting, bare root plantings within dormant season and after care.

Protective fencing to be erected around all trees to be retained as outlined in the

Tree Report and detailed in BS:5837 (Trees in Relation to Construction. Recommendations October to March) also protective fencing to be erected at a distance of 2.0 metres from all hedges to be retained. Fencing is to be sturdy suitable and fit for purpose.

Trees and hedgerow to be removed should be outside the bird nesting season i.e not between the months of March and July inclusive, nesting birds are protected by legislation (Wildlife and Countryside Act 1981)

Ecology

An Ecological Appraisal (EA) was submitted together with the Design and Access statement. The majority of the ecological interest of the site is focussed to the north on the boundary with the new A421. Allotments are proposed here along with a flood berm and areas of green open space. Whilst the EA states that no Great Crested Newts (GCN) were found within the site and the closest population is on the other side of the A421 there are connecting culverts under the road. Although at the moment it is unlikely that GCN will make the journey to the site, once the development has begun and the flood berm is in place together with SUDS proposals the opportunity for GCN habitat will be enhanced. The Council's Ecologist suggests the inclusion of a GCN hibernacula in the form of covered rubble heaps or log piles.

The Method Statement for a Reptile Mitigation Strategy as detailed in Appendix E of the EA should be followed to ensure the reptile population on site is maintained at a favourable conservation status. This strategy also discusses the incorporation of hibernacula for the benefit of reptiles, the construction of which will be similar to that favoured by GCN but in addition piles of rotting vegetation may be used as egg laying sites. This being close to the allotments and the use of compost heaps could be a potential opportunity.

Hedgerows are an important aspect of the site with two surveyed meeting the 1997 Hedgerow Regs and being classified as 'important'. The proposal states that hedgerows will be retained where feasible. Existing habitat should be enhanced with native planting as stated in the Design and Access statement 4.5 so providing wildlife corridors through the development. Where trees or shrubs do need to be removed this should avoid the bird nesting season between March and August inclusive.

Should planning permission be granted in addition to the above points the Ecologist would seek to ensure that an ecological plan is produced to guide the management of the important habitat features on the site to secure a net gain for biodiversity across the site. The EA makes a number of suggestions for habitat enhancements including, wildflower areas for the benefit of invertebrates, tree planting and management, creation of wetland features and also the provision of bat roosting opportunities.

9. Archaeology

The proposed development site lies within an established archaeological landscape dating from the later prehistoric onwards and has been proven to contain below and above ground heritage assets with archaeological interest (as defined by the National Planning Policy Framework).

Further information regarding the archaeological potential of the proposed

development site has been undertaken and a partial archaeological trial trench evaluation of the application area has been conducted (excluding the 10.2ha of reserve land). The results of that evaluation (Cotswold Archaeology March 2012, report 12066) including a survey of surviving ridge and furrow earthworks (HER 2791) have been submitted as part of this application.

The partial trial trench evaluation was completed in March 2012, and confirmed the presence of previously unknown middle to late Iron Age; Roman, medieval and undated archaeological remains within the proposed development site. However, the revised Design and Access Statement (Hallam Land Management August 2012), written after the archaeological evaluation, only contains five very short paragraphs on heritage and has clearly not been updated to include the results of the evaluation.

In terms of the evaluation itself, the Council's Archaeologist is broadly satisfied that the fieldwork carried out was to an acceptable standard. However, they are less content with the report and in particular dissatisfied with the earthwork survey of the surviving ridge and furrow, from which one can derive little meaningful information.

Paragraph 128 of the National Planning Policy Framework states the following regarding applications that have the potential to affect heritage assets:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

The results of the field evaluation have not been submitted and there are some elements of the fieldwork and post excavation analysis that are inadequate and the supporting documentation is out of date with regards to heritage.

The archaeological resource does not present an over-riding constraint on the development of this site. However, at present there is insufficient information about how the proposals will impact on the surviving archaeological deposits and all the heritage assets must be adequately investigated and recorded prior to their loss or modification. As such, a condition can be attached to any permission granted for the submission of a Scheme of Archaeological Resource Management for further investigation and recording.

10. Impact on Infrastructure and Services

Impact on existing infrastructure and services is another key issue of this application. Contributions can be secured to ensure that the additional impacts arising from the development can be mitigated in accordance with the statutory tests for Planning Obligations. Contributions cannot be used to remedy existing deficiencies of infrastructure and services in the area.

The total package to be secured via a Section 106 Agreement would include a contribution of around £2.15 million, provision of re-characterisation works of A421 and 30% affordable housing provision in accordance with the requirements set out in the emerging Development Strategy (36 dwellings). The breakdown of financial contributions is as follows:

Education	£955,391.00
Health Facilities	£42,500.00
Leisure, Recreational Open Space & Green Infrastructure	£153,750.00
Community Cohesion	£2,375.00
Waste Management	£5,750.00
Re-characterisation of old A421	£993,000.00
TOTAL	£2,152,766.00

Education

From consultation and Section 106 negotiations it has been identified that additional educational facilities at all levels would be required. This is to be achieved by securing contributions via a Section 106 legal agreement.

Given that the middle and upper school provisions are provided for within the Bedford Borough Council boundary, the Council will secure contributions on their behalf. The figures have been agreed by both the Council's Education Officer, Bedford Borough Council's Education Officer and the developer.

Health Provision

NHS Bedfordshire and Luton advise that this additional housing growth will have a severe impact on the current provision of health services within the Cranfield/Marston Moretaine parish and that additional facilities will need to be procured. A financial contribution as capital was initially requested, however given the level of new development currently under development within Marston Moretaine a certain level of additional facilities have already been provided. Therefore, a contribution was offered and subsequently agreed to match the contribution paid by the other developments within the locality, namely Marston Park. This contribution will be secured through the Section 106 legal agreement.

Sustainable Transport

The re-characterisation works include sustainable transport as they involve enhancements to the existing Sustrans Route 51 and creation of a combined cycle/footpath. Part of this contribution would also commission the local lower school to assist in the designing of the gateway feature.

Community Facilities

Following consultation between the applicant and Marston Moretaine Parish Council, the PC did not require any contributions towards community facilities in the form of hall/building therefore no contribution is sought from this application. It was agreed that there is no site-specific requirement for a contribution towards the emergency services.

Forest of Marston Vale

The delivery of the Forest of Marston Vale is about delivering the Forest Plan which is to increase woodland cover within the Marston Vale by 39%. All

planning contributions gained from development are used to deliver Community woodland. The developer has offered a total of £153,750 towards leisure, recreational open space and green infrastructure as a whole, which includes the Forest of Marston Vale. Although this does not provide the required level of contribution as set out in the calculator, it is comparable with the level of contributions within the locality.

Off site Highway Works

The additional highway works, which represents an unusual site-specific cost that is to be provided prior to the occupation of the first dwelling will enhance the surroundings in which the new residents will live and improve countryside access links.

Affordable Housing

The proposed affordable housing package consists of 63% Affordable Rent and 37% Shared Ownership tenure types, which is in accordance with the current SHMA. Given the unusual site-specific highway works and the emerging Development Strategy requirement of 30%, it has been agreed that the development would provide 30% (36 dwellings).

11. Other Issues

In terms of other issues raised through the consultation process:

Submitted Documents

The documents submitted with the application are considered to be sufficient in order to adequately assess the proposals and its impact.

Planning Process and Consultation

The Council issued over 120 letters to individual households in streets nearest to the application site which far exceeds the statutory consultation requirements. In addition to this site notices and a press notice were posted. The statutory time period for response of 21 days was provided but residents actually had longer than this due to the completion of additional documentation. Adequate opportunity for comment was therefore provided.

The applicant undertook consultation over the masterplan between September 2010 and July 2011

Recommendation

It is recommended that subject to the satisfactory completion of a Section 106 Legal Agreement requiring contributions towards those matters set out in the report and provided no new issues are raised then **APPROVE** planning permission subject to the conditions detailed below. However, if there are any minor changes or adjustments to the conditions considered necessary by the Head of Development Management then it is requested that these changes be delegated to the Head of Development Management or a Planning Manager.

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved

matters to be approved, whichever is the later.

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

2 Approval of the details of:-

- (a) the layout of the building(s);
- (b) the scale of the building(s);
- (c) the appearance of the building(s);
- (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

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

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

4 **Prior to the submission of the first reserved matters application, a detailed design code for the development shall be submitted and approved in writing by the Local Planning Authority. The detailed design code shall demonstrate how the objectives of the Design and Access Statement will be met, and shall be in accordance with the drawings and documents referred to in Condition 1 above. The design code shall:**

- **outline the street network/hierarchy and include cross sections for each street type that outline the various applicable elements within the cross section, including overall range of building line distance(s), set backs/privacy strip(s), cycle lane(s) (if applicable), verge width(s), pavement width(s) , any on street parking, bus stops (if applicable) and carriageway width(s). Details of surface material type(s) will also be provided.**
- **identify any character areas within which the following design principles shall be identified:**
 - **public realm including details of landscaping, public art opportunities, public realm material types (landscape, street furniture etc) and refuse collection.**

- block principles including ranges for plot widths and depths, building lines, frontages and set backs, any on plot or other parking, cycle parking, servicing and storage and collection of waste.
- boundary treatments including types to front, side and rear boundaries.
- building types & uses.
- building densities and heights.
- key gateways, landmark buildings, vistas and frontages.
- architectural detailing and materials including key roofscape principles, building material types & design details: including signage and lighting (where applicable).
- environmental and sustainability standards including details of any sustainable urban drainage system (“SUDS”) serving that area. The development of each area shall be carried out in accordance with the approved design code for that area.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

- 5 **No development shall take place until a Scheme of Archaeological Resource Management 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 impacted upon as a consequence of the development.

- 6 **Development shall not begin within the portion of the site termed the 'Southern Catchment' until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall be based upon the principles contained within the Flood Risk Assessment (FRA) dated 1 November 2011 reference 1369/FRA/revision 01, compiled by Brookbanks Consulting Ltd and shall contain details of the following:

1. Detailed surface water calculations for post-development proposals, using the impermeability factor of 0.85 as given in section 5.16 of

- the agreed FRA;
2. Detailed post-development storm event simulation results, demonstrating the performance of the proposed surface water system;
 3. Detailed calculations of the required attenuation in order to limit the surface water runoff from the site to rates no greater than those contained in figure 5b in section 5.16 within the agreed FRA;
 4. Detailed drawings showing the position, location, gradient, dimensions and levels of the proposed surface water drainage system. Pipe reference numbers that concur with the storm simulation results should be clearly labelled;
 5. Details of any above-surface overland flows in the case of system exceedance or failure and demonstration of the proposed management of such flows;
 6. Details of the proposed method of flow control. If this is to be a vortex flow control, the manufacturers discharge curve demonstrating suitability of design should be included; and
 7. Full details of the proposed maintenance of every element of the proposed drainage system.

Reason: To prevent the increased risk of flooding and ensure future maintenance of surface water drainage system.

- 7 No development shall commence until a surface water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the local planning authority.

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

- 8 Prior to the commencement of development, a site waste management plan shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the provision of an adequate waste management plan for the proposed development

- 9 Prior to the commencement of development, full details of the acoustic fencing to be provided between the residential development and the realigned A421 shall be submitted and approved in writing by the Local Planning Authority. The approved fence shall be retained hereafter.

Reason: To safeguard the amenities which the future occupiers of the residential development might reasonably expect to enjoy.

- 10 Prior to commencement of development full engineering details of the access arrangements and other highway works shown for indicative purposes on plan 1369/HL/01 shall be submitted to and approved by the Local Planning Authority and no building approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.

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

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

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

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

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

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

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

- 15 **Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the highway works hereby approved shall be closed in a manner to the Local Planning Authority's written approval.**

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

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

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

- 17 Reserved matters development shall not be commenced until a site wide travel plan has been submitted to and approved in writing by the Council, such a travel plan to include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review upon first occupation and annually thereafter for a period of 5 years at which time the resulting revised action plan shall be submitted to and approved in writing by the planning authority.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
 - Site specific travel and transport information,
 - Details of sustainable incentives (e.g. travel vouchers)
 - Maps showing the location of shops, recreational facilities, employment and educational facilities
 - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
 - Copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
- Details of the appointment of a travel plan co-ordinator where appropriate.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan (or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation). Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

- 18 Prior to occupation of the first dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide a safe emergency, cycle and pedestrian access from the application site to the contingency site. The scheme shall be wholly implemented in accordance with the approved drawings prior to the occupation of the final dwelling.

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

- 19 The reserved matters submission for the employment site shall include a tree planting buffer zone along the north east boundary with the contingency site and south west boundary fronting Wood End.

Reason: To ensure an appropriate standard of visual amenity in the local area.

- 20 A scheme for the flood berm maintenance which shall cover a period of at least 5 years from the date of its implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure an appropriate standard of visual amenity in the local area.

- 21 A habitat management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The plan shall include:

- description and evaluation of the features to be managed;
- ecological trends and constraints on site that may affect management;
- aims and objectives of management;
- appropriate management options for achieving the aims and objectives;
- prescriptions for management options;
- preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- personnel responsible for the implementation of the plan;
- monitoring and remedial/contingency measures triggered by monitoring

All works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The works shall be undertaken in accordance with a time scale previously agreed in writing by the Local Planning Authority.

Reason: To ensure existing or new habitats affected by development are managed effectively over an established period.

- 22 The applicant shall submit in writing as part of the application for reserved matters, a scheme of noise attenuation measures, which will ensure that the internal noise levels from external road traffic noise sources shall not exceed 35dB LAeq, 07.00-23.00 in any habitable room, or 30dB LAeq 23.00-07.00 and 45dB LAm_{ax} 23.00-07.00 inside any bedroom and that external noise

levels from external rail and road traffic noise sources shall not exceed 55dB LAeq (1hr) in outdoor amenity areas. Any works which form part of the scheme hereby 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 authority.

Each dwelling shall be provided with a garden area which has a predicted noise level of less than or equal to LAeq 55dB (measures over any 1 period)

Reason: To provide an acceptable noise environment and level of amenity for future occupants of the development.

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

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

- 24 Notwithstanding the changes of use permitted within Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the area shown on the attached plan no. CBC/001 of the development hereby approved shall be used for purposes within Class B1 only of the Town and Country Planning (Use Classes) Order 2006 only, and for no other purpose.

Reason: To safeguard the amenities which the occupiers of existing and future neighbouring properties might reasonably expect to enjoy.

- 25 The employment buildings hereby permitted shall not exceed 12.5m in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the site is not overdevelopment and that the character and visual appearance of the area is not adversely affected.

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3701-L-04 C, 1, 04C, 1369/HL/01, 1369/DR/01G, BC/MSE/2994-4, 21430-01.

Reason: For the avoidance of doubt.

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The site is allocated for mixed-use development to provide 125 dwellings and 7.0ha of employment land under Policy MA4 of the Central Bedfordshire (North) Site Allocations DPD. Whilst the application proposes up to 125 dwellings the lower number of dwellings is considered to be acceptable in view of there no longer being minimum density requirements set by Central Government and a general acceptance of lower density developments.

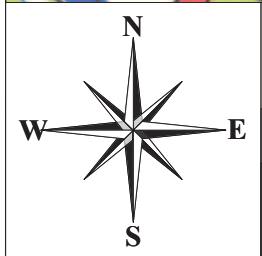
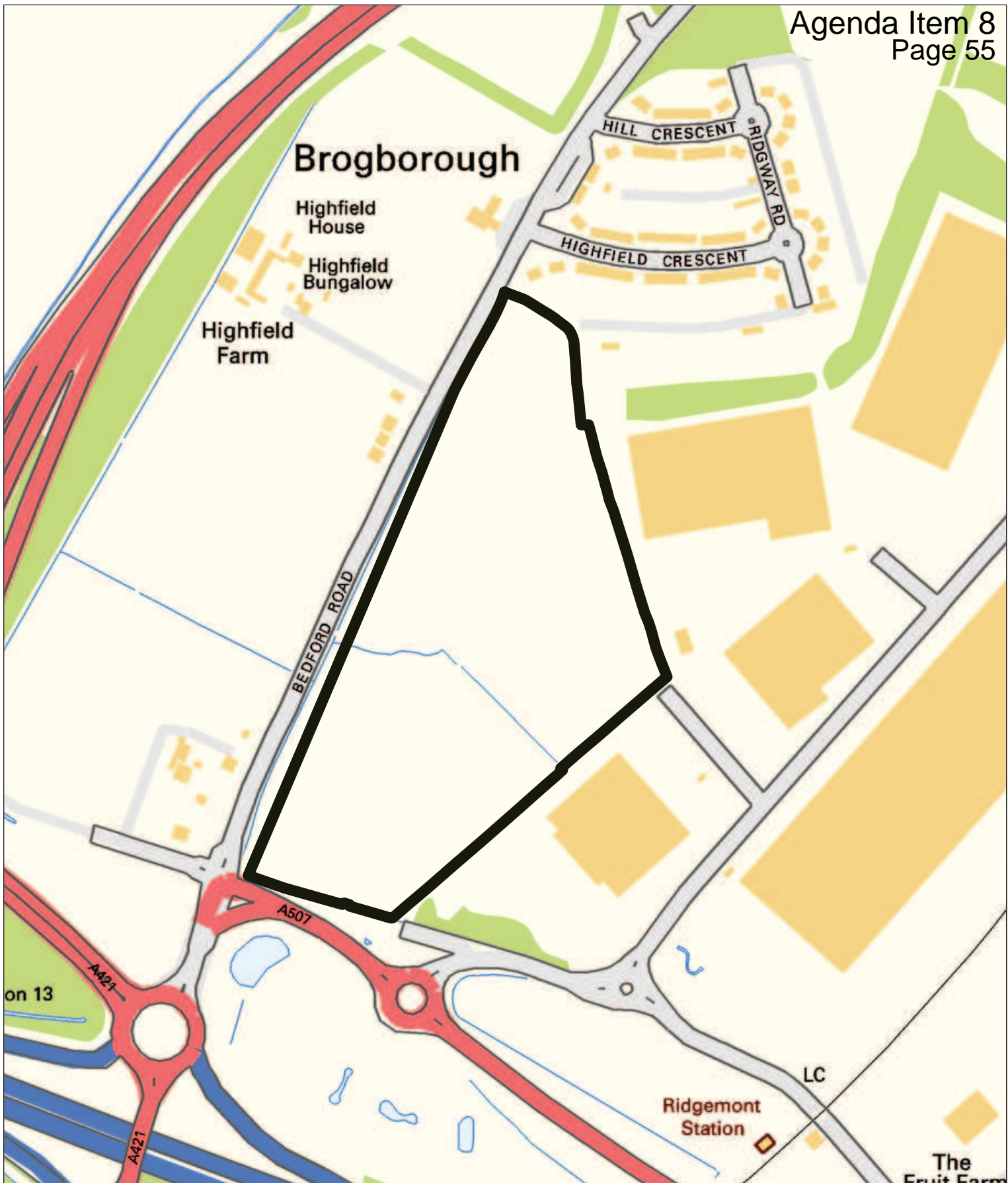
The provision will deliver a sustainable form of development which will include provision for affordable housing, on site open space facilities, off-site highway improvements and financial contributions towards infrastructure to mitigate the local impacts of the development. The proposal is considered to be in accordance with relevant sections and policies of the National Planning Policy Framework, Central Bedfordshire (North Area) Core Strategy and Development Management Policies 2009, Affordable Housing (July 2004) and Planning Obligations (North) 2009 SPD's, and Design in Central Bedfordshire: A Guide to Development (2010).

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amptill Road, Bedford MK42 9BD.
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, 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.

5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the reserved matters estate roads as highways maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, 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. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.



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Date: 12:March:2013

Grid Ref: 496251, 237877

Application No.
CB/12/04484/OUT

Scale: 1:5000

Land to East of Marston Gate Distribution Park, Badgers Rise,
Brogborough, Bedford, MK43 0ZA

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Item No. 8

APPLICATION NUMBER	CB/12/04484/OUT
LOCATION	Land to East of Marston Gate Distribution Park, Badgers Rise, Brogborough, Bedford, MK43 0ZA
PROPOSAL	Outline: Erection of a storage and distribution warehouse (Use Class B8) with ancillary office space, car parking, landscaping, access and associated works.
PARISH	Brogborough
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Gammell
DATE REGISTERED	24 December 2012
EXPIRY DATE	25 March 2013
APPLICANT	Prologis UK Ltd
AGENT	Turley Associates
REASON FOR COMMITTEE TO DETERMINE	Scale of the development and issues raised by the Parish Council.
RECOMMENDED DECISION	Outline Application - Granted

Site Location:

The site is known as land to the west of Marston Gate Distribution Park, to the east of Bedford Road (C94). The site is a trapezoid (roughly triangular), with the narrowest section funnelling into Marston Gate Distribution Park, and the longer edge backing Bedford Road. The site is to the north of Junction 13 of the M1, south of Brogborough village, east of Bedford Road, and west of the existing distribution park, which consists of some seven large buildings. The area of land is currently grassed, vacant farm land, roughly divided into three fields.

The Application:

The application is for Outline Planning Permission for the erection of a storage and distribution warehouse (Use Class B8) with ancillary office space, car parking, access, landscaping and associated works.

All matters are reserved except scale and access.

Scale of Proposal: A parameters plan has been submitted 30224-FE-028B, this shows a single building within the southern portion of the site, the parameters of scale would be -

Minimum width: 137 metres
Maximum width: 151 metres

Maximum length: 295 metres

Maximum height: 20 metres

Minimum building area: 39,600 sqm

Maximum building area: 42,000 sqm

Access of Proposal: This would be through the existing distribution park, using existing transport infrastructure, 329 car parking spaces are proposed

The application is accompanied by the following documents:

- Planning and economic statement
- Draft S106 Agreement - Heads of Terms
- Design and Access statement
- Statement of community involvement
- Phase I and II Environmental site assessment
- Tree survey
- Ecology assessment
- Landscape and visual impact assessment
- Landscape maintenance and management plan
- Noise assessment
- Air quality assessment
- Lighting assessment
- Transport statement
- Travel plan
- Flood risk assessment
- Sustainability statement.

The development was subject to a Screening opinion which determined that this is not EIA development and an Environmental Statement is not required.

The Reserved Matters would be Landscape, Design and Layout.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

1. Building a strong competitive economy
4. Promoting sustainable transport
7. Requiring good design
11. Conserving and enhancing the natural environment

Development Strategy for Central Bedfordshire (2013)

1. Presumption in favour of sustainable development
2. Growth strategy
6. Employment land
7. Employment sites and uses
19. Planning obligations and the Community infrastructure levy
43. High quality development

- 44. Protection from environmental pollution
- 46. Renewable and low carbon development
- 47. Resource efficiency
- 48. Adaptation
- 49. Mitigating flood risk.

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.)

Core Strategy and Development Management Policies (2009)

- CS2 - Developer Contributions
- CS9 - Providing Jobs
- CS10 - Location of Employment Sites
- DM1 - Renewable Energy
- DM2 - Sustainable Construction of new buildings
- DM3 - High Quality Development

Supplementary Planning Guidance

- Design in Central Bedfordshire
- CB Local Transport Plan: App.F, Parking Strategy

Planning History

- CB/11/03246/SCN EIA - Screening Opinion: Development of land to provide a distribution warehouse (use class B8) with ancillary B1 class office floorspace and service yard with car parking. - Not EIA Development
- CB/12/002620/SCN Screening Opinion: Erection of storage and distribution unit (Use Class B8) with ancillary office space, car parking and associated works. – Not EIA development.

Representations: (Town & Neighbours)

Brogborough
PC

Comments received

We were pleased that the developers had taken into account some of the Parish Council's comments made in response to their initial plans shown at the public exhibition in the Village Hall in June 2012, and included them in the above outline planning application, which included:

- Moving the warehouse, along with the loading yard, further south in the development site, and moving one of the attenuation ponds to the north of the warehouse, which means that the six houses on Bedford Road are not as

overpowered by the development, and it takes the development that bit further south away from the houses in Highfield Crescent.

- That the developers supported the need to restrict the use by HGV's leaving Marston Gate Distribution Park, off Bedford Road to travel north and access the new A421 at Marston Moretaine (and presumably vehicles leaving the new A421 at Marston Moretaine to travel south along Bedford Road to Marston Gate Distribution Park).
- The construction of bunds to the north and west of the site to reduce visual and noise pollution to houses in the vicinity of the village (but more about this in the body of our response below)
- That the Parish Council be involved in a tripartite discussion with Prologis and Central Bedfordshire Council with respect to negotiating some of the Section 106 money for local/village/community use, particularly the funding of improvements to the infrastructure of the community.
- The need for additional signage along Bedford Road from the north directing HGV and other traffic destined to the distribution centre to carry on along Bedford Road to stop vehicles erroneously turning into the small local roads of the village (and often getting stuck and churning up the grass verges) and also other practical measures which would improve local transport such as traffic calming measures.
- That the Parish Council be allowed to send a representative to Prologis' management meetings also attended by the tenants of the distribution park when the impact on the local community is discussed

However, there are still aspects of the outline planning application that the Parish Council is concerned about. These are detailed below and are in no particular order of priority.

1. The planting proposed for the landscaping on, around and away from the bunds is not specifically detailed, mentioning only native species, from which we surmise that it is unlikely that evergreen species will feature to any extent.
2. Landscaping maintenance. Any landscaping that is provided on the development site and its boundaries should be maintained by Prologis or subsequent owners of the site.
3. Although Prologis have done a Transport Assessment on the impact that the extension would have on local roads, which concluded that there would be "no unacceptable impact" (page 18 of Statement of Community Involvement), and indeed, traffic surveys were carried out, we feel that

there are several points to be made here

- What is 'an acceptable impact' as the wording implies that there will be some impact.
- The traffic surveys did not survey HGV movement travelling south down Bedford Road turning left at the traffic lights from Bedford Road into the A507, nor HGV traffic turning right at the traffic lights from the A507 northwards up Bedford Road. Although some of this HGV movement may not be destined for the distribution park or coming from it, no surveys were done in any way to try to ascertain any HGV movement through the village attributable to the distribution park.
- The fact that the surface of the road at the junction from Bedford Road into the A507 has massive ruts developed in it, shows the amount of heavy traffic that must take this route (a fact reported to Central Beds Highways on Wednesday 16th January by Miss Jo Green, Chair Brogborough Parish Council).

4. The impact of such a large warehouse and the HGV traffic generated from it will cause considerable impact on the flow of traffic off the M1 both from the north and south, to access the distribution warehouse along the A507.
5. We are not in agreement with the analysis carried out on the risk assessment of flooding.
6. Noise impact.
7. Noise and light pollution.
8. Flanking hedge condition.
9. Boundaries to community areas.
10. Travel plans.

Neighbours **No comments received**

Consultations/Publicity responses

Accessibility **No comments received**
Officer

Strategic **No objections**
Landscape Officer

Information received however this relates to more detailed matters which would be included within subsequent Reserved Matters applications. The comments have been sent to the

agent for consideration.

Highways Officer **No objections - Recommends Conditions**

Access and scale are issues to be determined at this stage and are not being reserved for subsequent approval. I make the following observations on behalf of the highway authority and apologise for the delay responding.

As you will be aware from our discussions and meetings the principle of this proposal is acceptable in a highway context.

The application is supported by a robust Travel Assessment which has identified that, despite the size of the proposal there will not be a significant impact on the surrounding highway during the normal network morning and evening peak hours in view of the working patterns associated with a development of this nature.

The proposal is accessed from the existing privately maintained estate roads in a manner appropriate for the number and type of vehicle associated with the use. Car parking provision is compliant with the CBC parking strategy and has been considered and agreed in principle with our Travel Plan colleagues.

In terms of S106 matters I understand that a contribution toward improvements to part of the existing footway (FP4) linkage to the C94 and Brogborough Village to allow use by cyclists has been agreed. In addition the applicant has agreed to fund works and Traffic Regulation Orders to enable changes to the speed limit along the C94 (former A421) through Brogborough together with the introduction of HGV restrictions to ensure that vehicles associated with the development remain on the principle highway network rather than utilise the former trunk road through Brogborough and beyond.

In the event that planning approval is considered the following conditions and advice notes are recommended for inclusion.

1. The detailed plans to be submitted for approval of reserved matters shall indicate the following:

- appropriate space for staff and visitor car parking,
- operational space for parking, loading/unloading and manoeuvring of heavy goods vehicles
- the safe and secure provision of cycle parking
- an informally surfaced cycle route through the grassland north of the building to provide an alternative cycle link to the premises from the C94 to supplement the improvements to FP4.

Development shall not begin until the detailed plans have been approved by the Local Planning Authority and no building shall be occupied until approved works have been constructed in accordance with the approved details.

Reason: To ensure adequate provision of on-site vehicle and cycle areas in the interests of highway safety.

2. The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

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

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

4. Reserved matters development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries 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.

5. The development shall not be commenced until a site wide travel plan has been submitted to and approved in writing by the council, such a travel plan to include details of:

- Baseline survey of site occupants in relation to these current/proposed travel patterns;
- Predicted travel to and from the site and targets to

- reduce car use;
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks;
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport;
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review, annually for a period of 5 years at which time the resulting revised action plan shall be submitted to and approved in writing by the planning authority.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of site specific marketing and publicity information, to include:
 - Site specific travel and transport information,
 - Incentives for sustainable travel
 - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
 - Copies of relevant bus and rail timetables.
 - Details of the appointment of a travel plan co-ordinator.

No part of the reserved matters development shall be occupied prior to implementation of those parts identified in the travel plan. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation [including submission of a full travel plan within 6 months of occupation to be approved in writing by the Local Planning Authority] shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

Sustainable
Transport Officer

No objections

Comments on Travel Plan in respect of excessive parking provision and destination for infrastructure contributions. However this matter was resolved with further information provided by the applicant regarding amount of floor space for office.

Site located just south of Brogborough within the existing Prologis distribution centre, adjacent to M1 junction 13 and within close proximity to Milton Keynes (6 miles), Bedford (9 miles) and Luton (12 miles).

514 full time staff estimated.

Car parking provision – 329 car parking spaces proposed. This is considered acceptable, and in accordance with Annex F of Parking Standard.

Tree and
Landscape Officer

No objection – Recommended Conditions

A comprehensive tree survey has been supplied with the application identifying all trees and hedge lines on or off site that could be affected by the proposal. It is identified that approximately 200 metres of hedge that lies across the development site will be removed.

Full ecological and landscape use should be made of the attenuation pond close to the car park area.

We will require full hard and soft landscaping details including species, sizes, densities and soil preparation along with a management plan and full details as to the management and financing of the Community Orchard area.

Natural England

No objections – recommended conditions

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

We used the flowchart on page 8 of our Standing Advice Species Sheet: Great crested newts beginning at box (i). Working through the flowchart we reached Box (xiii). We looked at the survey report and determined that permission may be granted subject to a condition requiring and detailing mitigation and monitoring strategy for Great Crested Newts.

Environment
Agency

No objection – recommended conditions

We consider that planning permission could be granted to the proposed development as submitted if the following (2) planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Groundwater and Contaminated Land

CONDITION

Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water disposal needs to be

submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To protect and prevent the pollution of controlled waters (particularly the secondary A aquifer to the south of the site, the unnamed tributary of Broughton Brook River and the unnamed drainage ditches on the perimeter of the site) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

Pollution Prevention

CONDITION

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason

See Reason 1.

- | | |
|-------------------|---------------------------|
| Highways Agency | No objection |
| Building Control | No comment to make |
| Public Protection | Concerns |

Concerns received with regard to noise, there are on going discussions relating to this matter, between the Councils Environmental Health Officer and Prologis. Conditions have been recommended to overcome concerns:

Noise Scheme

Prior to the approval of the first of the reserved matters a Noise and Vibration Assessment shall be carried out in accordance with a methodology submitted to and agreed in writing by the Local Planning Authority.

This Assessment and, if it proves necessary as a result, a scheme for protecting neighbouring land uses from noise shall be submitted to and approved in writing by the local Planning Authority prior to the commencement of the development. Any

works which form part of the scheme approved by the local Planning Authority shall be completed, and shown to be effective before any permitted use is brought into use or occupied unless alternative approval is provided in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring land users in terms of noise and vibration.

Noise from Fixed Plant and Equipment

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

Reason: To protect the amenity of neighbouring land users in terms of noise and vibration.

Light Pollution

Before the development commences the applicant shall submit a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land uses. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards. Only the details thereby approved shall be implemented.

If within a period of 12 months following the first use of the lighting columns the Planning Authority requires the alignment of the lights to be adjusted and/or hoods or shields to be fitted, this shall be carried out in accordance with an agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

Reason: To protect the amenity of neighbouring land users in terms light.

Public Protection -
Contaminated
Land

No objection – Recommended Conditions

Conditions relating to:

Phased Site Investigation

Remediation scheme

And informative's relating to:

Topsoil movement

And Surface/Ground water at risk of contamination – See EA

Drainage

No comments received

Engineer

Economic Growth Department **No comments received**

Sustainable Growth/ Climate change **Comments received – Further information requested**

On going discussion between officer and Prologis, comments to be on the late sheet

Forest of Marston Vale **No objection – Requested planting on/off site**

Rights of Way **No objection**

Application site is not effected by Public Rights of Way, other than at the entrance. The existing pedestrian crossing is to be maintained with no proposals for diversion, therefore I have no comments to make.

Architectural Liaison **No comments received**

Beds Waterway **No comments received**

Internal Drainage Board **Object – holding objection received**

On going discussion, regarding legal agreement, further information to be on late sheet.

Green Infrastructure Co-Ordinator **No objection**

Ecology **No objection**

Extensive surveys have been undertaken and the proposed recommendations address habitat and species issues. Considerable environmental enhancement has been included in the proposals with particular focus on habitat provision for Great Crested Newts but which will also benefit other fauna using the site.

Great Crested Newts have been found in the area and as such there is a requirement for the issue of a development licence from Natural England. The appropriate surveys and associated mitigation proposed will be sufficient to allow for such a licence.

The retention of existing trees and hedgerows where possible is desirable. The illustrative Master plan shows a community orchard which is welcomed, additional tree and shrub planting is

also proposed around the site. The Community Tree Trust has fruit trees and other species of local provenance which would provide an added ecological benefit to this site.

Anglian Water **No comments received**

Husbourne **No comments received**
Crawley Parish
Council

Determining Issues

The main considerations of the application are;

1. Policy, background and Job creation
2. Design, appearance and impact on visual amenity of the area, and amenities of neighbouring residents
3. Traffic generation/Highways
4. Other issues

Considerations

1. Policy, background and Job creation

Policy EA6 within the Central Bedfordshire Site Allocations Document 2010:

Policy EA6: Land between A421 and Marston Gate Distribution Park, Brogborough

Land between the A421 and Marston Gate Distribution Park Brogborough as identified on the Proposals Map, is allocated for 8 hectares of B1, B2 and B8 uses.

In addition to the general policy requirements in the Core Strategy and Development Management Policies DPD and appropriate contributions to infrastructure provision in the Planning Obligations SPD, development on this site will be subject to the following:

- *An upsizing of the on- site culvert will be required to resolve the current flooding. Surface water arising from the development will be controlled by a means of a Sustainable Urban Drainage System which will only release surface water- off into surrounding water courses at least at a rate no greater than if the site was undeveloped. Measures will be agreed with the Internal Drainage Board (IDB);*
- *Preparation of a Transport Assessment to help identify the impact of the development on the highway network. This assessment should specifically include the impact on the M1 and A421 trunk roads. Further assessment is required to ensure the benefits of the A421 improvement scheme are not eroded; and*

- *Provision of satisfactory buffer landscaping to minimise the impact of development on the settlement of Brogborough, the Forest of Marston Vale and the Greensand Ridge.*

The whole site area shown with this application is not within the EA6 allocation, the 8 hectares is shown as the middle portion of the site, and excludes the two narrow sections on either side of the triangular site. The application has been made for 8 hectares of employment land, however the site has been moved to the southern portion of the site. Although it is partially on land outside the allocated portion, it is predominantly within the allocation. The reason that the building has been moved is following consultation with local residents the building is moved away from the main part of the village, towards the junction with the M1. This allows for a larger buffer zone to be created between the employment site and the village. It is proposed to create a grassed amenity area and community orchard on the northern edge. There is a cluster of properties facing on to Bedford Road and by moving the building to the southern portion of the site, it will allow these properties to overlook the green area opposed to the main bulk of the building. It is considered that although this development would be slightly outside the allocation as shown in the Site Allocations DPD, it is a more appropriate use of the site, and will result in the delivery of the same scale of employment land and relate in a more positive way to the village of Brogborough.

With regards to the emerging Development Strategy for Central Bedfordshire (Pre-Submission 2013), significant weight can be given to the policies contained within it which are consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013 and any future application for Reserved Matters is likely to be judge against these policies.

Policy 6 (Employment Land) of the emerging Development Strategy sets out that the Council will work with the development industry, landowners and local communities to deliver appropriate employment land within Central Bedfordshire. The portfolio will consist of:

- existing allocated employment sites (as identified on the Policies Map);
- established (non-allocated) sites in employment use;
- allocation from the North Site Allocations DPD; and
- up to 139ha of additional Strategic Sites.

As this site was an allocation from the North Site Allocations DPD it is compliant with this policy.

The National Planning Policy Framework states that Sustainable Development is the Golden Thread running through decision making, to create a sustainable development job creation and economic growth is fundamental. It is considered that this development would aid the objectives within the National Planning Policy Framework, creating employment for the community.

It is therefore considered that the development would deliver sustainable development that is compliant with other policies and the National Planning

Policy Framework.

This application is for Outline planning permission and currently there is no identified end user for this development. It is projected that based on the scale and use of the site, this development would result in approximately 516 full time jobs.

2. Design, appearance and impact on visual amenity and the amenity of neighbouring residents

Impact upon the character and appearance of the area:

The detailed design of the building would be agreed under subsequent Reserved Matters applications, however indicative elevations have been included within the Design and Access Statement.

Layout would also be determined at the reserved matters stage although the indicative drawing identifies the parameter scale position of the building.

This application would set parameters in terms of scale, the maximum dimensions of the building would be 151 metres in width, by 295 metres in length, with a maximum height of 20 metres. The design would be similar to that of other buildings on Marston Gate Distribution Park.

In terms of impact upon visual amenity, the building will appear prominent, it will be substantial in scale, however it is considered that the building will complement the wider environment of the distribution park and Junction 13 of the M1. The development will be substantially softened in its setting by the level of landscaping that would surround the site.

It is considered that the structure will be seen from the wider environment, however due to the position adjacent to the M1/A421 Junction, and the existing B8 warehousing at Marston Gate, it is considered it would not have a significant impact upon any long range views across Bedfordshire.

Within the immediate area, it would appear substantial within the streetscene of Bedford Road and the footpath at the rear of Highfield Crescent, however substantial levels of landscaping are indicatively shown, and would need to be agreed through a Reserved Matters application, softening the affect of the building, from these public view points. As the building has been moved to the southern portion of the site, it is considered that this would further reduce its impact within the residential streetscene.

Impact upon neighbouring properties:

The building has been moved since the site allocations document was produced by some 20 metres to the south, this was to allow the properties on Bedford Road to face the landscaping as opposed to the building. It is considered that within this setting, the scale of the proposed development would not significantly impact upon any residential properties; this has been considered in terms of impact upon privacy, light amenity, loss of outlook, noise or the causing of an

overbearing impact. The precise position/design of the building would need further approval as a reserved matter. It is considered that the building could be satisfactorily sited on the site within the build envelope area established by the parameter plan. A sufficient buffer zone would be provided to allow for tree planting and landscaping to mature over time, this would help mitigate any significant impact of the development in the landscape, streetscene, and from the visual amenities of nearby residents.

3. Traffic generation/Highways

The development would provide an employment site for approximately 516 full time jobs (subject to end user), 329 car parking spaces are proposed. It is considered that there would be ample parking for this number of staff, as it would be largely shift work, and it is unlikely that all the employees would be on site at any one time.

It is considered that as the application is supported by a robust Travel Assessment and that has identified that, despite the size of the proposal, there will not be a significant impact on the surrounding highway during the normal network morning and evening peak hours in view of the working patterns associated with a development of this nature. The proposal is therefore acceptable in this respect. It is strategically located to be an addition to an existing distribution park with existing infrastructure capable of accommodating this level of additional movements. Car parking provision is compliant with the CBC parking strategy and has been considered and agreed in principle with both the Highway officer and the Travel Plan officer.

Five conditions have been recommended by the Highway Officer which relate to suitable parking provision being made for the site including cycle parking, further detail of access and egress from the site/construction traffic to be generated, construction worker parking, a site wide travel plan, and the siting and layout of the scheme. It is considered reasonable to attach these conditions except the site wide travel plan. A travel plan for the proposed development is recommended instead. The fixing of the layout of the proposal is also not considered necessary at this stage as the position of the building would be fixed by the parameters plan. It is considered that a condition indicating the build envelope and the condition indicating the approved outline plans would result in the same assurances and ensure the access was constructed in accordance with the approved plans.

4. Other issues

LANDSCAPED OPEN SPACE

Within the indicative plans, there is a substantial level of landscaping, this includes a community orchard, and open space, this would be privately managed by the occupiers of the building. It is considered that its relationship to the

building is important for ecology on the site, drainage, and community cohesion with the development. Access to this area would be from the footpath adjacent, and would be made available for local informal recreation use.

ECOLOGY

The Councils Ecologist and Natural England are of the opinion with conditions to protect species the wildlife on the site can be suitably accommodated.

FLOOD RISK

The IDB has a holding objection to the development, however this is largely based on a legal matter between themselves and Prologis, and update on this position will be given on the late sheet. Prologis have indicated that they are satisfied to enter into a Section 106 that would secure the required works to be carried out.

SUSTAINABILITY

The application has a corporate sustainability strategy in its developments which takes in the potential environmental impact of all the phases of the buildings' life from building materials to demolition recycling. The corporate strategy is based on 3 elements:

- BREEAM certification – Very Good Standard 2011
- reduced operational carbon emissions, and
- mitigated embodied carbon emissions.

Carbon off-set would take the form of investment in local education/biodiversity projects and a project managed by Cool Earth.

This sustainable approach to development is at the heart of the NPPF.

It is considered that this development would result in a sustainable form of development.

SECTION 106 AGREEMENT

- Highway Works to the C94 (£30,000)
- Brogborough Footway/Cycleway Enhancement (£10,000)
- Ridgmont Station Enhancement (£20,000)
- Village Hall Enhancement Project (£10,000)
- Leisure facilities in Brogborough (£70,000)
- Brogborough Village Enhancement/Community Cohesion (£5,000).
- An agreement to enter into an agreement which would ensure that the IDB works were carried out prior to development commencing.
- A traffic management plan, would also be required, when the needs of the end user were fully understood, so the Council could ensure that this matter was suitably addressed.
- A management plan for the Landscaped areas.

The principle of this has been agreed with the Developer, the document remains unsigned, an update of this will be on the late sheet.

NOISE

A Noise and Air Quality Assessment were received with the application. The development will involve the movement of HGVs and therefore it is likely that this development is going to generate noise, and concerns have been received from the Councils Public Protection department regarding the information submitted with the application. However no objections are received and conditions relating to additional information, noise mitigation, lighting scheme, and levels of noise from the site are recommended in order to overcome concerns. It is considered that the imposition of conditions would safeguard the residential amenities of neighbouring occupiers.

Recommendation

That subject to the satisfactory completion of a Section 106 Agreement addressing the matters set out within this report to grant Outline Planning Permission subject to the following:

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

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

- 2 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.

- 3 Approval of the details of:-

- (a) the layout of the building(s);
- (b) the appearance of the building(s);
- (c) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning

permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 4 The building on the site shall be restricted to a maximum of 20 metres in height, with a maximum floor area of 42,000 sqm, a maximum length of 295 metres, and a maximum width of 151 metres. The area where the building shall be located shall be within the parameters as shown on plan 30224-FE-028B.

Reason: To ensure an acceptable development and respect the character and appearance of the surrounding area and to safeguard the residential amenities of adjacent properties.

- 5 **Development shall not commence until samples of the external materials to be used for the walls and roofs of all new buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the proposed building.

- 6 **Development shall not commence until details of the levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.**

REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.

- 7 The detailed plans to be submitted for approval of reserved matters shall indicate the following:
- appropriate space for staff and visitor car parking,
 - operational space for parking, loading/unloading and manoeuvring of heavy goods vehicles
 - the safe and secure provision of cycle parking
 - an informally surfaced cycle route through the grassland north of the building to provide an alternative cycle link to the premises from the C94 to supplement the improvements to FP4.

Development shall not begin until the detailed plans have been approved by the Local Planning Authority and no building shall be occupied until approved works have been constructed in accordance with the approved details.

Reason: To ensure adequate provision of on-site vehicle and cycle areas in the interests of highway safety.

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

throughout the period of construction work.

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

- 9 There shall be no occupation of any part of the development hereby permitted until details of a scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority, the lighting scheme thereby approved shall be installed, operational and maintained in perpetuity. There shall be no departure from or variation to the approved lighting scheme without the prior approval in writing of the Local Planning Authority.

Reason: To protect the amenity of the surrounding area in terms of light spill and highway safety.

- 10 Reserved matters development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries 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.

- 11 **Prior to the commencement of any phase of development approved by this Outline Planning Permission, the following shall be submitted to the Local Planning Authority:**
- (a) **A Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating soils and gas sampling.**
 - (b) **Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
 - (c) **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.**

Reason: To protect human health and the environment.

- 12 **No works shall commence on site until the Local Planning Authority has agreed in writing the content of a Construction Environmental Management Plan for the proposed development which shall cover noise, vibration and air quality management. Construction and installation of plant and machinery shall proceed in accordance with the approved Plan.**

Reason: To minimise disturbance to the occupants of neighbouring properties during the construction phase of the development.

- 13 **No works to commence on site and notwithstanding the details submitted**

with the application, further particulars of the proposed site boundary treatments, to include details of security fencing, are submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed site boundary treatments shall be carried out in accordance with the approved particulars.

Reason: To control the appearance of the proposed development in the interests of the amenities of the surrounding area.

- 14 **No works to commence on site until a scheme for surface water disposal is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**

Reason :To protect and prevent the pollution of controlled waters (particularly the secondary A aquifer to the south of the site, the unnamed tributary of Broughton Brook River and the unnamed drainage ditches on the perimeter of the site) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 15 **The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.**

Reason: To protect and prevent the pollution of controlled waters (particularly the secondary A aquifer to the south of the site, the unnamed tributary of Broughton Brook River and the unnamed drainage ditches on the perimeter of the site) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 16 **Prior to the approval of the first of the reserved matters a Noise and Vibration Assessment shall be carried out in accordance with a methodology submitted to and agreed in writing by the Local Planning Authority.**

A scheme for protecting neighbouring land uses from noise shall be submitted

to and approved in writing by the local Planning Authority prior to the commencement of the development. Any works which form part of the scheme approved by the local Planning Authority shall be completed, before any permitted use is brought into use unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring land users in terms of noise and vibration.

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

Reason: To protect the amenity of neighbouring land users in terms of noise and vibration

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers TA01, 09C, 30224-FE-022B, 30224-FE-028B, 30224-FE-026B, 12, 13,10B.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Outline Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

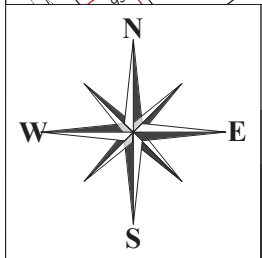
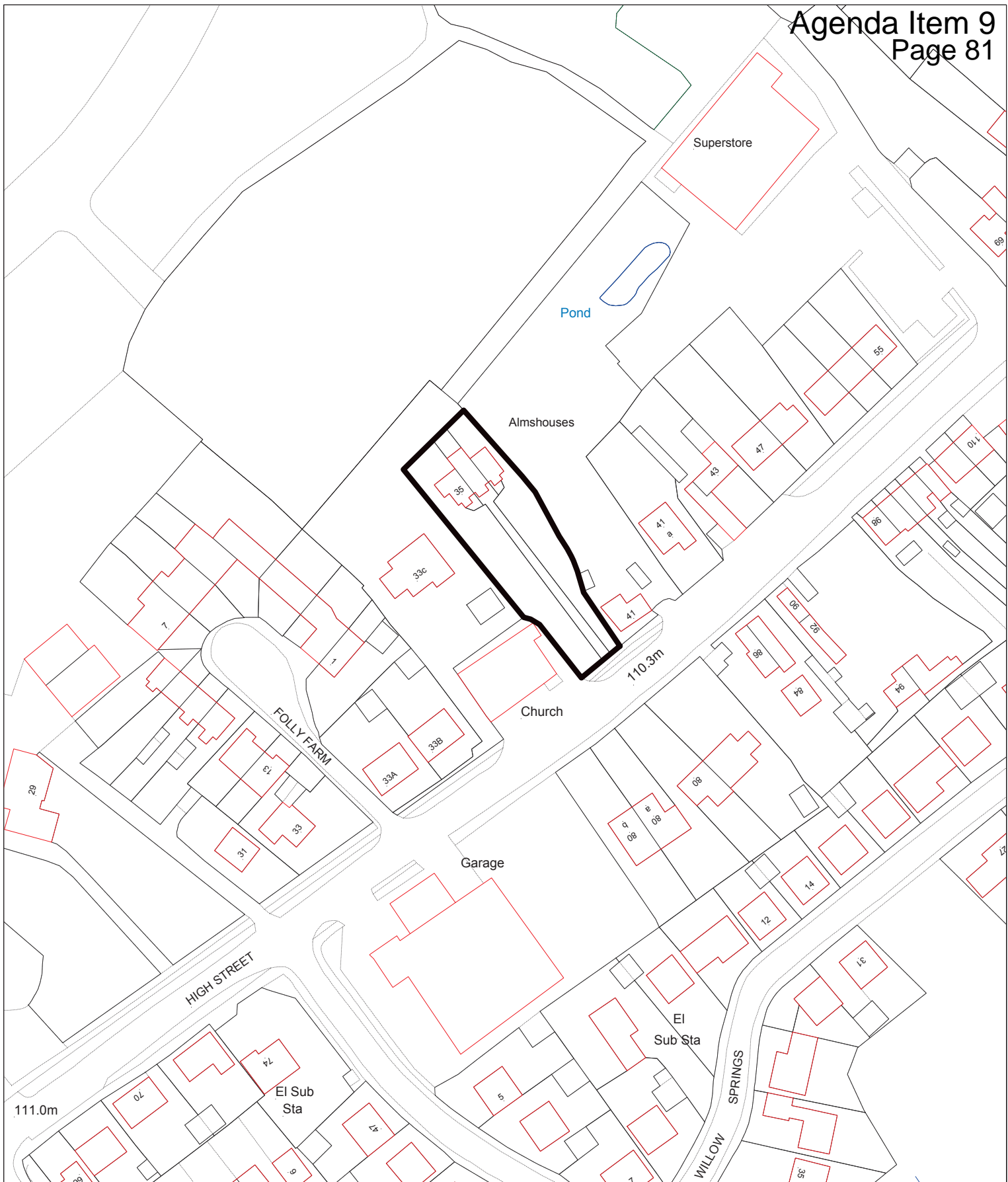
Reasons for Granting

The principle of a maximum of 42,000 sqm of floor space comprising Class B8 warehouse use with ancillary office and associated development would be acceptable and the access to the site would be safe. As a result, the development would be in accordance with the objectives on the NPPF (2012) and Policies DM3 (High Quality Development) and DM4 (Development Within and Beyond Settlement Envelopes) of the Central Bedfordshire Core Strategy and Development Management Policies (2009), as well as EA6 of the Central Bedfordshire Site Allocations Document (2010). It is considered in further accordance with the Draft Central Bedfordshire Development Strategy (2013) Policies 1, 2, 6, 7, 19, 43, 44, 46, 47, 48, 49.

Notes to Applicant

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

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Date: 12:March:2013

Grid Ref: 495278, 241913

Application No.
CB/12/04208/LB

Scale: 1:1250

35 to 39 High Street, Cranfield, Bedford, MK43 0DP

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Item No. 9

APPLICATION NUMBER	CB/12/04207/FULL
LOCATION	35 to 39 High Street, Cranfield, Bedford, MK43 0DP
PROPOSAL	Conversion of 35 to 39 High Street Cranfield to one dwelling with single storey side and rear extensions and conversion of roof space to create a first floor.
PARISH	Cranfield
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Gammell
DATE REGISTERED	09 January 2013
EXPIRY DATE	06 March 2013
APPLICANT	Hartwell Trust
AGENT	Graham Wright Architect
REASON FOR COMMITTEE TO DETERMINE	Councillor Matthews called the application to committee on grounds "to bring uninhabited premises back into use and prevent the loss of a listed building."
RECOMMENDED DECISION	Full Application - Refused

Reason for committee: Councillor Matthews called the application to committee on grounds "to bring uninhabited premises back into use and prevent the loss of a listed building."

Site Location:

35 to 39 High Street in Cranfield, is a small terrace of three single storey dwellings, which were purpose built and have been used as Almshouses for the village of Cranfield. The building is Grade II Listed, it was constructed in 1834. The building is set at the back of the site, some 45 metres from the highway. The original building has a symmetrical design form with three thatched gable porches, and two pairs of ornate chimney stacks. The building has been extended to the side and the rear.

The three dwellings are set within a roughly rectangular plot some 63 metres long and 19 metres in width, there is no off road parking, there is a central path leading from a pedestrian gate to number 37 High Street, Cranfield, which splits off to serve the other two properties. The front garden is laid to grass with two trees at the frontage, and hedging to the front and sides. The plot has an open character, with views of the building prominent from the High Street.

The dwellings are on the north western side of the High Street, adjacent to residential properties and Cranfield Methodist Church. The dwellings are currently vacant.

The Application:

Planning permission is sought for the demolition of the existing side and rear extensions, the conversion of three dwellings into one dwelling and the erection of a link rear extension, a side conservatory, a first floor within the roof space, with two dormer windows, a vehicular access, and parking for four cars.

The conversion of three dwellings into one dwelling, involves internal alterations to the existing rooms, to knock through three walls to open the internal space up, and remove two existing walls entirely. A staircase would be constructed to give access to the existing roof space, the conversion of the first floor would involve the removal of internal beams, the construction of two gable dormer windows within the rear roof slope, this would facilitate three rooms upstairs. It is not clear from the plans, but it may require rafters and the chimney stacks to be lost or relocated.

The rear extension would be some 7.3 metres wide, and 6.5 metres in depth, at its widest point from the original dwelling. It is noted that the main bulk of the extension would be some 4.6 metres in depth, connected by a flat roof brick link forming a WC. The maximum height of this building would be 5.5 metres, the flat roof height and eaves height would be 2.9 metres.

The side extension would be some 3 metres by 3.6 metres, largely glazed, with a height of 4 metres.

The access would be centrally located at the existing pedestrian access, the parking area, would be hard standing creating four off road parking spaces.

The resulting dwelling would have three bedrooms, two bathrooms, a WC, entrance lobby, dressing room, study, conservatory, living room, kitchen, dining room, music zone, and two additional stores/studies, and would have a floor area of 180 sqm, each original dwelling has a floor area of 26 sqm, the original floor area of the three dwellings totalling 78 sqm. The floor area of the three dwellings with the existing extensions is some 95 sqm.

Additional information submitted during the application:

During this application, revised plans have been submitted, this showed a change in the shape of the dormers, a slight increase in floor space, a different window treatment, a glazed end to the proposed kitchen leading onto a terrace, and the replacement of the rear elevation of the conservatory roof materials (glass to tile).

This statement was provided by the agent as justification for the development:

"The Hartwell Trust has limited funds to effect any repairs, nor for the proposed conversion of the properties.

The Trust was originally constituted to provide housing for elderly people in Cranfield. The accommodation provided within these three cottages is now considered to be unacceptably substandard. Even this proposed conversion will not provide accommodation which will be suitable for elderly people. The Trust has, therefore, made the decision to sell the properties, hopefully with the benefit of planning permission, and to use the resultant funds for the Trust's intended purpose.

This proposed course of action has had to be approved by the Charity Commission, as the original intent of the Trust will be changed.

In short the Trust wish to alleviate themselves of the burden of maintaining these cottages, the cost of which exceeds their current funds.

Additionally, if they undertook the necessary remedial works the accommodation would still be inappropriate for the client group, and the income received from the potential rent would make the process uneconomic."

RELEVANT POLICIES:

National Policy Planning Framework (2012)

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

Development Strategy for Central Bedfordshire - draft

Policy 45: The Historic Environment -

The Council will conserve, enhance, protect and promote the enjoyment of the historic environment: This will be achieved by:

- Requiring developers (where applicable) to describe the significance of any heritage assets affected by development, including any contribution made by their setting.
- Requiring the highest quality of design in all new development, alterations and extensions and the public realm in the context of heritage assets and the historic environment. Design which positively contributes to local character and distinctiveness, and sustains and enhances the character or appearance of Conservation Areas and the setting of Listed Buildings will be encouraged and supported.
- Safeguarding and promoting improvements to Central Bedfordshire's historic environment including securing appropriate viable uses and improvements to Listed Buildings and reducing the number of heritage assets "at risk".
- Encouraging the conservation, enhancement and enjoyment of the historic environment by supporting appropriate management and interpretation of heritage assets.
- Refusing development proposals that will lead to harm to or loss of significance of a heritage asset whether designated or non-designated, unless the public benefits outweigh the harm or loss.

Core Strategy and Development Management Policies - North 2009

CS14 High Quality Development
CS15 Heritage
DM3 High Quality Design
DM13 Heritage in Development

Supplementary Planning Guidance

Central Bedfordshire Design Guide - Design Supplements 4 (Residential Alterations and Extensions) and 5 (The Historic Environment)

Planning History

None

Representations: (Parish & Neighbours)

Town Council No objection
Neighbour Response Two letters of objection received from 33C High Street Cranfield

Consultations/Publicity responses

Conservation Officer **Objection - Recommends refusal**

Comments to 1st Consultation:

There are no objections to the principle of converting the three almshouses into one single dwelling as long as the original historic layout of the three almshouses remains visibly legible and important features are retained intact. The proposed layout of the ground floor of the almshouses appears appropriate.

As stated at pre-application, there are no objections to the removal of the present rear extension and replacement with a more appropriately designed modest and subservient extension. The proposed new rear and side extension however is not considered acceptable in terms of size and design. Whilst the new rear extension has been reduced in size from the first pre-application proposals, it is still considered too large and bulky, being over half the length of the whole listed building and wider than a single almshouse, and will dominate in the immediate rear setting of the building. The extension is also not considered of suitable high quality design to compliment the listed building. The flat roof link has the appearance similar to the present detracting flat roof extension and the detailing of the main pitched roof element, including soldier courses above the windows, appear crude and out of character with the elegant high quality detailing of the listed building. Furthermore, due to its size, one ground

floor window (proposed to house an en-suite) will be completely masked by the extension, as well as the one of the first floor proposed dormers.

As stated at pre-application, the conservatory style extension to the side with its abundance of glazing, is considered out of character with the listed host building, and due to its size, will interrupt with the important symmetry of the main elevation.

There are concerns regarding proposals to convert the roof space to form two bedrooms and a bathroom and the impact on the historic fabric of the building and its aesthetic appearance (in terms of the proposed introduction of rear dormers). Two dormers are being proposed to the rear of the property which are likely to involve removal of roof timbers, notably rafters, and a large part of the thatch. Sympathetic conversion of the roof space might be considered if it can be fully demonstrated as part of a clear and convincing justification, that the three almshouses could not be fully repaired and viably converted to a single dwelling without the requirement for the introduction of a first storey. Unfortunately this justification has not been provided. Indeed, the drawings significantly lack important information as it appears that a full survey of the roof structure has not been undertaken to ascertain whether there is the space to accommodate the new rooms. An assessment of the dimensions of the roof space have only been based on the external dimensions of the building, as set out in drawing SK07 and this drawing appears inaccurate as it is likely that the thatch is much thicker than shown.

The drawings of the proposed internal alterations also only provide an approximate location for one of the important chimney stacks and it is not clear how many rafters will need to be removed to accommodate the dormers. As such, it is not possible to fully assess the impact of this aspect of the works on the historic fabric of the building. The design of the new dormers, in the form of a disproportionate and rather modern triangular shape is also not considered appropriate and will be out of character with the traditional detailing of the listed building.

The justification provided for the proposed harmful alterations and additions to the listed set of almshouses as part of the heritage asset assessment, appears to state that the harm will be outweighed by the securing of an optimum viable use. The level of harm caused to the significance of the almshouses can not be suitably outweighed by this public benefit as it is considered that the set of almshouses can be much more sympathetically converted to a single dwelling without such a substantial rear and side extension.

In summary, it is recommended that the application be refused

on the basis that the proposed extensions, by virtue of their excessive size, bulk and inappropriate and incongruous design, will cause harm to the significance of the listed building and will dominate in its setting, contrary to Policies CS15 and DM13 of the Council's Core Strategy, Chapter 12 of the National Planning Policy Framework and the English Heritage 'Planning for the Historic Environment Practice Guide'. The level of harm caused by the works can not be outweighed by the public benefits of the proposals.

In addition, there is significant lack of sufficient information to assess the potential impact of the proposed conversion of the roof space of the listed building, or whether conversion would be possible in the space. The proposed conversion has the likely potential to involve negative loss of historic fabric, notably removal of rafters, a clear and convincing justification for which has not been provided, contrary to paragraph 132 of the National Planning Policy Framework. The proposed dormers are also not considered appropriate in terms of design and will be out of character with the listed building.

Comments to 2nd Consultation:

The pitched roof extension has been slightly improved in design with the removal of the shoulder course above the windows. The addition, however does not present any pointers or stylistic references to the architectural style of the host dwelling, its rhythm or proportions (e.g. solid walls to void, vertical or horizontal emphasis, alignments). These are very important in achieving an addition which compliments the historic and architectural values of the listed building. The extension appears as a bulky shed-like structure. In addition, from comparing the previous plans and those subsequently submitted outcome of comments provided, the extension has in fact been enlarged rather than reduced in terms of footprint. As such, the extension is still considered to be too large and bulky and will dominate in the immediate setting of the listed building. The proposed glazing on the south west elevation will serve to increase its prominence due to the incongruity of this feature.

A conservatory style extension to the side is considered out of character with the listed building. Whilst some of the glazing has been slightly reduced on the rear roof (full height glazing is still proposed on the front and side), an extension of this modern untraditional style is generally not in keeping with modest vernacular buildings such as the almshouses. A modest side extension could certainly be achieved on this building in a more appropriate traditional and subservient design as long as it is of a size and in a suitable set back location that does not interrupt with the strong symmetrical proportions of the main elevation.

There is still significant lack of sufficient information submitted as part of this application to ascertain the potential impact on the historic fabric of the roof. Within historic buildings, the roof structures are particularly important as they both provide evidence of traditional technologies such as thatching, and are usually one of the only areas of the building to remain almost unaltered from its original construction. The roof space of the almshouses has high evidential value as it has the great potential to yield further information about the original construction of the building as there is likely to be a high survival of historic original fabric.

The appearance of the proposed dormers have been altered, however, no further details have been provided regarding if or how much historic fabric might need to be removed to accommodate these proposed features and the roof conversion as a whole. This information is extremely important in order for us to ascertain how much impact the proposals will have on the historic fabric of this part of the building. As stated in paragraph 128 of the National Planning Policy Framework (NPPF), the level of detail provided by the applicant should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Heritage assets, designated or undesignated, are irreplaceable and any harm or loss to their significance requires a clear and convincing justification (para.132 NPPF).

In summary, the updated plans submitted have not satisfied concerns raised in my previous comments, both regarding the design, size and bulk of the rear extension, the design of the side extension and the lack of sufficient information to assess the impact of proposals to form accommodation in the roof space. As such, my objections remain unchanged and it is recommended that the application is refused.

English Heritage **No comments received**

Ancient Monument Society **No comments received**

Tree and Landscape officer **No objections - Recommends Condition**

The proposals for this site include an extension to the rear of the property and a small conservatory on the west side of the property. The property is located to the north end of the site with the majority of the remaining land being laid to grass at present and located between the property and the High Street.

Plans show that there will be a new vehicle access from the road to four parking spaces located close to the High Street. This will

result in the loss of a substantial quantity of Beech hedging on the boundary and also at least one, possibly two mature Cherry trees.

From a landscaping viewpoint I cannot see a reason to object to the proposal but we would require a comprehensive landscaping scheme. As is recognised, these properties are of considerable importance within the town and will remain so. Because of the layout of the site and visibility from the High Street there will be ample opportunity to create an imaginative and well thought out scheme, which should incorporate some form of screening or partial screening of the parking area. We will require details of this including species, sizes and densities of planting.

Highways

No objection - Recommends conditions

The existing properties do not have the benefit of a vehicular access. Therefore a new dropped kerb verge/footway crossover is proposed which will serve a new driveway leading to four off-street parking spaces. The arrangement of the spaces at 90 degrees to the driveway means that vehicles will be able to enter the site, turn and leave in forward gear.

The proposed off-street parking provision is therefore considered acceptable.

Vehicle/vehicle inter-visibility at the proposed access is good and pedestrian visibility splays are shown to be provided to the rear of the footway.

The proposed dwelling is likely to give rise to an additional 6 to 8 vehicle movements per day. Such a marginal increase in turning movements onto/off the High Street, Cranfield can be considered acceptable

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

- 1 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

Reason

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

- 2 Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back

edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

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

- 3 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicants control, be kept free of any obstruction.

Reason

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

- 4 The dwelling shall not be occupied until the access, parking areas and turning area shown on drawing number 1105/SK25 have been laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter 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.

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

Reason

To ensure that adequate off street parking is provided during the

construction period in the interests of road safety.

Archaeology

No objection - Recommends Condition

The proposed development site lies within a known archaeological landscape that includes Iron Age and medieval occupation remains (HER's 11866, 15976 and 16931) and under the terms of the *National Planning Policy Framework* (NPPF) these are heritage assets with archaeological interest.

I am pleased to see the inclusion of a Heritage Asset Assessment with this application (Albion Archaeology, 8th January 2013). However, I am a little concerned by some of its conclusions and the way in which the significance the Almshouses (HER 6367, Grade II Listed) and the potential for heritage assets with Saxon and medieval archaeological interest have been rather trivialised. For example, whilst slight, archaeological evidence from the medieval period has been recovered on the site immediately adjacent to the application area (HER 15976). Saxo-Norman and medieval features were also recorded during investigations at Home Farm, Cranfield (HER 13418) which is approximately 150 metres south-east of the proposed development site. The failure to mention these features particularly in section 3.1.4 of the Heritage Asset Assessment is perplexing and a touch concerning given that all phases of work were undertaken by Albion Archaeology.

Understanding landscape development and settlement patterns, the relationship between settlement and enclosure (Going and Plouviez 2000, 21 and Oake et al 2007, 11 - 12) during the later prehistoric periods and the investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25, Oake 2007, 14 and Medlycott 2011, 70), are regional archaeological research objectives.

Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012).

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development. In order to secure this, please attach the following condition to any permission granted in

respect of this application.

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 the requirements of paragraph 141 of the National Planning Policy Framework

Determining Issues

The main considerations of the application are;

1. Principle of development and background
2. Design and impact upon Listed Building
- 3 Impact upon residential amenity considerations
4. Highway
5. Pre-application Advice
6. Any other considerations

Considerations

1. Principle of development

The development is for the conversion of three dwellings into one dwelling, with extension and alteration of the existing building.

It is considered that the principle of converting the Listed Building from a terrace of three dwellings into one family home is acceptable, providing it respects the character of the original building. It is considered that it is reasonable to allow a degree of internal changes to ensure the future use of the Listed Building.

The additional text within the draft Development Strategy states:

The repair, renovation, alteration and extension of a Listed Building should not be at the expense of its intrinsic special interest and significance. It is important to guard against unnecessary change or over-restoration. In any change, materials should be sympathetic and appropriate to those used in the original building. In particular the Council will resist applications that result in the loss of traditional local features such as long straw thatched roofs, locally manufactured clay tiles and bricks and local stone.

The National Planning Policy Framework (2012) states:

Paragraph 126

Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 128

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 130

Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Principle and Policy Conclusions:

It is considered that the principle of conversion to one dwelling, and appropriate extension could be acceptable.

2. Design and impact upon Listed Building

The Central Bedfordshire draft Development Strategy (2013) specifies that the Authority should be:

"Refusing development proposals that will lead to harm to or loss of significance of a heritage asset whether designated or non-designated, unless the public benefits outweigh the harm or loss."

The National Planning Policy Framework (2012) specifies that:

"Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision."

Impact upon the character and appearance of the area:

It is accepted that the largest extension and dormer windows would be mainly to the rear of the site, and therefore would be unlikely to have a significant impact upon the character and appearance of the area. This is with the exception of the side extension, which is significantly larger than the modest side addition. As the dwelling is some 45 metres from the road, it is unlikely that public views would be significantly affected.

Design Considerations in relation to the Listed Building:

The dwellings are Grade II Listed Buildings, one of 18 Listed Buildings within the village of Cranfield. All design considerations have been made in the light of the significance of the Heritage Asset.

The condition of the existing building is of concern, as there is evidence of the building not being maintained to a standard that is desirable for a building of this importance. However as in accordance with the National Planning Policy Framework the condition of the existing building is not a factor in the determining of this application. In addition it is considered that the conversion and extension of the building would have no significant public benefit.

It is considered that the scale and design of the proposed extensions are unacceptable. It is judged that the massing of the additions would cause harm to the heritage asset and therefore is unacceptable in accordance with Policy 45 of the draft Development Strategy. The harm would be caused by the rear and side elevations being dominated with modern incongruous elements which do not relate to the Listed Building. The proposed brick flat roof link which would form a corridor and WC to the kitchen area, would be of similar design to the existing rear extension. As the removal of the existing additions would be considered a benefit to the building, the replacement should be with something of a significantly higher quality. The dormer windows to facilitate the use of the first floor, would appear awkward and undesirable within the rear elevation. Although the principle of using 1st floor accommodation is not unacceptable it would have to have careful detailing to ensure the historic fabric of the building was not damaged, insufficient information on this element of the design have been received, further information was requested, it was acknowledged that the dimensions were based on photographs, and no formal structural survey of the roof had been undertaken. It is considered that the removal of beams would have an unacceptable harmful impact upon the historic fabric of the Listed Building.

It is considered that the design would not be of high enough quality to warrant approval in this sensitive location. It is considered that the resultant development would lead to the over restoration of the building, with substantial loss of the traditional features and special character of the building. This is in accordance with the Central Bedfordshire Design Guide, the National Planning Policy Framework and Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies. The Central

Bedfordshire Design Guide and the draft Development Strategy (2013).

3. Impact upon residential amenity

Due to the location and scale of the proposals it is unlikely that there would be any significant impact upon the residential amenities of any adjacent properties, this has been considered in terms of loss of light, the causing of an overbearing impact, loss of privacy, or loss of outlook.

Two letters were received from the adjacent property number 33C High Street Cranfield, the concerns raised were regarding loss of the Almshouses, the impact upon the Listed Building (loss of importance for Cranfield), and concerns regarding roof height. It is considered that these concerns are addressed elsewhere within the report.

4. Highway considerations

No objections have been received from the highway officer, there would be a suitable level of off street parking for a dwelling of this size.

5. Pre-application Advice

Pre-application advice was sought before the submission of the planning application. It was stated that the application would be unlikely to receive officer support. It is considered that this recommendation is in accordance with the advice given.

6. Other Considerations

Loss of Almshouses:

The Use Class of an Almshouse is the same as that of a dwelling (C3), it is considered that it would be up to market forces and the charitable trust to run this provision within the village.

Bring uninhabited premises back into use:

Currently the situation is that there are three uninhabited premises, and there is no objection to the principle of converting the three properties into one dwelling. This matter only requires Listed Building Consent and not Planning Permission. It is considered that it would be desirable to have these properties in active use, as this would likely protect the Listed Building, however it is considered that the extensions and alterations proposed are such that it would cause greater harm to the building. It is considered that although the current dwellings are modest, this is the character and style of the building, and no evidence has been put forward that the premises can not otherwise be suitably converted into a single dwelling.

The recommendation is made in light of The National Planning Policy Framework (2012) specifies that:

"Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision."

Recommendation

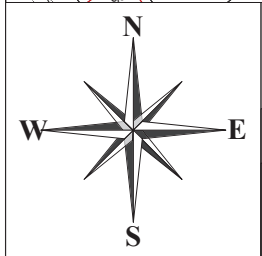
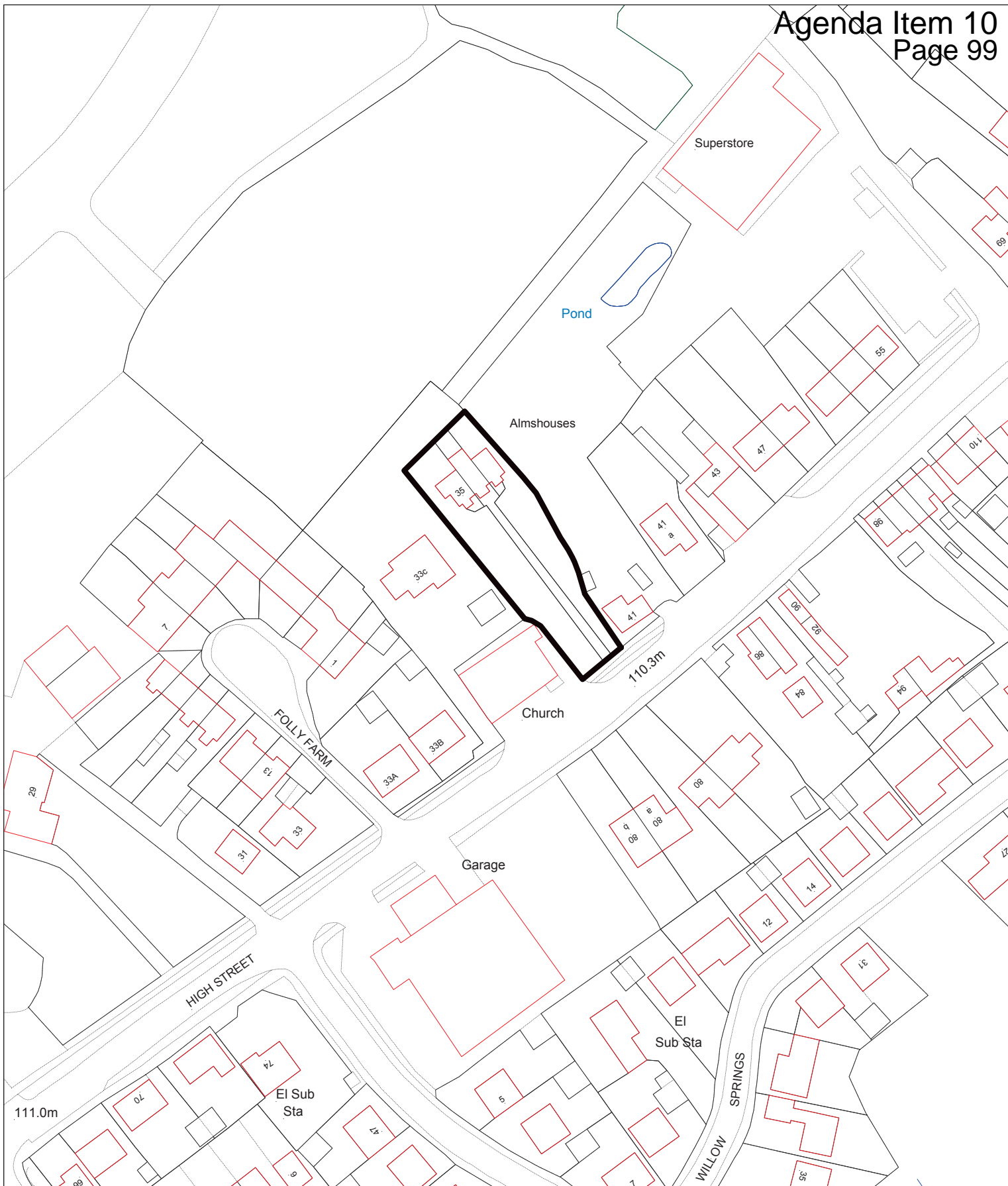
That Planning Permission be Refused for the following reasons:

- 1 The proposed single storey extensions and dormer windows, by virtue of their excessive size, bulk and inappropriate and incongruous design, will cause harm to the character and significance of the listed building and will dominate its setting. The proposed development is contrary to Policies 43 and 45 of the Development Strategy for Central Bedfordshire (2013), Policies CS15 and DM13 of the Council's Core Strategy, Chapter 12 of the National Planning Policy Framework and the English Heritage 'Planning for the Historic Environment Practice Guide'.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant at the pre-application stage. This positive advice has however not been adequately followed and therefore the Council remains of the view that the proposal is unacceptable. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The requirements of the Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

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Date: 12:March:2013

Grid Ref: 495278, 241913

Application No.
CB/12/04208/LB

Scale: 1:1250

35 to 39 High Street, Cranfield, Bedford, MK43 0DP

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Item No. 10

APPLICATION NUMBER	CB/12/04208/LB
LOCATION	35 to 39 High Street, Cranfield, Bedford, MK43 0DP
PROPOSAL	Conversion of 35 to 39 High Street Cranfield to one dwelling with single storey side and rear extensions and conversion of roof space to create a first floor.
PARISH	Cranfield
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Gammell
DATE REGISTERED	09 January 2013
EXPIRY DATE	06 March 2013
APPLICANT	Hartwell Trust
AGENT	Graham Wright Architect
REASON FOR COMMITTEE TO DETERMINE	Councillor Matthews called the application to committee on the grounds “to bring uninhabited premises back into use and prevent the loss of a Listed Building”.
RECOMMENDED DECISION	Listed Building - Refused

Reason for committee: Councillor Matthews called the application to committee on grounds "to bring uninhabited premises back into use and prevent the loss of a listed building."

Site Location:

35 to 39 High Street in Cranfield, is a small terrace of three single storey dwellings, which were purpose built and have been used as Almshouses for the village of Cranfield. The building is Grade II Listed, it was constructed in 1834. The building is set at the back of the site, some 45 metres from the highway. The original building has a symmetrical design form with three thatched gable porches, and two pairs of ornate chimney stacks. The building has been unsympathetically extended to the side and the rear.

The three dwellings are set within a roughly rectangular plot some 63 metres long and 19 metres in width, there is no off road parking, there is a central path leading from a pedestrian gate to number 37 High Street, Cranfield, which splits off to serve the other two properties. The front garden is laid to grass with two trees at the frontage, and hedging to the front and sides. The plot has an open character, with views of the building prominent from the High Street.

The dwellings are on the north western side of the High Street, adjacent to residential properties and Cranfield Methodist Church. The dwellings are currently vacant.

The Application:

Listed Building Consent is sought for the demolition of the existing side and rear extensions, the conversion of three dwellings into one dwelling and the erection of a link

rear extension, a side conservatory, a first floor within the roof space, with two dormer windows, a vehicular access, and parking for four cars.

The conversion of three dwellings into one dwelling, involves internal alterations to the existing rooms, to knock through three walls to open the internal space up, and remove two existing walls entirely. A staircase would be constructed to give access to the existing roof space, the conversion of the first floor would involve the removal of internal beams, the construction of two gable dormer windows within the rear roof slope, this would facilitate three rooms upstairs. It is not clear from the plans, but it may require rafters and the chimney stacks to be lost or relocated.

The rear extension would be some 7.3 metres wide, and 6.5 metres in depth, at its widest point from the original dwelling. It is noted that the main bulk of the extension would be some 4.6 metres in depth, connected by a flat roof brick link forming a WC. The maximum height of this building would be 5.5 metres, the flat roof height and eaves height would be 2.9 metres.

The side extension would be some 3 metres by 3.6 metres, largely glazed, with a height of 4 metres.

The access would be centrally located at the existing pedestrian access, the parking area, would be hard standing creating four off road parking spaces.

The resulting dwelling would have three bedrooms, two bathrooms, a WC, entrance lobby, dressing room, study, conservatory, living room, kitchen, dining room, music zone, and two additional stores/studies, and would have a floor area of 180 sqm, each original dwelling has a floor area of 26 sqm, the original floor area of the three dwellings totalling 78 sqm. The floor area of the three dwellings with the existing extensions is some 95 sqm.

Revised plans were submitted during the application.

RELEVANT POLICIES:

National Policy Planning Framework (2012)

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

Development Strategy for Central Bedfordshire - draft

Policy 45: The Historic Environment -

The Council will conserve, enhance, protect and promote the enjoyment of the historic environment: This will be achieved by:

- Requiring developers (where applicable) to describe the significance of any heritage assets affected by development, including any contribution made by their setting.

- Requiring the highest quality of design in all new development, alterations and extensions and the public realm in the context of heritage assets and the historic environment. Design which positively contributes to local character and distinctiveness, and sustains and enhances the character or appearance of Conservation Areas and the setting of Listed Buildings will be encouraged and supported.
- Safeguarding and promoting improvements to Central Bedfordshire's historic environment including securing appropriate viable uses and improvements to Listed Buildings and reducing the number of heritage assets "at risk".
- Encouraging the conservation, enhancement and enjoyment of the historic environment by supporting appropriate management and interpretation of heritage assets.
- Refusing development proposals that will lead to harm to or loss of significance of a heritage asset whether designated or non-designated, unless the public benefits outweigh the harm or loss.

Core Strategy and Development Management Policies - North 2009

CS14 High Quality Development

CS15 Heritage

DM3 High Quality Design

DM13 Heritage in Development

Supplementary Planning Guidance

Central Bedfordshire Design Guide - Design Supplements 4 (Residential Alterations and Extensions) and 5 (The Historic Environment)

Planning History

None

Representations: (Parish & Neighbours)

Town Council No objection

Neighbour Response Two letters of objection received from 33C High Street Cranfield

Consultations/Publicity responses

Conservation Officer **Objection - Recommends refusal**

Comments to 1st Consultation:

There are no objections to the principle of converting the three almshouses into one single dwelling as long as the original historic layout of the three almshouses remains visibly legible

and important features are retained intact. The proposed layout of the ground floor of the almshouses appears appropriate.

As stated at pre-application, there are no objections to the removal of the present rear extension and replacement with a more appropriately designed modest and subservient extension. The proposed new rear and side extension however is not considered acceptable in terms of size and design. Whilst the new rear extension has been reduced in size from the first pre-application proposals, it is still considered too large and bulky, being over half the length of the whole listed building and wider than a single almshouse, and will dominate in the immediate rear setting of the building. The extension is also not considered of suitable high quality design to compliment the listed building. The flat roof link has the appearance similar to the present detracting flat roof extension and the detailing of the main pitched roof element, including soldier courses above the windows, appear crude and out of character with the elegant high quality detailing of the listed building. Furthermore, due to its size, one ground floor window (proposed to house an en-suite) will be completely masked by the extension, as well as the one of the first floor proposed dormers.

As stated at pre-application, the conservatory style extension to the side with its abundance of glazing, is considered out of character with the listed host building, and due to its size, will interrupt with the important symmetry of the main elevation.

There are concerns regarding proposals to convert the roof space to form two bedrooms and a bathroom and the impact on the historic fabric of the building and its aesthetic appearance (in terms of the proposed introduction of rear dormers). Two dormers are being proposed to the rear of the property which are likely to involve removal of roof timbers, notably rafters, and a large part of the thatch. Sympathetic conversion of the roof space might be considered if it can be fully demonstrated as part of a clear and convincing justification, that the three almshouses could not be fully repaired and viably converted to a single dwelling without the requirement for the introduction of a first storey. Unfortunately this justification has not been provided. Indeed, the drawings significantly lack important information as it appears that a full survey of the roof structure has not been undertaken to ascertain whether there is the space to accommodate the new rooms. An assessment of the dimensions of the roof space have only been based on the external dimensions of the building, as set out in drawing SK07 and this drawing appears inaccurate as it is likely that the thatch is much thicker than shown.

The drawings of the proposed internal alterations also only provide an approximate location for one of the important chimney

stacks and it is not clear how many rafters will need to be removed to accommodate the dormers. As such, it is not possible to fully assess the impact of this aspect of the works on the historic fabric of the building. The design of the new dormers, in the form of a disproportionate and rather modern triangular shape is also not considered appropriate and will be out of character with the traditional detailing of the listed building.

The justification provided for the proposed harmful alterations and additions to the listed set of almshouses as part of the heritage asset assessment, appears to state that the harm will be outweighed by the securing of an optimum viable use. The level of harm caused to the significance of the almshouses can not be suitably outweighed by this public benefit as it is considered that the set of almshouses can be much more sympathetically converted to a single dwelling without such a substantial rear and side extension.

In summary, it is recommended that the application be refused on the basis that the proposed extensions, by virtue of their excessive size, bulk and inappropriate and incongruous design, will cause harm to the significance of the listed building and will dominate in its setting, contrary to Policies CS15 and DM13 of the Council's Core Strategy, Chapter 12 of the National Planning Policy Framework and the English Heritage 'Planning for the Historic Environment Practice Guide'. The level of harm caused by the works can not be outweighed by the public benefits of the proposals.

In addition, there is significant lack of sufficient information to assess the potential impact of the proposed conversion of the roof space of the listed building, or whether conversion would be possible in the space. The proposed conversion has the likely potential to involve negative loss of historic fabric, notably removal of rafters, a clear and convincing justification for which has not been provided, contrary to paragraph 132 of the National Planning Policy Framework. The proposed dormers are also not considered appropriate in terms of design and will be out of character with the listed building.

Comments to 2nd Consultation:

The pitched roof extension has been slightly improved in design with the removal of the shoulder course above the windows. The addition, however does not present any pointers or stylistic references to the architectural style of the host dwelling, its rhythm or proportions (e.g. solid walls to void, vertical or horizontal emphasis, alignments). These are very important in achieving an addition which compliments the historic and architectural values of the listed building. The extension appears as a bulky shed-like structure. In addition, from comparing the

previous plans and those subsequently submitted outcome of comments provided, the extension has in fact been enlarged rather than reduced in terms of footprint. As such, the extension is still considered to be too large and bulky and will dominate in the immediate setting of the listed building. The proposed glazing on the south west elevation will serve to increase its prominence due to the incongruity of this feature.

A conservatory style extension to the side is considered out of character with the listed building. Whilst some of the glazing has been slightly reduced on the rear roof (full height glazing is still proposed on the front and side), an extension of this modern untraditional style is generally not in keeping with modest vernacular buildings such as the almshouses. A modest side extension could certainly be achieved on this building in a more appropriate traditional and subservient design as long as it is of a size and in a suitable set back location that does not interrupt with the strong symmetrical proportions of the main elevation.

As stated at pre-application stage and in my previous advice, the roof of this building could be sympathetically converted in outcome of a detailed survey of the roof and on the basis of a clear and convincing justification. As stated in my previous comments, there is significant lack of sufficient information submitted as part of this application to ascertain the potential impact on the historic fabric of the roof. Within historic buildings, the roof structures are particularly important as they both provide evidence of traditional technologies such as thatching, and are usually one of the only areas of the building to remain almost unaltered from its original construction. The roof space of the almshouses has high evidential value as it has the great potential to yield further information about the original construction of the building as there is likely to be a high survival of historic original fabric. No additional information has been provided, including more accurate drawings, therefore my concerns regarding the potential harmful impact of these proposals remain unchanged.

The appearance of the proposed dormers have been altered, however, no further details have been provided regarding if or how much historic fabric might need to be removed to accommodate these proposed features and the roof conversion as a whole. This information is extremely important in order for us to ascertain how much impact the proposals will have on the historic fabric of this part of the building. As stated in paragraph 128 of the National Planning Policy Framework (NPPF), the level of detail provided by the applicant should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Heritage assets, designated or undesignated, are irreplaceable and any harm or loss to their significance requires a clear and convincing justification (para.132 NPPF).

In summary, the updated plans submitted have not satisfied concerns raised in my previous comments, both regarding the design, size and bulk of the rear extension, the design of the side extension and the lack of sufficient information to assess the impact of proposals to form accommodation in the roof space. As such, my objections remain unchanged and it is recommended that the application is refused.

English Heritage **No comments received**

Ancient Monument Society **No comments received**

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact upon Listed Building
3. Pre-Application Advice
4. Any other considerations

Considerations

1. Principle of development

The development is for the conversion of three dwellings into one dwelling, with extension and alteration of the existing building.

It is considered that the principle of converting the Listed Building from a terrace of three dwellings into one family home is acceptable, providing it respects the character of the original building. It is considered that it is reasonable to allow a degree of internal changes to ensure the future use of the Listed Building.

The additional text within the draft Development Strategy states:

The repair, renovation, alteration and extension of a Listed Building should not be at the expense of its intrinsic special interest and significance. It is important to guard against unnecessary change or over-restoration. In any change, materials should be sympathetic and appropriate to those used in the original building. In particular the Council will resist applications that result in the loss of traditional local features such as long straw thatched roofs, locally manufactured clay tiles and bricks and local stone.

The National Planning Policy Framework (2012) states:

Paragraph 126

Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 128

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 130

Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Principle and Policy Conclusions:

It is considered that the principle of conversion to one dwelling, and appropriate extension is acceptable.

2. Impact upon Listed Building

The Central Bedfordshire draft Development Strategy (2013) specifies that the Authority should be:

"Refusing development proposals that will lead to harm to or loss of significance of a heritage asset whether designated or non-designated, unless the public benefits outweigh the harm or loss."

The National Planning Policy Framework (2012) specifies that:

"Where there is evidence of deliberate neglect of or damage to a heritage asset the

deteriorated state of the heritage asset should not be taken into account in any decision."

Design Considerations in relation to the Listed Building:

The dwellings are a Grade II Listed Building, one of 18 Listed Buildings within the village of Cranfield. All design considerations have been made in the light of the significance of the Heritage Asset.

The condition of the existing building is of concern, as there is evidence of the building not being maintained to a standard that is desirable for a building of this importance. However as in accordance with the National Planning Policy Framework the condition of the existing building is not a factor in the determining of this application. In addition it is considered that the conversion and extension of the building would have no significant public benefit.

It is considered that the scale and design of the proposed extensions are unacceptable. It is judged that the massing of the additions would cause harm to the heritage asset and therefore is unacceptable in accordance with Policy 45 of the draft Development Strategy. The harm would be caused by the rear and side elevations being dominated with modern incongruous elements which do not relate to the Listed Building. The proposed brick flat roof link which would form a corridor and WC to the kitchen area, would be of similar design to the existing rear extension. As the removal of the existing additions would be considered a benefit to the building, the replacement should be with something of a significantly higher quality. The dormer windows to facilitate the use of the first floor, would appear awkward and undesirable within the rear elevation. Although the principle of using 1st floor accommodation is not unacceptable it would have to have careful detailing to ensure the historic fabric of the building was not damaged, insufficient information on this element of the design have been received, further information was requested, it was acknowledged that the dimensions were based on photographs, and no formal structural survey of the roof had been undertaken. It is considered that the removal of beams would have an unacceptable harmful impact upon the historic fabric of the Listed Building.

It is considered that the design would not be of high enough quality to warrant approval in this sensitive location. This is in accordance with the Central Bedfordshire Design Guide, the National Planning Policy Framework, Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies and Policy 45 of the draft Development Strategy.

3. Pre-application Advice

Pre-application advice was sought before the submission of the planning application. It was stated that the application would be unlikely to receive officer support. It is considered that this recommendation is in accordance with the advice given.

4. Other Considerations

There are no further considerations to this application

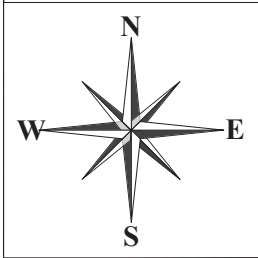
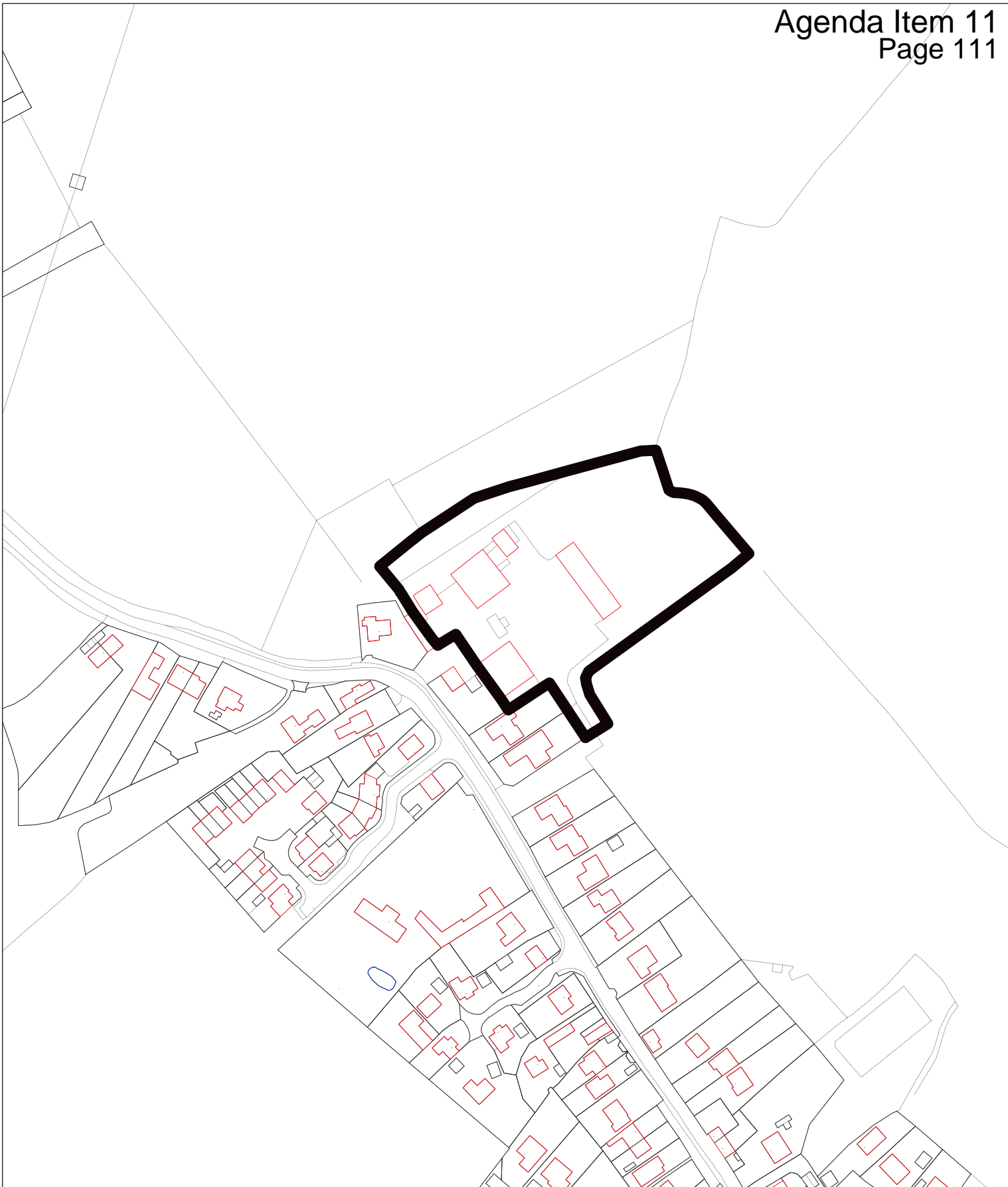
Recommendation

That Listed Building Consent be Refused for the following reasons:

- 1 The proposed single storey extensions and dormer windows, by virtue of their excessive size, bulk and inappropriate and incongruous design, will cause harm to the character and significance of the listed building and will dominate its setting. There is significant lack of sufficient information to assess the potential impact of the proposed conversion of the roof space of the listed building, or whether conversion would be possible in the space. The proposed conversion is likely to involve negative loss of historic fabric, notably removal of rafters, a clear and convincing justification for which has not been provided, contrary to paragraph 132 of the National Planning Policy Framework. The proposed development contrary to Policies 43 and 45 of the Development Strategy for Central Bedfordshire (2013), Policies CS15 and DM13 of the Council's Core Strategy, Chapter 12 of the National Planning Policy Framework and the English Heritage 'Planning for the Historic Environment Practice Guide'. The level of harm caused by the works can not be outweighed by the public benefits of the proposals.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant at the pre-application stage. This positive advice has however not been adequately followed and therefore the Council remains of the view that the proposal is unacceptable. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The requirements of the Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.



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Date: 12:March:2013

Grid Ref: 505239, 237727

Application No.
CB/12/03121/OUT

Scale: 1:2500

Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford,
MK43 0LP

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Item No. 11

APPLICATION NUMBER	CB/12/03121/OUT
LOCATION	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
PROPOSAL	Outline: Removal of existing buildings and erection of five detached dwellings and change of use from scrapyard to open use land.
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	James Clements
DATE REGISTERED	28 August 2012
EXPIRY DATE	23 October 2012
APPLICANT	Westhaven Estates
AGENT	Haven Developments Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from the Development Plan
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site measures 0.99 hectares in size and is located to the east of Lower Shelton Road to the rear of Shelton Farmhouse at the northern end of the village of Lower Shelton. The site is a former farmyard, which has a certificate of lawful use for agricultural scrap, with extensive concrete hardstanding and includes six former agricultural buildings. The site is accessed to the south of the site between no's 110&110a, which was granted consent under MB/96/703. The original access that served the farmyard is between no.112 Lower Shelton Road and Shelton Farmhouse but this is no longer in use.

There is little significant vegetation on the site itself of any significance. The southern boundary has a number of conifers that have been planted to screen the site and additional screening planting has been carried out on adjoining land which includes a shelter belt to the south consisting of Alder, Cornus, Hazel, Poplar and Ash. Mixed native hedging to the east and north is well established. Further mature conifer planting and screening to the north is evident.

Open agricultural land lies immediately to the north and east of the site. Immediately to the west are a limited number of residential properties within the village. Immediately to the south are a number of infill redevelopment plots. A public footpath crosses the site (temporarily diverted around the site) . The site lies in open countryside and within the Marston Vale Community Forest area.

The Application:

Outline consent is sought for the removal of existing buildings, the erection of five detached dwellings and change of use from scrapyards to open space for use as a wildlife area. The matters applied for to be determined as part of this application are access and layout (it should be noted that on the 31st January the government removed the detailed requirements for 'Layout and 'Scale' at the Outline stage e.g. indication of upper and lower parameters for height and length).

The proposed plan shows the site accessed between no's 110 & 110a Lower Shelton Road, dog-legging around the rear boundaries of no.110a & 100b before entering the main site. The access between no.110 & 110a measures approximately between 10&12m in width.

The layout plan indicates that the site will be divided in two, with the eastern side (main area of buildings and hardstanding) utilised for the five plots, gardens, access and turning head and the western half used as open space for a wildlife area. The Design and Access Statement states that the five dwellings would be 2-storey, L-shaped, measuring 14 by 14m.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Requiring good design

Delivering a wide choice of high quality homes

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

H2 - Affordable Housing

T14 - Parking

Bedfordshire Structure Plan 2011

None relevant

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS4 Linking communities

CS7 Affordable Housing

CS11 Rural Economy

CS14 High Quality Development

CS16 Landscape and Woodland

CS17 Green Infrastructure

- CS18 Biodiversity and Geological Conservation
- DM2 Surface water drainage
- DM3 High Quality Development
- DM4 Development within and beyond settlement envelopes
- DM15 Biodiversity

Development Strategy for Central Bedfordshire - Pre-Submission January 2013

- Policy 2: Growth Strategy
- Policy 4: Settlement Hierarchy
- Policy 9: Employment proposals outside Settlement Envelopes
- Policy 19: Planning Obligations and the Community Infrastructure Levy
- Policy 21: Increasing Access to Quality Social and Community Infrastructure
- Policy 22: Leisure and open space provision
- Policy 23 : Public Rights of Way
- Policy 24: Accessibility and Connectivity
- Policy 27: Car Parking
- Policy 32: Affordable Housing
- Policy 38: Within and Beyond Settlement Boundaries
- Policy 42: Development in the Countryside
- Policy 44: High Quality Development
- Policy 45: Protection from Environmental Pollution
- Policy 50: Renewable and low carbon energy development
- Policy 51 : Resource Efficiency
- Policy 55: Green Infrastructure
- Policy 57: Woodlands, Trees and Hedgerows

Supplementary Planning Guidance

Design Guide - Design supplement DS1: New Residential Development & DS7: Movement, Street and Places

- 92/1554/LDC Lawful Development Certificate: Storage, dismantling, breaking, repair, renovation and sale of agricultural machinery, including machinery for ditching drainage, hedge cutting, lifting livestock, transport on trailers together with the sale of parts and equipment, including tyres and oils arising from agricultural machinery. Approved 1.3.93.
- 00/1177 Outline: residential development of 21 houses (all matters reserved except siting and means of access). Appeal dismissed 8.8.01
- 96/703 Erection of four detached dwellings with garages and relocation of farm access. Approved 30.5.96
- 01/506 Outline: residential development of 16 houses (all matters reserved except means of access). Refused 29.5.01

Applications Reference: 00/1177 and 01/506 were refused because residential development in the open countryside is contrary to policy, residential development in this location would adversely affect the character of the village and sufficient information had not been provided on affordable housing, contamination and drainage.

- 02/1542 Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 No units for B1 employment use, parking area, landscaping and alterations to public footpath and Marston Vale cycleway. Withdrawn 3.12.02
- 02/2154 Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 no. units for B1 employment use, parking area, landscaping and resurfacing of public footpath. Approved 14.7.05
- CB/10/0368/OUT Outline: Redevelopment to form mixed use scheme, incorporating affordable housing, livework units, community facility and enterprise centre - refused (upheld at appeal).

**Representations:
(Parish & Neighbours)**

- Parish/Town Council No objection. Would wish to see the existing timber barn retained somewhere on site.
- Neighbours
no.112 Objection - Plot 2 would be intrusive upon the privacy and light of no.112; loss of amenity and increased noise pollution; loss of privacy due to the overlooking of living areas through roof lights in no.112's barn (permission for conversion from milking shed to living accommodation with roof lights in roof slope - not yet implemented); restrictive covenants imposed on Shelton Farm scrapyard in relation to no.112.
- No.110 The proposed access between no.110&110a would affect privacy and create noise and traffic and an increase in dust and dirt. I would put forward that the existing access by Shelton Farmhouse be used.
- Petition Support with 16 signatures
- No. 1 The rickard, no.18 Franklin Close, no's 36, 40, 47, 52a, 54, 92a, 103, 107, 110b, 117, 129, 131,133, 137, 145, 145b, 147,153, 156a, 157, 159, 160, 175, 181, 189 & 251 Lower Shelton Road and Homlea, Shelton Lower School & Twin Lodge, Lower Shelton Road. Generic letter in support of the application - '...The proposal for five houses puts and end once and for all to the uncertainty for the site. The buildings would go, half the site would effectively be open countryside through which the public footpath runs. In addition the access by the side of Shelton Farmhouse would not be used for the housing eliminating any potential future traffic issues associated with an industrial use...'

Consultations/Publicity responses

Archaeology	<p>The proposed development site lies partially within the historic core of the settlement of Lower Shelton (HER 16936). It is a heritage asset with archaeological interest as defined by the <i>National Planning Policy Framework</i>. However, given the previous land-use it is likely that any surviving archaeological deposits will have been heavily disturbed. On that basis the proposed development is unlikely to have a major impact on archaeological remains or on the significance of the heritage asset with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.</p>
Ecology	<p>No objection subject to CEMP condition. The development proposal includes a substantial amount of open space together with various habitat opportunities including a pond area. This is to be welcomed and would benefit from the inclusion of habitat piles / hibernacula and new native tree / shrub planting together with areas of open grassland managed extensively to provide a tussocky habitat ideal for reptiles, amphibians and hunting barn owls.</p>
Minerals and Waste	<p>No objections</p>
Public Protection	<p>No objections subject to a condition (contamination)</p>
Tree & Landscape Officer	<p>There is little significant vegetation on the site itself of any significance.</p> <p>Southern boundary has a number of conifers that have been planted to screen the site and additional screening planting has been carried out on adjoining land which includes a shelter belt to the south consisting of Alder, Cornus, Hazel, Poplar and Ash. Mixed native hedging to the east and north is well established. Further mature conifer planting and screening to the north is evident.</p> <p>Two trees worthy of retention on the site would be an early mature Oak that is at the far east of the site and on the ditch boundary and a Pine situated on the north boundary.</p> <p>Previous history identifies that there were two ponds on the site and it would be a positive step to have one of them reintroduced as outlined.</p> <p>Details will be required of all landscaping proposals including all planting of trees and shrubs to include species, sizes, densities and soil preparation, and all proposed planting on the wetland/pond area.</p>

Tree survey required to detail protection distances and care for trees on adjoining land that may be influenced by the proposals. (They offer substantial site screening and require protection) and also the few trees of worth on the site.

Hard landscaping details required.

Footpath Officer No objection given that the footpath will be incorporated into the scheme.

Environment Agency No objections subject to informatives

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on the appearance of the area
3. Impact on residential amenity
4. Ecology
5. Open Sapce
6. Highway considerations
7. S106 Unilateral Undertaking

Considerations

1. Principle of development

Lower Shelton does not have a settlement envelope and is in open countryside therefore residential development in this location is not supported in principle by planning policy DM4. The site was previously in open countryside but just outside the settlement envelope. As part of the 2009 LDF process the settlement envelope was completely removed. Most of the site has the benefit of a certificate of lawfulness for use as a scrap yard associated with agriculture (it appears a small triangular area to the north of the site that was then landscaped was excluded from the certificate). The land therefore complies with the definition of being brownfield (previously developed) land.

The arguments proposed by the application as to why a residential use, contrary to planning policy, is acceptable in this location are:

- The planning gain/improvement to residential amenity of removing an unrestricted agricultural scrap use for storage, dismantling, breaking, repair, renovation and sale of agricultural machinery, including machinery for ditching drainage, hedge cutting, lifting livestock, transport on trailers together with the sale of parts and equipment, including tyres and oils arising from agricultural machinery;
- Removal of unsightly modern agricultural buildings and improvement upon visual amenity;
- Part of the site would be used as a wildlife open space with distinct habitats

with the dilapidated timber framed barn being relocated from the farm yard for use as a habitat;

- Reuse of a brownfield site with the remediation of contaminated land.

In this circumstance the above arguments are considered to be sufficient to depart from planning policy and to support residential development in this location. The proposed scheme would offer significant planning gains for the area and would remove an unrestricted agricultural scrap use that is incompatible with surrounding residential properties.

2. Impact on the appearance of the area

The removal of unsightly modern farm buildings and relocation of the dilapidated timber barn would undoubtedly enhance the appearance of the area when viewed from Lower Shelton Road and the public footpath that crosses the site.

The impact of the proposed 5 dwellings in terms of design and appearance is more difficult to assess given the outline nature of the application. At this outline stage the matter to be determined is access and layout. 'Layout means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. Previously, until the government removed the requirement to submit details for scale and layout on January 31st 2013, outline applications were required to set out building locations, widths, lengths and upper and lower heights and information about open spaces and routes.

The application was submitted before the change in requirements and has shown much of this information. The application does not however propose upper and lower limits for the development although the Design and Access Statement has stated that all five dwellings would be 2-storey, L-shaped and 14 by 14m in footprint. The applicant has confirmed that while the dwellings would be 2-storey, the exact scale will be determined at the reserved matters stage as part of the detailed design. Given the character of adjacent residential development the indicative 2-storey dwellings would be in-keeping with the area and, subject to the detailed design and scale, would not have an adverse impact on the appearance of the area.

3. Impact upon residential amenity

No.112 Lower Shelton Road which abuts the north western boundary has raised concern that Plot 2 would cause a loss of amenity and privacy and would create noise and light pollution to no.112. Concerns are also raised that there would be a loss of privacy due to the overlooking of living areas through roof lights in no.112's barn (permission for conversion from milking shed to living accommodation with roof lights in roof slope - not yet implemented). No.112 also states that restrictive covenants have been imposed on Shelton Farm scrapyards in relation to no.112. It should be noted however that this is not a planning consideration.

Plot 2 is indicated on the submitted plan as being approximately 25m from the main house and 10-12m from the former milking parlour. This is considered to be a sufficient distance to restrict an adverse overbearing impact on no.112 with regard to potential overlooking. At this outline stage without design being

determined it is not possible to determine where windows would be located. The plot could be designed, however, so that windows are located so as not to overlook no.112. Light pollution can be controlled to some extent by planning condition and also environmental legislation. Given the existing unrestricted agricultural scrap use, it appears likely that a residential use would see a reduction in the potential for noise pollution.

Plot 1 is the other plot adjacent to existing residential properties on Lower Shelton Road that could potentially harm amenity. The orientation and location of plot 1 a minimum of 11m from the boundaries with Shelton Farmhouse and no.110b indicate that the plot would not adversely harm residential amenity.

An existing large brick barn close to the boundary with Shelton Farmhouse would be demolished as part of the application. This could be considered to be an enhancement to the residential amenity of Shelton Farmhouse given the enclosing, overbearing impact it is currently has.

The resident of no.110 Lower Shelton Road has raised concern that the proposed access between no.110&110a would affect privacy, create noise and traffic and an increase in dust and dirt. The concern regarding privacy is presumably because of the low height of the boundaries wall to no.110&110a which would allow occupants of vehicles to overlook the front parking area and habitable rooms. It is considered that this issue can be overcome by the inclusion of a condition for additional landscaping/boundary treatment. The proposed residential use is likely to reduce traffic generation and the size of vehicles when compared to the existing unrestricted legal use of the site. The proposed access will be hard surfaced therefore dirt and dust will be reduced compared to the existing unmetalled track.

The existing legal use of the site is for the, 'storage, dismantling, breaking, repair, renovation and sale of agricultural machinery, including machinery for ditching drainage, hedge cutting, lifting livestock, transport on trailers together with the sale of parts and equipment, including tyres and oils arising from agricultural machinery. It is not evident whether this use is likely to become active again. However, the use, which has no restrictions on hours or days of use, is not a compatible use in such close proximity to residential properties in a small settlement. The removal of the use would generally have a positive impact on the residential amenity of the area.

4. Ecology

The Phase 1 Habitat Survey found no protected species on site with exception of the use of the barns by barn owls of occasional feeding. A previous walkover survey from 2010 is appended to the end of the report and in it recommendations are made for reptile, bat and great crested newt surveys. The Phase 1 survey has noted that the barns are not suitable for bats but does acknowledge that the habitat is suitable for reptiles. With regards to great crested newts it states that barriers to nearby ponds would prevent great crested newts from using the site however one pond which is 360m away is only separated by arable fields and it is conceivable that great crested newts could utilise the site.

Barn owls use the barns and prior to demolition these should be checked that they are not in use, should any birds be found nesting in the barns then

demolition should wait until nesting is completed. Equally any clearance of trees / scrub should avoid the bird nesting season of March to August inc. Mitigation for the loss of the barns is suggested in the form of a purpose built barn owl loft re-using existing materials, this is the preferred option for mitigation as it will also provide roosting opportunities for bats.

The development proposal includes a substantial amount of open space together with various habitat opportunities including a pond area. This is to be welcomed and would benefit from the inclusion of habitat piles / hibernacula and new native tree / shrub planting together with areas of open grassland managed extensively to provide a tussocky habitat ideal for reptiles, amphibians and hunting barn owls.

5. Open Space

The submitted s106 does not include the provision for public access across the open space which the applicant has stated is due to insurance and safety concerns regarding the safety of the relocated barn and to ensure protection of the new habitat areas. The Council's Ecologist has stated that it is always beneficial to keep people, and especially dogs, off sites which are sensitive, but given that SSSIs often have open access she would not request the restriction of public access on the basis of an adverse impact on wildlife.

It should be noted that the public footpath crosses through the open space so the public will have visual and amenity benefits even if they cannot access the wider open space area. At present the part of the footpath that crosses the site is and walkers use the farm track to the side of the site that rejoins the footpath at the north east corner of the site. The applicant anticipates that any local interest group who wanted access would be given consent to do so. The applicant has confirmed that it is not the intention to define the footpath with fencing or similar.

In this instance given that the open space area would have a level of public access and taking into account the argument to ensure protection of the wildlife areas, it is considered that full unrestricted public access across the space is not necessary.

6. Highway considerations

The Highway Officer has stated:

'The existing has permission for several industrial buildings with hardstanding area with access taken from a field access between properties 110 and 110a (southern access) and an access opposite no 177 (northern access). The proposal is to remove the industrial buildings and areas and replace this with five dwellings and associated works taking access from the southern access. The northern access is to be closed within the site to be used only by Shelton Farm House.

Although this part of Shelton Road is within a 30mph speed limit I have assessed the access not as Manual for Streets with the activity of a high street but as a rural road. Therefore the required visibility splay is 2.4m x 90.0m which takes the splay to the south of the access through third party land. However the applicant has since submitted a revised red line plan (attached to e-mail 05 February 2013 16:16), showing the area of land where the splay goes through to the south as being within their control, which addresses the visibility splay

problem.

The outline proposal is to assess the access and layout. In principle they are both acceptable however the access within the site measures in some places 7.0m and 9.0m wide which is excessive for a development to serve 5 dwellings, where internally the access could be single width with passing places. I have included a condition for further details of the access within the site and leave it at your discretion to include that part of the condition or not'.

The resident of no.110 Lower Shelton Road has raised concern that the proposed access between no.110&110a would affect amenity and proposes that the existing access by Shelton Farmhouse be used. The original access is is however no longer in use and has effectively been stopped-up. The proposed access was granted consent under MB/96/703.

7. S106 Unilateral Undertaking

A viability assessment has been undertaken by the Council's Housing Team which has shown that due to a number of factors, most notably the levels of contamination on the site, the scheme cannot be delivered with the expected planning obligation contributions and affordable housing.

To be financially viable the viability assessment has calculated that the maximum contribution that can be expected is £40,000 with no affordable housing provided on site. Given that the proposed dwellings would be family sized homes it is considered that the education contribution should be met in the first instance (£38,770), to ensure the sustainability of the scheme, with the remaining contribution being a commuted sum for affordable housing.

The legal agreement also includes the provision and ongoing management & maintenance of an open space for wildlife with distinct wildlife habitats.

Recommendation

To authorise the Assistant Director Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure -
Contributions towards Education, Affordable Housing and open space with distinct wildlife habitat areas.

- 1 Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**

- appearance
- landscaping, and
- scale

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

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

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

- 3 Details of the closure of the northern access between the site boundary and Shelton Farmhouse shall be submitted to and approved in writing by the Local Planning Authority and the access shall be closed in accordance with the approved details before development commences. The access shall thereafter remain closed unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 Notwithstanding the details shown development shall not begin until details of the junction of the proposed vehicular access with the highway and the internal layout of the accesses have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the junction and accesses has been constructed in accordance with the approved details.

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

- 5 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 90.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the duration of the development remain free of any obstruction to visibility.

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

- 6 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority for a distance of 11.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the

highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits .

- 7 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area within the curtilage of all premises taking access directly from the public highway.

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

- 8 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 9 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority. (HC 31)

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

- 10 Before development begins, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

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

- 11 Development shall not commence until a scheme detailing provision for on

site parking for construction workers and deliveries 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.

- 12 Before development commences details of visitor parking spaces calculated at 0.25 of a space per unit shall be submitted to and approved by the local planning authority and the development shall not be brought into use until the visitor parking provision has been constructed in accordance with the approved details

Reason: To provide adequate and safe on site parking provision without obstruction to the free flow

- 13 Prior to the commencement of any phase of development approved by this planning permission developer shall submit to the Planning Authority, in both paper and electronic form where possible:

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, gas and groundwater sampling.

c) Where shown necessary by the 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 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.

Any remediation scheme shall be agreed in writing with the local planning authority prior to the commencement of works. Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.

All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.

Reason: To protect human health and the environment.

- 14 **No works shall commence on site until the Local Planning Authority has agreed in writing the content of a Construction Environmental Management Plan for the proposed development which shall cover noise, vibration and air quality management. Construction and installation of plant and machinery shall proceed in accordance with the approved Plan.**

REASON: To minimise disturbance to the occupants of neighbouring properties during the construction phase of the development.

- 15 **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 DM3)**

- 16 The landscaping reserved matters application shall include the following details: all planting of trees and shrubs to include species, sizes, densities and soil preparation, all proposed planting on the wetland/pond area and a tree survey to detail protection distances and care for trees on adjoining land that may be influenced by the proposals.

Reason: To ensure a satisfactory standard of landscaping.
(Policy DM3)

- 17 The existing trees and hedgerows shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens 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 comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees on site.
(Policy DM3).

- 18 **Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building/s.
(Policies DM3).**

- 19 **Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented**

before the development is first occupied or brought into use and thereafter retained.

**Reason: To safeguard the amenity of the area.
(Policy DM3)**

- 20 **No development approved by this permission shall be commenced until a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.**

Reason: To ensure that suitable provision is made for both surface and foul drainage. It is important if mains drainage is being used, to make correct connections and obtain permission from the water company. It is advisable that systems are in place to prevent pollutants arising from development into the wider surface water system, including groundwater below the site.

- 21 **No development shall take place on a phase of the development until there have been submitted to and approved in writing by the Local Planning Authority details for the whole of that phase of the finished ground floor levels of all the buildings to be provided and the ground levels for all outdoor areas. The development of that phase shall be carried out in accordance with the agreed details.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy DM3).**

- 22 **No development shall commence until a management plan for the future maintenance of the open space has been submitted to and agreed in writing by the Local Planning Authority.**

Reason: To ensure the open space is maintained to protect the visual and wildlife amenity of the area.

- 23 **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 & 11949/300/RevA. .**

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposed development would not result in a detrimental impact upon either the character or appearance of the area or upon either existing or future residential amenity. The proposal is a departure from Policy DM4 of the Core Strategy and Development Management Policies 2009 but is considered acceptable because of the removal of an unrestricted agricultural scrap use and the associated amenity enhancements the proposal would provide. As such the proposal is considered to be in conformity with Policies DM3 of the Core Strategy and Development Management Policies 2009; The National Planning Policy Framework (2012); Design Guide in Central Bedfordshire (2010).

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The implementation of Sustainable Drainage Systems (SuDS) should be carefully considered, and this approach is encouraged in the National Planning Policy Framework (NPPF). These techniques can be used to minimise pollution impacts and provide a method for attenuating run-off that could otherwise lead to flooding. Such sustainable systems should be designed in accordance with the principles given in CIRIA C967 "The SuDS Manual". Further guidance may be found within CIRIA Report 156 "Infiltration Drainage - Manual of good practice" and the "Interim Code of Practice for Sustainable Drainage Systems". These documents are available on CIRIA's website at: www.ciria.org Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

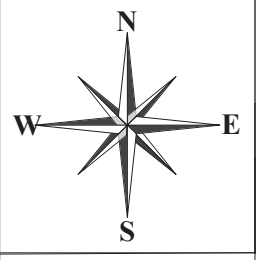
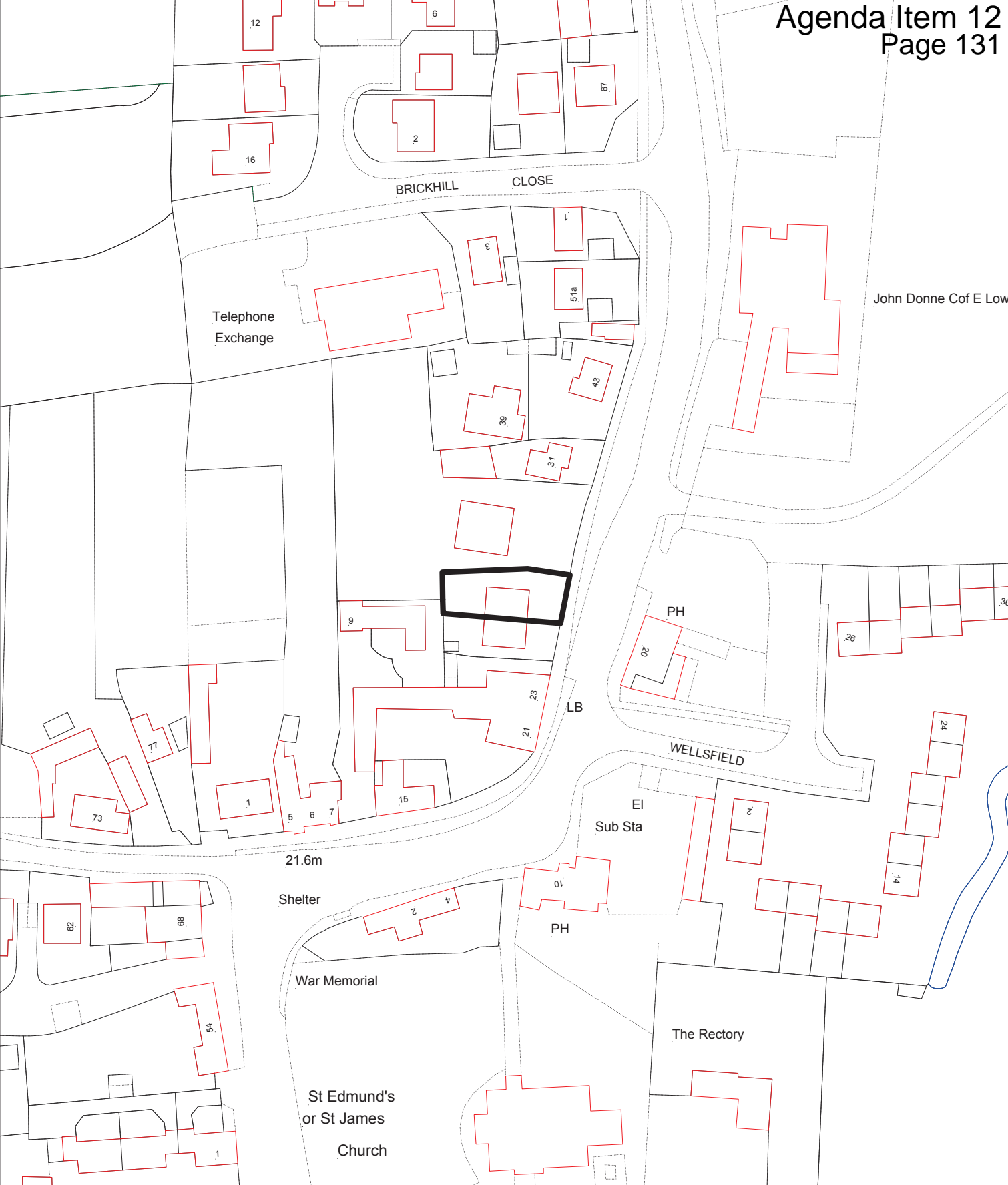
Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways 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.

The applicant's attention is drawn to DETR Circular 03/99 which requires an applicant to demonstrate that a connection to the public foul sewer is not available. In the eventuality of a connection to the public foul water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority. An acceptable method of foul water drainage/ trade effluent disposal would be a discharge to the public foul sewer with the prior written approval of the statutory undertaker. Any 'non mains' foul water drainage system will require the prior written Consent of the Environment Agency under the terms of the Water Resources Act 1991. Such consent may not be

forthcoming.

Any facilities, above ground, for the storage of oils, fuels or chemicals must be provided with adequate, durable secondary containment to prevent the escape of pollutants. The volume of the secondary containment must be at least equivalent to the capacity of the tank plus 10%. If there is more than one oil storage tank in the facility, the secondary containment must be capable of storing 110% of the biggest tank's capacity or 25% of the total capacity of all the tanks, which ever is greater. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets must be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. The drainage system of the bund must be sealed with no discharge to any watercourse, land or underground strata. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Further guidance can be found on the Environment Agency's website at: www.environment-agency.gov.uk/osr

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 Date: 07:March:2013
 Map Sheet No

Application No.
 CB/13/00359/FULL

Scale: 1:1250

27 High Street, Blunham

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Item No. 12

APPLICATION NUMBER	CB/13/00359/FULL
LOCATION	27 High Street, Blunham, Bedford, MK44 3NL
PROPOSAL	Single storey side and rear extensions, enlargement of front dormer, and new driveway
PARISH	Blunham
WARD	Sandy
WARD COUNCILLORS	Cllrs Aldis, Maudlin & Sheppard
CASE OFFICER	Lauren Westley
DATE REGISTERED	20 February 2013
EXPIRY DATE	17 April 2013
APPLICANT	Mr Smith
AGENT	RGKC Design
REASON FOR COMMITTEE TO DETERMINE	Applicant is an employee of Central Bedfordshire Council
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is located on the western side of the High Street, just north of the junction with Wellsfield, within the settlement envelope of Blunham. The site is occupied by a semi-detached residential bungalow, constructed in a light brown brick, with dark brown roof tiles and white UVPC openings.

There is a driveway to the side of the dwelling house, with the front door located in the side flank wall of the building. The dwelling is currently un-extended.

The Application:

The application seeks to extend the dwelling house, with the addition of a single storey side and rear extension and an extended dormer in the front roof slope.

The extensions will allow for the addition of a conservatory, dining room and utility room on the ground floor and an increase in usable floor space in the first floor bedroom.

A new driveway is also being proposed, which will increase the amount of hard standing in the front garden area of the property.

The application is being heard by the Committee as the applicant is an employee of Central Bedfordshire Council.

RELEVANT POLICIES:

National Planning Policy Framework
Section 7 - Requiring Good Design

Core Strategy and Development Management Policies - North 2009

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Section 4 - Residential Alterations and Extensions

Central Bedfordshire Local Transport Plan: Appendix F - Approach to Parking (2012)

Planning History

None

Representations:

(Parish & Neighbours)

Blunham Parish Council No response received

Neighbours No response received

Consultations/Publicity responses

Highways Comments not received at time of report writing

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Visual Amenity
3. Neighbouring Amenity
4. Parking and Access

Considerations

1. Principle of Development

The site lies within the settlement envelope of Blunham. Policy DM4 of the Core Strategy makes provision for the extension of existing properties provided they meet certain local plan criteria which will be assessed below.

2. Visual Amenity

The original building is a bungalow with accommodation in the roof space, and as such benefits from a high ridge line. The proposed single storey side and rear extension has been designed so as to remain below the ridge line of the existing dwelling, with a hipped roof proposed on the rear elevation and to the side elevation. The extension is therefore considered to have been designed so as to be in keeping with the scale and appearance of the original dwelling and will result in a positive addition to the dwelling. The side extension is set back 6.9m

from the front wall of the dwelling, ensuring that only limited views of it will be possible from the street.

The conservatory is on the rear elevation and as such will be largely screened from view. The conservatory is a modest addition to the dwelling house, and whilst it will benefit from a glazed roof, is still considered to be in keeping with the residential character of the building.

The enlargement of the dormer in the front roof slope will have the most impact on the street scene, as it will be clearly visible from outside the property. The attached, adjacent dwelling house already benefits from an enlarged dormer and as such, the proposal will most likely enhance the appearance of the two dwellings when viewed together. It is noted that the dormer will have a flat roof, however given the horizontal vernacular of the dwelling, the flat roof on the existing dormer and the flat roof on the dormer of the adjacent dwelling, this is considered acceptable and in keeping with the style and character of the building.

The extension to the driveway will result in an increase in the amount of hard standing in the front garden, however soft landscaped areas will remain to soften the effect and as such it is not considered to harm the appearance of the dwelling.

It is therefore considered that the character and appearance of the original dwelling has been respected and maintained and that the proposal will be an appropriate and subservient addition to the building. The proposal will not harm the street scene and as such is considered to be in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

3. Neighbouring Amenity

The proposal is considered to have the largest impact on the attached dwelling, No. 25, as the conservatory is extending 3.8m along the shared boundary. The conservatory will be 2.5m high along the boundary, with the glazed roof increasing in height to 3.3m, however the pitch ensures that this is further from the boundary line. The modest height of the conservatory on the boundary will ensure that the attached dwelling will still achieve adequate access to daylight and sunlight.

The initial proposal indicated that windows (unopening) would be provided on the boundary wall. However, due to the potential for overlooking and loss of privacy, these windows have been removed from the scheme and a solid brick wall is now proposed on the boundary line.

The dwelling house on the opposite side (No. 29) is located some 6m from the proposal and separated by a solid boundary wall and large hedge, as such the proposal is not considered to result in any impacts on the daylight or sunlight of this dwelling. The proposal does include a window in the side flank wall, into the new utility room, however given its height and location (ground floor level and 1.2m from the boundary), it is not considered to result in any loss of privacy or increase in overlooking.

The resulting amenity space for the dwelling house will be substantially reduced

as a result of the proposals, however it is considered that adequate garden space remains on site for a three bedroom dwelling house, and the extended dwelling would not be cramped on the plot.

Therefore, it is considered that the application successfully ensures that there will be no detrimental impact on the amenity of local neighbours, and outlook, daylight and privacy will all be protected. An acceptable amount of amenity space remains on the plot for the future occupiers of the dwelling. The proposal is therefore in accordance with the requirements of the Design Supplement 4 - Residential Alterations and Extensions and CS14 and DM3 of the Core Strategy and Development Management Policies.

4. Parking and Access

At the time of writing, comments had not been received from the Highways officer, however it is not considered likely that there will be any highway objections.

Currently on site parking provision is limited to two spaces on the driveway (in a tandem arrangement), however the driveway is narrow and it is more likely that only one car would be parked on the driveway.

This proposal does not result in an increase in the number of bedrooms on site, and the extension to the hard surfacing in the front garden will still allow for the parking of two cars on site, however it will be an improvement on the existing tandem arrangement. As such, no change to the existing parking requirements is expected, and the layout is considered to be an improvement. No change is proposed to the access.

It is therefore considered that adequate on site parking is available for a three bedroom house, in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

Recommendation

That Planning Permission be GRANTED subject to the following:

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

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

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

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 and the visual amenities of the locality, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies.

3 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 additional windows shall be inserted into north facing elevation of the proposed extension.

Reason: To protect the amenity of neighbouring residents, in accordance with policy CS14 and DM3 of the Core Strategy and Development Management Policies.

4 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, 01/13/A, 02/13/B, 03/13/C.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposal, by way of its size, design and location, would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties, as such it is in accordance with the objectives of the National Planning Policy Framework (2012), policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (2009), and the technical guidance Design in Central Bedfordshire - A Guide for Development (2010).

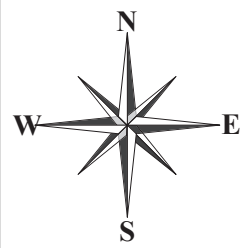
Notes to Applicant

DECISION

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Shillington



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Date: 07:March:2013
Map Sheet No

Application No.
CB/12/04464/RM

Scale: 1:1250

Stables rear of 50 High Road, Shillington, Hitchin

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Item No. 13

APPLICATION NUMBER CB/12/04464/RM
LOCATION Stables rear of 50 High Road, Shillington, Hitchin, SG5 3PJ
PROPOSAL Reserved Matters: following Outline planning permission CB/12/00645 erection of 20 dwellings together with associated garaging infrastructure.
PARISH Shillington
WARD Silsoe & Shillington
WARD COUNCILLORS Cllr Ms Graham
CASE OFFICER Samantha Boyd
DATE REGISTERED 18 January 2013
EXPIRY DATE 19 April 2013
APPLICANT Bloor Homes (South Midlands)
AGENT

REASON FOR COMMITTEE TO DETERMINE

Cllr Graham Call in - Reasons:

The access to the High Road, which is a recognised heavy vehicle rat run, and also used by doubledecker buses every week day, is too narrow, with no splay possible to the left. The access is so situated that traffic from the left, which is entering the village, frequently at speed, and coming down a gradient and round a bend, is invisible to vehicles attempting to enter the High Road from the proposed estate, to turn right.

Cars parked on the left on the High Road will exacerbate the problem of turning right, blindly onto the opposing carriageway. Another new estate (Aragon) is being finished, abutting Marshalls Avenue and exiting through it, to the left of this proposed site access. The probability of parking problems spilling out onto the High Road itself is thereby increased.

(The Marshalls Avenue exit, being further to the left, has a clear view up the hill and drivers can see approaching traffic well before it reaches them.)

Because of the complex nature of my request, I am asking for a site visit, to illustrate the problem more clearly.

Although the highways issue is the one that the parish council and I feel is crucial, we also query the ratio of parking bays to houses, the visitors' parking allocation and the lack of a play area on the site.

RECOMMENDED DECISION

Reserved Matters - Granted

Site Location:

The application site is located in the north-east of Shillington village, to the north of High Road and to the west of Marshalls Avenue. The site comprises 0.74 hectares and is located to the rear of No.s 50 - 52A High Road. It was formerly used as an equestrian riding school with existing stables, paddocks, manage, hardstanding and an approach road.

The site slopes gently southwards, and is enclosed by a mixture of post and rail fencing, close boarded fencing, trees and conifer hedges.

The site is surrounded by residential developments to the east (Marshalls Avenue) and to the south (High Road). Open fields lie to the north and west. A number of public footpaths and bridleways encircle the site.

The Application:

This is a reserved matters application following the granting of outline permission in CB/12/00645/OUT dated 09/01/2013, for a residential development with all matters reserved except means of access.

RELEVANT POLICIES:

National Planning Policy Framework

- 4 - Supporting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 - Requiring good design
- 8 - Promoting healthy communities
- 11 - Conserving and enhancing the natural environment
- 12 - Conserving and enhancing the historic environment

Core Strategy and Development Management Policies - North 2009

- CS2 - Developer contributions
- CS3 - Healthy and sustainable communities
- CS4 - Linking communities
- CS7 - Affordable housing
- CS13 - Climate change
- CS14 - High quality development
- CS15 - Heritage
- CS16 - Landscape and woodland
- CS17 - Green Infrastructure
- CS18 - Biodiversity and geological conservation
- DM1 - Renewable energy
- DM2 - Sustainable construction of new buildings
- DM3 - High quality development
- DM4 - Development within and beyond settlement envelopes
- DM10 - Housing mix
- DM13 - Heritage in new development
- DM14 - Landscape and woodland
- DM15 - Biodiversity

DM16 - Green Infrastructure

Supplementary Planning Guidance

Central Bedfordshire (North) Site Allocations DPD, April 2011
Design in Central Bedfordshire - A Guide for Development, 2010
Planning Obligations Strategy, 2009
Local Transport Plan: Parking Strategy 2012

Planning History

CB/12/00645/OUT Erection of 20 dwellings together with associated garaging and infrastructure. All matters reserved except access.
APPROVED

Representations: (Parish & Neighbours)

Site Notice dated 25/01/13
Application advertised 01/02/13

Shillington Parish
Council

The Parish Council do not support the application on the following grounds:

1. Concerns regarding the safety of the access. The speed of traffic on High Road approaching from Lower Stondon direction makes the location of an access at this location hazardous to motorists turning right into or out of the site access road. It is also questioned whether the proposed splays would make it safe for motorists turning left out of the access road to do so safely without having to cross onto the opposite side of the road.
2. Insufficient garaging and off road parking provided within the site which would result in on road parking.

Neighbours

One letter received from No 54. High Road - House overlooks the site and we would like to request that a least two trees be planted in Plot 2 towards the south border of the side where it adjoins the garden of 52A High Road. This would mitigate our loss of the green view of the paddocks. Noise reduction measures would also be welcome, as we are so near the site and it would be appreciated if Bloor Homes would let us know when they intend to start on site and how long the work is likely to take.

Consultations/Publicity responses

Housing Development Officer

Support application. The application provides

4 affordable homes. In 2012 discussions were had in relation to this site under application CB/12/00645/OUT. Viability issues were identified for the site which resulted in the full affordable housing requirement not being met (7 houses). Of the four units two were to be provided as rent with the remaining two as shared ownership. Having reviewed the documents submitted with the application the proposal conforms with the agreed number and tenure split.

Shillington Village Design

Designs - Mock tudor timbers to some gable ends considered pastiche, acceptable only if part of the structural design. Mix of Materials acceptable. No provision of Solar Panels - although the orientation and layout of the site is not ideal we think there is scope for solar roof panels. Layout - considered satisfactory bearing in mind the shape of the site. Scale - acceptable although some houses especially plots 7&8 appear too tall and narrow though this is probably offset by garages not shown on the same plan. Landscaping - the mature poplars to the South West, part of an important hedgerow, are to be coppiced. We this might result in trees dying and request that the Tree Officer be consulted.

Outline Matters - The conditions set out in the Outline decision are welcomed. We note that our suggestion regarding sound proofing to the first six bungalows in Marshalls Avenue is included. The S106 contribution of £247,260 is welcomed. There is no mention of the High Road crossing funding which was part of the basis on which the site was allocated.

We remain most concerned regarding the junction with the High Road and what measures will be needed to warn of the junction and restrict the speed of approaching traffic. We think vehicles turning right into the site are especially vulnerable to impact from traffic approaching from Stondon frequently in excess of 30mph limit. The Parish Council and many local residents have expressed similar concern.

Landscape Officer (Policy)

Fully support Tree and Landscape Officer's comments.

Tree and Landscape Officer

There is a comprehensive landscaping plan supplied which includes a good selection of plants and includes densities, detail of planting etc.

There seems to be no indication however of any proposed boundary treatment for the site or what the intention is regarding the maintained Leylandii hedge along both the west and east boundaries.

My comments in the outline application and also the pre application CB/12/03244 included a recommendation to remove the Leylandii hedge on the west and replace it with post and rail fencing also incorporating a native hedge mix along the full length. This would be in keeping with the sites location overlooking open farmland and also be in keeping with the agreed boundary treatment on the new build site to the east on Marshalls Avenue. We should continue to ask for this to be included in the proposal.

It would seem that the Leylandii hedge on the east side of the site is to be removed and replaced with native hedge planting and shrub planting which would seem a good proposal bearing in mind issues regarding the proximity of the existing hedge to the adjoining sheltered accommodation and future maintenance of the hedge. There is no indication of any new fencing along this boundary although I assume it will be close board fencing but it should be indicated.

Details of boundary treatment are required to include post and rail and native hedging on the west boundary.

Right of Way Officer

This development does include a legal line of footpath (across the gardens of Plots 13 & 14). This footpath is not currently used, due to an alternative route being informally walked. However, as the applicant is aware, the legal line of the footpath can be moved to the alternative route through the correct legal route. The move has been supported by the owners of the new path land. We would support any application made to formally move the legal line provided the new path width is 2m and undergoes surface

improvements.

Ecology

Following comments from outline appn. remain unclear as to whether updated information submitted?

The ecological report makes some recommendations to address any potential presence of protected wildlife, these are;

- all existing grassland to be maintained as a short sward to prevent it becoming attractive to wildlife;
- the weather vane tower to be dismantled by hand under the direction of a licensed bat worker to verify the absence of bats. Should bats be found to be present then works should cease and advice be sought from Natural England;
- No clearance of vegetation should be undertaken during the bird nesting season of March to August inclusive;
- bat and bird boxes or bricks should be incorporated into any new development.

Public Protection

No objections to application

Waste Officer

Thank you for sending over this application for comments from Waste Services, can the applicant please provide the following:

- Information on the ability of a Council used Waste Collection Vehicle (specification details available on request) to be able to access the site in forward gear access the site and turn around within the site in order to exit also in forward gear.
- Is it proposed that the access road is to be adopted by the Council? If not we will need further information on the road and a waiver removing all liability from the Council with regards to accessing the development for the purpose of bin collections.
- Can the applicant please identify the bin collection and storage locations from each dwelling. storage area must be in the rear gardens for each dwelling and be accessible without moving the bins through any internal areas of the dwelling.

Revised plans were received in response to the above comments identifying locations for bin

collection and storage.

Development
Highways

Management

Please be aware the parking provision is below the current Parking Strategy guidelines. The proposal has had pre-application advise and outline approval using the previous parking standards in Design Supplement 7 of the Design Guide. For continuity of advice these guidelines have been used for this proposal.

There are a few minor issues with the amended plans however these can be dealt with by conditions, although the junction has outline approval already.

Conservation and Design

Some thoughts on the proposed details/ reserved matters of the proposed 20 no. 2-storey houses. The NPPF chapter 7 *Requiring Good Design* is a suitable starting point.

The layout- Bloor Homes drawing PL-01B- seems appropriate for this constrained slim rectangular site & single narrow vehicular & pedestrian access- & there really seems little alternative to the cul-de-sac with houses both sides & turning head. Concrete block paving is unfortunate- gravel rolled into bitmac/ blacktop just looks better in villages & being cheaper means that proper real granite setts can be used for edgings, which raises the quality feel.

House design - generally- as discussed this is all rather predictable & some of the house types appear somewhat over-designed & fussy/ Edwardian in style. Perhaps it is rather late in the day to try to enhance the local distinctiveness- especially use of materials & push for an altogether simpler, more sustainable approach to house design- as CABI/ Urban Design Group etc encourage? Not being a conservation area restricts the potential for *requiring good design*. Although being on the edge might allow some promotion of a rather more original contemporary/ 21st century design direction- cream limewashed lime render, sustainably grown local timber cladding, clay tiles, natural slate, sheet metal roofs, wood windows & doors, metal/ galvanised steel rwgs, low-key non-concrete surfacing/ paving

Landscaping- boundaries- hedges, walls,

estate railing, surfacing/ paving (see above),
new planting.

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The effect on the character and appearance of the area
3. Impact on amenity
4. Other matters

Considerations

1. The principle of the development

As noted earlier the site has been allocated for residential development in the Central Bedfordshire Development Plan and as such residential development on this site is considered to be acceptable.

The principle of erecting 20 dwellings on the site has been established under the outline planning permission which was granted in January 2013 with all matters reserved, except access. Matters for consideration are: the layout, the scale of the buildings; the external appearance of the buildings; and the landscaping of the site. These details are considered in the next section.

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

The surrounding area comprises residential properties to the east and south and open countryside to the north and west. The existing residential properties are a mix of bungalows and two storey semi detached 1960's dwellings in Marshalls Avenue while in High Road and to the front of the site there are detached bungalows. The village possesses a mix of house types and sizes varying from older timber frame buildings that are mainly found in the conservation area, to modern infill developments. The application site itself does not fall within the conservation area boundary.

Policy DM3 requires that all new developments be appropriate in scale and design to their setting and should contribute to creating a sense of place, and respect local distinctiveness through design and use of materials.

Layout

The layout of the proposed development has been influenced by the shape of the site. A single access road runs through the site, alongside No 50 High Road and terminates at the end with a turning head. This creates a linear development, however there is a tight bend at the site entrance and the placing of trees is proposed along the internal shared surface area to add visual interest and break up the long straight access road. On entry to the site the view is

terminated by Plots 19 and 20 and at the far end of the site by Plots 13 and 14, and together with a range of dwelling types this helps to create a sense of place. The linear feel of the site is not dissimilar to Marshall's Avenue (adjacent) therefore it is considered that the proposed layout would harmonise with the surrounding area.

The site layout also includes the provision of a garage and parking space for No. 50 High Road as the existing space would be lost due to the site access.

The proposed parking provision for 20 dwellings would total 55 spaces comprising 15 in garages, 36 on plot spaces 4 allocated spaces and 4 visitor spaces. This results in a shortfall of 3 spaces when assessed against the new adopted parking strategy. Design Supplement 7 of the Design Guide calculates that there should be 52 spaces provided for the development, guidance which was used to assess parking provision at both Outline and pre-application stages. However in an attempt to comply with the new parking guidelines revisions have been made to the original plans to provide three additional parking spaces where space allows.

It is noted that the 15 garages do not comply with the new parking strategy in terms of size, they are 6.2m long instead of 7m long. Under the previous design standards, garages only had to be 6m long and as such would have complied with this requirement. The reduced depth of the garages is not considered unacceptable as they are still capable of housing a car, it is only storage space that will be lost. Given that the outline application was assessed under the previous parking standards, this is considered acceptable.

Scale of the buildings

All properties are proposed to be two storey dwellings of similar heights and are a mix of 2, 3 and 4 bedrooms. Internally there is adequate living space comparable to the size of the property. The larger properties, which are mainly towards the front of the site, are provided with garages that are to be set back from the street frontage with additional parking spaces to the front. In terms of size, the garages are proposed as 6.2m in depth and 3.3m wide. While this is not strictly in accordance with the recently adopted Parking Strategy, pre-application advice was given prior to the document being prepared therefore under the circumstances the garage sizes are considered to be acceptable. It should be noted that the garage sizes comply with the guidance set out in the adopted Design Guide.

External appearance of the buildings

The proposed buildings are designed to appear as classic cottage style properties with a mixture of plain gables and peak ends. There would also be a variety of eaves heights, porch canopies and traditional detailing.

The proposed materials comprise of brindle red and buff brick work, render and slate and plain red roof tiles: a combination that is spread throughout the site to add variation to the street scene. The materials are considered to be appropriate to the surrounding area and to the appearance of the development itself.

Landscaping of the site

Policy DM3 also requires that development should provide hard and soft landscaping appropriate in scale and design to the development and its setting.

A landscaping scheme has been submitted which provides a good selection of planting throughout the site. Low level shrub planting is proposed along the access road interspersed with trees of an acceptable species providing greenery in the streetscape and incorporating ecological enhancements such as bat and bird boxes.

The existing Leylandii hedge on the western boundary of the site is to be removed along with a section along the eastern boundary. This is welcomed by the Tree and Landscape Officer who recommended the Leylandii be removed at pre-app stage. No details have been submitted with regard to the boundary treatment that is to replace the Leylandii hedge, however this can be dealt with via a condition. It is recommended that the western boundary which overlooks farmland, be post and rail fencing with a native hedgerow which would be in-keeping with its edge of village location. Overall the proposed landscaping of the site is considered to be appropriate to the development.

The proposed layout, scale, external appearance and landscaping of the site is considered to be in-keeping with the surrounding area. As such the development would not have an adverse impact upon the character and appearance of the local area which conforms with Policy DM3 and the Design Guide.

3. Impact on amenity

The neighbouring properties affected by the proposal are those along the eastern boundary of the site, in Marshalls Avenue and those to the south in High Road.

No's 50, 52 and 52a are located to the south of the site. Plot 1 and Plot 2 would be located closest to these properties however they are sufficiently separated from the plots so as not to suffer any loss of light or overbearing impact. No adverse overlooking would occur given the distance involved. As part of the outline permission, a replacement garage is to be constructed serving No. 50. The garage would be located at the far end of the garden, some 15m from the rear elevation of the dwelling. The design and siting of the garage is not considered to result in a loss of amenity.

Plots 15 - 20 are to be located eastern boundary, shared with properties in Marshalls Avenue. The new properties are sited such that they would not adversely affect the adjacent dwellings by way of light loss, overbearing impact or loss of privacy.

Amenities of future occupiers.

The scheme accords with the Councils guidance on back to back separation distances, with over 25m between the rear elevations of the new dwellings and the existing properties in Marshall Avenue. It is noted that plot 15 is closer to the

boundary, however no windows are provided in the rear elevation of this dwelling.

The amenity space in the new properties varies between the plots, however the space is considered to be adequate and in accordance with guidance. The majority of the dwellings have a garden depth of approximately 10m, where this is reduced the plot is wider.

Plots 13 and 14 do have relatively small gardens being under 50 sq m. However the applicants are negotiating the purchase of the area of land to the rear of these properties, which if agreed would allow the extension of the gardens, subject to a further planning permission being granted. In any case, whilst the gardens for plots 13 and 14 are small, the properties are two bed roomed and therefore unlikely to house a large family. On balance, whilst limited the garden space is considered to be reasonable and therefore acceptable.

Given the above the proposed dwellings will not cause a detrimental impact on the residential amenities of the neighbouring properties and an acceptable standard of amenity can be provided for the occupants of the new dwellings proposed. The proposal therefore accords with Policy DM3 and the Design Guidance.

4. Other matters

Highway safety

Access to the site was approved under outline permission CB/12/00645/OUT. Whilst the comments received concerning the access are noted, such details were approved by Members when the outline application was discussed at Development Management Committee on 27 June 2012.

Revised plans have been received dated 6 March following a meeting with Highways Officers. Amendments include the addition of and revisions to visitor parking bays, visibility splays, turning areas and footpaths.

There are no objections subject to conditions.

Waste storage

A revised plan has been received identifying the location of bin storage and collection points at the request of the Planning Liaison Officer (Waste). No comments on the revisions have been received at the time of preparing this report.

Right of Way

The legal line of footpath no. 23 runs along the north of the site. The footpath is not currently used due to an alternative route being informally walked. The applicant is aware that the legal line of the footpath can be moved to the alternative route through the correct legal process, which is likely to be supported. Re-routing the footpath would allow the extension of the gardens to

Plots 13 and 14 as discussed earlier.

The proposal includes a pedestrian link through to footpath no .23.

Planning Obligations

Planning obligations associated with the development were secured at outline stage and includes the provision of affordable house units and contributions towards local infrastructure.

Recommendation

That Planning Permission be granted subject to the following:

- 1 No development shall commence until a scheme has been submitted to and approved by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected along the southern, eastern and northern boundaries of the site. The boundary treatment shall be completed in accordance with the approved scheme and retained thereafter.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies 2009.

- 2 No development shall commence until a scheme detailing provision for on site parking for construction workers and deliveries 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, in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 3 No development shall commence until a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, has been 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, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies 2009.

- 4 Before development is occupied details of the demarcation of the visitor parking bays and the turning area shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the demarcated visitor parking bays and turning area have been constructed in accordance with the approved plans.

Reason: In the interests of road safety, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies 2009.

- 5 **No development shall commence until details of the service margin around the proposed highway adoptable areas adjacent and opposite no. 50 and adjacent and opposite the access and parking for no 50 and plot 1 southern access has been submitted to and approved by the Local Planning Authority and the development shall not be brought into use until the service margin has been constructed in accordance with the approved details.**

Reason: In the interest of road safety and for the avoidance of doubt, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies 2009.

- 6 The area of land at plot 19 between the forward visibility curve as indicated on the approved drawing no. PHL-02 Revision D and the highway boundary shall be kept free in perpetuity from all obstructions.

Reason: In the interests of road safety, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies 2009.

- 7 The turning space for vehicles illustrated on the approved Drawing No PL-01 Revision D shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies 2009.

- 8 Before the western access of Plot 1 is brought into use an area of land across the whole of the site frontage and adjacent to plot 1 measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them, in accordance with policies CS14 and DM3 of the Core Strategy and Development Management Policies 2009.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers N528-LOC, PL-01 REV D, PHL-02 REV D, N528_RCP-01, N528-SS01, JBA 12/372-01,414.C-PL01, 406.C-PL02, 406.C-PL01,405.C-PL03 REV A, 405.C-PL04 REV A, 419.C-PL05 REV A. 419.C-PL06 REV A, 313.C-PL01, 2B4P-SK01 REV A, 3B49-SK01, 203.C-PL04, 405.C-PL01, 405.C-PL02, 406.C-PL03, 406.C-PL04 REV A, 414.C-PL01 REV A, 414.C-PL02, 419.C-PL01_a REV A, GL1[SG]01 REV A, GL2[GF]01, GL2.P[SG]01 REV B, N528_MP01 (MATERIALS PLAN),

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Approval of reserved matters has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposal would not have a negative impact on the character and appearance of the surrounding area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. Therefore by reason of its size, design and location, the proposal is in conformity with relevant policies CS1, CS2, CS4, CS7, DM3 and DM4 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Document: Design in Central Bedfordshire: A Guide for Development, 2010.

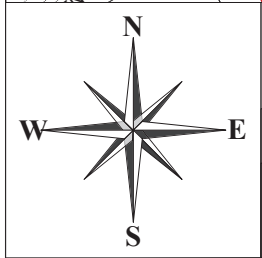
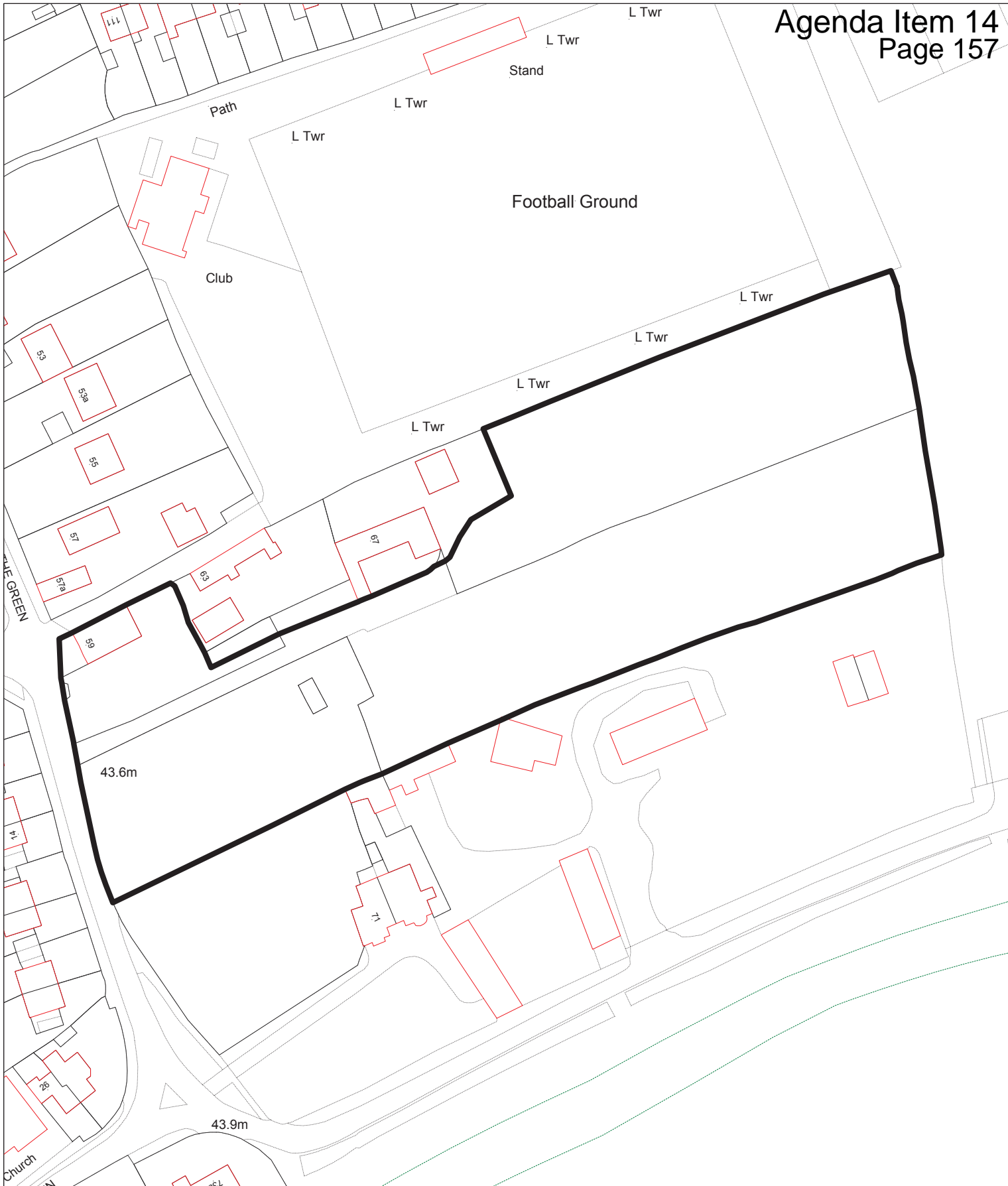
Notes to Applicant

1. The applicant is advised that the eastern boundary of the site should include a native hedgerow and timber post and rail fencing.

DECISION

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Date: 07:March:2013

Map Sheet No

Application No.
 CB12/01722/RM

Scale: 1:1250

Land at 59 & 69 The Green, Stotfold, Hitchin

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Item No. 14

APPLICATION NUMBER	CB/12/01722/RM
LOCATION	Land at 59 & 69 The Green, Stotfold, Hitchin, SG5 4AN
PROPOSAL	Reserved Matters: Residential development of 33 dwellings (pursuant to outline planning permission CB/10/02061/REN dated 31 August 2010)
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Paul Robinson
DATE REGISTERED	10 May 2012
EXPIRY DATE	09 August 2012
APPLICANT	Abbey New Homes
AGENT	AAP Architecture
REASON FOR COMMITTEE TO DETERMINE	Objection from Town Council
RECOMMENDED DECISION	Reserved Matters - Granted

Site Location:

The site lies to the east side of The Green and currently comprises two properties, namely no's. 59 & 69 The Green. No. 59 is the site of the old Salvation Army Hall and No. 69 is a timber framed two storey dwelling. The garden land of these two buildings and also the garden land of No. 67 constitutes the majority of the application site.

The site is relatively flat with no significant features. The surrounding area comprises a public park to the immediate east, beyond which open countryside is located. A small skate park, circular cycle track and MUGA are located within the park, the Skate park and cycle track being located to the immediate east of the application site. Manor Farm and associated out buildings is located to the south. Stotfold Football Club (Roker Park) lies to the north, which has an outline planning permission for residential development. Residential properties surrounding The Green are located to the west of the site.

The site is within the settlement boundary for Stotfold but is not an allocated site in the LDF Site Allocations DPD. There are no other planning designations affecting the site.

The Application:

This is a reserved matters application following the granting of outline permission in MB/06/00738/OUT, for a residential development with all matters reserved except means of access. This permission was subject to an extension of time application under Section 73 of the Town and Country Planning Act in 2010

(CB/10/02061/REN). A new set of reserved matters and conditions were attached to this latter planning permission. The current submission also includes details pursuant to conditions 6 and 7 of CB/10/02061/RM (protection against noise and lighting from the use of adjacent land).

RELEVANT POLICIES:

National Planning Policy Framework, 2012

- 4 - Supporting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 - Requiring good design
- 8 - Promoting healthy communities
- 11 - Conserving and enhancing the natural environment
- 12 - Conserving and enhancing the historic environment

Central Bedfordshire North Core Strategy and Development Management Policies, 2009:

- CS2 - Developer contributions
- CS3 - Healthy and sustainable communities
- CS4 - Linking communities
- CS7 - Affordable housing
- CS13 - Climate change
- CS14 - High quality development
- CS15 - Heritage
- CS16 - Landscape and woodland
- CS17 - Green Infrastructure
- CS18 - Biodiversity and geological conservation
- DM1 - Renewable energy
- DM2 - Sustainable construction of new buildings
- DM3 - High quality development
- DM4 - Development within and beyond settlement envelopes
- DM10 - Housing mix
- DM13 - Heritage in new development
- DM14 - Landscape and woodland
- DM15 - Biodiversity
- DM16 - Green Infrastructure

Development Strategy for Central Bedfordshire (pre-submission version Jan 2013)

- Policy 1 Presumption in favour of sustainable development
- Policy 27 Car parking
- Policy 43 High quality development
- Policy 44 Protection from environmental pollution
- Policy 47 Resource efficiency
- Policy 48 Adaptation
- Policy 49 Mitigating flood risk
- Policy 59 Woodlands, Trees and Hedgerows

Supplementary Planning Guidance

Central Bedfordshire (North) Site Allocations DPD, April 2011
Design in Central Bedfordshire - A Guide for Development, 2010

Planning History

CB/12/00349/RM	Reserved Matters: Residential development of 33 dwellings (pursuant to outline planning permission CB/10/02061/REN dated 31 August 2010). Withdrawn.
CB/11/00126/SE73	Section 73: Variation of Condition 8 on planning approval CB/10/02061/REN dated 31 August 2010 for residential development (all matters reserved except means of access) replacement of planning permission MB/06/00738/OUT dated 7 September 2007. Condition 8 amended to show visibility splay as indicated on drawing E1130/2. Granted.
CB/10/02061/REN	REN: Residential development (all matters reserved except means of access) replacement of planning permission MB/06/00738/OUT dated 7 September 2007. Granted.
CB/10/01172/OUT	Adjoining site to the north: Outline: The erection of 43 No. dwellings (all matters reserved except access). Granted.
MB/06/00738/OUT	Outline: Residential Development (all matters reserved except means of access) - Approved 07/09/07.

Representations: (Parish & Neighbours)

Stotfold Town Council	<p>Object to the proposal on the following grounds:</p> <ul style="list-style-type: none">- The garages do not meet Central Bedfordshire Council guidelines for size- Insufficient parking- The fence between Stotfold Football Club and the development is only 1.8metres high, which will allow footballs to enter domestic dwellings
Neighbours	<p>Four letters have been received from the occupiers of the following neighbouring properties:</p> <p>29 Queen Street, Stotfold; 83 The Green, Stotfold; 2 Wrayfields, Stotfold; and, 73 Regent Street, Stotfold.</p> <p>These residents object to the proposal on the following grounds:</p> <ul style="list-style-type: none">- Overdevelopment of the site- The site has not been allocated for housing- The development will put additional pressure on the public utility services- Additional traffic- The development will put additional pressure on school places and the existing schools will not be able to accommodate the additional demand

- The development would not preserve the character and appearance of the countryside
- Increase the number of dogs in the area

One letter has been received from the occupier of 29 Queen Street commenting on the application:

- Would like the trees at the front of the site to be retained as part of the landscaping scheme, but not enclosed by private gardens

Consultations/Publicity responses

Archaeology	No objections (subject to condition)
Tree and Landscape Officer	No objections.
Internal Drainage Board	No objections.
Highways	No objections.
Waste Services	No objections, subject to details of collection points etc. being secured.
Public Protection	Commented in September 2012 that the applicant had provided insufficient information to demonstrate that the proposed layout will not result in detriment to residential amenity from noise and light from adjacent land uses, and therefore objected to the proposal. The applicant provided a noise impact assessment in November 2012, which concluded that with mitigation, the impacts upon residents would be negligible. The noise assessment used a methodology based on assessments of clay-pigeon shooting (to mimic the nature of skate park noise), which the consultant considers to be the most appropriate in this case. Public Protection have viewed the report and mitigation, and remain unsatisfied that the impacts from the skate park and football club have been fully assessed or mitigated against, and therefore maintain an objection to the proposal.

Determining Issues

The main considerations of the application are;

1. **Principle of the development**
2. **Impact on the character and appearance of the surrounding area**
2. **Building for Life Assessment**
3. **Impact on the residential amenity of new and neighbouring occupants**
4. **Other considerations**

Considerations

1. Principle of the development

The application site is located within the settlement envelope for Stotfold and as such the principle of residential development on this site is considered to be

acceptable.

The principle of erecting 33 dwellings on the site has been established under the outline planning permission which was granted in 2006 with all matters reserved, except access. The 2006 outline proposal was in fact submitted with layout proposed, but this was withdrawn at the time since potential noise and light impacts from the adjoining football club and play park had not been established.

The 2006 permission was further extended under a replacement planning permission granted on 31 August 2010. In both permissions, the matters for consideration are: the scale of the buildings; the layout, external appearance of the buildings; and the landscaping of the site. These details are considered in the next section.

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

The surrounding area comprises of residential properties to the north, south and west and Stotfold Football Club to the north. Manor Farm lies to the south. A recreation ground lies to the east.

No's 63 and 67 The Green are the closest properties to the site and these comprise detached dwellings. There have been buildings on this part of the site since the 19th Century. The surrounding area has then been subject to later, residential infill developments to the north along The Green and to the west, opposite the site. The surrounding buildings therefore range from the 18th, 19th, and 20th Century and vary in terms of their size and style.

The site previously comprised two buildings towards the site frontage but these have now been demolished. The remainder of the site is currently undeveloped and is given over to coarse scrub land.

Core Strategy policy DM3 requires that new development be appropriate in scale and design to their setting and should contribute to creating a sense of place and respect local distinctiveness through design and use of materials.

The application site is approximately 1.1Ha. The proposed density of the site therefore would be 30 dwellings per hectare and this is in accordance with the recommended density for village infill development, (30-45dph) outlined in the Adopted Design Guide. The housing is proposed at 2 and 2.5 storeys, which is commensurate with the prevailing character of the surrounding area and therefore would be acceptable in this respect.

Layout:

The layout of the proposed development has been influenced by the relatively narrow width of the site, and the single access road which runs through the site and terminates at the end with a turning head. This creates quite a linear character in terms of the layout, although there are small pockets of variation where dwellings have different orientations away from the access road. Consequently, it is not considered that the road unduly dominates the layout, rather, the spaces between buildings, small turning areas and the frontage provided by the existing dwellings, No's 63 and 67, help create a degree of variation and a sense of place within the development.

The proposed layout has been considered in relation to the surrounding grain of development, and also the layout approved in CB/10/01172/OUT for the erection of 43 dwellings on the football ground to the north. It is considered that the proposed layout would complement the existing pattern of development and surrounding housing layouts.

No's 63 and 67, existing buildings which will fall within the new development, have been integrated into the development by ensuring that these retain generously sized plots with wide, and deep frontages.

The external appearance of the buildings:

The proposed dwellings would reflect a modern house builders interpretation of local design influences. Proposed houses would have multi-pane windows, brick arches, cills and brick windows. All have modest proportions and detailing. Five of the proposed dwellings would be two and-a-half storeys, although the majority of the development would remain as two storey. The proposed two and-a-half storey dwellings have the potential to impact on the character and appearance of the proposed development and surrounding area, however, it should be noted that these would make up a very small proportion of the development, have relatively low ridge heights and can be considered in relation to other examples of two and-a-half and three storey dwellings in the existing surrounding developments, such as Regent Court (to the north of the application site) and Tansy Avenue to the south. It is not considered therefore, that the proposed two and-a-half storey dwellings in this development would appear incongruous within the surrounding area.

The proposed materials comprise of brick work, render and plain tiles. The proposed materials are considered to be locally appropriate to the surrounding area and the proposed design is considered in-keeping with the character and appearance of the surrounding development. Whilst not amounting to development that could be considered to be outstanding, it is considered that the intended design, layout and external appearance of the proposed dwellings and development, would comply with the requirements of Core Strategy DM3 and the adopted design 'A guide for Development'.

Landscaping of the site:

Core Strategy policy DM3 also states that development should provide hard and soft landscaping appropriate in scale and design to the development and its setting.

A landscaping proposal was submitted as part of the application and this was considered acceptable by the Tree and Landscape Officer subject to further planting within the site. The landscaping scheme has since been revised and incorporates all comments and advice from the Tree and Landscape Officer who is satisfied with the details.

There are a number of attractive trees to the front of the site which are proposed to be retained and which will form part of the landscaping to the front of the site, outside of private gardens.

Overall it is considered that the proposed landscaping is appropriate in scale and design to the development and its setting.

In light of the above assessment, the proposed dwellings are in-keeping with the surrounding area and are not considered to have an adverse impact upon the character and appearance of the area, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies and the Adopted Design Guide.

3. Building for Life Assessment

It is a Council commitment in the 'Medium Term Plan' that design quality is assessed under Building for Life approach. In this case details of reserved matters were submitted in May 2012 and therefore the Building for Life 20 (2008 version) method has been used. The assessment concludes that the development would achieve a rating of 13.5 out of 20, which passes the benchmark of 12 set for developments by the Council. In general the development is considered to score highly in terms of its location, accommodation mix and tenure, legibility, street layout, car parking, pedestrian and cycle layout, general safety and adaptation. The development performs less favourably on matters of access to public transport, environmental mitigation, overall design approach and character, road hierarchy, integration with surrounding development, public space, architectural quality and energy performance. Nonetheless, none of the above matters are considered to be sufficiently poor to warrant a refusal of the scheme.

4. Impact on the residential amenity of new and neighbouring occupants

Core Strategy policy DM3 requires development to respect the amenities of neighbouring residents and this approach is mirrored in policy 43 of the emerging Development Strategy for Central Bedfordshire.

The neighbouring dwellings considered to be potentially most affected by the development are No's 57 The Green to the north of the application site, No's 63 and 67 The Green, located to the north of the application site and No's 71 and 73 High Street located to the south of the application site. No's 8 to 18 The Green are located opposite the application site.

No. 57 is a bungalow located to the north of the application site. A metal clad outbuilding lies adjacent to this property and the application site. A narrow track also separates this property with the application site. The nearest proposed dwelling, Plot 1, would be predominantly screened by the existing outbuilding adjacent to No. 57 and then a four bay car barn would be sited against the northern boundary which would provide further screening from the adjacent development. By virtue of the good degree of separation between this property and the proposed development, it is considered that there would not be a significant impact on the outlook afforded to this dwelling, nor would the proposed development reduce the amount of privacy or light afforded to the dwelling, nor would any part of it appear unduly overbearing.

No. 63 is a two storey dwelling, is sited to the north of the application site and

would lie adjacent to the car barns for plots 1-4 which are single storey structures. No. 63 would be afforded a large frontage adjacent to the new access road, as would No. 67 (also two storey), and neither would be significantly overlooked by any of the proposed adjacent dwellings.

Manor Farm and its outbuildings are located to the south of the application site. The rear gardens of the proposed dwellings located to the south of the site, would extend to the southern boundary with this property. Each garden would meet or exceed the Council's 10metre garden depth standards, and the closest buildings at Manor Farm to the proposed dwellings would be outbuildings which are not used as residential accommodation.

No's 8 - 18 directly opposite the application site to the west, would be sited 31metres away from the closest new dwellings. By reason of this degree of separation, the size of the proposed dwellings, and their set back behind landscaping, it is not considered that these dwellings would have an adverse impact in terms of outlook or by appearing overbearing.

It is also important to consider the potential impact of the development on the residential amenities of potential occupiers of the new dwellings. The scheme accords with the Council's guidelines in terms of back to back, and separation distances between dwellings to achieve an adequate level of privacy, outlook, light and to avoid potential overlooking. A back to back distance of greater than 21 metres is achieved between the rear of the proposed dwellings and surrounding neighbouring properties. The rear gardens of each proposed dwelling would also be a minimum of 10 metres.

However, the outline planning permission was granted with conditions requiring the submission of schemes to protect new residents from impacts in respect of noise (from the adjacent recreation ground, specifically the skate park) and light from the neighbouring football ground.

The current reserved matters proposals were initially submitted without the above details having been included. The Public Protection officer therefore recommended that the reserved matters proposals should not be approved. In response, the developer has commissioned a noise impact report by Cole Jarman acoustic consultants, who have employed techniques more commonly used to assess the impact of clay pigeon shooting on residential amenity, to assess the impact of the skate park. The assessment concludes that the use of the park would not be likely to lead to adverse impacts upon residential amenity, but since the resulting impact would be close to the threshold whereby nuisance may lead to complaints, it is recommended that additional mitigation is incorporated into the development. This would include the provision of acoustic trickle vents in the windows of those houses in closest proximity to the play area and the provision of a 2.5m acoustic fence between the housing and the park. It is proposed that the fence would primarily ensure that amenity in ground floor rooms and gardens would be protected from noise nuisance during the daytime, when the park would be in use. The applicant does not wish to provide sealed windows, arguing that it would be unlikely that residents would be disturbed in the night time when upper bedroom windows are in use, preferring to give residents the option of having either open or closed windows in their own homes.

The Public Protection Officer, having previously expressed concerns over the impact of the skate park, has viewed the submitted noise assessment and proposed mitigation and maintains an objection to the proposed reserved matters. Concern has been raised on the following matters:

- The noise assessment was carried out at a time of year when the park was not in full use, therefore assessment results will not reflect the true impact of the proposal;
- The clay-pigeon methodology used is agreed as one basis for assessment, but the applicant has failed to make a requested dual assessment under BS4142: '*Method for rating industrial noise affecting mixed residential and industrial areas*'.

As a result, the Public Protection Officer favours the redesign of the scheme to relocate housing away from the noise source, the erection of a 'barrier block' of flats facing the park, or the relocation of the skate park away from sensitive noise receptors.

The applicant has considered the above and has concluded they would be unreasonable, given their own acoustic consultant has assessed the impact, with mitigation, to be acceptable (in doing so, providing a rebuttal to comments made over the time of the noise survey). Officers have requested that they explore the option of relocating the skate park (since this is a requirement of the s106 attached to the grant of planning permission for the neighbouring development at Roker Park), but the applicant has declined to do so, stating that this should have been considered at outline stage and fearing that to do so now, may effectively expose them to a 'ransom' situation. Such an approach may also lead to further lengthy delays since the relocation of the skate park would itself require planning permission.

On balance, and despite the continued concerns of the Public Protection officer, it is considered that the applicant has taken reasonable steps to minimise the potential impact of noise and disturbance from the skate park upon the amenities of new occupants,. Moreover, further steps, such as the redesign of the housing layout would be unreasonable. In addition, whilst not guaranteed, it is likely that the football club site will be developed in the near future, which will result in the relocation of the skate park in any case. As such and on balance, it is considered that the developer has put forward a scheme of mitigation to minimise adverse noise impacts that are within the tests of reasonableness. It is considered that further demands for mitigation have not been proven and therefore a refusal on these grounds would be difficult to justify. Therefore, the proposal is considered to be acceptable.

In terms of lighting, whilst planning permission has been granted for the replacement of the football ground with residential development, this is yet to be implemented. There is clearly the potential for football matches and training to have an impact on the amenities of the dwellings proposed. Conditions on the outline approval sought to control the impact of noise and flood lighting to an acceptable degree, and in this respect the applicant has proposed additional landscaping in the form of fast-growing evergreen trees on the northern boundary of the site, the siting of all but one of the proposed houses in proximity to the boundary at a 90 degree angle to the football pitch, and the inclusion of

'built-in' screen blinds to north facing upper windows serving bedrooms. It is therefore considered that a reasonable standard of amenities can be provided for the dwellings on the application site.

The proposed dwellings, by reason of their scale, siting and design, will not cause a detrimental impact on the residential amenities of occupiers of neighbouring properties in terms of overlooking, loss of privacy, outlook, loss of light or noise impacts. The proposal is therefore considered to accord with Policy DM3 of the Adopted Core Strategy, Development Management Policies and guidance in 'Design in Central Bedfordshire', Adopted SPD, 2010.

5. Other considerations

Highway Safety

The reserved matters details were submitted in May 2012 following the withdrawal of an earlier submission, and relate themselves to outline permission renewed in 2010. The proposal has therefore been designed and presented having regard to the Council's parking standards and approach which existed prior to October 2012. On this basis, policy DM3 (High Quality Development), states that new development should provide adequate areas for parking and servicing, and further guidance is provided by Design Supplement 7 (Movement, Streets and Places) of DCB (2010). This required at least two parking spaces for a three bedroom house and at least three spaces for a four or five bedroom house. Visitor parking should also be provided at a rate of 0.25 spaces per dwelling.

A previous reserved matters application (CB/12/00349/RM) was withdrawn in April 2012 following concerns raised by the Planning Officer in relation to residential amenity, garage widths, and landscaping details. The applicant's sought to resolve these concerns with revisions which were subsequently agreed in principle subject to further minor adjustments suggested by the Officer prior to a revised application being submitted.

The application in its current form therefore, has been informed by pre-application discussions that resulted from the earlier withdrawn application.

Parking:

Proposed parking provision for the 33 dwellings would total 99 spaces, comprising 14 in car ports, 15 in garages, 62 in allocated spaces and 8 visitor (designated) spaces within the highway. Calculating the number required under the Authority's guide in Design Supplement 7, there should be 98.25 spaces but, using the Authority's new car parking strategy (October 2012), the development would require the provision of 126 spaces, resulting a shortfall of 27 spaces. The majority of this shortfall would be for the provision of parking to the 24 x 4 and 5 bedroom houses proposed at the site, each property generally only providing 3 designated off-street car parking spaces.

Notwithstanding, in this case it is considered that there are particular circumstances that should be taken into account. The reserved matters details were originally submitted in May 2012 and were promoted to the 19th September Development Management Committee. However, due to matters of

noise impact being raised in the latter stages of the application process, the report was withdrawn from that committee in order that these could be addressed. Having now addressed issues of noise, it would be unreasonable to now require the developer to go back and revisit the scheme again in order to meet the new adopted parking standards. In addition, the proposed road would be 5.5m wide and this would lead to some locations where parking could be permitted on the carriageway without obstructing through traffic. The proposed road would exceed the Council's parking standards adopted at the time of submission for this quantum of development and the Council's Highways Officer is satisfied with the proposal. On balance therefore, it is considered that the proposed parking provision would be adequate to meet the needs of the development in this instance, and the developer has made all reasonable steps to meet the Council's parking requirements.

By virtue of the amount of land still proposed to be afforded to No's 63 and 67, the proposal would not result in the loss of parking provision for these dwellings.

Garages and Cycle Parking:

Concern has been raised that the garages shown on the submitted plans do not conform to the Council's requirements for garage widths of 3.3 metres including piers and 3.15 metres excluding piers. The applicant has maintained that the proposed garages do meet the Council's requirements and thus it may be a small discrepancy in relation to the scale of the drawings when printed out. For the avoidance of doubt, it is recommended that a condition be imposed to any approval that the width of the garages must comply with the Council's standards.

Unless otherwise shown as cycle storage structures, it is considered that cycle parking will be accommodated within the garages.

It is not considered that the proposal would result in a significant increase in the amount of traffic in Stotfold. The wider issue of the ability of Stotfold to cope with additional development is acknowledged, but it is not considered appropriate to refuse this application on those grounds as this is outside the control of the applicants.

Waste Storage:

Waste storage and collection points would ensure that refuse and recycling would be handled and disposed of appropriately.

Archaeology:

Archaeology have commented on the current application that the development site partially lies within the Stotfold Green medieval settlement which is an archaeologically sensitive area and an important local and regional heritage asset. The Council's Archaeologist has therefore recommended that an investigation and recording of any archaeological remains that may be affected by the development should be carried out and submitted for approval by the Local Planning Authority before development commences. However, it is considered that such matters should have been included at the time the outline application was determined and it would therefore be unreasonable to request these at reserved matters stage.

Drainage:

The Internal Drainage Board has requested details of the method of storm water disposal to be employed. This matter is the subject of conditions attached to the outline planning permission, therefore details will be required for approval in advance of any development at the site.

Planning Obligation

The planning obligation associated with the outline approval secures contributions towards local infrastructure and the provision of affordable housing as part of the development.

There are no further issues.

Recommendation

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

- 1 **No development shall commence until a Site Waste Management Plan has been produced and submitted and approved by the Local Planning Authority.**

The applicant will need to provide the following information:

- **The location and size of proposed collection points**
- **Details of the designs of any communal bin stores and the access to the store for collection vehicles. This should not exceed 10 metres from the rear of the collection vehicle to the store.**

The development shall be completed in accordance with these approved details.

Reason: To ensure that there is sufficient provision for managing household waste on the site and in accordance with policy DM3.

- 2 The landscaping works of the development hereby permitted shall be carried out in accordance with the details and notes on Drawing No.s P860/100; JBA 11/273-403 C; JBA 11/273 402 C.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is complemented by an appropriate landscaping scheme, in accordance with policy DM3.

- 3 **No development shall commence until samples and details of materials to be used for the external finishes of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in**

accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing buildings, the visual amenities of the locality in accordance with Policies DM3 and DM13 and of the Adopted Core Strategy, Development Management Policies, 2009.

- 4 Notwithstanding the width of the garages shown on the drawings submitted with this application, the garages hereby approved shall have a width of no less than 3.3metres (including piers) and 3.15metres (excluding piers).

Reason: For the avoidance of doubt and to ensure that the garages conform to the Council's Adopted Design Guidance Supplement 7, Paragraph 6, 10.4, so that they can properly accommodate the parked car, cycle parking, storage and allow for sufficient access into the car whilst parked in the garage.

- 5 No development shall be carried out on the site until details of the proposed acoustic fencing, acoustic trickle vents and 'built-in' blinds to windows, have been submitted to and approved in writing by the Local planning Authority. Once approved, the development shall be carried out in accordance with the approved details and the dwellings shall not be occupied until the approved details are installed and retained in situ thereafter.

Reason: In order to ensure residential amenity is safeguarded in accordance with the submitted layout plan and mitigation details, to comply with policy DM3 of the Core Strategy and Development Management policies DPD 2009.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: P860.120; P860/123 A; P860.110 A; P860.105; P860.108; P860.122; P860.112 A; P860.119; P860.118; P860.113; P860.117; P860.111; P860.101; P860.109; P860.104; P860.115; P860.107; P860.114; P860.116; P860.121; P860.103 A; P860.102 A; P860.106; 0110 A; P860/100 E; JBA 11/273 402 C; JBA 11/273-403 C; Measured Works Schedule, Detailed Soft Layout Proposals, James Blake Associates; Arboricultural Implications Assessment and Arboricultural Method Statement Combined, January 2012.

Reason: For the avoidance of doubt.

Statement as required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 – Article 31

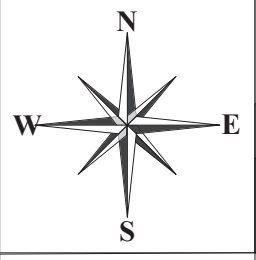
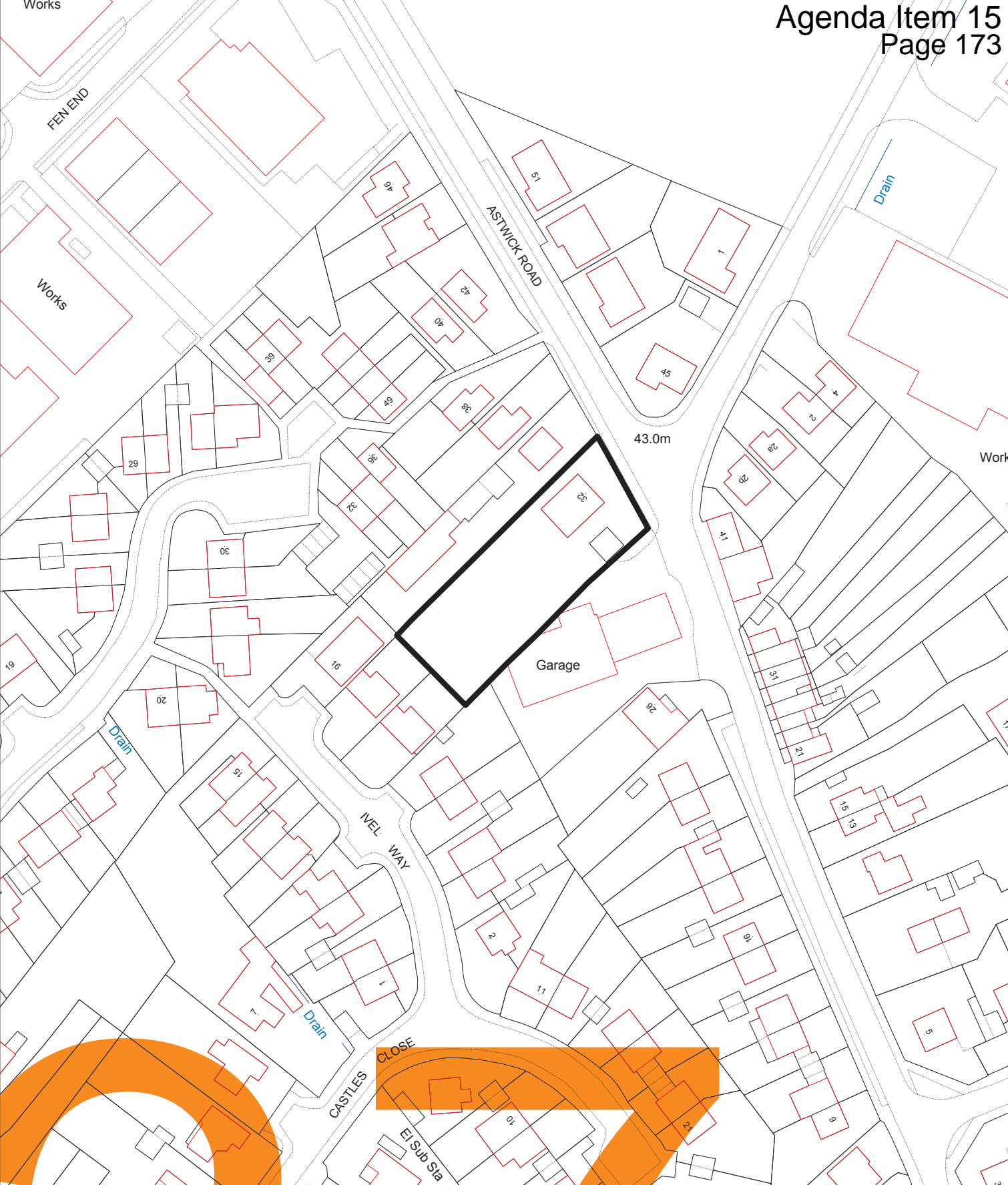
Reasons for Granting

The principle of the development on this site has already been established on the outline planning permission (CB/10/02061/REN), and the details in this application relating to layout, scale, external materials, landscaping and noise impacts, are considered to be acceptable to preserve the character of the area, and the residential amenity of neighbouring and new properties. Therefore, by reason of its site, design and location, the proposal is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009 and the National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

Notes to Applicant

DECISION

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 Central Bedfordshire Council
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Date: 28:January:2013

Map Sheet No

Application No
 CB12/04272/FULL

Scale: 1:1250

32 Astwick Road, Stotfold, Hitchin

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Item No. 15

APPLICATION NUMBER	CB/12/04272/FULL
LOCATION	32 Astwick Road, Stotfold, Hitchin, SG5 4AT
PROPOSAL	Erection of 3 dwellings
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Mark Spragg
DATE REGISTERED	04 December 2012
EXPIRY DATE	29 January 2013
APPLICANT	Mr T Saunders
AGENT	Levitt Partnership
REASON FOR COMMITTEE TO DETERMINE	The applicant is the brother of Councillor John Saunders

RECOMMENDED DECISION **Full Application - Granted**

Site Location:

The application site is located within the village and settlement envelope of Stotfold. The site comprises part of the large garden serving No.32 Astwick Road, a relatively large two storey detached house, behind a 2m high boundary wall/fence. The overall plot within which the current house sits has an area of approximately 0.09ha, extending to a depth of over 60 metres and a width of 22 metres. The site includes a flat roof double garage located towards the front north east corner, to the side of the house, with a summerhouse behind. The garden is well landscaped with a mixture of generally small trees and shrubs, though there are some larger trees at the rear.

Adjacent to the northern boundary of the application site is the rear garden of 34 Astwick Road, a two storey house, whilst to the south east is a commercial garage operated by the applicant. The garage also has a vehicle recovery business based at the premises. To the rear of the site are four chalet style bungalows No's 10-16 Ivel Way with gardens abutting the application site.

The Application:

This application went to the previous Development Management Committee on 13 February 2013, where a decision was made to defer the application to this Committee to enable Councillors the opportunity to visit the site.

The application proposes the erection of a terrace of three No. two bed dwellings (7.9m high) to be sited within the rear part of the existing garden of No.32 and served by a repositioned shared access with the retained property. The existing garage and outbuilding would be demolished to facilitate the new access road with parking for up to 4 cars being provided for the retained house within an existing gravelled area at the front of the property, behind the boundary wall/fence.

A total of 7 parking spaces would be provided for the three proposed dwellings, two each to the side of plots 1 and 3 and three spaces in front of the houses (two

serving plot 2 and the other being a visitor space).

Some existing conifer hedging and small trees are shown to be removed from the south boundary of the site to facilitate the realigned access and parking area, with replacement planting shown to either side of the access. Some small trees are also shown to be removed towards the rear of the site.

The application is accompanied by a Design and Access statement and a Tree Survey.

RELEVANT POLICIES:

National Planning Policy Framework

Core Strategy and Development Management Policies

CS1: Development Strategy

CS2: Developer Contributions

CS14: High Quality Development

DM3: High Quality Development

DM4: Development within and beyond Settlement Envelopes

DM15: Biodiversity

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Central Bedfordshire Local Transport Plan, Appendix F, Parking Strategy

Planning Obligation Strategy 2008

Planning History

CB/12/02351 – Erection of 3 dwellings. Withdrawn.

Representations:

(Parish & Neighbours)

Stotfold Town Council Object on the following grounds:

- The proposals are contrary to the wishes of residents as identified in the Stotfold Town Plan as the proposal is back land development.
- Due to the very close proximity to the adjacent petrol station, we request that an environmental study is carried out to determine potential health risks to inhabitants of the proposed dwellings.
- Ask if Central Beds Council has a policy on building of dwellings in close proximity to petrol stations.
- Due to the relative high water table we ask that Anglian Water are consulted as by covering a large land mass with buildings and hard surfacing will

make the current situation worse.

- The proposal would result in a crowded site, with lots of vehicle movements on a narrow access.
- Visitor parking would be very limited, and it is not considered suitable for visitors to park on Astwick Road given the width of the road and the nature of the recovery business adjacent.
- There would be a considerable amount of overlooking and loss of privacy, and there is no protection for long term screening.
- The site supports a variety of wildlife, which is an asset to the whole of the area.
- The site contains a substantial detached dwelling and the proposed row of 2 storey terraced homes could be out of character with the surrounding area.

Neighbours

Seven letters of objection have been received from the occupants of five adjoining properties. The comments are summarised as follows: :

- Overlooking of No.10, 12 and 16 Ivel Way
- The existing screen will be overbearing on the new properties and likely to be removed
- There have already been too many infill sites in Stotfold
- The access will put more pressure on Astwick Road
- Impact on existing water levels
- Will harm wildlife
- Inadequate parking
- Out of keeping with the area
- Proximity to the garage may result in contamination
- The new access will be used by the customers of the adjacent garage

Consultations/Publicity responses

Highways

The on site parking complies with the Council's recently endorsed parking standards for residential dwellings. Visibility at the modified access complies with the standards set out in Manual for Streets. The adjacent garage is in the ownership of the applicant and therefore the splays can be secured by condition.

The new dwellings are less than 45m from the carriageway edge of Astwick Road and a bin collection/bin storage point is shown within 10m of the highway. Therefore the refuse vehicle will not need to access the rear of the site. However the turning area in front of the new dwellings is large enough to accommodate other service/delivery vehicles and

possibly emergency vehicles and can therefore be considered acceptable. Recommend approval subject to conditions.

Public Protection	No objection. Conclude that the proposed layout does not have any windows for habitable rooms facing the commercial garage. Do not consider that there will be any detriment to the amenity of the proposed dwellings from activities at the adjacent garage. The design and layout has ensured that it is no more significant than the levels that existing properties will experience.
Public Protection (Contamination)	No objection subject to conditions.
Tree Officer	Existing trees should be retained as far as is practical and the group of trees to the rear of plot 1 should be retained.
Ecology	Support retention of mature 'heritage' pear which is over 100 years old. The buildings on site proposed for demolition are unlikely to provide roosting opportunities for bats but as a precautionary measure I would advise that should any bats be found all works cease and advice be sought from Natural England.
Ivel and Ouse IDB	The Board notes that the proposed method of storm water disposal is by way of soakaways. It is essential that ground conditions are investigated and if found satisfactory the soakaways be constructed in accordance with the latest Building Research Establishment Digest 365.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of the Streetscene
3. Impact on Amenities of Neighbouring Residents and future occupiers
4. Access and parking
5. Infrastructure
6. Other considerations

Considerations

1. Principle of Development

Core Strategy policy CS1 defines Stotfold as a Minor Service Centre wherein policy DM4 sets out that within such settlement envelopes housing commensurate with the scale of the settlement will be approved in principle.

The National Planning Policy Framework (para 49) states that "housing

applications should be considered in the context of the presumption in favour of sustainable development". The NPPF recognises that garden areas do not fall under the definition of 'Previously Developed Land', however, paragraph 53 of the document states: 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The ability of the Council to resist inappropriate development of residential gardens is already present in Development Management Policy DM3: High Quality Development, which states amongst others that: All proposals for new development will: be appropriate in scale and design to their setting, contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials, use land efficiently, respect the amenity of surrounding properties, provide adequate areas for parking and servicing, respect and complement the context and setting of all historically sensitive sites particularly those that are designated.

The proposed houses would be within the settlement envelope and as such the principle of development complies with the objectives of the Core Strategy Policies CS1 and DM4 and objectives of the NPPF subject to all other material considerations.

2. Impact on Character and Appearance of the Streetscene

Core Strategy DM3 sets out that developments should be appropriate in scale and design to their setting and contribute positively to creating a sense of place.

The proposed houses would be located within what is currently the rear garden of 32 Astwick Road. It is relevant however to note that there is other backland development surrounding the site in all directions, including detached two storey houses in Astwick Road, two storey terraced houses in Saxon Avenue, set back behind No.40 Astwick Road and chalet style properties at the rear in Ivel Way. The neighbouring commercial building is also sited in a similar position relative to Astwick Road as the proposed houses.

The design of the houses would be of a simple form as a small terrace. Window detailing and pitched canopies to the front doors would add interest to the front elevations, whilst the scale would respect surrounding developments. Due to being set back in excess of 38m from the Astwick Road frontage and partly obscured by the existing house it is not considered that the development would appear prominent and be appropriate to the scale of the retained frontage property.

The application is supported by a Tree Survey which identifies some groupings of trees within the site and in particular towards the rear corner of the site between plot 1 and 14, 16 Ivel Way and included in a tree protection plan. The plan also indicates additional trees to be planted along the rear and side (south boundary), with existing trees also shown to be retained adjacent to the north boundary. It is considered that the proposed new planting on either side of the access road would help to soften the appearance of the realigned access into the site.

The density of development would equate to approximately 33 dwellings per hectare (dph) which is considered reasonable in the context of its surroundings,

the development at Ivel Way being in excess of 40 dph.

In summary it is considered that the design and scale of the proposed houses would not harm the character of the area and would integrate satisfactorily with its surroundings.

3. Impact on Amenities of Neighbouring Residents and future occupiers

Core Strategy policy DM3 requires new development to respect the amenity of nearby residents.

The houses have been positioned such that they would be approximately midway between the rear of 32 Astwick Road (22.5m) and the rear of No's 12 and 14 Ivel Way (22m). Similarly a distance of 24m would be maintained to the rear of 34 Astwick Road. Each new property would have a single bedroom window on the front and rear elevation, whilst the rear elevation of each would also have a bathroom window.

The Council's Design Guide recommends that a minimum distance of 21 metres is maintained in such suburban settings to prevent unreasonable overlooking between properties. As such, the separation distance to the above neighbouring would comply with these guidelines.

No.16 Ivel Way has a rear single storey conservatory extension, which does project to a point only 16m from the first floor bedroom window serving plot 1. However, the proposed window would not face directly towards No.16, being at an angle of approximately 40 degrees from the conservatory. As such it is not considered that the acute degree of overlooking would be so significant as to justify a refusal on such grounds. Nevertheless, it is considered appropriate to impose a condition requiring that the closer window, serving the first floor bathroom is obscurely glazed.

There are some trees shown to be retained along the rear boundary which would provide a degree of screening between the properties, although it is considered that the separation distances and the juxtaposition of the proposed dwellings to the neighbouring properties are themselves sufficient to address any overlooking issues. The retention of the trees would however be beneficial.

The proposed houses would be orientated to the south east of the properties in Ivel Way and as such it is not considered that the new dwellings would significantly restrict daylight to the rear of the neighbouring properties.

In terms of the amenities of the future occupiers, each property would be provided with gardens of sufficient size, 102sqm (plot 1), 62sqm (plot 2) and 110sq m (plot 3). The Design Guide in Central Bedfordshire recommends (para 6.08) that rear gardens for family houses should generally be no less than 50sqm. Whilst the rear garden on plot 1 would be shaded to a degree by the existing trees shown to be retained it is considered that due to the south westerly orientation of the garden and its size in excess of 100sqm that a reasonable degree of natural sunlight would be obtained within the garden area to serve such a 2 bed property.

The site is located adjacent to a working garage which also operates as a base for a 24 hour vehicle recovery business. It is noted that the business currently operates between 8am and 5pm Monday - Friday and 8am to midday on Saturday. It is also noted that the applicants state that out of hours delivery of recovered vehicles does not normally occur at the premises. The closest proposed house (Plot 3) has been designed without any windows serving habitable rooms on the closest flank elevation and the Public Protection Officer considers that the relationship to the adjacent premises would be no different to other surrounding properties and raises no objection on amenity grounds.

On the basis of the above it is not considered that any harm to neighbouring amenity would result and the development would result in a reasonable level of amenity for future occupiers.

4. Access and Parking

The development would be served by a shared access with the existing house, which would be relocated in order to provide an acceptable level of visibility onto Astwick Road.

Parking provision of 7 spaces in total for the three 2 bed houses is considered acceptable, in line with the Council's parking strategy. The use of the existing gravelled frontage for the parking of up to 4 cars associated with the existing house is also acceptable.

The Highway Officer has raised no objection to the proposal in terms of access, visibility of parking and there are considered to be no highway safety issues with the proposal.

5. Infrastructure

The SPD regarding Planning Obligations was adopted in February 2008 and supported by Core Strategy policy CS2 sets out that all residential development will be subject to standard charges to ensure that smaller-scale development can meet its obligations to fairly and reasonably contribute towards new infrastructure and facilities. A satisfactory completed unilateral agreement has been submitted with this application which satisfies the requirements of the SPD.

6.

Other considerations

A Tree survey and Assessment was submitted as part of the application which identifies trees to be retained and those to be removed, also shown on the block plan drawing. Whilst the Tree Officer does not consider the trees within the site to be of such significance as to justify protection he nevertheless considers it important that the grouping of trees within the west corner in the rear garden of plot 1 are retained as part of the development.

Whilst concerns regarding the impact on wildlife within the site have been raised by neighbours the Council's Ecologist does not consider that the development would result in harm to any protected species. The buildings on site proposed for demolition are unlikely to provide roosting opportunities for bats. However it

is considered appropriate to include a precautionary note that should any bats be found that all works cease and advice be sought from Natural England.

Whilst concerns have been raised regarding possible flooding, the area is not within a flood risk area. Furthermore, whilst the site is located within the area covered by the Bedfordshire and River Ivel Drainage Board they have raised no objections to the development in terms of drainage.

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 **Prior to the development hereby approved commencing on site, details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

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

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

a) A Phase 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 the wider environment.

Reason: To protect human health and the environment

- 4 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 validation sampling.

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

Reason: To protect human health and the environment

- 5 **Prior to the development hereby approved commencing on site, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the 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.

- 6 **Prior to the development hereby approved commencing on site, including any ground clearance or excavation, substantial protective fencing, the details of which shall first be approved in writing by the Local Planning Authority, shall be erected and the fencing shall be retained at full height and extent until the development is substantially completed. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.**

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.

- 7 **Prior to the development hereby approved commencing on site, details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.**

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

- 8 **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 buildings 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.

- 9 The first floor bathroom window in the rear elevation of plot 1 shall be –
- obscure-glazed, and - non-opening unless the parts of the window which
can be opened are more than 1.7 metres above the floor of the room in
which the window is installed.

Reason: To safeguard the amenities of occupiers of no. 16 Ivel Way.

- 10 **Development shall not begin until details of the junction of the widened
vehicular access with the highway have been approved by the Local
Planning Authority and no dwelling shall be occupied until the junction
has been constructed in accordance with the approved details.**

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

- 11 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 into the site along the centre line of the anticipated vehicle path.
The vision splay so described and on land under the applicant's control shall
be maintained free of any obstruction to visibility exceeding a height of
600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the
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 [4A, 5].

Reason: For the avoidance of doubt.

**Statement required by the Town and Country Planning (Development Management
Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been granted for this proposal. The Council acted pro-actively
through positive engagement with the applicant during the determination process which led
to improvements to the scheme. The Council has therefore acted pro-actively to secure a
sustainable form of development in line with the requirements of the Framework (paragraphs
186 and 187) and in accordance with the Town and Country Planning (Development
Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposed development would not result in any significant harm to the character and

appearance of the area or the residential amenity of any neighbouring properties and is acceptable in terms of highway safety. The proposal therefore complies with the objectives of the National Planning Policy Framework (2012) and Policies CS1, CS2, CS14, DM3, DM4, and DM15 of Central Bedfordshire Core Strategy and Development Management Policies Document (2009). It also complies with the objectives of the Central Bedfordshire Council’s Technical Guidance: Design in Central Bedfordshire (2010).

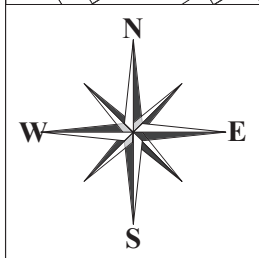
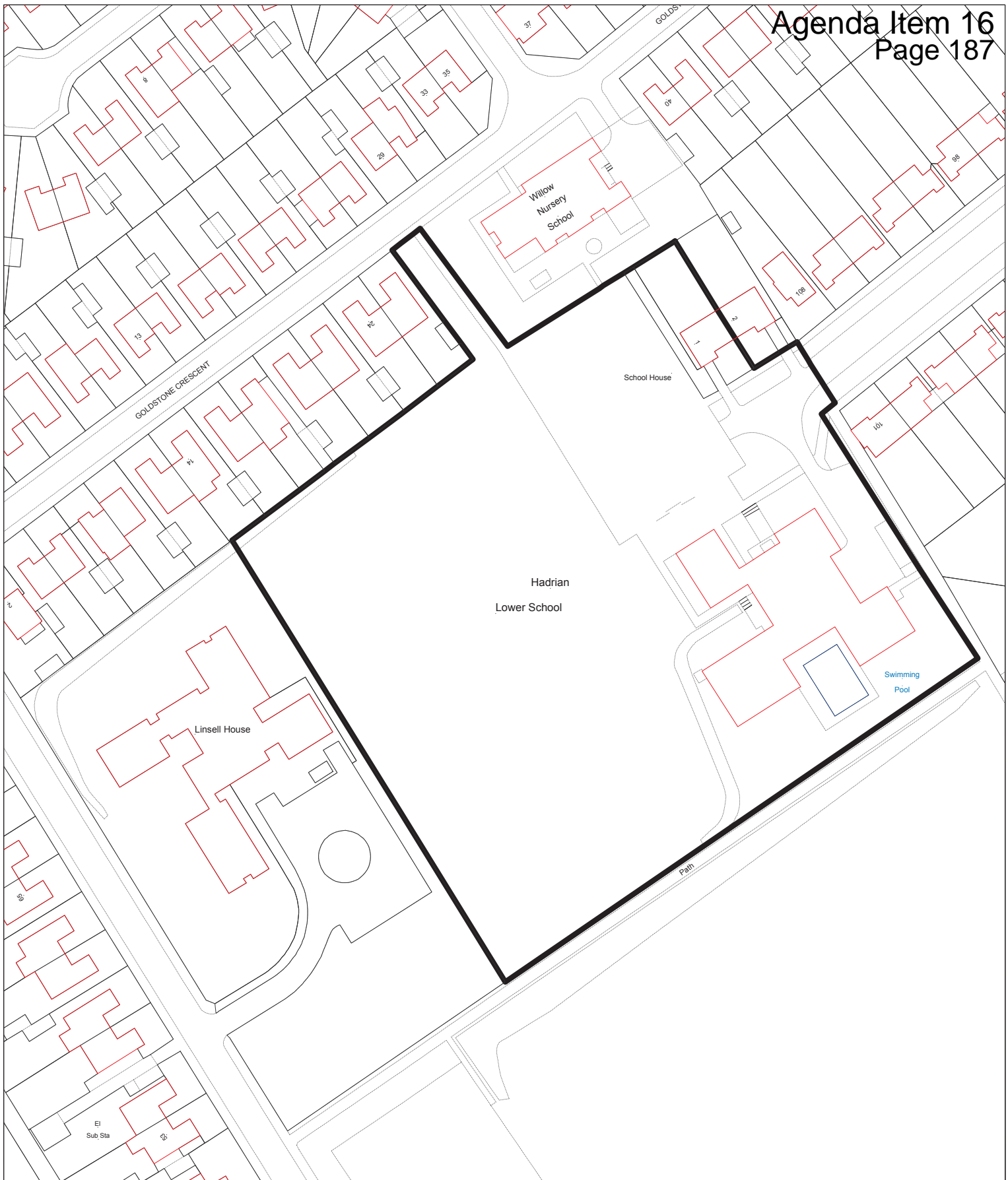
Notes to Applicant

- 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 Environment Agency at Bampton should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.
- 2. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.
In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Cambridge House, Cambridge Road, Bedford, MK42 0LH - Telephone (01234 354396) - E-mail contact@idbs.org.uk
- 3. Should any roosting bats be found during the demolition of the buildings on site then all works should cease and advice be sought from Natural England.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 11:March:2013
Grid Reference: 503045; 222635

Application No.
CB/12/04305/FULL

Scale: 1:1250

Hadrian Lower School, Hadrian Avenue, Dunstable, LU5 4SR

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Item No. 16

APPLICATION NUMBER	CB/12/04305/FULL
LOCATION	Hadrian Lower School, Hadrian Avenue, Dunstable, LU5 4SR
PROPOSAL	Construction of a two classroom modular unit.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Nicola Darcy
DATE REGISTERED	11 December 2012
EXPIRY DATE	05 February 2013
APPLICANT	Hadrian Academy
AGENT	PCMS Ltd
REASON FOR COMMITTEE TO DETERMINE	CBC land plus objections from local residents regarding the potential increase of indiscriminate on-street parking
RECOMMENDED DECISION	Full Application - Granted

Site Location:

Hadrian Academy is situated at the end of Hadrian Avenue in the east of Dunstable. The site is approximately 1.6 hectares.

The original school building was constructed in 1965 and has at least three additions since to provide additional space. The current building is a mixture of single and two storey blocks. In addition, the site benefits from a grass sports field and a large playground. There is a nursery on site situated to the north of the school buildings which is a purpose built, free standing building.

The Application:

Permission is sought for two 56 square metre classrooms with associated ancillary facilities i.e. WCs, a cloakroom area and storage area. Each classroom will be large enough for 30 pupils. The classrooms would be located alongside the grass playing field at the southern end of the site.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 1: Achieving Sustainable Development

Section 7: Requiring Good Design

Section 8: Promoting Healthy Communities

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

T10 Car Parking

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & T10 are given significant weight).

Development Strategy for Central Bedfordshire

Policy 1: Presumption in Favour of Sustainable Development

Policy 27: Car Parking

Policy 43: High Quality Development

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.

Supplementary Planning Guidance

Local Transport Plan: Appendix F - Parking Standards

Planning History

Application:	Planning	Number:	CB/12/04305/FULL
Validated:	11/12/2012	Type:	Full Application
Status:	Registered	Date:	
Summary:		Decision:	
Description:	Construction of a two classroom modular unit		
Application:	Planning	Number:	CB/10/03151/REG3
Validated:	24/09/2010	Type:	Regulation 3
Status:	Decided	Date:	12/11/2010
Summary:		Decision:	Regulation 3 - Granted
Description:	Erection of canopy to provide sheltered play area		
Application:	Planning	Number:	CB/09/05647/FULL
Validated:	26/08/2009	Type:	Full Application
Status:	Decided	Date:	21/10/2009
Summary:		Decision:	Grant Planning Permission
Description:	Erection of single storey extension with canopy to increase size of existing classrooms and provision of landscaping to play area.		
Application:	Planning	Number:	SB/07/00198
Validated:	20/02/2007	Type:	DO NOT USE - County Council Application
Status:		Date:	23/02/2007
Summary:		Decision:	Planning Permission - Beds CC Reg 3/4
Description:	DISABLED PARKING SPACE (BC/CC/2007/8) (REGULATION 3 REFERS)		
Application:	Planning	Number:	SB/06/01444
Validated:	09/01/2007	Type:	Full Application
Status:	Decided	Date:	26/02/2007
Summary:		Decision:	Grant Planning Permission
Description:	ERECTION OF REAR CONSERVATORY ATTACHED TO EXISTING LIBRARY		
Application:	Planning	Number:	SB/04/00067
Validated:	20/01/2004	Type:	Full Application
Status:	Decided	Date:	01/03/2004
Summary:		Decision:	Grant Planning Permission
Description:	REPLACEMENT BOUNDARY FENCE WITH 1.8M PALISADE FENCE.		

Application: Planning
Validated: 04/12/2001
Status: Decided
Summary:
Description: ERECTION OF TWO STOREY CLASSROOM EXTENSION AND RE-SITING OF TEMPORARY CLASSROOM (BC/CC/01/47 REFERS)

Number: SB/01/00012
Type: DO NOT USE - County Council Application
Date: 28/03/2002
Decision: Planning Permission - Regulation 3

Application: Planning
Validated: 05/03/2001
Status: Decided
Summary:
Description: ERECTION OF REPLACEMENT FENCING 1.8 M HIGH (REG 3) (BC/CC/01/0014 REFERS)

Number: SB/01/00005
Type: DO NOT USE - County Council Application
Date: 12/04/2001
Decision: Planning Permission - Beds CC Reg 3/4

Application: Planning
Validated: 29/05/1991
Status: Decided
Summary:
Description: ERECTION OF SINGLE STOREY BUILDING FOR SCOUTS, INCORPORATING CHANGING ROOM

Number: SB/91/00442
Type: Full Application
Date: 31/07/1991
Decision: Grant Planning Permission

Application: Planning
Validated: 08/08/1986
Status: Decided
Summary:
Description: ERECTION OF PORTABLE BUILDING FOR USE AS TEMPORARY CHANGING ROOM

Number: SB/86/00992
Type:
Date: 08/10/1986
Decision: Grant Planning Permission

**Representations:
(Parish & Neighbours)**

Town Council (16/01/13) No objection

Neighbours 64, 88 96, 99, 104, 106 Hadrian Ave:

Object on the grounds of increased parking pressures and increased detriment to privacy and amenity.

Consultations/Publicity responses

Highways Officer The application is for two new classrooms in a temporary building. There is provision of 3 more parking spaces in the already cramped parking area. This provision facilitates the increase in pupil numbers by 60.

Hadrian Avenue clearly suffers from indiscriminate parking which is assumed to be associated with the school. This is exacerbated by the fact that Hadrian Avenue does not have a suitable turning facility.

Considering the application in association with the Central Bedfordshire Council Local Transport Plan: Appendix F (Parking Strategy); there should be the

following:- 4 parking spaces for staff, at least 3 parking spaces for parents and 1 visitor space. This totals to be 8 spaces. While in all probability this would not solve the issue of indiscriminate parking it is never the less a failing of the proposal.

In a highway context I recommend that planning permission be refused for the following reasons:-

The proposed development would make inadequate provision for the parking of cars and would lead to an increase in on-street parking thereby resulting in unacceptable traffic congestion and additional hazards for highway users and the local Residents.

The application fails to provide parking to the level required in the Central Bedfordshire Council Local Transport Plan: Appendix F (Parking Strategy) and therefore does not comply with policy.

Following the Highways Officer's initial comments and recommendations, the requisite number of on-site parking spaces (8) have been provided.

Sustainable Transport Recommends Travel Plan condition and the relocation of cycle storage to increase natural surveillance.

Determining Issues

The main considerations of the application are;

1. Background
2. Design and Impact Upon Neighbouring Occupiers
3. Highways
4. Other Matters

Considerations

1. Background

The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

The school converted to an Academy in January 2012, the current capacity is 300 pupils aged between 4 and 9 with an intake of 60 pupils annually on a two-form entry. Following a recent successful application to extend the age range of

the Academy to a single phase primary school, the pupil intake from the academic year 2013/14 will increase for an interim period, meaning that additional classroom space will be required. Thereafter, the intake will be reduced to 45 pupils a year.

The current intake, as a lower school, is 60 pupils per annum, which gives a maximum capacity now of 300 (years 1-4 plus reception).

As a primary school, they will have an intake of 45 pupils per annum, which gives a maximum capacity of 315 (years 1-6 plus reception).

During the transition, the school numbers will increase as some current pupils stay on to do years 5 and 6 and the reduced intake works its way through the school from reception class in the first year, reception and year 1 in the second year and so on, the requirement is for up to 4 classrooms to provide teaching space for the period when the Academy will have two form entry which is due to start from September 2013, when either one or two classes of year 5 pupils will be introduced to the School.

This application is for the construction of a double classroom modular unit within the grounds to enable the school to provide for the short-term increased intake of pupils.

The school undertook a detailed pre-application enquiry in order to establish the most appropriate location for the classrooms and to identify any other planning issues which may arise during the consultation process.

The principle of the school expansion is considered to be in line with National Planning Policy and is essential in order for the school to be in the same situation as the other Academies in Dunstable.

2. Design and Impact Upon Neighbouring Occupiers

The proposed building is a rectangular modular unit, made more attractive with the addition of a low pitched roof and external timber cladding. There is a small entrance porch with a pitched roof to provide weather protection whilst entering the building which will also be timber clad.

There is an existing timber structure in the vicinity of the proposed new building location and the timber cladding will reflect this structure to give a unified appearance when viewed from across the playing fields.

The building would be situated furthest away from neighbouring residents and as such, potential noise emanating from the classrooms would not have any additional detrimental impact upon nearby occupiers.

3. Highways

Hadrian Avenue is heavily used by school traffic and associated on-street parking at school drop-off and collection times. This sort of indiscriminate parking is common around schools, the lack of turning area exacerbates the issues in Hadrian Avenue. However, the congestion associated with the school occurs mainly at drop-off and collection times for relatively short periods of time.

In his initial response, the Highways Officer recommended refusal as the school

was not providing adequate on-site parking in line with the parking standards, since those initial comments, the layout has been revised to include the requisite number of spaces.

The Sustainable Transport Officer has recommended that the school update their Green Travel Plan by way of condition and has also raised concerns regarding the secluded position of the cycle parking and has suggested that it be relocated to a location with natural surveillance, this can also be secured by condition.

Hadrian Academy are committed to reducing the indiscriminate on-street parking associated with the school by way of promoting more sustainable modes of Transport via a Green Travel Plan and providing more staff parking spaces within the school grounds.

4. Other Issues

Equality Act 2010

The Design and Access statement acknowledges that access for all has informed the design, the approach will be level, through the main entry door into the cloakroom, with access to the classrooms. A DDA compliant WC is accessed directly from each classroom. The building is on a single level, has a straight forward layout and will be painted, lit and sign-posted. An informative has also been added to the proposed notice, bringing the attention of the applicant to the Act.

Human Rights issues

The proposal would raise no Human Rights issues.

Recommendation

That Planning Permission be GRANTED subject to the following:

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

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

- 2 Before the building is first brought into use, the Hadrian Academy Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. All measures agreed therein shall be undertaken in accordance with the approved plan.

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

- 3 Notwithstanding the details submitted with the application and before

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

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

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 281-001 B, 281-003 D & 281-004 B.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposed classrooms would not have a detrimental impact upon the residential amenity of nearby occupiers and with the addition of eight additional staff parking spaces, would be in accordance with the Local Transport Plan Parking Standards. The proposal would further be in accordance with Policies BE8 & T10 of the South Bedfordshire Local Plan Review 2004, Policies 1, 27 & 43 of the emerging Development Strategy for Central Bedfordshire and having regard to the National Planning Policy Framework (2012).

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

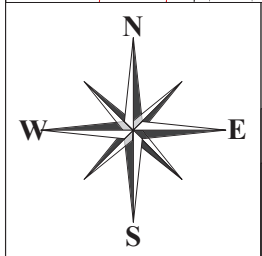
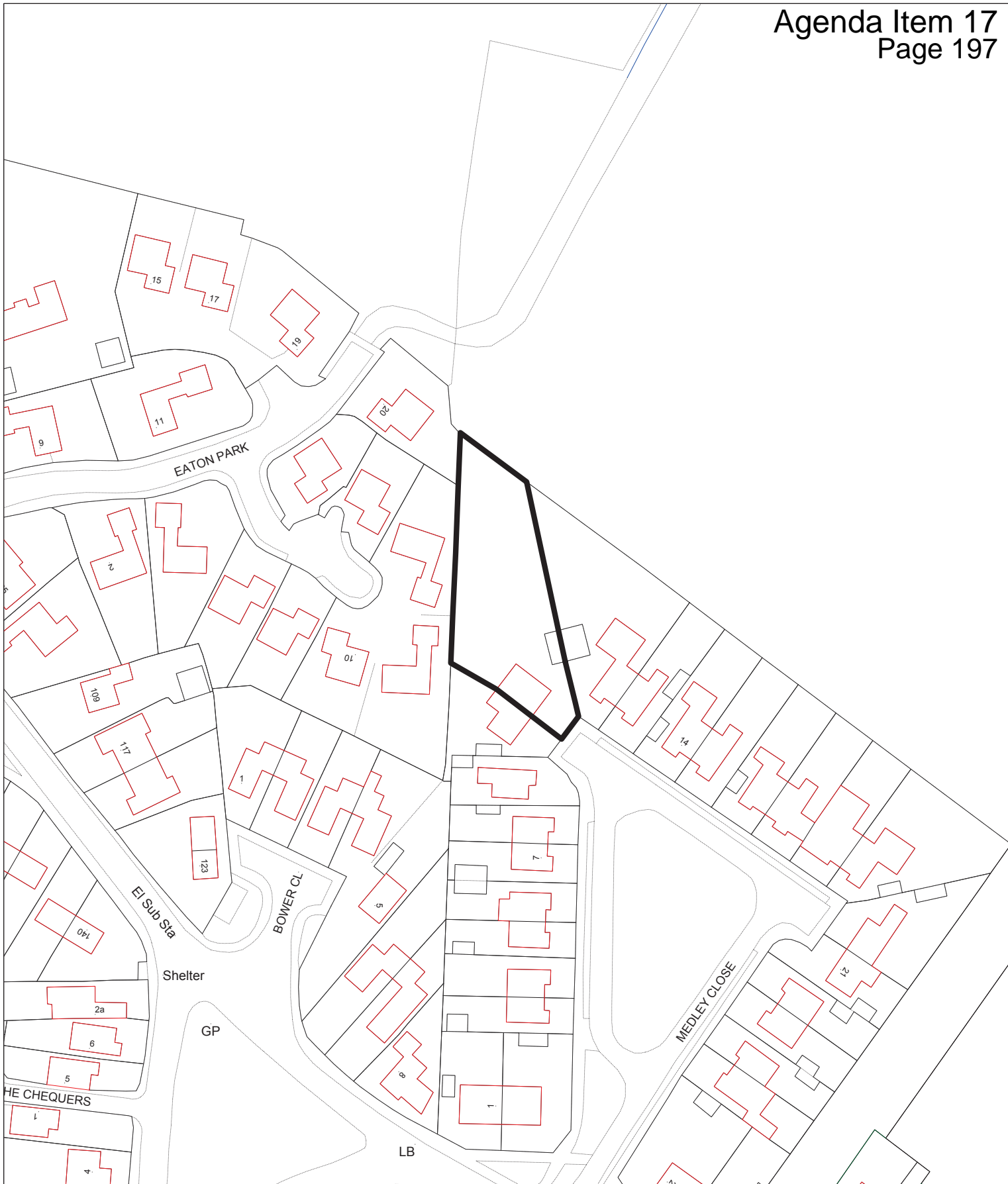
For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

DECISION

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 Central Bedfordshire Council
 Licence No. 100049029 (2009)
 Date: 11:March:2013
 Grid Reference: 497684; 220494

Application No.
 CB/13/00089/FULL

Scale: 1:1250

11 Medley Close, Eaton Bray, Dunstable, LU6 2DX

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Item No. 17

APPLICATION NUMBER	CB/13/00089/FULL
LOCATION	11 Medley Close, Eaton Bray, Dunstable, LU6 2DX
PROPOSAL	Erection of side dormer bedroom extension and front porch.
PARISH	Eaton Bray
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Mrs Mustoe
CASE OFFICER	Nicola Darcy
DATE REGISTERED	09 January 2013
EXPIRY DATE	06 March 2013
APPLICANT	Mr Michael Simkins
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr Mrs Marion Mustoe for the following reasons: 1. Appropriate development 2. Modest extension 3. Other properties extended in surrounding area 4. Not overlooked 5. Enhances look of house 6. No opposition from neighbours or Parish Council
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The application site comprises a semi-detached, bungalow on a large corner plot of the cul-de-sac Medley Close in the village of Eaton Bray. The site is flanked by numbers 10 and 12 Medley Close, open countryside and Green Belt lie to the north of the site.

The character of Medley Close is made up of identical bungalows, situated around a pleasant green.

The existing building has a large rear dormer which dominates the rear roof slope.

The Application:

Permission is sought for a hip to gable conversion and the extension of the rear dormer to create a third bedroom within the proposed roof cavity.

Also subject of this application is a replacement side porch which would measure 1.2m in depth by 2.8m in width.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Section 7 : Requiring good design

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations
H8 Extensions to Dwellings
T10 Parking

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H8 are still given significant weight. T10 is afforded less weight)

Development Strategy for Central Bedfordshire

Policy 27: Car Parking
Policy 43: High Quality Development

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development 2010
- Design supplement 4 - Residential Alteration and Extensions

Local Transport Plan Appendix F: Parking Strategy

Planning History

Application:	Planning	Number:	CB/12/01168/FULL
Validated:	28/03/2012	Type:	Full Application
Status:	Withdrawn	Date:	24/05/2012
Summary:		Decision:	Application Withdrawn
Description:	Erection of side dormer study extension and front porch.		
Application:	Planning	Number:	SB/07/00730
Validated:	02/07/2007	Type:	Outline Application
Status:	Decided	Date:	24/08/2007
Summary:		Decision:	Refuse Planning Permission
Description:	ERECTION OF ONE DWELLING AND GARAGE (OUTLINE)		
Application:	Planning	Number:	SB/87/01269
Validated:		Type:	Full Application
Status:	Received	Date:	11/01/1988
Summary:	Unknown	Decision:	Grant Planning Permission
Description:	PROPOSED ROOM IN ROOF-SPACE		

Representations:

(Parish & Neighbours)

Parish Council	No objections
Neighbours	None received

Consultations/Publicity responses

None required

Determining Issues

The main considerations of the application are;

1. Design
2. Highways
3. Other Issues

Considerations

1. Design

Paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Policy 43 of the emerging Development Strategy requires development to be appropriate in scale and design to their setting, contribute positively to creating a sense of place and respect local distinctiveness through design, layout and use of materials.

Policy BE8 of the South Bedfordshire Local Plan Review requires development to take full account of the need for opportunities to enhance or reinforce the character and local distinctiveness of the area and the scale, massing and overall appearance should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views. Policy H8 requires extensions to take full account of the character of the site and its surroundings and the setting of the existing building.

'Aims' (part 4) within the Central Bedfordshire Design guide state that:

"Proposals to alter or extend your home must have regard and respond positively to the host building, neighbouring properties and the wider context" and that 'Alterations and extensions should work with host buildings form, scale, massing and detailed design to produce a harmonious and respectful addition.'

'Design Principles' (part 6) states that maintaining the same roof pitch as the original house is more likely to result in an extension which is in proportion with the host building.

The proposed roof extension is considered to be out of keeping with the existing

dwelling, in terms of it's overall massing and scale.

This application essentially proposes a first floor, rather than accommodation in the loft space. The proposed flat crown is considered to be poor design and indicates that the development should either be reduced in size or the roofs reconfigured in order to achieve a more satisfactory roof design.

Many of the bungalows have rear dormers and there is an example of a hip to gable conversion within close proximity of the application site. That particular example details a half hip which is considered to be more in-keeping with the proportions of the original bungalow.

The size and bulk of the roof extension is considered to be out of keeping with the existing bungalow, wider street scene and surrounding dwellings, harmful to the character of the locale and therefore contrary to both local and national planning policy.

The proposed replacement porch is not considered to have any detrimental impact in terms of the character of the street scene or residential amenity of neighbouring occupiers.

2. Highways

The proposal would result in a three bedroom dwelling, although the driveway is organised to park two vehicles, it is considered that three vehicles could fit on the site and as such, the proposal would not be in conflict with the Council's parking strategy.

3. Other Issues

Human Rights issues

The proposal would raise no Human Rights issues.

Equality Act 2010

The proposal would raise no issues under the Equality Act 2010

Recommendation

That Planning Permission be REFUSED for the following reason:

- 1 The proposed roof extension would, because of its size, bulk, siting and unsympathetic design, be out of character with the existing dwelling and other similar properties in the locality harmful to the visual amenities of the street scene and of nearby residents. The proposal is therefore contrary to the principles of good design as set out in the National Planning Policy Framework, to Policies BE8 and H8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and technical guidance Design in Central Bedfordshire, A Guide for Development (Supplement 4).

Statement required by the Town and Country Planning (Development Management

Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

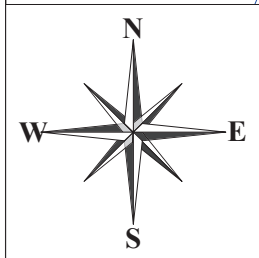
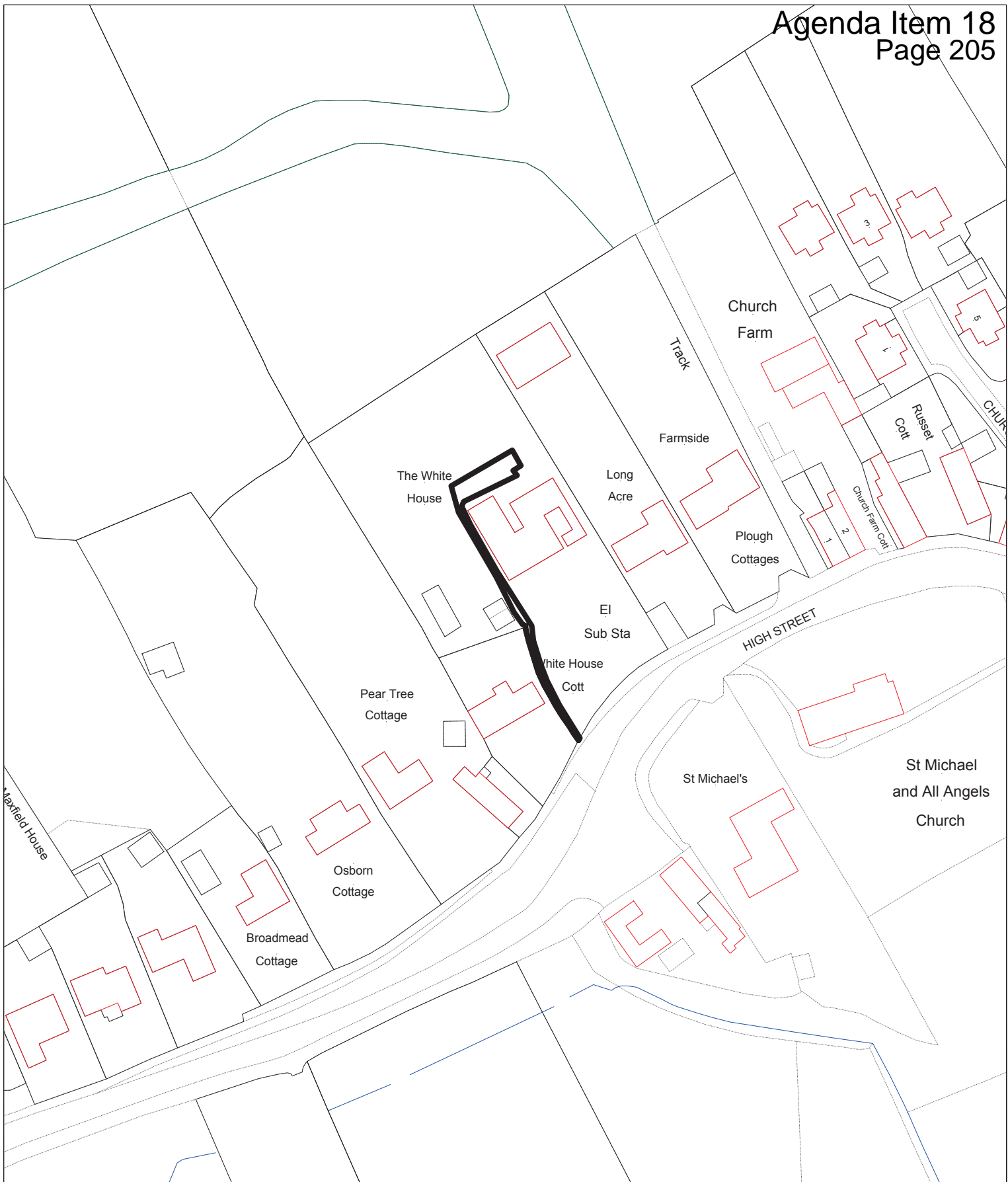
Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 11:March:2013
Grid Reference: 495600; 225198

Application No.
CB/13/00242/FULL

Scale: 1:1250

The White House, High Street, Eggington, Leighton Buzzard, LU7 9PQ

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Item No. 18

APPLICATION NUMBER	CB/13/00242/FULL
LOCATION	The White House, High Street, Eggington, Leighton Buzzard, LU7 9PQ
PROPOSAL	Biomass boiler system to be installed.
PARISH	Eggington
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Nicola Darcy
DATE REGISTERED	28 January 2013
EXPIRY DATE	25 March 2013
APPLICANT	Mr Janes
AGENT	Freetricity Commercial Ltd.
REASON FOR COMMITTEE TO DETERMINE	Applicant related to an Elected Member
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The irregular-shaped application site lies on the north western side of the High Street. The site has a frontage to High Street of 30m, a maximum width of 45m and an overall depth of 90m. The property is set back on the plot, some 30 –35m back from the highway frontage. It comprises a large detached two storey building of white painted brickwork below a steeply sloping plain tiled roof. There are dormer windows in the front and side elevations. It is used as an elderly persons residential care home, of 20 bedrooms plus ancillary facilities with the provision of rooms within the roof void. The rear and side boundaries are enclosed by a mix of high walls, fencing and hedges. The site rises up from the highway frontage.

To the west of the site lies White House Cottage and Pear Tree Cottage and to the north east Long Acre, all of which are residential properties. To the north lies open countryside. Opposite the site is St Michaels and All Angels Church

The site lies within the Green Belt and Eggington Conservation Area.

The Application:

Planning permission is sought for the installation of a biomass heating system with associated store of 7.5m long by 3.3m wide, the store would be sited to the rear of the building set into an existing bank of earth which slopes steeply towards the rear of the site. The biomass heating would have a stainless steel flue pipe on the White House adjacent to some existing guttering and would be the height of the building on the rear elevation lift shaft.

The Design and Access Statement describes that the pipework would enter the main building halfway along the eastern edge of the building through a void space in

the ceiling above the ground floor.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 1: Delivering Sustainable Development

Section 7: Requiring good design

Section 8: Promoting Healthy Communities

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

T10 Car Parking New Developments

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight. Policy T10 is afforded less weight.)

Development Strategy for Central Bedfordshire

Policy 21: Increasing Access to Quality Social and Community Infrastructure

Policy 27: Car Parking

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 45: The Historic Environment

Policy 46: Renewable and low carbon energy development

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.)

Supplementary Planning Guidance

Local Transport Plan: Appendix F - Parking Standards

Central Bedfordshire Design Guide

Planning History

Application:	Planning	Number:	SB/07/00982
Validated:	14/08/2007	Type:	Full Application
Status:	Decided	Date:	11/10/2007
Summary:		Decision:	Grant Planning Permission
Description:	ERECTION OF TWO AND THREE STOREY REAR EXTENSION TO PROVIDE SIX ADDITIONAL BEDROOMS AND CIRCULATION SPACE FOR RESIDENTIAL CARE HOME.		

Application:	Planning	Number:	SB/00/01078
Validated:	07/12/2000	Type:	Full Application
Status:	Decided	Date:	19/03/2001

Summary:		Decision: Grant Planning Permission
Description:	ERECTION OF SINGLE STOREY FRONT AND SINGLE/TWO STOREY REAR EXTENSIONS TO RESIDENTIAL CARE HOME (REVISED SCHEME) THE WHITE HOUSE, HIGH STREET, EGGINGTON.	
Application:	Planning	Number: SB/99/00002
Validated:	20/12/1999	Type: Conservation Area
Status:	Withdrawn	Date: 31/10/2001
Summary:		Decision: Withdraw application
Description:	PART DEMOLITION, INTERNAL ALTERATIONS AND ERECTION OF SINGLE AND TWO STOREY EXTENSIONS TO ELDERLY PERSONS HOME	
Application:	Planning	Number: SB/99/01036
Validated:	20/12/1999	Type: Full Application
Status:	Withdrawn	Date: 23/02/2000
Summary:		Decision: Withdraw application
Description:	PART DEMOLITION, INTERNAL ALTERATIONS AND ERECTION OF SINGLE AND TWO STOREY EXTENSIONS TO ELDERLY PERSONS HOME THE WHITEHOUSE, HIGH STREET, EGGINGTON.	
Application:	Planning	Number: SB/99/00407
Validated:	22/06/1999	Type: Full Application
Status:	Decided	Date: 19/07/1999
Summary:		Decision: Grant Planning Permission
Description:	ERECTION OF REPLACEMENT TIMBER SHED FOR USE AS AN OFFICE AND STORAGE AREA (AMENDED DESCRIPTION) THE WHITE HOUSE, HIGH STREET, EGGINGTON.	
Application:	Planning	Number: SB/99/00014
Validated:	08/01/1999	Type: Full Application
Status:	Decided	Date: 11/05/1999
Summary:		Decision: Grant Planning Permission
Description:	CONVERSION OF OUTBUILDING TO LAUNDRY ROOM THE WHITE HOUSE, HIGH STREET, EGGINGTON.	
Application:	Planning	Number: SB/87/01406
Validated:	25/11/1987	Type: Full Application
Status:	Decided	Date: 19/05/1988
Summary:		Decision: Grant Planning Permission
Description:	INSTALLATION OF LIFT AT ROOF LEVEL THE WHITE HOUSE, HIGH STREET, EGGINGTON.	
Application:	Planning	Number: SB/84/00879
Validated:	20/08/1984	Type: Full Application
Status:	Decided	Date: 17/10/1984
Summary:		Decision: Grant Planning Permission
Description:	CHANGE OF USE FROM CHILDRENS HOME TO OLD PERSONS HOME AND ERECTION OF FRONT PORCH THE WHITE HOUSE, EGGINGTON.	
Application:	Planning	Number: SB/75/00013
Validated:	06/01/1975	Type: DO NOT USE - County Council Application
Status:	Decided	Date: 23/05/1975
Summary:		Decision: Planning Permission - Beds CC Reg 3/4
Description:	TWO STOREY REAR EXTENSION TO CHILDRENS HOME THE WHITE HOUSE, HIGH STREET, EGGINGTON.	

Representations:
(Parish & Neighbours)

Parish Council	No comment received
Neighbours	None received

Consultations/Publicity responses

Archaeology	<p>The proposed development site lies within the core of the medieval settlement of Eggington (HER 16879) and under the terms of the <i>National Planning Policy Framework</i> (NPPF) this is a heritage asset with archaeological interest. However, the nature and scale of the development are such that there is unlikely to be a major impact upon any surviving archaeological deposits and therefore I have no objection to this application on archaeological grounds.</p>
Conservation Officer	<p>No objection subject to condition requiring the painting of the pipework.</p>
Tree and Landscape Officer	<p>I refer to your memorandum dated 28th January 2013 and my examination of the planning documents on-line, including the use of satellite imagery of the site using the Atlas Mapping System.</p> <p>I can advise you that both the proposed location, and intended means of access to the boiler system, will not impact on any trees within the site, and on this basis I have no objection to the application.</p> <p>However, given the nature and appearance of the boiler house, and its relationship to the existing property, a landscape planting scheme may be needed around the new structure in order to reduce its visual detracting, and in this respect a standard landscape planting condition should be imposed.</p>

Determining Issues

The main considerations of the application are;

1. Policy Principles
2. Impact Upon Green Belt
3. Design and Impact on Conservation Area
4. Other Matters

Considerations

1. Policy Principles

This application seeks permission for the installation of a biomass heating system which would be housed in a building to the rear of the residential care home.

The National Planning Policy Framework requires planning to play a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure and when determining applications, local planning authorities should:

- recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

Policy 46 of the emerging Development Strategy for Central Bedfordshire states that the council recognises the environmental, social and economic benefits of renewable or low-carbon energy. It will work with developers to ensure that proposed developments are:

- directed to areas where negative impacts can be most effectively mitigated such as noise, pollution and harm to visual amenity, should be mitigated through careful consideration of location, scale, design and other measures
- have good accessibility to the transport network;
- located and designed so as to have no unacceptable impact on heritage assets, sensitive landscapes such as the Chilterns AONB, or any area identified through the Landscape Character Assessment as being of high sensitivity; green belt area and townscapes.
- all developers or renewables schemes are required to engage with all affected stakeholders at the earliest stage in order to proactively mitigate impacts and provide adequate compensation and benefits.

Biomass heating is an excellent source of green energy and would provide the White House with both heat and water more economically and with a far more sustainable fuel source than the existing oil system.

2. Impact Upon the Green Belt

The site is located within the South Bedfordshire Green Belt, accordingly, Section 9 of the National Planning Policy Framework applies. The new building would be set into an existing grass verge and would not protrude much higher than the retaining wall. A large shed-type building has been removed in anticipation of the biomass store. It is considered that the removal of the shed and erection of the heating store would not amount to inappropriate development within the Green Belt. The pipework would be visible due to the required height of the flue, however this type of plant apparatus is considered to be synonymous with commercial buildings and as it would be confined to the rear of the White House, is not considered to have an unacceptable detrimental impact upon the visual amenity of the Green Belt.

3. Design and Impact on Conservation Area

The White House lies within the Eggington Conservation Area and Green Belt.

The proposed design and materials are typical of such a development. The store would be situated within a steeply sloping bank at the rear of the site. The site levels are such that the store itself would be totally screened from any public view point at the rear of the site. The flue must be tall enough to scale the entire building and as such, would be visible, however this is considered to be 'the norm' for many commercial building plant rooms. There is existing black guttering present on the rear elevation of the building, the agent has confirmed that the pipework could be painted to blend in as much as possible with the character of the building and as such, the painting of the flue will be conditioned accordingly.

The applicant has given due thought to the visual impact of the apparatus and would carry out significant earth removal in order to 'sink' the store into the existing bank. The Tree and Landscape Officer has suggested that the store could be further camouflaged by use of planting, however, as the steep banking and rear wall of the site effectively screen the building, it is not considered appropriate to condition further methods of screening.

The biomass heating store is to be sited in the most appropriate location for the plant machinery and as such, on balance, the proposal is not considered to be harmful to the setting of the Conservation Area in accordance with policy 45 of the emerging Development Strategy for Central Bedfordshire.

4. Other Issues

The biomass boiler is expected to use around 70 cubic metres of pellets per year. It will be sourced from within the UK using a local woodfuel supply company. Delivery would be by specialist wood pellet delivery vehicles, similar to oil tankers) and delivery frequency is expected to be once per fortnight at peak demand in the winter and once every 8 weeks at low demand in the summer. The level of disturbance potentially caused by the delivery vehicles is considered to be comparable to the current oil delivery and as such, the biomass heating system is not considered to cause any detriment to highway safety.

Human Rights issues

The proposal would raise no Human Rights issues.

Equality Act 2010

The proposal would raise no issues under the Equality Act 2010

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 **Notwithstanding the details submitted with the application, all external**

pipework shall be painted black, prior to the first use of the biomass boiler system and shall be retained thereafter. The details of the paint shall be submitted to and agreed by the Local Planning Authority prior to commencement.

Reason: To safeguard the character of the existing building and wider views into the Conservation Area.

(Policy BE8 S.B.L.P.R and Policies 43 & 45 D.S.C.B).

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 01, 02, 03, 04 & 05.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposed biomass heating system and associated building and flue would not be detrimental to the openness or visual amenity of the Green Belt or the character and setting of the Conservation Area or be detrimental to the amenities of the occupiers of the adjoining properties and would thereby be in accordance with Policy BE8 of the South Bedfordshire Local Plan Review 2004, Policies 36, 43, 45 and 46 of the emerging Development Strategy for Central Bedfordshire and having regard to the National Planning Policy Framework (2012).

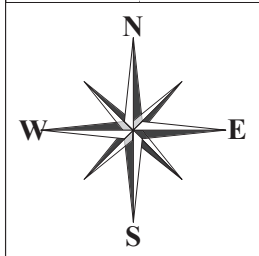
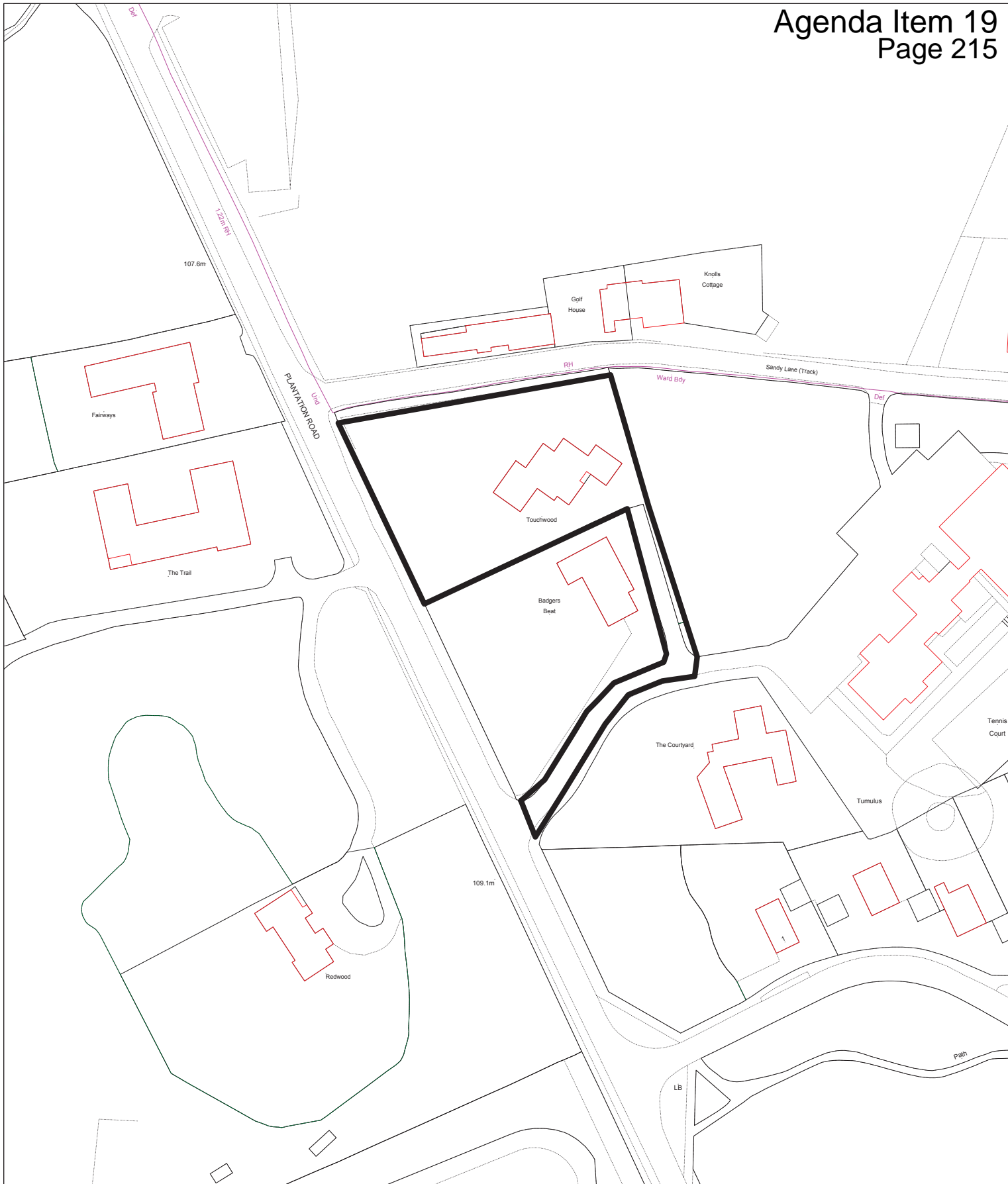
Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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 Central Bedfordshire Council
 Licence No. 100049029 (2009)
 Date: 11:March:2013
 Grid Reference: 491804; 227227

Application No.
 CB/12/04446/FULL

Scale: 1:1250

Touchwood, Plantation Road, Leighton Buzzard, LU7 3JE

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Item No. 19

APPLICATION NUMBER	CB/12/04446/FULL
LOCATION	Touchwood, Plantation Road, Leighton Buzzard, LU7 3JE
PROPOSAL	Retention and use of detached timber outbuilding as beauty therapy business
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Adam Davies
DATE REGISTERED	19 December 2012
EXPIRY DATE	13 February 2013
APPLICANT	Mrs P Goodwin
AGENT	D J Harnett & Associates
REASON FOR COMMITTEE TO DETERMINE	Councillor Spurr has requested that the application be referred to Committee if Officers are minded to approve due to concerns regarding the parking and access arrangements for the property.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is a residential plot located on the northern edge of Leighton Linslade, to the east of Plantation Road. The site is served by a private access drive from Plantation Road which also serves a number of other residential properties including The Knolls Care Home. The plot backs onto Sandy Lane and Leighton Buzzard Golf Club to the north. The property comprises a detached two storey dwelling with a detached timber outbuilding. The site is enclosed along all four boundaries by substantial tree screening. The site is located within an Area of Special Character as defined on the Proposals Map of the South Bedfordshire Local Plan Review 2004. The adjoining land to the north of the site falls within the South Bedfordshire Green Belt and forms part of an Area of Great Landscape Value.

The Application:

If provided for a purpose incidental to the enjoyment of the main dwellinghouse as such, the existing timber outbuilding would fall within the residential permitted development rights of the property and would not therefore require the Council's express planning permission. However, in this case the building has been erected to provide a beauty salon use and as such the Council's planning permission is required for the building and its use.

Planning permission is therefore sought for the retention of the timber outbuilding and its use as a beauty business. The submitted floor plan shows that the building measures 4 metres by 11 metres and 2.9 metres in height with a pitched roof. It is located on the east side of the plot, adjacent to the main dwelling at Touchwood. The building would provide a reception area, a massage room and an area for beauty treatments. The proposal would effectively constitute a material change of use in the use of the site from residential, to a mixed use comprising a Use Class

C3 residential use and a beauty use which, depending on the specific nature of the services provided, is often considered a Sui Generis Use.

The submitted Design and Access Statement states that the beauty business would be run by the daughter of the owner/occupier of the property. The business would operate between the hours of 9am and 5pm Monday to Friday, between the hours of 9am and 12noon on Saturdays and would not operate on Sundays. The building would be occupied by no more than one member of staff and one customer at any one time. It is stated that there is presently space for 7 vehicles to park within the site. One of these spaces would provide customer parking. Pedestrian access is by way of a footpath from the existing driveway to the side of the property.

RELEVANT POLICIES:

National Planning Policy Framework

South Bedfordshire Local Plan Review Policies

BE6 Control of Development in Areas of Special Character

BE8 Design Considerations

T10 Controlling Parking in New Developments

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE6 and BE8 are broadly consistent with the Framework and carry significant weight. Policy T10 carries less weight but is considered relevant to this proposal.

Development Strategy for Central Bedfordshire

Policy 1: Presumption in Favour of Sustainable Development

Policy 24: Accessibility and Connectivity

Policy 25: Capacity of the Network

Policy 27: Car Parking

Policy 43: High Quality Development

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.

Supplementary Planning Guidance

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

Pre-Submission Core Strategy for Southern Central Bedfordshire adopted for Development Management purposes by Executive, August 2011.

CBC Emerging Parking Strategy, Appendix F, Central Bedfordshire Local Transport Plan, endorsed for Development Management purposes by Executive October 2012.

Planning History

None relevant.

Representations:

- Town Council
- No objection. Recommends a condition to be added, restricting consent to the applicant only, not only so that permissions could not be transferred to a future landowner, but also to restrict trading to the applicant's daughter only, so that trading could not carry on independently from the main residence.
- Neighbours
- Three objections have been received, two from the same person, which can be summarised as follows:
- The existing outbuilding is a substantial structure which may have needed planning permission in its own right as a residential building.
 - The proposal is not appropriate to this Area of Special Character.
 - The building is capable of being used more intensively than described and it may not be possible to control the level of use if planning permission were granted. Neighbours would not want to be in the position of having to monitor this future use.
 - The site is accessed from private driveways which are not within the control of the applicant and are narrow.
 - Any signage associated with the proposed use would not be appropriate.
 - The application does not sufficiently address the access arrangements for the proposed beauty therapy use.
 - The proposal has the potential to generate a significant number of vehicle and pedestrian movements over and above those resulting from the use of the site for residential purposes and this would occur on land which is not within the applicant's ownership.
 - The existing parking area is more limited and constrained than is suggested within the application and is often fully occupied. The number of cars used by the residents at the property is understated in the application. Additional parking has previously taken place along the private drive at the front of the site. The proposal would necessitate turning within the drive to Badgers Beat.
 - The existing sewage infrastructure could not support a business use
 - An intensification in the use of the site would impact on the privacy of Badgers Beat and gives rise to concerns regarding security as it would increase the number of unknown visitors to the site.
 - The residents of Badgers Beat had not been consulted or seen the plans.

Consultations/Publicity responses

- Highways
- I would not expect this type of development to generate significant numbers of traffic, however I would expect any vehicle which enters the site in forward gear to be able to exit on to the public highway in forward gear. I would suggest a suitable turning area for vehicles likely to use the site, shall be provided within the area defined by the red line plan. I shall recommend a condition is imposed to secure this. I would not wish to raise any highway objection to this application subject to a condition requiring details of a suitable turning area to be provided.
- Public Protection
- No objection in principle. Clarification is requested regarding sewage connections for the outbuilding. No welfare facilities are shown on the plans for the outbuilding, but they may not be required if they are accessible in the main house. Some beauty treatments would generate commercial waste and in certain circumstances that waste could be classed as clinical waste. Some beauty treatments require registration by the Council. The applicant is therefore advised to contact Public Protection to discuss these matters further.
(Officer note: The applicant has confirmed the outbuilding would not connect to a sewer system. Customers and staff would be required to make use of an existing WC within the main dwelling.)
- Tree and Landscape Officer
- Refers to previous comments in respect of pre-application proposal. Previous comments are as follows:
- It was noted that the building had already been erected, and that excavation work, which was carried out to a depth of 300mm, had extended beyond the footprint of the new building towards two protected trees; namely an Oak with a trunk diameter of 740mm, and a Scots Pine, with a trunk diameter of 550mm. These trees are included in a "Woodland" type Tree Preservation Order.*
- As the excavation works had been dug approximately 4m from these trees, there was clear encroachment into the Root Protection Area (RPA) of both specimens (calculated at 8.8 and 6.6m radius respectively), and a significant portion of damaged roots could still be seen exposed by the works.*
- Therefore it would have been advised beforehand that the structure, along with its associated pathways and hardstanding areas, were being positioned too close to these trees and that the RPA should have been recognised and respected. The failure to do this has*

resulted in damage to the root systems of two protected trees, which is an offence under the Town and Country Planning Act.

It is not considered to be in the public interest that legal action is appropriate in this instance as the damage was more negligent than wilful. However, if the building is used for a beauty business, and more extensive access pathways are required, then these must take into account the needs of the trees, and be positioned accordingly.

Archaeology

The proposed development is within an area known as The Heath (HER 11095), a large heathland to the north of Leighton Buzzard with origins in the medieval period, it is a heritage asset with archaeological and historic landscape interest as defined by the National Planning Policy Framework. It is also 100 metres north of a pair of Bronze Age round barrows (HER 2) which are Scheduled Monuments (SM 20424 and 20425). These are designated heritage assets and the proposal lies within the setting of these assets which forms part of their significance.

The scale, nature and location of the proposed development, however, are such that it is unlikely to have had a major impact on buried archaeological remains or on the setting of the two Scheduled Monuments. Therefore, there will have been no impact on the significance of either the heritage asset with archaeological interest or the designated heritage assets. Consequently, there would be no archaeological objection to the application.

Determining Issues

The main considerations of the application are;

1. Principle of Development and Impact on Area of Special Character
2. Impact upon residential amenity
3. Highways considerations
4. Other considerations

Considerations

1. Principle of Development and Impact on Area of Special Character

The application site falls within an Area of Special Character which is primarily defined by low to moderate density residential development and generous gardens creating a sense of spaciousness. In line with Local Plan Review Policy BE6, the Local Planning Authority seeks to protect the character and quality of Areas of Special Character wherein there is a presumption against redevelopment to higher densities, subdivision of large plots, infilling, backland development or large extensions which would result in loss of gardens, other open land or mature woodland, or give rise to an over-intensive level of

development, in a way which would unacceptably harm the special character of the area. In this context commercial uses will not normally be considered appropriate, particularly in circumstances where the use would result in overly intensive development which would not reflect the general character, layout and use of other properties within the Area of Special Character.

In this case the existing timber outbuilding is a substantial detached structure but would be subordinate in scale to the main dwelling. It is noted that an outbuilding of this scale and in this location could otherwise be erected under permitted development rights if used for purposes incidental to the dwellinghouse as such. Taking account of the size of the plot and the location of the outbuilding relative to the dwelling at Touchwood and the neighbouring buildings, the outbuilding is considered appropriate to its setting. An existing pathway of loose stone as indicated on the submitted layout plan. This path was in place at the time of the recent request for pre-application advice as referred to by the Tree and Landscape Officer. The Design and Access Statement for the application states that the beauty business would be run by the daughter of the owner/occupier of the property. The proposal would not involve the subdivision of the larger site into distinct areas associated with the business use and the residential occupation of the property. The business would operate between the hours of 9am and 5pm Monday to Friday and between the hours of 9am and 12noon on Saturdays. The business would not operate on Sundays. The hours of use can be controlled by way of planning condition. It is suggested that the building would be occupied by no more than one member of staff and one customer at any one time. Highways have advised that the proposed use would not generate a significant volume of traffic. Given the number of vehicle movements which could result from uses incidental to the occupation of the property as a dwelling, it is considered that the level of activity resulting from the proposed use would be sufficiently low key such that it would not be harmful to the special character of the area. No objections are therefore raised in relation to Local Plan Review Policies BE6 and BE8 or Policy 43 of the emerging Development Strategy for Central Bedfordshire.

2. Impact upon residential amenity

There are a number of other residential properties surrounding the site. Vehicular access to the beauty business would be taken from the existing residential driveway from Plantation Road which is adjacent to the dwelling and residential plot for Badgers Beat. As noted, the site is enclosed along all four boundaries by substantial tree screening. Having regard to the scale and location of the building and the proposed hours of use, it is considered that the proposed use would be sufficiently low key that it would not give rise to an unacceptable reduction in privacy or disturbance to nearby residents by use of the building, access to the building or the property itself.

3. Highways considerations

On the basis of the Council's emerging Parking Strategy, the existing four bedroom dwelling would require a minimum of 4 parking spaces.

The emerging Parking Strategy does not provide any maximum parking standards for the non-residential use proposed. However having regard to the scale of the outbuilding and the number of staff and customers likely to be on site at any one time it is considered that the proposed non-residential use is unlikely to generate a requirement for more than three parking spaces at any

one time. It is therefore considered that a total of 7 on-plot parking spaces would be required for the site.

The existing driveway is relatively constrained due to its layout such that it is very difficult for drivers to turn within the site and exit in forward gear. Concern has also been raised that the existing parking arrangements are not sufficient for the present occupiers and this has given rise to ad hoc parking occurring along the shared driveway and elsewhere. However the driveway and garage within the curtilage of Touchwood are of a sufficient size to allow up to seven vehicles to park within the site. There is additional space within the site forward of the main dwelling which could be utilised to provide additional parking provision if necessary and this could be achieved without detriment to the special character of the area. Given the constrained layout of the drive it is considered appropriate to secure this by condition.

The concerns raised in relation to parking are noted. However having regard to the Council's current parking standards, the space available within the site for parking and the opportunity to secure additional parking by condition, it is considered that a refusal on parking grounds could not be sustained.

Highways consider that the proposed use would not generate a significant volume of traffic and, subject to a suitable parking and manoeuvring area being secured by condition, the proposal is considered acceptable in terms of highway safety.

4. Other considerations

The concerns raised in relation to the impact of new signage on the character of the area are noted. Whilst in certain circumstances, some smaller signage would benefit from deemed consent, and would not therefore require the Council's express consent, most new signage would be subject to planning control under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

It is acknowledged that the existing driveway serving Touchwood and the other nearby residential properties is privately maintained. Neighbouring residents may therefore be concerned about the potential for damage to the shared driveway as a result of additional vehicle movements associated with the proposed commercial use. As with any damage to private property, damage to the shared driveway, whether this results from vehicles associated with the occupation of the dwelling or otherwise, would be a civil matter and is not a planning matter.

One of the neighbouring residents has verbally advised the Council that, although the rights of access exist across the shared driveway for residential traffic, this driveway is not within the applicant's ownership and is subject to legal covenant which states that the drive shall only be used for residential purposes. Whilst the concerns regarding ownership and rights of access are noted, these are also not planning matters. Importantly however, the grant of planning permission does not infer a right to access land outside the ownership of the applicant or to access the site in a manner which may conflict with a separate legal covenant. Separate to the grant of any planning permission, the applicant will need to ensure that they benefit from suitable rights to access the site as proposed.

The Town Council have recommended a planning condition to ensure any permission granted is personal to the applicant's family. However, this is not considered appropriate in this instance. Regardless of the business operator, for the reasons set out above, the proposed use is considered acceptable in planning terms provided the level of use remains suitably low key. The scale and location of the outbuilding and its relationship with the dwelling at Touchwood would, to some extent, control the level and nature of commercial activity which the site could support. However planning conditions to control the hours of use and prevent the formal subdivision of the site into distinct parcels are also considered reasonable and appropriate to prevent an over-intensive level of use which would not be acceptable in this location.

Consideration has been given to relevant Human Rights issues and the Equality Act 2010. As the outbuilding is to be used by visiting members of the public the applicant's attention should be drawn to the requirement for suitable access arrangements for the disabled by way of informative.

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 **Prior to the initial occupation of the outbuilding, details of a turning space for vehicles shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed within the curtilage of the site in accordance with the approved drawing.**

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

- 3 The beauty business shall only operate between the hours of 9am and 5pm Monday to Friday and between the hours of 9am and 12noon on Saturdays. The beauty business shall not operate on Sundays or public holidays.

Reason: To protect the character of the area and the amenities of the neighbouring properties.
(Policies BE6 and BE8 S.B.L.P.R and Policy 43 D.S.C.B).

- 4 Notwithstanding the provisions of Schedule 2, Part 2, Class A of to the Town and Country (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed within the curtilage of the property without the grant of further specific permission from the Local Planning Authority.

Reason: In order to prevent the formal subdivision of the larger site into distinct areas associated with the business use and the residential occupation of the property and thereby protect the character of the area. (Policies BE 6 and BE8 S.B.L.P.R and Policy 43 D.S.C.B).

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 18366, 18367 and 2012/1005/01.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

Subject to appropriate conditions, the level of activity resulting from the proposed use would be sufficiently low key that it would not be harmful to the character of the Area of Special Character or the amenities of the neighbouring residents and is acceptable in terms of parking provision and highways considerations. Therefore an objection in relation to Policies BE6, BE8 and T10 of the South Bedfordshire Local Plan Review or Policies 1, 24, 25, 27 and 43 could not be sustained in this instance, having regard to the core planning principles set out within the National Planning Policy Framework.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
3. The applicant is advised that some beauty treatments require registration with the Council; the applicant is advised to contact either Richard Johns on 0300 300 4422 or Ben Salvatierra on 0300 300 4492 to discuss these matters further.
4. Notwithstanding the grant of this planning permission, the applicant is advised that the Council has received third-party representations in

response to the application which raise concerns that the applicant does not have suitable rights for non-residential traffic to access the site via the shared driveway serving the property. It is indicated that the shared driveway is subject to a legal covenant which states that it shall only be used for residential purposes. The applicant is advised that the grant of planning permission does not infer a right to access land outside the ownership of the applicant or to access the site in a manner which may conflict with a separate legal covenant. Separate to the grant of any planning permission, the applicant should ensure that they benefit from suitable rights to access the site as proposed.

5. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

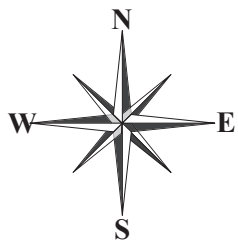
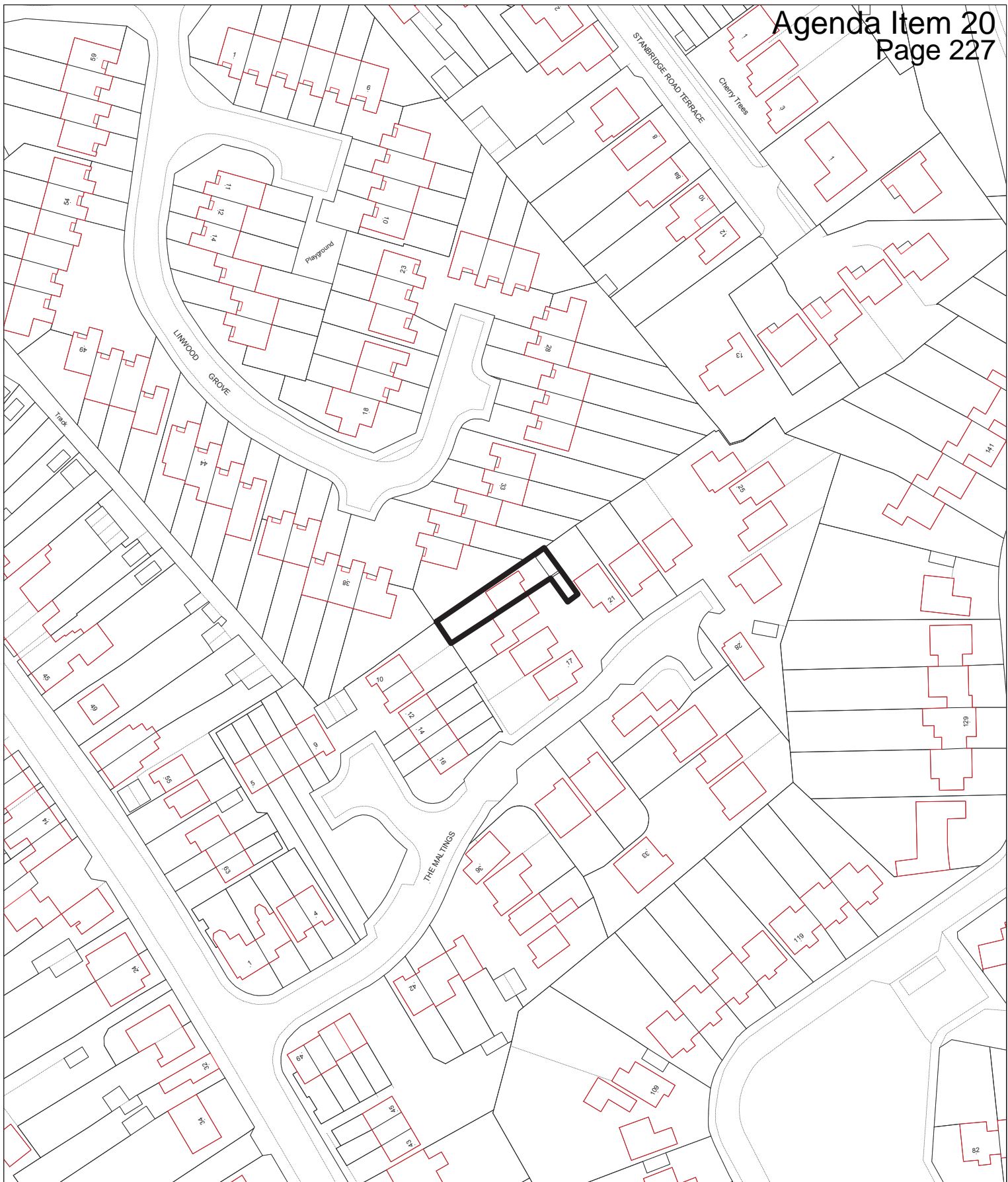
For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 11:March:2013

Grid Reference: 492677; 224600

Application No.
CB/13/00664/FULL

Scale: 1:1250

20 The Maltings, Leighton Buzzard, LU7 4BS

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Item No. 20

APPLICATION NUMBER	CB/13/00664/FULL
LOCATION	20 The Maltings, Leighton Buzzard, LU7 4BS
PROPOSAL	Erection of two storey rear extension (resubmission of CB/13/00098/FULL)
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Debbie Willcox
DATE REGISTERED	22 February 2013
EXPIRY DATE	19 April 2013
APPLICANT	Mrs C Lake
AGENT	Mr B Johnson
REASON FOR COMMITTEE TO DETERMINE	Call-in by Councillor Amanda Dodwell on the following grounds: <ul style="list-style-type: none">• that the current property is overbearing and the extension will make it even more so• that the extension will also lead to loss of light / amenity for neighbouring properties
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site comprises a two storey semi-detached house located on the north side of the The Maltings, a residential cul-de-sac in Leighton Buzzard. Properties in The Maltings are located to the east, south and west, and to the north is a dwelling located in Linwood Grove.

The dwelling has a detached garage and parking for two vehicles on a hardstanding to the front of the property.

The Application:

The application seeks planning permission for a part single, part two storey rear extension. The ground floor element of the extension would measure 3m deep and 5.6m wide; the first floor element would measure 1.9m deep by 4.4m wide. The roof would be hipped, with an eaves height of 5m and a ridge height of 6.1m, which is 1.3m lower than the ridge height of the main roof.

The extension would comprise a dining room and an extended kitchen at ground floor level and would allow the extension of an existing bedroom and the addition of an en-suite.

The proposed first floor element of the extension would be located on the boundary with the attached neighbour at No. 19 The Maltings and 2m from the boundary with the flanking neighbour at No. 36 Linwood Grove.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H8 Extensions to Dwellings

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H8 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy for Central Bedfordshire

Policy 27: Car Parking

Policy 43: High Quality Development

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.)

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 4: Residential Extensions and Alterations, 2010

Local Transport Plan: Appendix F - Parking Standards

Planning History

Application:	Planning	Number:	CB/13/00098/FULL
Validated:	23/01/2013	Type:	Full Application
Status:	Decided	Date:	22/02/2013
Summary:		Decision:	Full Application - Refused
Description:	Erection of two storey rear extension		

Representations:

(Parish & Neighbours)

Leighton-Linslade Town Council	Not received at time of writing the report - comments to be reported at the meeting.
Neighbours (36, Linwood Grove)	<ul style="list-style-type: none">• 20 The Maltings is already overbearing, with the distance between 36 Linwood Grove and 20 The Maltings being only 5.5m at its closest point.• 20 The Maltings sits on land approximately 1m higher than 36 Linwood Grove. The view from the living area of 36 Linwood Grove is already dominated by views of the 20 The Maltings.• The proposed extension would add a substantial area to the existing 8m wide flank wall.• The proposed single storey element of the scheme has not been reduced and the pitched roof on the single storey element will negate the benefits of the reduction in the first floor element of the scheme.

- The conservatory of 36 Linwood Grove forms the kitchen/dining room of the property and is an integral part of the living area of the dwelling.

Consultations/Publicity responses

Buckingham and River Ouzel Internal Drainage Board Requested an informative regarding soakaways

Determining Issues

The main considerations of the application are;

1. **Design Considerations**
2. **Impact on Residential Amenity**
3. **Parking and Highway Safety**
4. **Other Issues**

Considerations

1. Design Considerations

The proposed rear extension has been designed to be subservient to the subject dwelling, with a significantly lower ridge line and a scale that would not dominate the subject dwelling. Its design is sympathetic to the existing character and appearance of the subject dwelling. Unlike the previously refused application (CB/13/00098/FULL) the proposed roof would merge appropriately with the projecting roof of the attached neighbour at No. 19. It is therefore considered that the design of the extension would complement and harmonise with the subject dwelling and its wider surroundings and thus the proposal conforms with policies BE8 and H8 of the South Bedfordshire Local Plan Review.

2. Impact on Residential Amenity

The attached neighbour at No. 19 The Maltings has a rear building line set further back than that of the subject dwelling and the first floor element of the proposed rear extension would not project beyond this rear building line. The proposed single storey element of the extension would project beyond the rear building line of No. 19 by only 1m, and would not block a 45 degree line taken either horizontally or vertically from the mid-point of the rear windows of No. 19. Consequently the extension would not result in an unacceptable loss of amenity to occupiers of this property.

The previous application was refused because of the incongruous roof design, and because of the impact that the extension would have on the occupiers of No. 36 Linwood Grove. This property has a ground level circa 1m lower than that of the subject dwelling. No. 36 was originally set approximately 7.5m from the flank wall of the subject dwelling, and was orientated so that views from some of the rear windows faced the flank wall of No. 19. The subject dwelling is currently a dominant feature in the rear garden of No. 36. A rear conservatory has since been constructed to No. 36, with glazed sides and a glazed roof.

The previously refused extension would have measured 1m deeper and would have been located 1m closer to the boundary with No. 36 than the current proposal. The ridge height of the extension would also have been 0.5m higher. The application was refused on the basis that the proposed extension would exacerbate the already overbearing nature of the subject dwelling on the occupiers of No. 36 to an unacceptable degree.

As a result, the likely impact of the current proposal on No. 36 has been analysed carefully. The proposal would no longer break a vertical 45 degree line from the midpoint of any of the windows or doors of the conservatory of No. 36. Sunlight calculations have been carried out and it was discovered that the point of the conservatory closest to the extension, at the height of the midpoint of the French doors, would only lose sunlight for half an hour each day between the autumn and spring equinoxes. For the other six months of the year there would be no loss of sunlight to No. 36. It is considered that this level of loss of light is within acceptable limits.

The potential exacerbation of the overbearing nature of the property has also been considered. It is noted that the subject dwelling is currently approximately 8m wide. The previous proposal would have increased the width by 37.5%, while the current proposal would increase the width of the dwelling by 25%, so the impact would be reduced. More importantly, the extension at first floor level would be set back from the side building line of the existing house by 1m, thus further reducing the impact. As a rule of thumb, an unacceptably overbearing impact is created by a building which has a height greater than the separation distance from the neighbouring windows; if the separation distance is greater than the height, then the impact is likely to be acceptable. As the roof of the extension would hip away from the neighbour at an angle of less than 45 degrees, the appropriate height calculation would be the eaves height of the proposed extension. Taking into account the 1m difference in ground levels, the eaves height of the extension would be 6m higher than the ground level of No. 36. The separation distance from the closest point of the conservatory to the flank wall of the first floor element of the extension would be 6.5m, and thus the separation distance would be greater than the height of the extension.

The ground floor extension has not been reduced in depth or width, however, the eaves of the ground floor element are only 2.5m high and the roof would hip away from the neighbouring property at an angle of less than 45 degrees. It would therefore not result in any loss of light, nor would it appear unacceptably overbearing from No. 36.

Taking all this into account, it is considered that the proposed extension would not significantly increase the overbearing nature of the subject dwelling to the neighbour at No. 36, and, on balance, and given the presumption in favour of sustainable development, the impact upon this neighbour is considered to be within acceptable limits.

The proposal is therefore considered to be in accordance with policies BE8 and H8 of the South Bedfordshire Local Plan Review.

3. Parking and Highway Safety

The Council's Parking Standards require that three bedroom houses provided three off-street parking spaces. The proposed extended dwelling would have three bedrooms and the three existing parking spaces would be retained. Therefore it is considered that the proposal would have no impact upon parking provision or wider highway safety.

4. Other Issues

Human Rights issues

The proposal would raise no Human Rights issues.

Equality Act 2010

The proposal would raise no issues under the Equality Act 2010

Recommendation

That Planning Permission be GRANTED subject to the following:

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

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

- 2 The external finish of the walls and roofing materials to be used for the extension shall match that of the existing building as closely as possible.

Reason: To ensure that the development is in keeping with the existing building.
(Policies BE8 & H8, SBLPR and Policy 43, DSCB).

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BJ/CL/1, BJ/CL/3, CBC/001, CBC/002.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

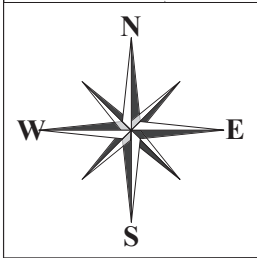
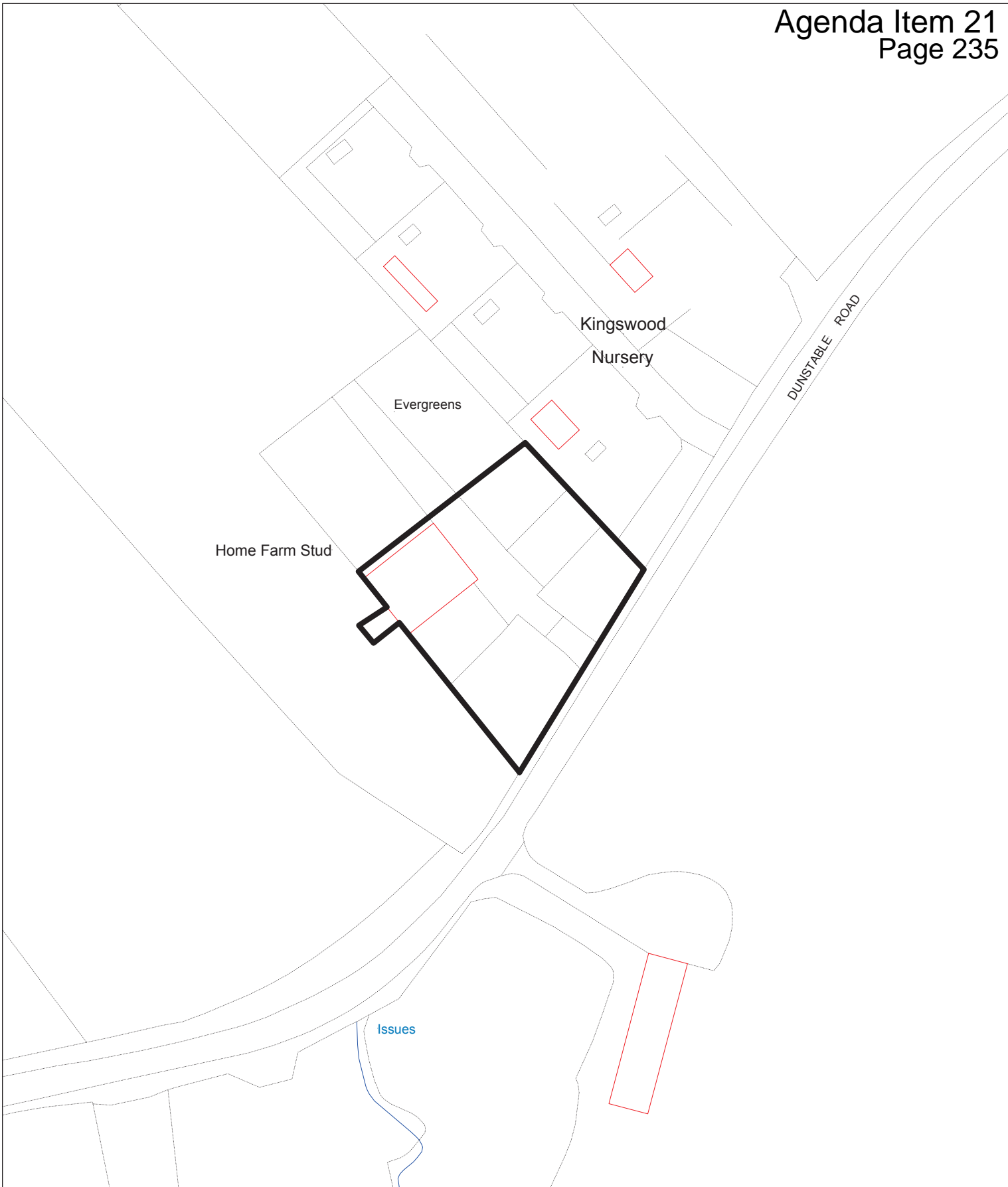
The proposed part two storey, part single storey rear extension, by reason of its siting, scale and design would complement and harmonise with the local surroundings and would not result in an unacceptable loss of light or overshadowing or appear unacceptably overbearing, or be prejudicial to highway safety as considered by policies BE8, H8 & T10 of the South Bedfordshire Local Plan Review 2004; policies 27 and 43 of the emerging Development Strategy for Central Bedfordshire and having regard to the National Planning Policy Framework (2012). The extension is further in conformity with the technical guidance Design in Central Bedfordshire, Residential Extensions 2010.

Notes to Applicant

- 1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
- 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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
- 3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.
- 4. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest 365.

DECISION

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 Central Bedfordshire Council
 Licence No. 100049029 (2009)
 Date: 11:March:2013
 Grid Reference: 498301; 224570

Application No.
 CB/12/03622/FULL

Scale: 1:1250

Home Farm, Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU

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Item No. 21

APPLICATION NUMBER	CB/12/03622/FULL
LOCATION	Home Farm, Dunstable Road, Tilsworth, Leighton Buzzard, LU7 9PU
PROPOSAL	Permission is sort for change of use of land to a residential caravan site for one Romani Gypsy family. The pitch to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one septic tank. (Retrospective).
PARISH	Tilsworth
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Vicki Davies
DATE REGISTERED	03 October 2012
EXPIRY DATE	28 November 2012
APPLICANT	Mr & Mrs John & Debbie Price
AGENT	Bucks Floating Support
REASON FOR COMMITTEE TO DETERMINE	At the request of Cllr Versallion due to the Green Belt location, the planning history of the site and the current appeals on adjoining sites.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

This application relates to a parcel of land, lying approximately 350 metres from the built up area of the village of Tilsworth, on the north western side of Dunstable Road which leads from the village to the A5 Trunk Road. The site is roughly rectangular in shape.

The site is bounded to the north east by the Evergreens Gypsy site, an authorised Travellers site for four pitches, beyond which is Kingswood Nursery a currently vacant site, previously unlawfully occupied by Travellers. To the south west the site is bounded by agricultural land. The land rises to the north west towards Tilsworth golf course beyond. To the south east, on the opposite side of Dunstable Road, lies unfenced arable land.

The Application:

The application seeks consent for the change of use of land to a residential caravan site, for one Romani Gypsy family, named as Mr John and Mrs Debbie Price and their child. The application is retrospective in as much as the family are living on the site, however the current location of the caravans and layout of the site are not the same as that shown on the submitted plans. The pitch would contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one septic tank. The application site would be

immediately north of Dunstable Road and would measure approximately 45m by 45m. The applicants own a much larger area of land which extends back from Dunstable Road approximately 220m and measures around 80m wide. The application site already contains hard surfacing, fencing and a building which are accepted as lawful due to the length of time they have been on the site.

RELEVANT POLICIES

National Planning Policy

National Planning Policy Framework
Section 9 - Protecting Green Belt Land

Planning Policy for Traveller Sites

South Bedfordshire Local Plan Review

Policies:

SD1 (Sustainable Keynote Policy),
BE8 (Design and Environmental Considerations),
H5 (Providing Affordable Housing in Rural Areas), and
H15 (Siting of Mobile Homes in the Green Belt).

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

Development Strategy for Central Bedfordshire: Pre Submission Version January 2012

Policies:

1 - Presumption in Favour of Sustainable Development
3 - Green Belt
33 - Gypsy and Traveller and Travelling Showpeople Provision
36 - Development in the Green Belt
43 - High Quality Development

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013.

Draft Gypsy and Traveller Plan

GT5 - Assessing planning applications for Gypsy and Traveller sites

RELEVANT HISTORY:

Home Farm, Dunstable Road, Tilsworth

An injunction was sought and gained from the High Court on the land in 2007 when the site was occupied by 6 caravans used for residential purposes.

- CB/12/01099/FULL Permission is sought for change of use of land to a residential caravan site, for two Romani Gypsy families. Each pitch to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one septic tank. This is a retrospective application. Refused 10/8/12.
- CB/10/00910/FULL Change of use of land and existing building to gypsy and traveller site to include 6 pitches. Appeal against non-determination dismissed 18/5/11.
- SB/05/00788 Continued use of land for the siting of 5 static mobile homes with associated hardstanding and landscaping and the use of existing building for storage/utility purposes. Withdrawn 21/7/06.
- SB/05/00449 Continued use of land for the siting of 5 static mobile homes with associated hardstanding and landscaping and the use of existing building for storage/utility purposes. Withdrawn 10/6/05.
- SB/00/00957 Use of land for the siting of three mobile homes for residential use and three caravans. Refused 28/3/01. Appeal dismissed 26/7/02.
- SB/87/01462 Change of use of land to parking area. Refused 13/1/98.
- SB/85/00523 Stationing of caravan. Refused 7/8/85. Appeal dismissed 2/4/86.
- SB/83/00033 Formation of vehicular access. Granted 8/3/83.

The Evergreens, Dunstable Road, Tilsworth

- CB/12/00154/FULL Permission is sought for one additional pitch next to the existing Evergreens Gypsy Site, to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding, one portaloo and one cesspit. This is a retrospective application. Refused 17/7/12.
Appeal made against refusal of planning permission - awaiting outcome of appeal.
- SB/TP/09/00042 Variation of conditions 1 and 2 of planning consent SB/TP/06/0741 to make the temporary consent permanent and amend those persons permitted to live on the site. Approved 13/3/09.

SB/TP/06/0741 Retention of residential caravan site for the siting of eight Gypsy caravans for a temporary period. Approved 11/4/07

Kingswood Nursery, Dunstable Road, Tilsworth

CB/12/01271/FULL The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and retention utility/ dayroom ancillary to that use. Refused 26/7/12.

Appeal made against refusal of planning permission - awaiting outcome of appeal.

**Representations:
(Parish & Neighbours)**

Tilsworth Parish Council Object on the grounds of inappropriate development in the Green Belt.

Neighbours 20 letters of objection have been received, the objections relate to the following issues:

- Tilsworth has more than its fair quota of sites
- Inappropriate development in the Green Belt
- The application is retrospective
- Impact on historical sites and ridge and furrow
- Untreated sewage is discharged into the ditch
- There are no very special circumstances in relation to the occupiers of the site
- Concern that the site will join with Evergreens
- There is an injunction on the land
- Anti social behaviour
- Devaluation of property
- Infrastructure of the village cannot cope
- Local school is too small to cope
- Access to the site is dangerous
- Dogs are allowed to run loose

Consultations/Publicity responses

Environmental Health No comments received.

Environment Agency No objection but draw attention to DETR Circular 03/99 which requires the applicant to demonstrate that a connection to the foul sewer is not possible before proposing non-mains drainage. Comment that the septic tank and soakaway should be used for domestic purposes only. Advise that non-mains drainage requires the consent of the Environment Agency under the Water Resources Act 1991.

Highways Development Control Highways arrangements are the same as the previous application and the previous comments apply:

There is an existing access which serves the site which is stated to have been in use for more than 10 years although this is sited some 55 – 60m east of a bend in Dunstable Road. The road is subject to the national speed limit (60mph) and therefore visibility is not to standard. However as part of the planning application and if permission is granted, the applicant is willing to relocate the access some 20m further east thus improving the level of visibility available at the access.

The officer also requests conditions to secure the provision of the new access to the site, visibility splays, the closure of the unused access and the location of gates.

Archaeology

The application site is located within an area that contains well preserved earthwork remains of ridge and furrow cultivation, part of the medieval open field system of Tilsworth (HER 5073) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest. However, in this particular location the earthworks are heavily degraded and do not survive well, therefore I have no objection to this application on archaeological grounds.

Community Safety Officer

No comments received.

Private Sector Housing

No comments received to this application however in response to the previous application on the site they stated that they had no objection in principle however the site layout would need to correspond to licensing requirements.

Determining Issues

The main considerations of the application are;

1. Policy Background including Gypsy and Traveller Pitch Provision
2. History of the Site
3. Green Belt and Visual Impact
4. Other Issues
5. Conclusion

Considerations

1. Policy Background including Gypsy and Traveller Pitch Provision

Policy Background

The site lies outside of the built up area of Tilsworth within the open countryside

where there is a general presumption against the granting of planning permission for new development. The new "Planning Policy for Traveller Sites" guidance sets out that Local Authorities should strictly limit new Traveller site development in open countryside that is away from existing settlements.

"Planning Policy for Traveller Sites" is specifically designed to provide guidance on determining Gypsy applications and to ensure fair and equal treatment for Travellers, in a way that facilitates that traditional and nomadic way of life for Travellers while respecting the interests of the settled community. The document also defines Gypsies and Travellers, the definition remains the same as that in the replaced Circular 1/2006.

The new policy document requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites. Sites should be specific deliverable sites sufficient to provide 5 years worth of sites against the authorities locally set targets.

Paragraph 25 of the Planning Policy for Traveller Sites sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent. This paragraph is subject to paragraph 28 which sets out the implementation arrangements. Paragraph 28 states that the policy set out in paragraph 25 only applies to applications for temporary permission for Traveller sites made 12 months after the policy comes into force. The Planning Policy for Traveller Sites came into force on 23 March 2012 and paragraph 25 should be taken into account.

Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan is being prepared to deliver the pitch requirement for the northern and southern parts of Central Bedfordshire to 2031. A final draft document will be produced in May-June 2013 for submission to the Secretary of State in October 2013. It is anticipated that the examination hearings will be in January 2014, with the Inspector's report being received in April 2014 and the adoption of the plan in June 2014.

In preparation of the Gypsy and Traveller Local Plan the Council had a Gypsy, Traveller and Showperson Accommodation Assessment Update undertaken. This Assessment highlights that there are a small number of unauthorised pitches, temporary consents and waiting lists for the Council-run sites which are considered to represent the backlog of need within the area. The Council site at Timberlands is being refurbished and will provide 6 pitches once reopened, these count as supply. The need between 2013 and 2018 is calculated as 38 Gypsy and Traveller pitches for the backlog of need plus 33 pitches as a result of family formation calculated at 2.5% minus the 6 pitches at Timberlands. The total need is therefore 65 Gypsy and Traveller pitches for the period 2013-2018. The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update as:

Number of pitches in Central Bedfordshire in 2006 - 118

Pitch need from 2013 to 2018 (to meet backlog) - 38

Minus pitches coming back into use at Timberlands - 6
Growth between 2013-2018 (2.5%) - 33
Growth between 2019-2023 (2.5%) - 31
Growth between 2024-2028 (2.5%) - 36
Growth between 2029-2031 (2.5%) - 25

Total need to 2031 - 157 pitches

The draft recommendations of the Sustainable Communities Overview and Scrutiny Committee to the Executive are:

1. That pitches be allocated in the Gypsy and Traveller Local Plan up to 2031 as follows:-

- (i) 157 pitches for Gypsies and Travellers; and
- (ii) 22 pitches for Travelling Showpersons.

2.1 That the following sites be allocated in order to meet the pitch requirement for Gypsies and Travellers to comply with PTTS Policy nine:-

- (i) Site 16 (Land West of A6, South of Faldo Road and West of Barton-le-Clay)
- (ii) Site 55 (Land South East of Park Corner Farm and South of Dunton Lane)
- (iii) Site 58 (Land East of Potton Road and South of Ram Farm)
- (iv) Site 76 (Land South of Fairfield and West of Stotfold Rd)
- (v) Site 78 (Land East of M1, Tingrith)
- (vi) Site 92 (Land East of Watling Street and South of Dunstable)
- (vii) Site 116 (1 Old Acres, Barton Road, Pulloxhill)

2.2 That site 82 (Kennel Farm Holding, East of Biggleswade) be allocated to meet some of the pitch for Travelling Showpeople to comply with PTTS Policy nine.

3. That the Gypsy and Traveller Local Plan be approved for publication.

The figures in the updated accommodation assessment were accepted by the Overview and Scrutiny Committee who have recommended that the Executive also accept the figures. With the Overview and Scrutiny Committee's recommendations regarding the updated need figures and the known backlog of 38 pitches (as set out above) it must also be accepted therefore that there is a general unmet need for sites.

2. History of Site

Six planning applications have been made for the use of the land as a Gypsy site over the years and a High Court Injunction granted in 2007 to prevent the residential occupation of the site. All of the applications were either withdrawn or refused. Where appeals have been made the appeals have been dismissed. Planning application CB/10/00910/FULL was made on 1 April 2010 for change of use of the land and existing building to Gypsy and Traveller site to include 6 pitches. An appeal was lodged against the Council's failure to determine the application within the prescribed period. The appeal was heard by way of a hearing on 12th and 13th January 2011. The appeal was recovered by the Secretary of State whose decision letter was dated 18th May 2011. The main issues raised are set out below.

Green Belt

The Secretary of State agreed with the Inspector that the proposal amounts to inappropriate development in the Green Belt and that the harm which would be caused is a factor to which substantial weight should be given. Nevertheless the decision continues, stating that the loss of openness and harm to the character and appearance of the Green Belt is a matter to which only limited weight should be attached.

Highway Safety

The Secretary of State agreed with the conclusion that the proposed development would cause an unacceptable loss of highway safety to which significant weight should be attached.

Sustainability and effect of local residents

The appeal site was deemed to represent a sustainable location for the proposed use which should carry a little weight. It was also concluded that the proposal would not cause any unacceptable harm to the living conditions of local residents.

Need for sites

The Secretary of State agreed that significant weight should be attached to the immediate unmet need for Gypsy sites and that the lack of existing or emerging planning policy to ensure the allocation of sites adds further significant weight in support of the proposal.

Availability of Alternative sites

It was concluded that significant weight should be attached to the fact that there are unlikely to be any suitable, available or affordable alternative pitches even for those of the intended occupiers who are statutorily homeless.

Personal Circumstances

The Secretary of State agreed with the Inspector with regard to the significant weight which should be attached to the individual and collective personal circumstances of the intended occupiers of the site.

In conclusion the Secretary of State set out that the development is not in accordance with Green Belt policy and the material considerations do not, either alone or in combination, clearly outweigh the harm to the Green Belt and the other harm identified, including loss of highway safety, do not amount to Very Special Circumstances. The appeal was dismissed.

These issues will be considered in relation to the current application proposal elsewhere in the report.

3. Green Belt and Visual Impact

The site is within the Green Belt and the proposal conflicts with the policy set out in section 9 of the NPPF and the reasons for including land within the Green Belt set out in paragraph 88.

"Planning Policy for Traveller Sites" clearly states in Policy E, which relates to plan making, that traveller sites (temporary or permanent) in the Green Belt are inappropriate. Policy E continues to state that if a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application.

The proposal would increase the level of development on the existing site which would harm the openness and character of the Green Belt. The Inspector in determining the appeal conceded that the site is lawfully hardsurfaced and divided into compounds and relates well to the neighbouring Evergreens site. Nevertheless it is considered that the proposal would cause some loss of openness and harm the character and appearance of the Green Belt which cannot be overcome by landscaping. Very Special Circumstances would need to be demonstrated to overcome the conflict with Green Belt policy. The Green Belt situation has not changed since the appeal decision and therefore consideration will need to be given as to whether the material considerations outweigh the harm to the Green Belt and/or whether there are any Very Special Circumstances to take into account.

The applicant was asked to complete the Local Authority's standard Human Rights questionnaire which requests details of existing living arrangements and medical and educational matters.

The content of the questionnaire and additional information supplied by the applicant sets out that one of the intended occupiers of the site has significant health issues which require monitoring of symptoms and medication. As the occupant has more than one health issue it is necessary for her to access co-ordinated medical care to ensure treatment for one condition does not exacerbate other problems. The occupant suffers from intracranial hypertension which is the increase of pressure around the brain, the main symptoms are headache, nausea, vomiting, tinnitus, double vision and other visual problems. If untreated it can lead to swelling of the optic disc in the eye which can lead to vision loss.

The site occupants have also recently had a baby, born in 2012. Research shows that infant mortality is significantly higher within the Gypsy community than in the settled community. The family would therefore benefit from a permanent base from which to access health and education facilities.

The applicants are related to some of the occupants of the neighbouring site at The Evergreens and would therefore benefit from support for health needs but also in raising their family. The Gypsy community tend to live in extended family groups to provide support and help to each other and this important cultural aspect of their ethnicity should be taken into account.

This application seeks consent for Mr John Price and Mrs Debbie Price to live on the site with their child. The previous application was for two Gypsy families named as Mr & Mrs Price and their daughter Debbie and her partner. In the previous application there was limited information regarding Debbie's medical situation, which did not enable the Council to assess her situation as fully as at present.

It is considered that significant weight should be given to the personal circumstances of the occupiers of the site who require access to health and education facilities and would be made homeless if evicted from this site. A recent appeal decision from February 2013 in Leicestershire highlights that providing children with access to schooling, a stable base to allow access to health services and enabling the family group to live together are factors which weighed heavily in favour of the appeal.

4. Other Issues

The adverse impact the proposal would have on highway safety carried significant weight in the determination of the appeal. This application proposes the access be relocated some 20m further east than the existing access which would improve the level of visibility available at the access and would be acceptable to the Highways Development Control Officer.

A number of objectors commented that Tilsworth has more than its fair share of Gypsy and Traveller pitches. PPTS states that sites in rural areas should respect the scale of, and not dominate the nearest settled community. There are currently four authorised pitches on the Evergreens site with a further unauthorised pitch which is the subject of an appeal. There is also an outstanding appeal on the adjoining Kingswood Nursery site for one pitch. This application seeks consent for a single pitch. If both appeals are allowed and this application was granted there would be a total of 7 pitches close to Tilsworth. Results of the 2011 census show that the parish of Tilsworth has a population of 330, with 140 households and 160 dwellings. It is not considered that 7 Gypsy and Traveller pitches within a parish with 160 dwellings would dominate the settled community.

Action has not been taken to remove the unauthorised occupiers from the land as would be possible due to the injunction on the land as this was considered unnecessary whilst the Council is considering a planning application.

Consideration should be given to whether a temporary consent would be appropriate. Planning Policy for Traveller Sites sets out that temporary consent should be considered where there is no five year supply of sites, which comes into effect on 23 March 2013. In addition however policy E of the document clearly states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. The Sustainable Communities Overview and Scrutiny Committee agreed to recommend to Executive that the total of 157 pitches be provided within the Plan period and that seven sites have been identified in order to meet the level of identified need. Further work on the Gypsy and Traveller Plan is being undertaken to produce plans to show the location of sites and number of pitches each site will be able to provide to address the existing backlog and future need identified. The Council is therefore making good progress towards being able to demonstrate a five year land supply for Gypsy and Traveller sites.

Notwithstanding the above if Member's are minded to refuse this application consideration should be given to a temporary consent. If a temporary consent were to be granted the harm to the Green Belt in terms of inappropriateness, harm to character and harm to openness would still exist although it would only be for a temporary period of time.

5. Conclusion

In conclusion it is considered that Green Belt policy weighs against the application however the general unmet need and the personal circumstances of the site occupants by reason of health, education and cultural factors weigh in favour of the application. In determining the previous appeal on this site the Inspector did not consider the general and personal need of the appellants outweighed the harm to the Green Belt and highway safety. It is considered in this case that the highway safety issues have been overcome and that the significant and multiple health needs of one of the applicants and the need for a settled base from which to access comprehensive health for both herself and the new baby, in addition to the important support they would receive from relatives on the adjacent site in line with their cultural traditions on balance outweighs any harm to the Green Belt.

Recommendation

That Planning Permission be approved subject to the following:

- 1 The occupation of the caravans on the Site hereby permitted shall be limited to the following persons and their dependant relatives:

Mr John Price and Mrs Debbie Price.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework.

- 2 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 3 No more than 2 caravans, of which no more than 1 of which shall be mobile homes, shall be located on the Site and occupied for residential purposes.

Reason: In recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework.

- 4 No commercial activity shall take place on the Site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity.
(SBLPR Policy BE8 & DSCB policy 43).

- 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 (i) to (v) below:

- (i) within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented with 3 months of the date of approval;
- (ii) within 3 months of the date of this decision a scheme for landscaping of the site, to include details of all tree, hedge and shrub planting, details of species, plant sizes and proposed numbers and densities, shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented within 3 month of the date of approval;
- (iii) within 3 months of the date of this decision the proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 15m into the site, measured from the highway boundary, arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- (iv) within 3 months of the date of this decision a scheme for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
- (v) within 3 months of the date of this decision a scheme for external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
- (vi) within three months of the new access being brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in accordance with a scheme submitted to and approved by the Local Planning Authority, the scheme shall include the details of the closure of the access, boundary treatment and landscaping.

Reason: To ensure an appropriate standard of development.
(SBLPR policy BE8 and DSCB policy 43).

- 6 Visibility splays shall be provided at the junction of the vehicular access with the public highway. The splays shall extend to the limits of the site's highway frontage on each side of the access from a point on the centre line of the access measured 2.4m back from the road channel. The vision splays so described shall be maintained free of any obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.
(DSCB policy 43).

- 7 Any gates provided shall open away from the highway and be set back a distance of at least 14.0 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles towing caravans or trailers to draw off the highway before the gates are opened.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BP-001D & L-0101A.

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to additional supporting information being submitted. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposal is contrary to Green Belt policy however on balance it is considered that the general unmet need and the personal circumstances of the site occupants by reason of health, education and cultural factors weigh in favour of the application. In addition the highway safety issues previously identified have been overcome. Overall it is considered that there are Very Special Circumstances which outweigh the harm to the Green Belt and that subject to conditions the proposal would be acceptable and is therefore in accordance with policy BE8 of the South Bedfordshire Local Plan Review, policies 36 and 43 of the emerging Development Strategy for Central Bedfordshire and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

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

- 4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.

- 5. The applicant is advised that the closure of existing access shall include the removal of the existing concrete apron and the reinstatement of the highway to include any verge, hedging and kerbing in a manner to be agreed in writing with Bedfordshire Highways, Central Bedfordshire Council's Highways Helpdesk, Technology House, 239 Ampthill Road, Bedford MK42 9BD. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.

DECISION

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