

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



please ask for Martha Clampitt

direct line 0300 300 4032

date 9 May 2013

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 22 May 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:

Clrs K C Matthews (Chairman), A Shadbolt (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, K Janes, D Jones, Ms C Maudlin, T Nicols, I Shingler,  
B J Spurr and J N Young

[Named Substitutes:

L Birt, Mrs R J Drinkwater, Mrs R B Gammons, C C Gomm, Mrs D B Gurney,  
R W Johnstone, J Murray, B Saunders, N Warren and P Williams]

All other Members of the Council - on request

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

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

## AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 24 April 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	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>  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:**

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6	<p><b>Planning Application No. CB/13/00985/FULL</b></p> <p><b>Address :</b> Paradise Farm, The Causeway, Clophill, Bedford MK45 4BA</p> <p>Change of use for the stationing of one residential static caravan and two touring caravans, and parking for two associated vehicles and a portaloo.</p> <p><b>Applicant :</b> Mr Gumble</p>	7 - 44
7	<p><b>Planning Application No. CB/13/01044/FULL</b></p> <p><b>Address :</b> Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard LU7 9BP</p> <p>Extension to the existing Gypsy Traveller Caravan site to provide two additional pitches for members of the immediate family. Each pitch to contain one static caravan, one touring caravan, one utility block, one shed and parking for two vehicles together with hardstanding and a shared septic tank with associated extension to access road and a turning circle.</p> <p><b>Applicant :</b> Mr &amp; Mrs McCarthy</p>	45 – 46  Report to follow
8	<p><b>Planning Application No. CB/13/01022/FULL</b></p> <p><b>Address :</b> Houghton Hall Park, Houghton Hall Business Park, Houghton Regis</p> <p>New Heritage Hub (visitors centre) with expansion of the existing car park.</p> <p><b>Applicant :</b> Central Bedfordshire Council</p>	47 - 60

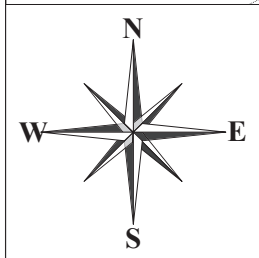
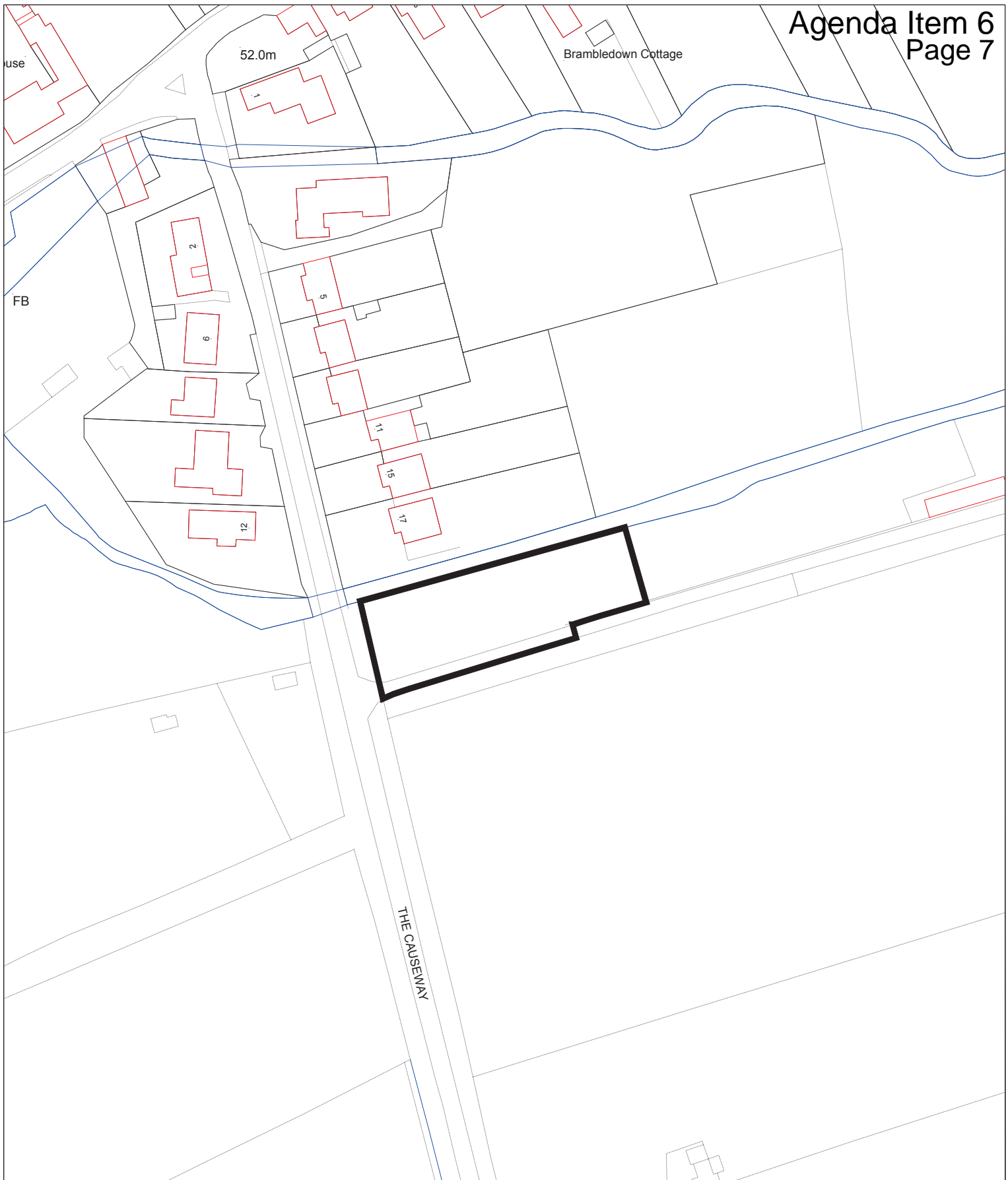
- 9      **Planning Application No. CB/13/00810/FULL**      61 - 72
- Address :** 4A Moor End Lane, Eaton Bray, Dunstable LU6  
2HW
- Two storey side extension (Resubmission  
12/04505)
- Applicant :** Mr A Barber
- 10      **Planning Application No. CB/13/00967/RM**      73 - 88
- Address :** Brogborough Club House, Bedford Road,  
Brogborough, Bedford MK43 0XY
- Reserved Matters: Development for 16 Residential  
dwellings with associated roads and landscaping.  
Following Outline application CB/11/4171/OUT  
Development of site for up to 16 dwellings,  
alteration to vehicular access, new pedestrian  
access, associated engineering works, associated  
landscaping and car parking following demolition  
of existing buildings.
- Applicant :** Orbit Group
- 11      **Planning Application No. CB/13/00554/FULL**      89 - 110
- Address :** Land off Biggleswade Road, Upper Caldecote,  
Biggleswade SG18 9BD
- Proposed development of 10 new dwellings  
including parking, private amenity for each  
dwelling and associated landscape.
- Applicant :** Grand Union Housing Group
- 12      **Planning Application No. CB/13/00723/FULL**      111 - 120
- Address :** 31 – 35 Cambridge Road, Sandy SG19 1JF
- Erection of a new four bedroom detached dwelling  
with the access from Malaunay Place.
- Applicant :** Miss R Hooker & Miss N Owens

- 13      **Planning Application No. CB/12/04398/FULL**      121 - 136
- Address :**    34 Mill Road, Cranfield, Bedford MK43 0JL
- Erection of 2 No. 3 bedroom dwellings with  
                  associated garages.
- Applicant :**    Mr Jones
- 14      **Planning Application No. CB/13/00892/FULL**      137 - 150
- Address :**    2 High Street, Stotfold, Hitchin, SG5 4LL
- New detached dwelling, revised plans.
- Applicant :**    Mr McNeil
- 15      **Planning Application No. CB/12/03287/FULL**      151 - 158
- Address :**    6 Shaftesbury Drive, Stotfold, Hitchin SG5 4FS
- Change of use of store and lobby adjoining  
                  detached garage and annexe over detached  
                  garage from ancillary residential accommodation  
                  to separate self contained residential  
                  accommodation. (Retrospective).
- Applicant :**    Mr Watts
- 16      **Planning Application No. CB/13/00371/FULL**      159 - 174
- Address :**    Land at Boot Lane, Dunton
- Construction of 24 houses and associated  
                  garaging, roads and sewers.
- Applicant :**    Linden Homes
- 17      **Proposed change of Development Management Committee  
Resolution - CB/12/02740/FULL**      175 - 202

**Site Inspection Appointment(s)**

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 19 June 2013 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

In the event of there being no decision to refer any site for inspection the Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members Planning Code of Good Practice.



© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 08:May:2013

Map Sheet No

Application No:  
CB/13/00985/Full

Scale: 1:1250

Paradise Farm, The Causeway, Clophill, MK45 4BA

This page is intentionally left blank



<b>Item No. 6</b>
-------------------

<b>APPLICATION NUMBER</b>	<b>CB/13/00985/FULL</b>
<b>LOCATION</b>	<b>Paradise Farm, The Causeway, Clophill, Bedford, MK45 4BA</b>
<b>PROPOSAL</b>	<b>Change of use for the stationing of one residential static caravan and two touring caravans, and parking for two associated vehicles.</b>
<b>PARISH</b>	<b>Clophill</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Smith</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>19 March 2013</b>
<b>EXPIRY DATE</b>	<b>14 May 2013</b>
<b>APPLICANT</b>	<b>Mr Gumble</b>
<b>AGENT</b>	<b>Bucks Floating Support</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call-in by Cllr Ducket due to public interest</b>

<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>
-----------------------------	-----------------------------------

### Reasons for Granting

In light of the level of identified need for pitches as set out in the draft Gypsy and Traveller Local Plan it is considered that the proposed development would not detrimentally impact upon the character and appearance of the immediate area or wider streetscene to such an extent to justify refusing planning permission. There would not be any adverse impact on the amenities of neighbouring residents nor would the proposal result in any highway, parking or other issues. The proposed development is in conformity with Policy HO12 of the Mid Bedfordshire Local Plan Review, Policy GT5 of the emerging Gypsy and Traveller Local Plan, Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (North) 2009, Policies 1, 33 and 43 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework and Planning Policy for Traveller Sites.

### Site Location:

The site is located on the east side of The Causeway on the edge of the village of Clophill. The Causeway runs from the High Street south to the A507 which runs east-west. The Causeway is a narrow, unclassified road, which has a speed limit of 30mph between the High Street and the vicinity of the application site and national speed limit to the A507.

The site is outside of the settlement envelope of Clophill but lies immediately adjacent to it. The site is roughly rectangular in shape and covers an area of approximately 930sqm. The site is accessed via a shared privately owned driveway which continues past the application site to the land to the rear known as Paradise

Farm.

There are residential dwellings to the north of the application site which are within the village envelope. The River Flit runs along the northern boundary of the site between the site and the residential properties. The application site is 4m from the side boundary fence of the closest dwelling and 20m from the dwelling itself. To the south and west (on the opposite side of The Causeway) of the site is agricultural land some of which is used to keep horses.

The site and the surrounding land is generally flat with the river being the main landscape feature. There are a variety of trees along the river corridor.

The site is shown on the LDF proposals map as being within a floodplain and a County Wildlife Site. The floodplain covers a large area stretching along the river corridor to the south of Clophill. The CWS covers a similar area to the floodplain shown on the proposals map along the river corridor.

### **The Application:**

This application is for change of use for the stationing of one residential static caravan and two touring caravans, and parking for two associated vehicles.

The proposal originally included a portaloo, however this has subsequently been removed from the proposal.

All three of the proposed caravans would be used for residential accommodation on the site, with the touring caravans also used for travelling.

The application shows the existing site, which is subject to an enforcement notice, being a garden area, with the land to the west between the existing site and The Causeway being used for living accommodation. The plan shows a static caravan and two touring caravans. The garden area would measure approximately 23m by 15m. The part of the site which would be used for living accommodation would measure approximately 39m by 15m.

### **RELEVANT POLICIES:**

#### **National Planning Policy**

National Planning Policy Framework

Planning Policy for Traveller Sites

#### **Mid Bedfordshire Local Plan Review December 2005**

HO12 - Gypsies

#### **Core Strategy and Development Management Policies - North 2009**

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development within and beyond Settlement Envelopes

**Development Strategy for Central Bedfordshire: Pre Submission Version  
January 2013**

Policies:

- 1 - Presumption in Favour of Sustainable Development
- 33 - Gypsy and Traveller and Travelling Showpeople Provision
- 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

**Planning History - relevant**

MB/95/01588	Demolition of part of existing store and erection of single storey building for washing and WC facility. Granted 23/2/96
CB/10/01349/FULL	Change of use to a gypsy site with 1 static caravan, 1 touring caravan, parking for 2 vehicles and 1 portaloo (serviced) Refused 7/4/11 and dismissed on Appeal 10/6/11
CB/11/00202/FULL	Change of use to a Gypsy site, with one static caravan, one touring caravan, parking for two vehicles and one portaloo (Retrospective). Refused 4/7/11
CB/11/03034/FULL	Change of use to a Gypsy site, with one static caravan, one portaloo and parking for one car (retrospective). Refused 24/10/11.

**Representations:  
(Parish & Neighbours)**

Clophill Parish Council	<p>The Parish Council sent in a lengthy objection accompanied by photographs, a full copy of the objection is appended to this report.</p> <p>Strongly object to the proposal for the reasons set out below:</p> <ul style="list-style-type: none"><li>- the appeals considered an almost exactly similar application refused by CBC, after hearing the evidence the appeals were dismissed by the Inspector;</li><li>- Plot 1 is a continuation of plot 2 to the west until it reaches The Causeway, it is exactly similar to Plot 2 only even more obtrusive and upsetting; thus all the reasons for the earlier dismissals plus some additional objections apply to this site;</li><li>- the land is agricultural and this categorization must not</li></ul>
-------------------------	---

now be changed;

- the site is outside the village envelope and should be dismissed on these grounds alone;
- sewerage pipes run under the site and by-laws prevent building within 7m of such pipes, therefore the site cannot accommodate the proposed static caravan, the same conditions should apply to the water supply;
- the first site of the village when approaching along The Causeway is of a Gypsy site, the Planning Inspector wrote four paragraphs regarding the effect on the character and appearance of the area and found that the development would be materially harmful to the character and appearance of the area;
- the mobile home which is even more obvious as it has to be raised, caravans, trucks and domestic cars present a most unsuitable appearance and this reason alone is sufficient for the application to be refused;
- although many are parked on the access track the vehicles are an integral and inseparable element of the Gypsy presence, the vehicles far exceed the number applied for an include commercial vehicles for the businesses operated from the site;
- the site is in a high risk area but because of the illegal dumping over the years has been raised;
- the Parish Council has concerns that the illegally dumped, scattered and covered material may be contaminated;
- the IDB has recently cleared the stream which has reduced the flood risk but only for the time being;
- the application ignores the rights of the settled community, moving the static caravan onto plot 1 would severely and adversely impact on the neighbouring settled community;
- because of the illegal landraising and need to lift the mobile home off the ground to obviate flooding, the already large and obtrusive building will look into the south facing windows of 17 The Causeway immediately across the stream;
- the Parish Council is most concerned over future growth of this site into a mini "Dale Farm" unless action is taken now to refuse this application and require removal from the site;
- the application must be refused and the Enforcement Notice must be enforced;
- the application stresses the need for the family to be resident in Clophill especially for the education of the children, the applicant's children do not attend the school in the village but are driven to other schools;
- there are no medical or dental practices in Clophill;
- a suitable, legal site elsewhere in Central Bedfordshire would allow attendance at the same schools as are

currently being attended and receive the same medical and dental care.

**Conclusion**

Given that the Planning Inspectorate has previously dismissed an appeal for change of use of land and the establishment of a gipsy(sic) site on the immediately adjacent plot and for the additional reasons details in this paper, Clophill Parish Council OBJECTS most strongly to this application. Central Bedfordshire Council is requested to REFUSE it.

Neighbours

18 letters of objection have been received in response to the application, the concerns are set out below:

- the land is agricultural and not designated for residential use
- enforcement action should be taken against the use of the land
- the site is close to the river and is prone to flooding
- damaging effect on wildlife
- outside of the village Settlement Envelope, it will set a precedent for other sites of development in the village
- none of the grounds for the appeal dismissal have been overcome
- this application should not have been allowed to be submitted
- damaging effect on bio diversity in the area and further down the river
- none of the children on the site are in local schools
- the Kingfisher family appear to have gone
- increase in noise
- much work was undertaken on the site prior to its occupation
- the site has always been agricultural and not used for parking and storage.
- there is a business operating from the site
- trees on and close to the site may fall due to the roots being exposed as a result of flooding
- change of use from what?
- the application is a delaying tactic due to the enforcement notice compliance required at end of May
- impact on the County Wildlife Site
- the family have no need to stay in Clophill, there is no doctors, dentist and only one shop
- if permission is granted the site will grow into a "mini Dale Farm"
- fires take place on the site
- people claim to have experienced intimidation
- CBC has met its Gypsy and Traveller pitch requirements through the emerging Plan

- the proposal would detract from the rural setting, it would be out of character and create an unsightly edge to the village
- the Council hasn't controlled existing buildings
- the site would be too close to existing dwellings
- the family should move to the proposed site in Barton which is away from houses
- questions over the suitability of the foul sewer
- the site was raised by hard core before the travellers came to the site
- shrubs, trees and wildflowers have been removed by the applicant

1 letter from an adjacent landowner was received making the following comments:

- neither in favour nor against the application
- if the application is granted then the Council will have moved the building line closer to my land, it shows acceptance that the flood risk is not as serious as local residents claim and that with correct management and "appropriate" housing design, the area could be made suitable for sustainable development
- if the application is refused then peace will resume in the village and hopefully someone will tidy up the area, including Paradise Farm, and return it to something other than a rubbish tip.

Ultimately the council needs to make a decision and stick to it. If it favours Mr Gumble, then my view is:

- The permission should be permanent,
- The Gumble's should be classed as settled and therefore they should give up their Romany status (This should be a condition of the planning) and the Gumble's will no longer be able to utilise the support of either BFS or the Romany community. The ground will be subject to council tax etc.
- The development should be suitable, in keeping, sustainable and permanent. It should utilise the latest technology and theories to make development in these challenging conditions a success, not just for Mr Gumble and his family, but the rest of the community. The council should work with Mr Gumble and the family to ensure this happens. In keeping does not mean simply hiding caravans and mobile homes behind newly planted trees and putting up fences.
- Garden/boundaries and ownership of this area should be defined/visible, to ensure that further future development (Which I believe is inevitable) can be considered in a clear and concise manner.

If the council rejects the application then:

- The council need to project a clear message to Mr

- Gumble that the area will not be developed.
- Enforcement need to ensure that the Gumble's find other suitable areas, as dictated by the council (Not by themselves)
  - The continued minor amendments, reapplication and appeal scenario is stopped.
  - Should the family remain in residence, ignoring the decision, systems should be in place to ensure this is a criminal offence and continuation to live there will result in appropriate sentencing.

### **Consultations/Publicity responses**

Clophill Conservation Group

- The proposed development is outside the village envelope;
- The development is visually intrusive and alien to the character of Clophill and approach to its significant Conservation Area;
- A grant of permission would be contrary to previous decisions, notably the appeal decisions of the Inspectors dated 29 May 2012 and 10 June 2011 for the adjacent site by the same applicant;
- If permitted it will make it difficult to prevent similar developments in the future and thereby progressively erode the natural and heritage amenities of the village.

Internal Drainage Board

The IDB repeated their previous comments but highlighted the final paragraph and recommendations.

My understanding of the reasons for the submission of a retrospective planning application are:

- The previous application on this site which showed the caravan situated nearer the eastern site boundary was refused and the appeal dismissed.
- The Planning Inspector dismissed the applicant's appeal on flood risk grounds whilst noting that the flood maps had changed since the application was originally determined. He considered the site to be partly within Flood Zone 2 (medium probability of flooding) which is unacceptable for 'Highly Vulnerable' development as described in PPS25.
- A new (retrospective) application has now been made with the caravan positioned towards the western boundary of the site which shows the caravan to be in Flood Zone 1 on the edge of Flood Zones 2.

Since this highly vulnerable development is still situated within a site which is partially within Flood Zone 2, with Flood Zone 3 (according to the current flood map) just contained within the south bank of the watercourse and

the access road partially within Flood Zones 2 and 3, the Planning Authority may wish to consider refusing the application on flood risk grounds. Alternatively, the wider benefits of allowing the development to remain may outweigh the flood risk of allowing a highly vulnerable development in this location, subject to conditions.

(The 'Exception Test' referred to by the Inspector which sets the standard for assessing the compatibility of the proposals with flood risk is described in PPS25 page 27, D9).

Although a Design and Access Statement has been submitted with the application and considers flood risk, a Flood Risk assessment has not been submitted which is sufficiently robust to show the development to be safe from potential flood. The braided nature of the watercourses in the vicinity of the site would be difficult to computer model to show that such a small scale site is not at flood risk; hence I would not expect to see this included in an FRA. An overview of the flood maps is therefore probably the best indication of likely flooding in this location and the most reliable data available to the applicant. It is accepted that the applicant has endeavoured to make the best use of the land available on the site by positioning the caravan in the least vulnerable flood risk location, but other issues such as access and egress during an extreme flood event have not been considered, nor registration for flood warning.

The Board acts as an Operating Authority for Land Drainage matters. Acting in this capacity the site occupants have co-operated with the IDB in making the site accessible for watercourse maintenance operations after the serving of the requisite notice. The location of the WC, however, shown on the submitted plan is within the Board's Bylaw width; hence if it remains in that position it is likely to require removal if/when more extensive watercourse maintenance work such as de-silting of the watercourse is carried out. It would be preferable, therefore, if the WC were re-sited in excess of 7m from top of bank. The WC does not have the consent of the Internal Drainage Board to be located in the position shown on the plan and hence the IDB can require its removal.

To be clear, the Bylaw width is for access and the spread and levelling of arisings from the watercourse (silt, vegetation etc) which the Internal Drainage Board are entitled to place on the land without compensation to the landowner. The 2m strip shown adjacent to the watercourse on the submitted plan is insufficient for the spread and levelling of arisings thereon when de-silting



operations, etc. take place.

If the Planning Authority are minded to grant planning permission it is recommended that:

- the WC be moved in excess of 7m from top of bank of the watercourse in order that the location does not adversely affect watercourse maintenance operations in the future.
- The caravan is raised 600mm above the level of the top of bank of the watercourse (600mm above Flood Zone 3) and secured so that it cannot float off in an extreme flood event exceeding the 1% probability with the possibility of danger to the occupants or blockage to the downstream watercourse.
- The occupants register with the EA for Flood Warning and have an evacuation plan in place to minimise the danger from flood.
- The fences on the east and west boundaries are demountable.

All in the interest of ensuring that maintenance of the watercourse can be carried out unimpeded by the Internal Drainage Board and that flood risk to the occupants of the caravan and to the local environment is minimised.

Environment Agency

**Flood Risk**

This area falls within the jurisdiction of the Bedford and River Ivel Internal Drainage Board (IDB). Therefore, the IDB should therefore be consulted with this proposal and the submitted Flood Risk Assessment (FRA). We will seek to support the IDB in their conclusions.

**Other comments**

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.

Highways Development Control

Although access to this site is achieved via the junction of The Causeway and High Street which is substandard in terms of the level of visibility available or via the junction of The Causeway with the A507 which is not subject to a speed restriction other than the National Limit; no highway objections have previously been raised to the creation of a gypsy site at this location.

Given that previous applications have been dealt with at Inquiry, I do not consider that it would be appropriate to raise an objection on highway grounds to this latest proposal.

It is stated on the application form that no changes are proposed to the existing means of access to the highway and the application site layout plan shows that access into the site will be achieved via a gated access onto the private access road serving Paradise Farm.

However it is noted that the access to Paradise Farm within the limits of the public highway is in a poor state of repair. This will need to be reconstructed and/or resurfaced to an appropriate standard, if it is to properly serve as a means of access to the residential use. I have therefore recommended the imposition of a planning condition to secure this.

Furthermore it is noted that there are gates in the fencing to the front of the site which open onto the "apron" at the access to Paradise Farm. These could be used to provide a separate means of access to the site. Given that these gates are not the intended means of access to the site, I have recommended a condition to secure their removal and close this section of the access.

Although the application site plan does not show any parking spaces, there is sufficient room within the site for at least half a dozen vehicles to enter, park, turn and leave in forward gear.

Private Sector Housing

No response received.

Minerals and Waste

The following classes of surface development are considered to be of a nature unlikely to lead to the long term sterilisation of minerals:

- Extensions of existing buildings within their curtilage;
- Infilling development except for proposals within 250 metres of an existing permission for mineral extraction/waste disposal;
- Minor development (such as walls, gates, accesses);
- Individual residential caravans for a period of less than 5 years;
- Amendments to previously approved developments;
- Applications for Listed Building Consent;
- Reserved matters;
- Changes of use (except where further built development is proposed).

As this is a Change of Use, without further built development, I have no comments to make.

Public Protection                      No response received.

Contaminated Land                      No comment.  
Officer

## **Determining Issues**

The main considerations of the application are;

1. Policy Background including Gypsy and Traveller Pitch Provision
2. Planning History of the Site
3. Flood Risk
4. Impact on the visual amenities of area
5. Impact on amenities of neighbours
6. Highways and parking
7. Assessment against emerging policy GT5
8. Other Matters
9. Conclusions

## **Considerations**

### **1. Policy Background including Gypsy and Traveller Pitch Provision**

#### Policy Background

The site lies outside of any built up area 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.

The draft Gypsy and Traveller Local Plan will be accompanied by a trajectory demonstrating that the Council has a 5 year land supply and when it is expected pitches will be delivered.

#### 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 people on 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

Following the Sustainable Communities Overview and Scrutiny Committee on 28th February 2013 and Executive on 18th March 2013, the Council resolved at its meeting on 18th April 2013 that the draft Pre-Submission Gypsy and Traveller Local Plan be approved for the purposes of publication and submission to the Secretary of State.

The draft Plan sets out the need for pitches to 2031 as follows:-

157 pitches for Gypsies and Travellers.

The draft Plan also allocates the following sites:

- (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)

The figures in the updated accommodation assessment were accepted by the Overview and Scrutiny Committee, Executive and subsequently Full Council. With the Council's acceptance of the updated need figures and the known backlog it must also be accepted therefore that there is a general need for sites. Since mid-March 2013 permanent planning permission has been granted for 12 pitches, therefore the backlog of need has reduced to 26 pitches.

The backlog of pitches will be incorporated into the total number of pitches to be delivered over the next 5 year trajectory. The draft Plan allocates a number of sites however it also relies on windfall applications to deliver the required level of pitch provision. The level of windfall applications expected has been calculated based on previous levels of permissions. Pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches required. Applications such as this therefore potentially make a necessary and significant contribution to the delivery of the required number of Gypsy and Traveller pitches and maintaining the required 5 year land supply trajectory.

## **2. Planning History of the Site**

The application site covers an area of land which has been subject to previous planning applications and subsequent appeals. The land which has been subject to refusal of planning permission is proposed to only be used as garden land.

The previous refusals of planning permission were due to the location of the site mainly within Flood Risk Zone 2 which indicates a medium probability of flooding. In determining the most recent appeal, APP/P0240/C/11/216387, against the refusal of planning permission, CB/11/03043/FULL, the Inspector identified the main issues as:

- the effect on the occupiers of the site with regard to the risk of flooding;
- the effect on the character and appearance of the area;
- the need for and provision of sites for Gypsies and Travellers in the area and the availability of alternative sites;
- the appellant's need for a settled site and personal circumstances; and
- the overall balance with regard to a permanent permission and permission for a temporary period.

These issues will be considered below with reference to the current application site.

Following refusal on planning permission CB/11/03034/FULL on 24th October 2011 an enforcement notice was served requiring the use of the land as a caravan site to cease and the removal of all caravans, trailers and other residential paraphernalia from the land. The notice was appealed and the Inspector dismissed the appeal but extended the time for compliance to one year. The enforcement notice will therefore come into effect on 29th May 2013.

### **3. Flood Risk**

The application site lies mainly within Flood Zone 1 with small areas within Flood Zone 2. The site layout plan submitted shows the static caravan, touring caravans and parking area located on the western part of the site with the eastern part being laid to garden.

The Flood Risk Assessment which accompanies the application includes a copy of the Environment Agency Flood Risk map. The FRA also considers the height of the land within the site and its vulnerability to flooding. The map shows that the western part of the application site on which the living accommodation would be proposed is located within Flood Zone 1 which has a low probability of flooding. Part of the eastern part of the site which would be used as a garden is however within Flood Zone 2 which has a medium probability of flooding.

The Technical Guidance to the National Planning Policy Framework provides guidance on flood risk and which types of development should be considered acceptable within the Flood Zones. The Guidance sets out the four Flood Zones as:

- Zone 1 - low probability
- Zone 2 - medium probability
- Zone 3a - high probability
- Zone 3b - functional floodplain

Caravans, mobile homes and park homes intended for permanent residential use are classified by the Guidance as highly vulnerable development.

Table 3 of the Guidance shows flood risk vulnerability and flood zone compatibility. The table shows that highly vulnerable development is appropriate in Flood Zone 1. The Guidance does also require that all proposals for caravans, mobile homes and park homes intended for permanent residential use are subject to the sequential and exception tests.

In determining the recent appeal the Inspector set out that although part of the site is Flood Zone 1 it is necessary to assess the proposal against the factors which apply in Flood Zone 2. It is considered that even though only a small part of the site which would be developed is within Flood Zone 2, the whole of the eastern part is within Flood Zone 2 and the proposal should be judged against the guidance for Flood Zone 2. It is not considered that this approach should be taken in determining this application as the land proposed for siting of the living accommodation would be in Flood Zone 1, the lowest level of risk, and garden land within Flood Zone 2 is acceptable.

The sequential test seeks to steer new development to land within Flood Zone 1. As the majority of the site is in Flood Zone 1 it is considered that the proposal passes the sequential test. The exception test requires that it is demonstrated that within the site, the most vulnerable development is located within areas of lowest flood risk and that development is appropriately flood resilient and resistant, including safe access and escape routes. The planning application demonstrates that the most vulnerable parts of the development, i.e. living accommodation, would be located in Flood Zone 1, the lowest level of risk. The caravans would be securely tethered and the underside would be above the flood level so that there would not be any risk of inundation or instability. In addition the flood risk map shows that the occupants of the site would be able to leave the site via the access to The Causeway during a flood event.

The IDB repeated their previous comments that the development is highly vulnerable within a site partly in Flood Zone 2 and in close proximity to Flood Zone 3 and the Authority should consider refusing the application. It is not considered that this is entirely accurate as whilst the site is near to Flood Zone 3 the main part of the site to be used for living accommodation is within Flood Zone 1. The IDB nevertheless recommend conditions and measures to minimise risk from flooding, including caravans being raised 600mm above the level of the top of the bank, securing the caravans, registration with the Environment Agency's Flood Warning service and having an evacuation plan.

The IDB also require that the fences adjacent to the watercourse are demountable to ensure access can be gained for maintenance purposes and highlight that a 7m wide strip adjacent to the watercourse should be left clear.

Due to the location of the most vulnerable part of the development, the living accommodation, being sited within Flood Zone 1 and the implementation of appropriate measures to ensure flood resilience and resistance it is considered that the proposal passes the sequential and exception tests. The proposal is therefore considered to be in compliance with the NPPF, Technical Guidance to the NPPF and relevant Local Plan policies.

#### **4. Impact on the visual amenities of the area.**

The site lies at the edge of the built up area of the village just beyond the edge of the ribbon of housing development on both sides of The Causeway to the immediate north of the site. The land is generally open and attractive and partial views of the static caravan and the touring caravans would be seen from the road above the 2m high close boarded fence which encloses the site. There is a mature conifer hedgerow along the north boundary of the site and further tree, hedge and shrub planting has been undertaken along the southern boundary adjacent to the road.

The applicants have stated that the proposed static caravan would have a pitched roof and could have roof tiles of whatever colour the Authority prefers. Also the external walls of the caravan could be a specific colour. The application does not contain any details of the external appearance of the caravan however there is a static caravan of similar style currently on the site. The static caravan would be sited facing The Causeway and would be in line with the existing

dwellings on the street thus continuing the building line. It is considered that a static caravan with a pitched roof would appear more acceptable in the streetscene, particularly as it would be orientated in the same way as the existing dwellings.

The Inspector's decision on the recent appeal on this site is a material consideration in determining this application.

*The conifers which have been planted are not typical of the river meadows and do not contribute to the assimilation of the development into the landscape. The timber fencing, vehicles and caravans are out of character with the flood plain meadow land and form part of a belt of intrusive development adjacent to the watercourse. It is not disputed that additional planting has been undertaken however it is not considered that the additional planting has overcome the adverse visual impact of the development. In addition the Inspector stated that landscaping could mitigate the harm to an extent but the development would still detract from the landscape character of the riverside meadows. The Inspector concluded in the appeal decision that the development detracts from the rural setting of, and forms an unsightly edge to, the village.*

The landscaping has matured since the appeal decision and additional planting has been undertaken. The timber fencing is out of character with the floodplain meadow land however it is permitted development and the refusal of planning permission would not result in its removal. The vehicles are not considered to have such a significant adverse impact on the visual amenities of the area to justify refusal of planning permission. The parked vehicles are seen within the context of The Causeway which is a residential street with parking on and off-street. The caravans at the time of the appeal site visit were different to those proposed now. The proposed static caravan which would be located in line with the dwellings on The Causeway, continuing the established building line, would have the appearance of a small dwelling rather than a caravan and could be finished to the Planning Authority's satisfaction. In addition the site is seen against the animal sanctuary known as Paradise Farm which is a collection of buildings in various states of disrepair which is considered to have a far more significant adverse visual impact than a single pitch Gypsy and Traveller site.

#### **5. Impact on amenities of neighbours**

The nearest house to the site is 17 The Causeway and this lies about 20 metres to the north west. There is a tall mature conifer hedgerow along the boundary of the application site close to the boundary of 17 The Causeway. This hedge and the tall fence around the site mean that there is very little visual impact of the development at the site on the outlook of the nearest neighbours or the visual amenities of the area generally. This application would move the caravans closer to The Causeway and would therefore not be visible from the neighbouring dwellings. There are no first floor side facing windows on 17 The Causeway and there do not appear to be any ground floor windows on the side elevation. If there are side facing ground floor windows which are not visible from the road or the application site, views into and from these windows would be prevented by existing boundary treatment and planting.

The appeal decision confirms this view with the Inspector concluding that the



impact on views from dwellings is not significant in terms of public interest. There is a reasonable separation between the existing dwellings and proposed caravans which would not be materially different to that commonly found between permanent dwellings.

## **6. Highways and Parking**

Access to the site is via the shared private driveway off The Causeway which serves Paradise Farm.

The Highways Development Control Officer comments that although access to this site is achieved via the junction of The Causeway and High Street which is substandard in terms of the level of visibility available or via the junction of The Causeway with the A507 which is not subject to a speed restriction other than the National Limit; no highway objections have previously been raised to the creation of a gypsy site at this location.

It is stated on the application form that no changes are proposed to the existing means of access to the highway and the application site layout plan shows that access into the site will be achieved via a gated access onto the private access road serving Paradise Farm.

However it is noted that the access to Paradise Farm within the limits of the public highway is in a poor state of repair. This will need to be reconstructed and/or resurfaced to an appropriate standard, if it is to properly serve as a means of access to the residential use.

Furthermore it is noted that there are gates in the fencing to the front of the site which open onto the "apron" at the access to Paradise Farm. These could be used to provide a separate means of access to the site. Given that these gates are not the intended means of access to the site they should be removed and this section of the access closed.

Although the application site plan does not show any parking spaces, there is sufficient room within the site for at least half a dozen vehicles to enter, park, turn and leave in forward gear.

The Officer therefore recommends conditions requiring the reconstruction and resurfacing of the existing access for a distance of 10m into the site and the closure of the alternative access to the plot of land.

## **7. Assessment against emerging policy GT5**

The emerging Gypsy and Traveller Local Plan approved by Full Council on 18th April 2013 for public consultation prior to submission to the Secretary of State and therefore due to its compliance with the NPPF carries weight. The Plan contains policy GT5 which is a criteria-based policy for assessing planning applications. Each part of the policy is addressed in turn below.

- Justification of local need for the scale and nature of development proposed. The issue of need has been dealt with above however in brief the Council's GTAA highlights a backlog of 38 pitches which has subsequently reduced to 26 following recent grants of planning permission. The draft Plan relies on windfall

sites to provide pitches in addition to those allocated within the Plan and therefore applications such as this are vital in meeting the level of identified need.

- The scale of the site and number of pitches would not dominate the nearest settled community and would not place undue pressure on infrastructure.

The site is located on the edge of the village of Clophill. The Parish of Clophill according to the 2011 census has a population of 1,740 people, in 720 dwellings. The application is for a single pitch site which would accommodate a family of eight people which in comparison to the size of the parish is considered appropriate and would not dominate the nearest settled community. The site is already occupied therefore granting planning permission would not place any additional pressure on infrastructure.

- The site would not be located in an area of high risk of flooding, including functional floodplain. A flood risk assessment will be required in areas of flood risk.

Flooding has been considered in detail above. The application is accompanied by a Flood Risk Assessment.

- Satisfactory and safe vehicular access.

The Highways Development Control Officer has no objection to the application but does request two conditions on any planning permission granted.

- Site design demonstrates that the pitches are of sufficient size.

Whilst there is no defined size for a Gypsy and Traveller pitch the submitted plans show that the pitches would be of sufficient size to accommodate up to three caravans (one static and two tourers), parking and turning space, a large garden and associated buildings/storage.

- Landscaping

The visual impact of the proposal is considered in detail above. Specifically with regard to planting, the northern and southern boundaries of the site are already well landscaped, however it is considered that additional landscaping would be beneficial. Along the boundary fencing with the highway the applicant has planted shrubs and hedging which will over time soften the appearance of the fencing.

- Sensitive boundary treatment

The southern, eastern and western boundaries of the site are demarcated by 2m high close boarded fencing which has been stained green in colour. The northern boundary of the site adjacent to the watercourse is shown as being wooden post and rail fencing. The existing site is fenced on all sides with wooden close boarded fencing. The existing fencing adjacent to the watercourse is demountable to enable the IDB to gain access.

- The amenity of nearby occupiers would not be unduly harmed by the development

The closest dwelling to the application site would be the property at 17 The Causeway. At present some views of the existing site are possible from the first floor rear windows of the dwelling. Relocating the living accommodation to the

land to the front of the site would mean that no views to or from 17 The Causeway would be possible. Due to the location of the site, the nature of the proposal and the orientation of the adjacent dwelling it is not considered that there would be any adverse impact on the amenities of neighbouring residents by reason of overlooking, overbearing or loss of privacy or light. This issue is also considered above.

- Pollution from light and noise sources should be minimised

No details of external lighting on the site have been provided however it is considered that this can be adequately controlled by condition. The proposal would not lead to any specific noise sources. It is acknowledged that there may be a little more noise from a Gypsy and Traveller site compared to a bricks and mortar dwelling due to the level of outdoor living, nevertheless it is not considered that a normal level of noise would be unacceptable.

- Adequate schools, shops, healthcare and other community facilities are within a reasonable travelling distance.

Four of the children on the site are in education, one is home tutored with the others attending schools outside of Clophill. Shops and other community facilities within Clophill are limited and there is no healthcare provision. The policy requires adequate facilities be within a reasonable travelling distance not necessarily within the village. It is considered that the location of the site would enable the occupiers to access the necessary facilities without having to travel long distances.

- Suitable arrangements can be made for drainage, sanitation and access to utilities.

The existing site is connected to the mains sewer and it is proposed that this arrangement continues if planning permission were granted. Details of surface water drainage would need to be secured by condition as there do not appear to be any formal arrangements in place or proposed.

Overall the proposal complies with the emerging Gypsy and Traveller Plan policy GT5.

## **8. Other Issues**

There are no trees on the site which are affected by the proposals. Local residents have advised that trees have already been removed from the site.

This council's ecologist has advised that the site lies in the Flit Valley County Wildlife Site. Policy CS18 of the Core Strategy and Development Management Policy Document states that development that would fragment or prejudice the biodiversity network will not be permitted. The application does not make any mention of any suggested mitigation to provide beneficial habitat management but that there should be a minimum of 8 metres of any development to the river to protect riparian habitat. The introduction of a shingled area and caravan resulted in the loss of grassland habitat and thus the areas value to wildlife. It must, however, be noted that the placing of the 2m fencing around the site and the clearance of existing vegetation were not works which required the specific grant of planning permission, so the protection of such areas is very tenuous.

Some objectors make comments which appear to relate to the existing long-term use of Paradise Farm, this application is not related to the use of Paradise Farm.

Regard has been had to the Human Rights implications of the application. Details of the personal circumstances of the intended occupiers were outlined above in the context of the claim for very special circumstances.

It is recognised that the refusal of consent would require some individuals who are already resident at the site. This would lead to an interference with their rights to a home and private family life. The refusal of consent would also lead to an interference with their property rights. Such interference must be balanced against the public interest in pursuing the legitimate aims of Article 8 of the European Convention on Human Rights, which include the protection of the environment. In the present case, the analysis above suggests that the likely impact of the development upon the Green Belt, or upon the character and appearance of the countryside, is limited and that the refusal of permission would place a disproportionate burden upon members of the applicant's family and would result in a violation of their rights under the Convention.

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. The Council on 18th April resolved that the draft Gypsy and Traveller Local Plan be approved for the purposes of publication and submission, the Plan identifies the need for 157 pitches to be provided within the Plan period and seven sites in order to meet the level of identified need. The draft Plan will be accompanied by a trajectory demonstrating that the Council has a 5 year land supply and when it is expected pitches will be delivered.

Notwithstanding the above if Member's are minded to refuse this application consideration should be given to a temporary consent. If temporary consent were to be granted the time given to the applicant's could investigate alternative options.

## **9. Conclusion**

The application site is mainly within Flood Zone 1 and partly within Flood Zone 2. Highly vulnerable development, including caravans for permanent occupation, outside Flood Zone 1 are only acceptable when the sequential and exception tests in the Technical Guidance to the NPPF are met. The sequential test seeks to steer new development to land within Flood Zone 1. As the majority of the site is in Flood Zone 1 it is considered that the proposal passes the sequential test. The exception test requires that it is demonstrated that within the site, the most vulnerable development is located within areas of lowest flood risk and that development is appropriately flood resilient and resistant, including safe access and escape routes. The planning application demonstrates that the most vulnerable parts of the development, i.e. living accommodation, would be located in Flood Zone 1, the lowest level of risk and appropriate actions could be taken to secure the caravans etc.

Previous proposals were considered to result in an adverse impact on the character and appearance of the area. This application locates the proposed

static caravan on the established building line and whilst it is accepted that the fencing would still detract from the landscape character of riverside meadows it is permitted development and would not be removed by refusing this application. The landscaping on the site has matured and additional planting has been undertaken. It could be argued that any caravans in open countryside have an adverse impact on the character of the area, however in light of the proposed new location of the static caravan and the level of identified need within the emerging Gypsy and Traveller Local Plan it is considered that on balance the visual impact of the development would not be so adverse as to justify refusing planning permission.

The proposal would comply with the requirements of policy GT5 of the emerging Gypsy and Traveller Plan and would not result in any adverse impact on the amenities of residents or highway safety.

### **Recommendation**

That Planning Permission be approved.

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby approved shall be commenced within three years of the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
- 2 No 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 3 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 countryside 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.  
(CS Policy DM3 & 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 (vi) below:

- (i) within 3 months of the date of this decision a scheme for the means of 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 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 10m 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.
- (iii) 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;
- (iv) 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;
- (v) within 3 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.
- (vi) within 3 months of the date of this decision a landscaping scheme, clearly identifying ground preparation works, details of all tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities, together with the means of their protection shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented during the first full planting season following the completion of the development. 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 an appropriate standard of development.  
(CS policy DM3 and DSCB policy 43).

- 6 All caravans shall be raised 600mm above the level of the top of the bank of the watercourse and secured so that it cannot float off in an extreme flood event.

Reason: To avoid danger to the occupants and possible blockage of the watercourse.

(Emerging G&T Local Plan GT5)

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SLO1, 2013, Draft I & LOC-04.

Reason: For the avoidance of doubt.

### 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 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.
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 Ampthill Road, Bedford, MK42 9BD.
4. The applicant is reminded that any works within 7m of the bank top also require consent from the Internal Drainage Board and that any fencing along the watercourse needs to be demountable to allow the IDB access for maintenance purposes.
5. It is recommended that the applicant registers with the Environment Agency for Flood Warnings and puts in place an evacuation plan to minimise the

danger from flooding.

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

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.

**DECISION**

.....  
.....



**Planning Application CB/13/00985/FULL**  
**Plots 1 &2, The Causeway, Clophill**

**1. Introduction**

1a. This paper is the formal response of Clophill Parish Council to Planning Application CB/13/00985/FULL for the change of use for the stationing of one residential static caravan and two touring caravans, and parking for two associated vehicles and portaloos at Plot 1, Paradise Farm, The Causeway, Clophill. Although addressed only as Plot 1, the accompanying plans show the full involvement of Plot 2 in the intentions of the applicants, so this response refers also to Plot 2. Clophill Parish Council objects, strongly, to this application for the reasons given in the following paragraphs.

**2. Public Inquiry, Previous Decisions**

2a. In appeals APP/P0240/C/11/2160387 and APP/02040/C/11/2160387 on 13<sup>th</sup> March, 2012 a public inquiry was held by the Planning Inspectorate on an almost exactly similar application, refused by Central Bedfordshire Council, and the associated Enforcement Notice for the immediately adjacent Plot 2, The Causeway. After hearing all the evidence, both the appeals were dismissed by the Inspector. The reasons are catalogued in the Inspectorate document of 29<sup>th</sup> May, 2012. This paper is held by Central Bedfordshire Council and will not be repeated here in detail.

2b. Plot 1 is a continuation of Plot 2 to the west until it reaches The Causeway. It is exactly similar to Plot 2, only even more obtrusive and upsetting. Thus, all the reasons for the earlier dismissals, plus some additional objections apply to this site. Central Bedfordshire Council is requested to read and to consider the Inspector's report in full and apply it when considering this new application. On their own, the Inspector's decisions are sufficient to require a firm, immediate refusal of this new application which merely serves to continue the saga. However, there are also additional strong reasons for refusal.

**3. Change of Use of Land from Agricultural**

3a. Plots 1 and 2 of Paradise Farm have always been classed as "agricultural". I attach two aerial photographs from the 1980s and 1990s which prove this. (Annexes 1 and 2). From the 1990s onwards the owner of Paradise Farm started, illegally, to receive waste soil, rubble and other materials which were dumped on both plots. I attach further later photographs of this dumping on Plot 1 (Annexes 4 and 5) and also a Google street photograph of 2010 which clearly demonstrates the rural/agricultural nature of the whole site before the arrival of the gypsies (Annex 3). This dumping was used, illegally, to raise the land sufficient to foil the Environment Agency aerial flood zone mapping. Its content may be contaminated. Residents, who watched this dumping with dismay state that they did not witness any removal, only spreading. Proof of the original height of the site may be seen at Annexes 1 and 6. Annex 6, an earlier photograph taken from No 17 also shows flooding. The photographs at Annexes 1 and 5, both bottom right, show the sewerage pipe crossing the stream onto Plot 1

and which is referred to later in this paper. These two sites have always been agricultural and this categorization must not now be changed.

3b. It is emphasised that the application site is outside the village settlement envelope, and should be dismissed on these grounds alone. Any reference in the application to dwellings permitted within Clophill is irrelevant as all dwellings so approved have been within the settlement envelope.

#### 4. Sewerage and Mains Water Pipes

4a. The sewerage farm for the village of Clophill lies several hundred metres to the south-east of the site adjacent to the A507. The main pipe from the village runs along The Causeway under the front gardens of the dwellings on the east side before crossing the River Flit onto Plot 1 (as shown at bottom right on Annex 1 and the same at Annex 5). Once the river has been crossed the piping immediately traverses through some 45 degrees across Plot 1 and continues in the direction of the sewerage farm. Plot 1 is where the pipe is at its lowest before it rises to the sewerage farm. Toilets in dwellings along The Causeway periodically suffer from blockages to the distress of residents. Therefore constant access for Anglian Water is essential. The Parish Council understands that by-laws preclude the erection of buildings etc within seven metres of such pipes. Because of the direction change of the pipes under Plot 1, sufficient distance cannot be obtained for a residential static caravan (mobile home). Despite the nomenclature, such facilities are not readily mobile, having to be craned into or out of position. Thus Plot 1 is unsuitable for a large static caravan (the applicant's family total eight).

4b. The Parish Council understands that Plots 1 and 2 are supplied by mains water which also uses piping adjacent to the sewerage pipes. The applicant states that he has connected to mains water (indeed, water appears currently to be leaking into the approach track to Paradise Farm). The same conditions must apply to this supply.

#### 5. Approach to Conservation Village

5a. Clophill is an important Conservation village. It has four entry points. However, the Sat-Nav approach from both east and west directs traffic along the A507 and into the village via The Causeway. Thus the first site of the village on this approach is of the gipsy encampment, presently on Plot 2 and its surrounds. The Planning Inspector, in her appeal judgement on Plot 2, writes four paragraphs regarding "the effect on the character and appearance of the area", She found that "the development would be materially harmful to the character and appearance of the area" and was one of her several reasons for refusing the appeals. The current application, for Plot 1 is even more harmful.

5b. The applicant and his family consists of eight people of both sexes. The Parish Council questions whether the applicant's plans showing the mobile home is actually to scale and, in any event, believes that it will transgress the required seven metre boundary both from the river and the sewerage and mains water pipes.

5c. The mobile home (which is even more obvious because it has to be raised), caravans, trucks and domestic cars present a most unsuitable appearance and this reason alone is

sufficient for the application to be refused. Although many are parked immediately outside the sites in the approach track to Paradise Farm they are an integral and inseparable element of the gipsy presence, the vehicles far exceed in number those applied for and include commercial vehicles for the businesses operated from this site. Please see Annex 7 and compare it with Annex 3 – the environmental damage since the arrival of the gipsy family can clearly be seen. Annex 7 is dated 2011 (no up-to-date photograph is held). Since 2011 some of the commercial vehicles have been exchanged for newer trucks but the scene is essentially the same – except when announced inspections are known, such as when the Planning Inspector visited, when the number of vehicles is severely reduced. However, the photograph essentially is the norm.

## 6. Flood Risk

6a. The site is in a high flood risk area but, as explained above, because of the illegal dumping over the years has been raised which the Environment Agency aerial scans are unable to show and explain. The Parish Council has concerns that the illegally-dumped, scattered and covered material may be contaminated. Annexes 1, 2 and 6 clearly show the proper, agricultural level of the site. Annex 6 shows earlier flooding and clearly demonstrates the original and proper level of Sites 1 and 2. The IDB has recently cleared the stream which has reduced the flood risk, but only for the time being. However, such clearances are not a new phenomenon and only prevent river blockages and levels temporarily. Flooding will return.

## 7. Human Rights and the Settled Community

7a. Government guidance on traveller sites emphasise the need also to consider the rights of the settled community. This application completely ignores those rights. By moving their impedimenta, and especially the static caravan (actually a very large static home), onto Plot 1 this application will severely and adversely impact the neighbouring settled community. This is particularly so and damaging given the juxtaposition with No 17. Because of the illegal land-raising and the additional need to lift the mobile home off the ground to obviate flooding, that already large and obtrusive building will look-in to the south facing windows of No 17 immediately across the stream.

## 8. Application Numbers Versus Family Size

8a. The applicant and his family total eight persons. Some are already young adults with the other children growing older. The vehicles in the application effectively class all the occupants as residing together. However, the applicant has told residents that when his sons marry they will expect to live on the site. Gipsy/Traveller Planning Guidance for formally/legally nominated gipsy sites allocates “pitches” to each family. There is conflict here with the application which is for a specific number of accommodations versus “gipsy/traveller pitches”. Given the way in which this family has historically ignored planning rules and enforcement notices, the Parish Council is most concerned over future growth of this site into a mini “Dale Farm” unless action is taken now to refuse this application and require removal from the site. This site, and Paradise Farm as a whole have

not been identified by Central Bedfordshire Council and included in their plans. This site, and Paradise Farm, must not be allowed to be permitted as a gipsy site. This application must be refused and the Enforcement Notice issued following the Planning Inspectorate's earlier dismissal must be enforced.

## 9. Family Need to Reside in Clophill

9a. The application stresses the need for the gipsy family to be resident in Clophill – especially for the education of the children. There is only one school in Clophill, a junior school which has obtained high OFSTED reports and with spaces for new pupils. The applicants chose not to use this school and drove their one eligible child several miles to another village school. All the other children of school age have attended schools some miles away from Clophill. Similarly, there are no medical or dental practices in Clophill; the nearest being several miles away. Thus the argument that Clophill is essential for education, health etc is nonsensical. A suitable, legal site elsewhere in Central Bedfordshire would allow attendance at the same schools as are currently being attended, and receive the same medical and dental attention. There is no reason why this Clophill site is necessary. This argument should be dismissed.

## 10. Conclusion

10a. Given that the Planning Inspectorate has previously dismissed an appeal for change of use of land and the establishment of a gipsy site on the immediately adjacent plot and for the additional reasons detailed in this paper, Clophill Parish Council OBJECTS most strongly to this application. Central Bedfordshire Council is requested to REFUSE it.

Clophill Parish Council

16th April, 2013

## Annexes

1. Aerial view of site in 1980s, showing agricultural state.
2. Aerial view from higher altitude in 1990s, demonstrating wider agricultural state.
3. Google street-level view of site from south in 2008 showing rural state.
4. Two photographs from 1996 and 2003/4 showing illegal dumping/land raising.
5. Two later photographs showing illegal rubbish (contaminated ?) dumping, and sewer pipe.
6. Early photograph showing site flooding and original land level of Plots 1 and 2.
7. 2011 photograph of site for comparison with Annex 3 showing gipsy impact.

Annexes

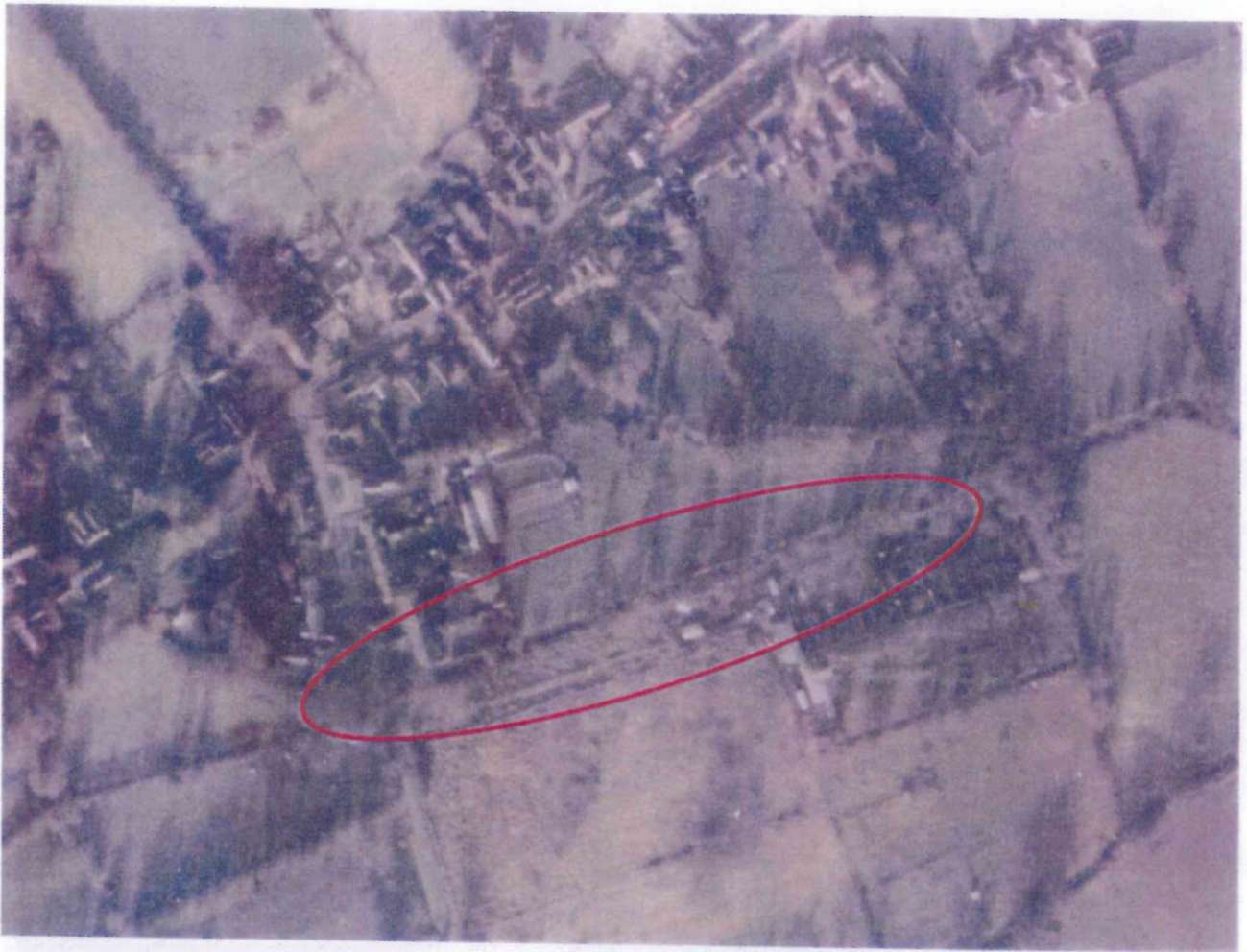
Annex 1

Aerial view of site in 1980s



Annex 2

Aerial view of site in 1990s



Annex 3

Google view of site, 2008 (looking north)



Annex 4a

Raising the ground levels historic rubble dumping at Paradise Farm (April 1996)



Annex 4b

Raising the ground -- historic soil dumping at Paradise Farm (2003/2004)





**Annex 5**





Also area now plot 1. We think it is quite likely the land is contaminated from the dumped rubbish and possibly asbestos amongst the rubble?



Clearly plot 1 as you can see the position of the sewer pipes.

Annex 6

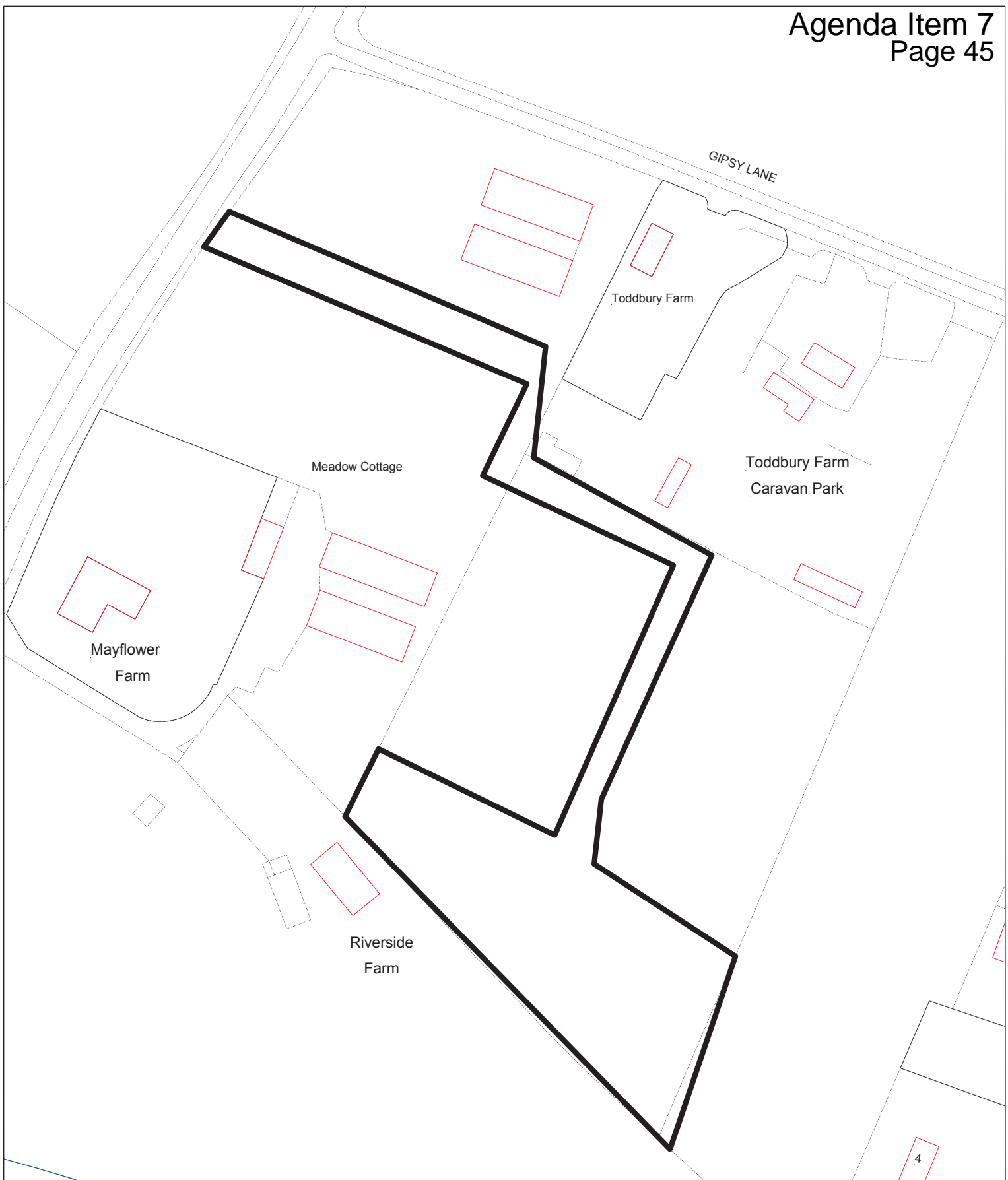
1980s view looking south-east from number 17, showing flooding and true level of banks



Annex 7

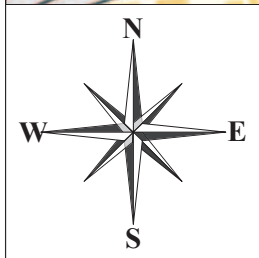
View from The Causeway, south of site. Compare with Annex 3 (March 2011)





	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/13/01044/FULL
	Date: 08:May:2013	
	Grid Reference: 493480; 221725	
Scale: 1:1250	Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP	

This page is intentionally left blank



© Crown Copyright. All rights reserved.  
 Central Bedfordshire Council  
 Licence No. 100049029 (2009)

---

Date: 07:May:2013

---

Grid Reference: 502670; 223587

Application No.  
 CB/13/01022/FULL

Scale: 1:5000

Houghton Hall Park, Houghton Hall Business Park, Houghton Regis, LU5

This page is intentionally left blank



<b>Item No. 8</b>
-------------------

<b>APPLICATION NUMBER</b>	<b>CB/13/01022/FULL</b>
<b>LOCATION</b>	<b>Houghton Hall Park, Houghton Hall Business Park, Houghton Regis</b>
<b>PROPOSAL</b>	<b>New Heritage Hub (visitors centre) with expansion of the existing car park.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Jones</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>15 April 2013</b>
<b>EXPIRY DATE</b>	<b>10 June 2013</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Nicolas Tye Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application site is owned by Central Bedfordshire Council</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### **Recommended Reasons for Granting**

The proposed development would, preserve the character and appearance of the historic environment, advance awareness of the heritage assets and would not be prejudicial to highway safety thereby conforming to the development plan comprising Policies, BE7, BE8, SD1 and T10 of the South Bedfordshire Local Plan Review and Policies 1,2, 22, 27,43 & 45 of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

### **Site Location:**

The application site is situated in the south eastern corner of Houghton Hall Park, which lies to the west of Park Road North in the Houghton Regis Conservation Area. Houghton Hall Park is a 19th century designed landscape associated with Houghton Hall, a 17th century Grade II Listed Building situated at the centre of Houghton Regis town. The site is bounded on the south east by Houghton Hall Business Park and a considerable area of parkland, approximately 16,5 ha in the north and west beyond which are mainly residential properties. The site is currently occupied by an existing visitors car park, an area of parkland, trees and shrub.

### **The Application:**

seeks permission to erect a heritage hub and the expansion of the existing car park in order to enhance Houghton Hall Park by improving its accessibility and providing

complementary facilities within the park whilst sensitively conserving and restoring appropriate elements of the historic environment in order to promote the enjoyment of the park by the local community. The scheme would incorporate the following:

- An amphitheatre to the rear of the building to provide space for external functions, group gathering space or relaxation with views into the wider park area.
- Two flexible meeting rooms with a maximum sitting capacity of 50 people. The rooms could be adapted for various other uses like teaching space, community meetings for local businesses and organisations or for private functions like weddings.
- A large flexible multi-function cafe and exhibition area where visitors could learn about the park and the local community.
- Enlargement of the existing car park. The existing car park has 23 spaces. The car park extension would create an additional 53 car parking spaces (including disabled provision). There will additionally be space for a coach. The total capacity of the extended car park would therefore be 76 spaces and a coach space.

#### Design detail submitted in support of the application

- The building would be a rectilinear curved design with a gentle sloping mono-pitched roof.
- The roof would be of highly insulated aluminium standing seam, brown in colour to blend with the surrounding landscape.
- The facade would have polyester powder coated aluminium thermally broken framed windows with double glazed units to achieve high levels of thermal performance.
- The building would be constructed of a steel frame with the envelope constructed of timber frame walls.
- The building would incorporate sustainable construction methods based on the need to be energy efficient. Consideration would be given to the use of alternative renewable energy sources and materials.
- Solar panels would be installed to assist in heating water. The provision of a ground source heat pump would be considered subject to the availability of funds.
- Natural daylight into the building would be maximised by the provision of full height windows and the provision of sun pipes or rooflights to reduce the need for artificial light.

#### **RELEVANT POLICIES:**

##### **National Planning Policy Framework (27 March 2012)**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections of the NPPF are considered relevant to this application.

Paragraphs 6 to 17 : Achieving Sustainable Development.  
Section 4 : Promoting Sustainable Transport

Section 7: Requiring good design.

Section 12: Conserving and enhancing the historic environment.

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

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the framework, with the exception of policy T10, and significant weight should be attached to them.

SD1 Sustainability Keynote  
BE8 Design Considerations  
BE7 Historic Parks and Gardens  
T10 Parking in New Developments

### **Endorsed Core Strategy - South**

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the 29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy.

### **Development Strategy for Central Bedfordshire**

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 and the following policies are considered relevant to the determination of this application:

Policy 1 : Presumption in Favour of Sustainable Development  
Policy 22 : Leisure and Open space provision  
Policy 27 : Car Parking  
Policy 43: High Quality Development  
Policy 45 : The Historic Environment

### **Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development (2010):  
Design supplement 5 : The Historic Environment  
Design Supplement 7 : Movement, Streets and Places

Local Transport Plan: Appendix F - Parking Standards

### **Planning History**

None

**Representations:  
(Parish & Neighbours)**

Town Council	To be reported at the meeting.
Neighbours 19 Easthill Road,	Objections <ul style="list-style-type: none"><li>• The look of Houghton Hall Park would be spoiled</li><li>• How would it be funded in the future?</li><li>• Vandalism and unsocial behaviour</li><li>• Security at night</li><li>• Not necessary to have a visitors centre when other options are available close by, eg expanding the cricket pavilion on the Green, Houghton Regis Library or the Community Centre.</li></ul>

**Consultations/Publicity responses**

Conservation Officer      I am happy for approval to be granted subject to the application of standard Conditions in respect of the following:

(Prior to commencement)  
the submission and agreement of the following:  
-external wall and roof materials, including rainwater goods.  
-external finishes schedule (including colourings).

Archaeologist              The proposed development site lies within the boundary of Houghton Hall Park (HER 7024) landscaped grounds and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological and historic interest. Houghton Hall Park is a small designed landscape associated with Houghton Hall (HER 5687, LB 38/186 – Grade II\*) and the Brandreth family, who were major landowners in Houghton Regis from the 17th to 20th centuries. The Hall dates to the end of the 17th century, although it has undergone extensive remodelling. Historic maps indicate the parkland developed from the middle of the 18th century onwards and while small, it appears to have followed the trend of other designed landscapes of this period; comprising a formal garden and kitchen garden and a more “naturalised” landscape of carefully planted woodlands, specimen trees and pathways. The latter was separated from the former by a ha-ha, which created a physical barrier (to prevent livestock from straying in to the formal areas) without interrupting the views across the parkland.

The Conservation Statement (Central Bedfordshire Council, January 2012) provides a more detailed assessment of Houghton Hall Park. It is not however a

heritage asset assessment and does not deal with the impact of the proposed development on the historic environment, which this application is apparently designed to enhance. The documents that accompany this application provide limited information on the impact or potential impact on the heritage assets with archaeological and historical interest. Nevertheless, there will be an impact and it will be irreversible, affecting any surviving archaeological deposits present on the site and the significance of the heritage assets with both archaeological and historic 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 all the heritage assets affected by the development. This will be achieved by the implementation of a scheme of heritage asset resource management that will include the investigation and recording of any archaeological deposits, their post excavation analysis and the publication of the results of this work. It will contain a consideration of the impact of the development on the designed landscape and the assets with historic interest. In order to secure this, please attach an appropriate condition to any permission granted in respect of this application.

Ecologist

To be reported at the meeting.

Highways Officer

The proposal is for a visitors' centre consisting of a small shop (15m<sup>2</sup>), restaurant (56m<sup>2</sup>), and assembly rooms (226m<sup>2</sup>) with the provision of 70 car parking spaces and 1 coach parking space. For the intended use, the parking provision appears to be adequate.

Cycle parking for neither visitors nor staff has been provided nor facilities to allow staff who travel by cycle to change which is a failing of the application. A pedestrian crossing is shown within the site and I question if this is appropriate or should just be a raised table. However this is not a highway issue.

In a highway context I recommend that appropriate conditions be included if planning approval is to be issued.

Environmental Health  
Officer

To be reported at the meeting.

Tree and Landscape  
Officer

I have already had informal pre-application site discussions with Paul Burgess regarding the need to allow sufficient clearance from the mature trees situated along the frontage of the site with Park Road North. These trees have not been indicated on the plans I have

received from Nicolas Tye Architects.

The trees being removed from the interior of the site are noted to be young specimens, planted within the last 15 to 20 years as part of a substantial native screening belt between the adjacent business park. The trees can be easily replaced.

I have no objections to the application, but would request a replacement planting condition and a tree protection Plan to safeguard the trees along Park Road North.

Waste Planning Officer      To be reported at the meeting.

English Heritage              To be reported at the meeting.

Environment Agency        To be reported at the meeting.

### **Determining Issues**

The main considerations of the application are;

1. Whether or not the development is acceptable in principle
2. Impact on the character and appearance of the Historic Environment
3. Impact on off-street parking provision and highway safety
4. Other matters

### **Considerations**

#### **1. Whether or not the development is acceptable in principle**

Whilst Houghton Hall Park is not included in the English Heritage Register of Historic Parks and Gardens, it is nevertheless recognised as a local heritage asset with archaeological and historic landscape interest and is also one of the twelve parks and gardens protected by local plan policy. Policy BE7 of the South Bedfordshire Local Plan Review specifically sets the criteria for development proposals in the historic parks and gardens. The policy states that :

*The Local Planning Authority will encourage the conservation, enhancement and restoration of the historic parks and gardens identified as of importance in this plan and on the Proposals Map. Planning permission will not be granted for development that would unacceptably harm the character or appearance of such areas and their settings, or result in the loss of significant features.*

This policy guidance is echoed in the emerging Development Strategy in Policies 43 and 45 and national advice contained within the National Planning Policy Framework.(sections 11 and 12). In this case, the proposed development is seen as a wider strategy to conserve, enhance and manage the surviving heritage features of this historic environment for the benefit of the local residents. Furthermore, stakeholder consultation sessions that involved potential

users and members confirmed general support for the proposed development. It is therefore considered that the proposed development is acceptable in principle as it would conform to local and national policy with regards the conservation and enhancement of the historic environment.

**2. Impact on the character and appearance of the Historic Environment**

The proposed design, including the choice of construction materials would complement the character and appearance of the historic environment. The design closely follows similar successful developments elsewhere in the Council area, in particular, the Marston Vale Visitors Centre near Bedford. With conditions to control the external appearance of the building, it is considered that the development would not detract from the character and appearance of the historic environment. It is also considered that the existing planting around the site that could be secured by a landscaping condition would soften the appearance of the building in wider views.

**3. Impact on off-street parking provision and highway safety**

The proposed expansion to the existing car park would ensure that the development makes adequate off-street parking provision for the visitors such that no additional demand would be generated for on-street parking on the adjoining highways. Subject to the imposition of conditions recommended by the Highways Officer, the development would therefore not be prejudicial to highway safety.

**4. Other matters**

Objections

The analysis of the impact of the development on the character and appearance of the area confirms that the scheme would enhance the historic environment and not spoil it contrary to the objector's views. With regards the future funding of the Visitors Centre, it is anticipated that a bid would be submitted for the Heritage Lottery 'Parks for People' funding programme which would be used together with any revenue obtained from hiring out the building for different social functions to sustain the development in the future. There is no evidence that the proposed development would be any more prone to night time security risks or anti-social behaviour than any other developments in the area. However, the design incorporates features to actively minimise damage through vandalism by incorporating roller shutters, appropriate lighting and cctv coverage would be considered depending on affordability. The proposed development is tied to the historic environment and its continued management and hence offers a unique opportunity to raise awareness about the remaining heritage assets in the park whereas the other community facilities mentioned by the objector serve completely different purposes. The application site has a current car park and main road access that would reduce additional traffic into the town centre and viewed in the context of the proposed link road into the Woodside industrial site, it makes this the ideal site to locate a facility that also blends in to an existing business park. The other sites have limited car parking and the pavilion site does not have a car park and is too close to existing residential properties. The Library and Community centre are potentially too far away from the site to enable them to be interactive with the park site.

**Human Rights issues**

The application proposal raises some human rights issues as reflected by the

objections received. However, taking into account the mitigation measures that could be secured by planning conditions, the human rights of the general public who stand to benefit from the development and the fact that the development would support national objectives in the NPPF, it is considered that withholding planning permission against this background would severely infringe the human rights of the intended beneficiaries and this is an overriding consideration.

### **Equality Act 2010**

The proposed building would have a generously sized entrance designed to enable access by all, accessible parking, clear signage, accessible toilet provisions and aids for communication and hence would be compliant with the Disability Discrimination Access legislation.

### **Recommendation**

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

### **RECOMMENDED CONDITIONS**

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

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

- 2 **Before development begins and notwithstanding the details submitted with the application, details of the materials and colours to be used for the external walls and roofs of the proposed building including rainwater goods 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 ensure that the development does not detract from the character and appearance of the historic environment.  
(Policies BE8, S.B.L.P.R and 43 & 45 D.S.C.B).

- 3 **Prior to development, a Tree Protection Plan shall be submitted to the Local Planning Authority indicating the position and build specification of protective fencing that shall create a Construction Exclusion Zone around the north-eastern boundary of the site at sufficient distance from the trees to comply with the requirements of BS 5837 : 2012.**

Reason: To ensure the satisfactory retention and protection of mature trees located along the frontage with Park Road North along the north-eastern boundary of the site, to secure their good health, stability screening and amenity value.  
(Policies BE8, S.B.L.P.R and 43 D.S.C.B).

- 4 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements



shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.  
(Policy 43 D.S.C.B).

- 5 **Development shall not begin until details of secure cycle storage for staff and cycle parking for visitors have been approved by the Local Planning Authority and the building shall not be occupied until the said storage and parking have been constructed in accordance with the approved details.**

Reason: In order to promote sustainable modes of transport.  
(Policies 27 & 43 D.S.C.B).

- 6 **Development shall not begin until details of welfare facilities for staff who cycle to the site have been approved by the Local Planning Authority and the building shall not be occupied until the said facilities have been provided in accordance with the approved details.**

Reason: In order to promote sustainable modes of transport.  
(Policy 43 D.S.C.B).

- 7 **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.  
(Policy 43 D.S.C.B).

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

Reason: To ensure adequate off street parking during construction in the interests of road safety.  
(Policy 43 D.S.C.B).

- 9 **No development shall take place until a written scheme of heritage asset resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme.”**

**Reason: To record and advance understanding of the heritage assets which will be unavoidably affected as a consequence of the development.**

**(Policy 45 D.S.C.B and paragraph 141 of the National Planning Policy Framework).**

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1428.01.00, 1428.01.01, 1428.02.01, 1428.02.02, 1428.02.03, 1428.02.04, 1428.02.05 & 1428.02.06.

Reason: For the avoidance of doubt.

### 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 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](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

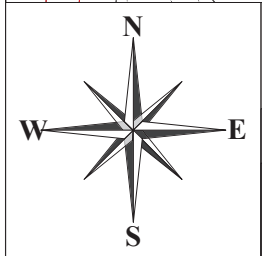
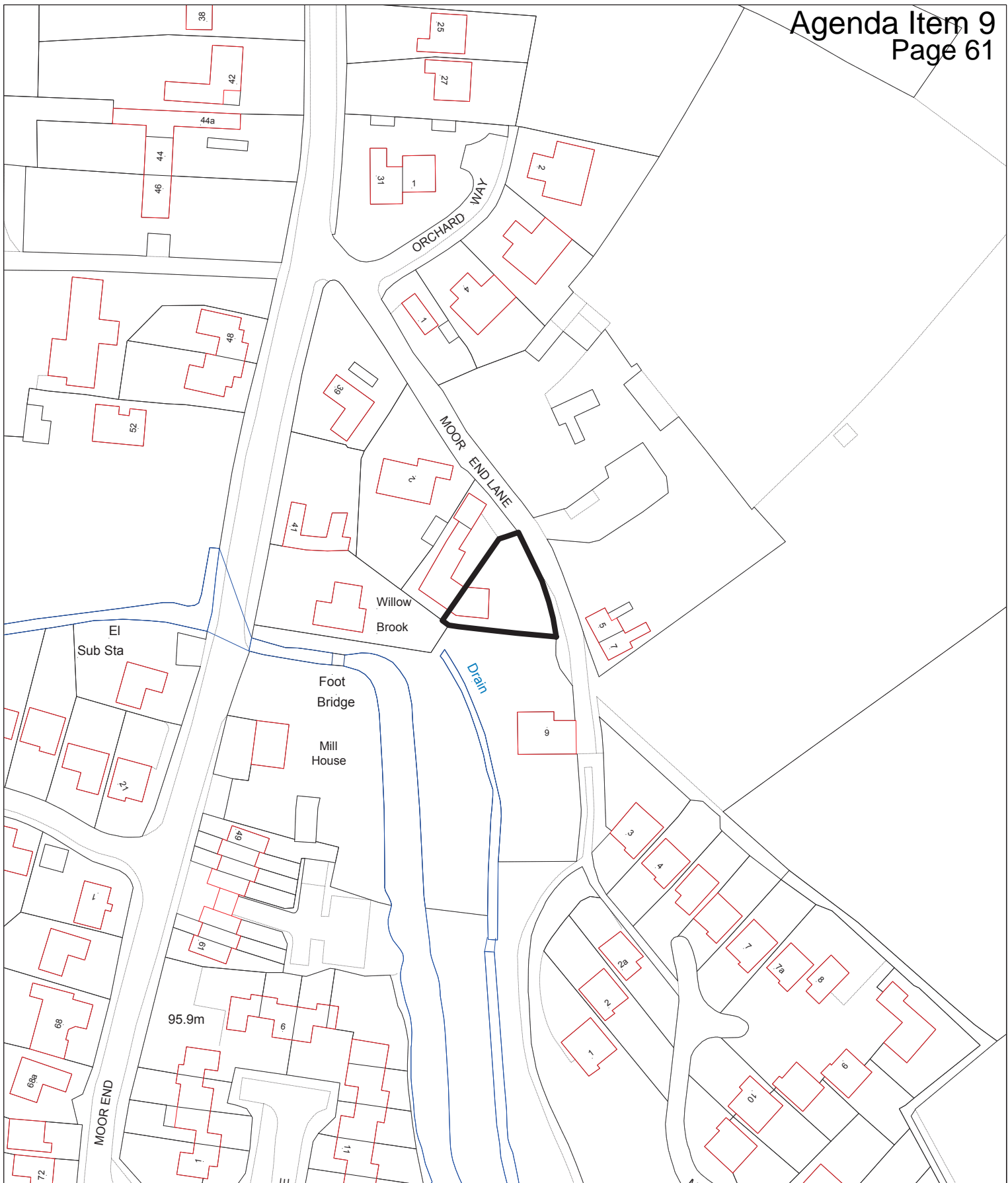
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been recommended 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.

**DECISION**

.....  
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 02:May:2013  
Grid Reference: 497646; 220049

Application No.  
CB/13/00810/FULL

Scale: 1:1250

4A Moor End Lane, Eaton Bray, Dunstable, LU6 2HW

This page is intentionally left blank

<b>Item No. 9</b>
-------------------

<b>APPLICATION NUMBER</b>	<b>CB/13/00810/FULL</b>
<b>LOCATION</b>	<b>4A Moor End Lane, Eaton Bray, Dunstable, LU6 2HW</b>
<b>PROPOSAL</b>	<b>Two storey side extension (Resubmission 12/04505)</b>
<b>PARISH</b>	<b>Eaton Bray</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Mustoe</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>22 March 2013</b>
<b>EXPIRY DATE</b>	<b>17 May 2013</b>
<b>APPLICANT</b>	<b>Mr A Barber</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Cllr Mrs Mustoe for the following reasons: 1. Overdevelopment. 2. Not in keeping with the character of surrounding buildings. 3. Increase of traffic problems in very narrow lane. 4. Lack of parking areas so turning point would be used for parking. 5. Lack of light to adjoining properties.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### **Recommended Reasons for Granting**

The proposed development would not detrimentally impact upon the character and appearance of the Area of Special Character or wider streetscene nor would there be any adverse impact on the amenities of neighbouring residents. The proposal would not result in any highway, parking or other issues. The scheme by reason of its siting and design is in conformity with Policies GB3, BE6, BE8, H8 and T10 of the South Bedfordshire Local Plan Review 2004, Policies 3, 4, 27 and 43 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, A Guide for Development (2010).

### **Site Location:**

The site is located to the south of the centre of Eaton Bray on Moor End Lane which is accessed off Moor End. The application site is on the western side of Moor End Lane which is a no through road. The site is within the built up area of Eaton Bray excluded from the Green Belt and is in an Area of Special Character, as defined in the South Bedfordshire Local Plan Review.

## **The Application:**

In January 2012 planning permission was granted for the demolition of existing light industrial buildings and erection of two 3 bedroom dwellings and garages.

This application seeks consent for a two storey side extension to the dwelling known as 4a Moor End Lane. The extension would comprise of a drive through car port at ground floor and an enlarged bedroom 1 at first floor. The car port would allow cars to pass through to gain access to the garage to the rear of the property whilst also providing parking.

The extension would have an archway at ground floor level with a dormer window at first floor level.

The extension would be constructed over the driveway of the dwelling.

## **RELEVANT POLICIES:**

### **National Policy**

National Planning Policy Framework  
Section 7: Requiring Good Design

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

GB3 - Green Belt Villages  
BE6 - Control of Development in Areas of Special Character  
BE8 - Design Considerations  
T10 - Controlling Parking in New Developments  
H8 - Control of Extensions to Dwellings

*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 except policy T10.*

### **Development Strategy for Central Bedfordshire Pre-Submission Version January 2013**

Policy 3 - Green Belt  
Policy 4 - Settlement Hierachy  
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  
Design Supplement 4: Residential Extensions and Alterations  
Design Supplement 7: Movement, Streets and Places

Central Bedfordshire Local Transport Plan: Appendix F - Parking Strategy

## Planning History

CB/12/04505/FULL	Extension to ground and first floor rear and side, car port and utility to ground floor. Withdrawn 18/2/13.
CB/12/03548/NMA	Non Material Amendment: to Planning Permission CB/11/04106/FULL - amendment sought to Plot 2 for the alteration of the dining room window to French doors and garage personnel door and window relocated to side elevation. Granted 18/10/12.
CB/12/03014/NMA	Non material amendment: amendment sought for plot 1 for the insertion of bullseye windows to both front and rear loft gables and change from bargeboards to corbelled brick verge details. Granted 17/9/12.
CB/12/01542/VOC	Variation of condition 15 of planning permission CB/11/04106/FULL - to improve the external appearance and enhance the aspect and functionality of the internal layouts. Plot 1. Granted 21/6/12.
CB/12/01248/NMA	Non material amendment: Amend front elevation ground floor window. Re-arrange internal layout. Provide provision for roof mounted PV panels to rear roof slope. Plot 2. Granted 19/4/12.
CB/11/04106/FULL	Proposed demolition of existing light industrial buildings and erection of two 3-bedroom dwellings and garages. Approved 12/1/12.
CB/11/02282/FULL	Proposed demolition of existing light industrial buildings and erection of two 3-bedroom dwellings and garages. Withdrawn 31/8/11

## Representations: (Parish & Neighbours)

Eaton Bray Parish Council	Recommend refusal on the grounds that: <ul style="list-style-type: none"><li>- overdeveloped for the site</li><li>- out of keeping/character</li><li>- traffic problems - increased traffic</li><li>- lack of parking</li></ul>
---------------------------	---

The Parish Council have requested the application be called to Committee and a site visit made.

## Neighbours

3 letters have been received in response to the application.

One in favour of the application which sets out the following reasons for support. The supporter is the prospective purchaser of the dwelling.

- the extension would add no more than 170sqft to a dwelling of over 1000sqft.
- the extension would provide much needed additional storage space.
- the existing parking and turning spaces are adequate and as such would not increase traffic flow.
- the extension should not materially alter the appearance of the property or obstruct any neighbouring properties views.

Two letters have been received against the application setting out the following reasons for objection.

- the property was built as a cottage style dwelling but the proposed extension will look like a "box or two tier portacabin" attached to the side of the building.
- the proposed extension will become more of an eyesore than the development is already.
- our interpretation of a two storey extension is of a ground floor living accommodation or garage plus a room above. Why should this carport have a solid wall? Surely it should have brick piers strong enough to support a room above. Our observation believes that a further application, over and above the extension in question, will be made to infill the rear access way and join the rear garage to the carport. A door or window at the front will be added converting the garage/carport into extra living accommodation.
- we feel that the lane has now been degraded with a tarmac parking area for these two houses plus block paving taking up the whole area at the side of 4A, we can imagine this becoming a mini car park/dumping area.
- in a lane the size of Moor End Lane, any development should be in keeping with the immediate area, the buildings on this development are already overbearing and out of character and have caused nuisance and inconvenience to the residents and general public using the lane.

- question why the original plan shows an ensuite bathroom without a frosted window and whether it was always the intention to extend the dwelling.
- the building of the houses has already taken a year, how long will it be before we can consider this unpleasant, inconvenient and worrying episode complete?
- parking is a nightmare.
- there would be a lack of light to the property at 5-7 Moor End Lane.
- if the extension is permitted the turning area will become a parking space or visitors parking bay.
- the lane is narrow and there is nowhere to turn around.
- the Council should note the person in favour of the application is the purchaser of the property.

### **Consultations/Publicity responses**

Internal Drainage Board    No response received to date.    Any response received will be added to the Late Sheet.

### **Determining Issues**

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of the Conservation Area & Streetscene
3. Impact on Amenities of Nearby Residents
4. Archaeology
5. Highways, Access and Parking

### **Considerations**

#### **1. Principle of Development**

The site is within the built up area of Eaton Bray which is excluded from the Green Belt. The principle of residential development is therefore acceptable in terms of Green Belt policy.

South Bedfordshire Local Plan Review (SBLPR) policy BE6 sets out the requirements relating to Areas of Special Character. The policy sets out that planning permission will not be granted for redevelopment to higher densities, subdivision of large plots, infilling, backland development or larger extensions which would result in the loss of gardens or give rise to an over intensive level of development in a way which would unacceptably harm the special character of the area. As the proposal would not constitute redevelopment at a higher density or a subdivision of a large plot it is not considered to be in conflict with those purposes of policy BE6.

The principle of the proposal is acceptable subject to consideration of the impact of the proposed extension which will be examined below.

**2. Impact on Character and Appearance of the Streetscene**

In addition to the considerations of policy BE6 above, the South Bedfordshire Local Plan Review policy BE8 sets out that new development should be appropriate in scale, size, massing, design, orientation, materials and overall appearance. Emerging Development Strategy for Central Bedfordshire (DSCB) policy 43 also supports high quality development.

South Bedfordshire Local Plan Review policy H8 which relates to extensions to dwellings states that the design of extensions should take full account of the character of the site and its surroundings.

The application site is clearly visible within the streetscene of Moor End Lane, however this is a small, narrow cul de sac on which there are a limited number of dwellings. The application site would not be clearly visible from outside of the lane and would not impact on the wider streetscene.

The dwelling to be extended is of traditional design with a pitched roof and is finished using a red multi brick, with brick detailing to windows and natural slate to the roof. The proposed extension would match the existing dwelling in terms of materials and design.

The scale, size and massing of the extension is considered appropriate for the Area of Special Character not leading to an over intensive level of development. Thus, it has been designed to be subservient to the host dwelling with a lower ridgeline, being set back from the front elevation and the dormer window being smaller than the existing ones.

Objectors comment that the extension would be overbearing and out of character. The extension is modest in size compared to the original dwelling and would not result in the dwelling being too large for the plot or larger than the majority of the other dwellings in the vicinity.

One objector questioned why the car port had a solid side wall and that the aim was clearly to convert the car port into further living accommodation. A previous application for the extension was submitted but withdrawn following officer advice. The previous application showed the first floor extension supported on brick pillars which gave the impression that the first floor was "floating" and was considered to be unacceptable in design terms. The side wall of the car port was requested to be made solid to give the extension a more acceptable appearance. A condition was attached to the original planning permission for the dwelling requiring the garage and driveway to be retained for parking, a similar condition can be added to any permission granted for the extension to ensure the car port is not converted into living accommodation.

Overall it is considered that the proposed extension would be appropriate in terms of size, scale, massing, materials and overall appearance in accordance with SBLPR policies BE6, BE8 and H8 and DSCB policy 43.

**3. Impact on Amenities of Nearby Residents**

SBLPR policy BE8 and DSCB policy 43 require that new development does not have an unacceptable adverse impact on general or residential amenity or privacy. SBLPR policy H8 also sets out that extensions should not result in any significant overshadowing or loss of daylight, sunlight, privacy or visual amenity to neighbouring properties or their residents.

The design of the extension with no side facing windows would ensure that there was no adverse impact on the privacy of neighbouring residents and those on the opposite side of Moor End Lane. The extension would include a dormer at first floor level which would provide the dwelling with a total of three dormer windows, it is not considered that the additional window would have any unacceptable impact on privacy of surrounding properties.

The distance between the extension and other dwellings on Moor End Lane would mean that there was no adverse impact as a result of overbearing. The occupant of 5-7 Moor End Lane objects to the application and states that the extension would result in a loss of light to their property. The application site is on the opposite side of the road to 5-7 Moor End Lane and the distance between the extension and objectors property would be at least 14 metres. Due to the relationship and distance between the application site and objectors property it is not considered that the proposal would lead to any unacceptable loss of light.

Overall it is considered that the proposal would not have an unacceptable impact on residential or general amenity or privacy and accords with the relevant parts of SBLPR policies BE8 and H8 as well as DSCB policy 43.

**4. Archaeology**

The site is within an area of archaeological sensitivity and a locally identified heritage asset. The original application for the dwellings was accompanied by the appropriate heritage asset assessment and the permission subject to a condition requiring a scheme of archaeological investigation to be submitted and undertaken. The required scheme has been submitted, approved and implemented for the whole site and therefore there is no need to require further archaeological works to be undertaken.

**5. Highways, Access and Parking**

Planning permission was granted for the dwelling with the provision of 2 off-street parking spaces. In addition a turning space has been provided to the south of the application site as Moor End Lane had no turning area.

The extension has been designed to ensure that the two parking spaces, one in the garage and one on the driveway within the car port, would be retained. Whilst the level of parking is consistent with Design Supplement 7 it is acknowledged that it is lower than that set out in the Local Transport Plan appendix F. The three bedroom dwelling has been built and has two car parking spaces and this proposal would not increase the number of bedrooms. Therefore, whether this application is granted planning permission or not would not change the level of parking the dwelling currently enjoys.

Objectors comment that the turning area will become a dumping area or car park for visitors. The turning area has been provided in line with the planning

permission granted for the two dwellings and is not subject to consideration as part of this application. Nevertheless as the level of car parking at the dwelling would not change it is not considered that there is any justification behind the assertions that the turning area would become a car park.

It is considered therefore that the proposal complies with SBLPR policy T10, DSCB policy 27 and Design in Central Bedfordshire: A Guide for Development, Design Supplement 7.

## **Recommendation**

That the planning application be APPROVED subject to the following:

### **RECOMMENDED CONDITIONS**

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

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

- 2 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 the existing building and the visual amenities of the locality.

(Policies BE8 & H8 SBLPR and policy 43 DSCB).

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the opening in the front elevation of the car port shall be retained and shall not be enclosed or infilled without the express permission of the Local Planning Authority and the car port accommodation on the site shall not be used for any purpose, other than as car port accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by causing obstruction and by overhanging the adjoining public highway and to retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

(Policy T10 SBLPR and policy 27 DSCB).

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers AJB/12/60B.

Reason: For the avoidance of doubt.

**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.

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

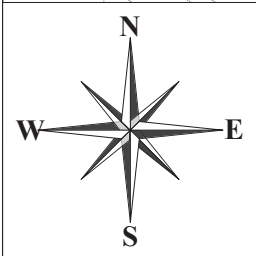
It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**DECISION**

.....  
.....

This page is intentionally left blank





© Crown Copyright. All rights reserved.  
 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 07:May:2013  
 Map Sheet No

Application No:  
 CB/13/00967/RM

Scale: 1:1250

Brogborough Club House, Bedford Road, Brogborough, MK43 0XY

This page is intentionally left blank

**Item No. 10**

**APPLICATION NUMBER** CB/13/00967/RM  
**LOCATION** Brogborough Club House, Bedford Road, Brogborough,  
Bedford, MK43 0XY  
**PROPOSAL** Reserved Matters: Development for 16 Residential  
dwellings with associated roads and landscaping.  
Following Outline application CB/11/4171/OUT  
Development of site for up to 16 dwellings, alteration to  
vehicular access, new pedestrian access, associated  
engineering works, associated landscaping and car  
parking following demolition of existing buildings.  
**PARISH** Brogborough  
**WARD** Cranfield & Marston Moretaine  
**WARD COUNCILLORS** Cllrs Bastable, Matthews & Mrs Clark  
**CASE OFFICER** James Clements  
**DATE REGISTERED** 14 March 2013  
**EXPIRY DATE** 13 June 2013  
**APPLICANT** Orbit Group  
**AGENT** Life Space Developments  
**REASON FOR** Councillor Call-in & Departure  
**COMMITTEE TO**  
**DETERMINE**

**RECOMMENDED**  
**DECISION** Reserved Matters – Recommended Decision Approve

**Recommended 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. As such the proposal is considered to be in conformity with Policies CS5, CS7, CS14, DM2, DM3 & DM4 of the Core Strategy and Development Management Policies 2009; The National Planning Policy Framework (2012) and Design Guide in Central Bedfordshire (2010)

**Site Location:**

The application site is the former Sports and Social Club within the settlement envelope of Brogborough. The site is allocated as an important open space, however, it has been redundant for a number of years with the building now in a state of disrepair and the bowling green no longer in a suitable condition for use. The site is separated from the main village of Brogborough by the Bedford Road.

The bowling green area was screened by a number of large evergreen trees but these have recently been felled. There is a significant level change between the site and the main road.

### **The Application:**

Permission is sought for Reserved Matters for 16 Residential dwellings with associated roads and landscaping following Outline application CB/11/4171/OUT: Development of site for up to 16 dwellings, alteration to vehicular access, new pedestrian access, associated engineering works, associated landscaping and car parking following demolition of existing buildings.

### **RELEVANT POLICIES:**

Section 1: Building a strong, competitive economy  
Section 4: Promoting sustainable transport  
Section 6: Delivering a wide choice of high quality homes  
Section 7: Requiring good design  
Section 11: Conserving and enhancing the natural environment

### **Regional Spatial Strategy**

East of England Plan (May 2008)

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

CS1: Development Strategy  
CS2: Developer Contributions  
CS4: Linking Communities - Accessibility and Transport  
CS5: Providing Homes  
CS7: Affordable Housing  
CS14: High Quality Development  
CS16: Landscape and Woodland  
DM3: High Quality Development  
DM4: Development Within and Beyond Settlement Envelopes  
DM5: Important Open Space within Settlement Envelopes  
DM10: Housing Mix

### **Draft Development Strategy (2013)**

Policy 38: Within and Beyond Settlement Boundaries  
Policy 39: Formally Designated Important Open Space  
Policy 44: High Quality Development  
Policy 50: Renewable and low carbon energy development  
Policy 51: Resource Efficiency

### **Supplementary Planning Guidance**

Design in Central Bedfordshire - A guide for development  
Planning Obligations Strategy

## Planning History

CB/11/04171/OUT Outline Application: development of site for up to 16 dwellings, alteration to vehicular access, new pedestrian access, associated engineering works, associated landscaping and car parking following demolition of existing buildings - Granted

## Representations: (Parish & Neighbours)

Parish/Town Council Parish Council responded in favour of the outline planning application number CB/11/4171/OUT, although at a meeting with design representatives of O & H Properties (previous owners of the Brogborough Social Club site) it did express concerns over the density of housing proposed, as the sizes of the properties were not in general keeping with those of the village. However, the outline plans and the designs of the properties lent themselves to a mix of tenure, price, design and building height (the latter not being detrimental to the site, given its lowered elevation). The outline plans also had a number of social housing units (proposed 6 out of the 16 dwellings), which was slightly above the lower limits set by CBC Planning recommendations (25%). Although the Parish Council appreciates that outline planning permission was granted for 16 housing units and that applicant and its agent (Life Space Development) have consulted with Central Bedfordshire planning officers, and may have taken their advice about certain matters, the change in the nature of the plans and design of the properties between the Outline Plans and those submitted is quite radical and a deterioration on the original outline plans. Now that the Parish Council have had time to examine the full plans submitted to the Central Bedfordshire Planning, it has some very grave concerns on the following fronts:

1. The statement on Environment & Community in the Design and Access Statement
2. Social mix of housing
3. Size of properties, particularly the 6 terraced houses
4. Design of properties
5. The proposer's comments on the public transport and other public amenity accessibility and how these link with the proposed development.

Neighbours

None received

## Consultations/Publicity responses

Public Protection I have no additional comments to make to those made in my e-mail dated 20th December 2011 with regards to CB/11/4171/OUT, namely:

"I have read the Preliminary Statement on Ground Condition produced by Peter Brett Associates on 17 November 2011 provided with the application and agree with the findings. Therefore no condition relating to contaminated land is required; however I would ask that the following informative is attached to any grant of planning permission:

The applicant is advised that while the Council has no reason to believe this site is contaminated, commercial/industrial use of the land has the potential to give rise to historic contamination. It is the applicants' responsibility to ensure that final ground conditions are fit for the end use of the site. Any contamination that is identified as a result of the development should be notified to Central Bedfordshire Council as soon as practicable. Further information can be obtained from Andre Douglas, Public Protection, Tel 0300 300 4404.

No objection subject to boundary condition.

Tree & Landscape Officer  
Housing Officer

No objection - "I support this scheme as it provides 100% affordable housing or 16 affordable residential units and provides much needed affordable housing in Central Bedfordshire as identified in our SHMA. I would like to see a mix of tenures and would like to see a tenure split of 63% Social/Affordable Rent and 37% Intermediate tenures such as Shared Ownership as per our SHMA. In this case I would like to see 10 unit for affordable rent and 6 units of Intermediate tenure dependent on viability. I would like to see the various tenures of affordable units dispersed throughout the site and integrated promote community cohesion & tenure blindness. I would also expect all units to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, I would support this application".

Internal Drainage Board No objection subject to a storm water drainage condition.

Sport England None received

## Determining Issues

The main considerations of the application are;

1. Background and principle of development
2. Affordable Housing and tenure mix
3. Design Considerations
4. Impact upon residential amenity
5. Highway considerations
6. Tree & Landscape considerations
7. s106 Legal Agreement

## **Considerations**

### **Human Rights issues**

The application raises human rights issues in relation to Article 14 of the Human Rights Act 1998: The enjoyment of the rights and freedoms set forth in this European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. It is considered that the application is compliant with the Human Rights Act 1998.

### **Equality Act 2010**

The application raises issues with regard to Part 1 of the Equality Act Public sector duty regarding socio-economic inequalities. Paragraph 1 states that, 'An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage'. It is considered that the application is compliant with the Equality Act 2010.

## **1. Background and principle of development**

Outline planning permission was granted as part of CB/11/04171/OUT for up to 16 dwellings, alteration to vehicular access, new pedestrian access, associated engineering works, associated landscaping and car parking following demolition of existing buildings.

The application site is within the settlement envelope of Brogborough, therefore the general principle of residential development was considered acceptable. Brogborough is identified as a small village in Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North). Policy DM3 of the same document states that in small villages only infill residential development will be permitted.

The site is designated as an important open space, however, it has been redundant for a number of years and the facilities have been marketed for similar purposes without any interest. Policy DM5 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) states that the Council will protect designated open space within settlement envelopes by refusing planning permission where proposals would result in the loss of an important open space and this would have an unacceptable adverse impact on its value either in visual or functional terms. The policy expands further by stating that the redevelopment or partial redevelopment of an important open space would be considered acceptable if:

- The proposals would result in enhanced provision in functional terms;
- There are exceptional circumstances that would result in overall community benefit;
- There would be no adverse effect on the visual quality of the settlement.

It was determined that the application site plays no role in terms of functional or visual open space and the bowling green has not been used or maintained for a number of years. It was therefore considered that although this site has been designated an important open space, it is not fulfilling its purpose and has not been doing so for a number of years. Sport England had no objection to the outline application and the loss of the recreation space.

The Outline approval only determined the access and the parameters for the upper and lower limits for the scale of the dwellings. An illustrative layout was submitted with the application in order to demonstrate that an acceptable scheme could be achieved on the site.

## **2. Affordable Housing and tenure mix**

Policy CS7 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) states that developments of 4 or more dwellings should provide 35% affordable housing. The proposed 16 units would all be affordable units with a mix of 63% affordable rent and 37% Shared Ownership. The affordable rent units on the scheme would be let by Choice Based Lettings which is the Council's allocation system.

The Parish Council has raised concern that:

*'Brogborough will be in danger of being 'swamped' by socially affordable housing as it brings the percentage of such housing in the main village well above the recommended mix set out by the present Central and Local Government, given the fact that there are 16 low rent properties out of 103 houses in the main village of Brogborough already, which are owned and managed by Housing Associations. We do not 'need' the proposed accommodation mix as it clearly has no 'mix' to it. In fact, we can do without it'. Brogborough residents have upwardly mobile aspirations, which are certainly not met by the proposed development, contrary to the developer's claims on p22 of the Design and Access Statement. They are not reflecting the aspirations of the local community...*

*The Parish Council would recommend that the proposed development has a mix of property size, tenure, design and price to reflect more accurately both that of the present property accommodation in Brogborough and the aspirations of the residents...*

*There are 16 houses proposed for the site, all of them being classed as 'affordable', meaning that the development comprises 100% 'affordable housing'. CBC Planning has a guideline set for 'affordable housing' of 25% minimum on new development. Therefore the proposed development far exceeds this minimum. Although this will certainly help Central Bedfordshire reach its targets for such affordable housing more easily, it will have detrimental effects on the village in terms of social mix...*

*The Parish Council feels that the percentage mix of rented versus shared ownership*



*(where stakeholder interest would be far greater) should be at least reversed, if not even tipped further towards shared ownership and even outright ownership. This would still entail 'socially affordable housing' units being offered to the local population and still adhere to the 25% minimum yardstick, but with a greater social mix. If there is affordable housing then this should be offered to local residents first...*

*Other than the much older, long-standing residents of Brogborough who rent their properties here, the rest who rent are younger families who tend to be a relatively transient population with no stakeholder allegiance to the village, who do not take part in village life, and sometimes even have to have the customs of English life explained to them in terms of rubbish disposal, dumping unwanted property, socially acceptable pet ownership and noise levels, to name just four problem areas. It is hard to envisage anything very different than the latter with such a high percentage of rentals, especially knowing the nature of some of the areas in Milton Keynes where there is an equally high percentage of affordable rented accommodation.*

*Having such a high proportion of affordable rented accommodation may tip the balance in terms of management of the development. Housing Associations or other landlords, managing properties from a distance, may not always keep abreast of the issues, nor be very proactive. This will certainly have a detrimental effect on the upkeep and appearance of the housing, especially as it is stressed that the residents will all look after the joint public spaces on a communal basis (page 21 of Design and Access Statement). As most social economists know, this is 'cloud cuckoo land' as publically owned spaces are subject to the highest external costs and need far more expenditure from the public purse...*

*The properties are likely to be occupied by young families with 1, 2 or 3 children. The proposal that they should also be all of an 'affordable' nature means that there will be a high proportion of lower income people. There may be some householders who are single-parent families on the lowest level of income or reliant on Social Benefits. Whether they will be able to afford to run cars is obviously not a planning matter, but the likelihood of such a large number of such low-income families being 'marooned' in a locality where there are no amenities (as noticed in the last question on Page 22 of the Design and Access Statement) as well as a paucity of public transport, is quite great. This, coupled with the comments about the social mix of housing, is not acceptable to the Parish Council who is trying to encourage social cohesion and community sustainability. If there is a mix of housing then there would be more opportunity for car sharing and a greater sense of community with less isolation. The lack of access to a reliable and useable public transport system would be problematic to a smaller number of the families if there were a greater social and economic mix of householders'.*

### **Housing and tenure mix**

There is a mix of 2 & 3 bedroom properties, either semi-detached or as part of a terrace which are split between 63% affordable rent and 37% Shared Ownership which equates to 10 Affordable rent units and 6 Shared Ownership units which could potentially be fully owned by the occupants in the future. The proposal does therefore have a mix of house design, size and tenure types that meet different needs with a variety of affordable homes. The recently updated Strategic Housing Market Assessment (SHMA) shows a mix of 63% affordable rent and 37% Shared Ownership

is needed in the North of Central Bedfordshire Council.

There is no 25% minimum affordable housing as stated by the Parish Council. The percentage of affordable housing the Council seeks is 35% at the minimum on sites. The size of the scheme does not exceed the number of units the Council sets out as a maximum for clusters of affordable housing.

### **Choice Based Lettings**

Choice Based Lettings was introduced by the Council to improve social mobility and aspirations. Choice-based lettings (CBL) schemes are designed to introduce an element of choice for people who apply for council and housing association homes. Choice-based lettings allow people applying for a home (including existing tenants who want a transfer) to bid for properties which become available on a points-based system.

Available properties are advertised locally in printed publications as well as on the internet. Details of the latest properties will usually be published in leaflets or in newsletters available from local libraries, housing offices and community centres. The list of available properties will say which type of household can bid for each one (i.e. if it is for an elderly or disabled person, or for a household which needs a certain number of bedrooms). You can then apply (or 'bid') for any particular properties that you like. The council's housing department, or the housing association which is running the scheme then sorts the bids it receives in order of priority, and the person with the highest priority normally gets first refusal on the property. If that person turns the offer down, the next person on the list gets the chance to see it, and so on. In some areas, more than one applicant may be invited to view the property at the same time. Most choice-based lettings schemes operate a two-stage process to help councils work out who should get the property. This is designed to make the system as fair as possible, and to try to ensure that the property goes to the right person(s).

The Council's Housing Officer has stated that in terms of sustainability and access to transport, given that the dwellings would be family homes, it is unlikely elderly occupants or single-mothers would be placed there. Affordable housing tenants are just as likely to have a means of transport as homeowners or private renters.

### **Management of the site**

The whole site will be continuously managed by Orbit Homes, all public and semi-public areas will be maintained, and no tenant will have the responsibilities for the general upkeep of the areas to the sites frontage. This is under the control of Orbits Management Company.

### **3. Design considerations**

At the Outline planning stage only the access was determined. An illustrative layout was to be submitted with the application in order to demonstrate that an acceptable scheme can be achieved on the site and to determine the scale parameters of the buildings. The illustrative layout showed a linear form of development with parking and landscaping to the front. The illustrative design of the scheme showed that there would be a mix of parking both on-plot and in the form of parking courts.

The proposed layout design of this reserved matters is similar to the indicative plan with a linear form of housing development, albeit slightly staggered than purely linear, set back behind the parking and landscaped areas adjacent to Bedford Road.

The proposed rear gardens back onto open fields. Each dwelling has sufficient private amenity space complying with the 50 square metres set out in the Design Guide. Indeed, many of the rear gardens far exceed 50 square metres.

Three different house types are proposed with a mix of detached, semi-detached and terraces of three units. All of the house types are 2-storey and satisfy the Scale parameters identified in the Outline application Design & Access Statement. The three different house types have been designed to reflect other house types in the locality. The buildings would be constructed in red brick and tile to reflect the materials of properties in Brogborough village.

Brogborough Parish Council has stated that:

- *The design of the properties should reflect more accurately that of the properties built in the main part of the village;*
- *Concern with light levels to the properties and size;*
- *Reduce the number of properties on the site from 16 to 14 so eliminating the mid-terrace plots and the design problems associated with them;*
- *Increase the size of the remaining smaller properties to a frontage more in keeping with those of the rest of the village with 2-storey height bay windows.*

The design concept for the scheme has been developed in part to reflect the location of the proposal site, which is separated by Bedford Road from the main Village of Brogborough, surrounded by open countryside. The site reads as separate entity from the main village and therefore the proposal has been designed to reflect the adjacent properties to the south west (no's 1-6 Bedford Road) and good examples of local brick workers' cottages (in this case Lidlington Road, Marston). Despite the Outline application's parameter plans, permitting up to 2.5 storeys, the scheme has restricted the dwellings to 2-storey, given the open character of the site surrounded by fields and given the character of nearby dwellings. The design has been developed in an attempt to provide a development that does not overly urbanise the site and that does not appear incongruous when compared to the existing built form.

In terms of light levels and size of the properties, all the proposed dwellings meet Housing Quality Indicators (HQIs). HQIs measure the quality of housing schemes funded by the Housing & Communities Agency (HCA). The HQI system is a measurement and assessment tool to evaluate housing schemes on the basis of quality rather than just cost. They incorporate the design standards required of affordable housing providers receiving funding through the National Affordable Housing Programme (NAHP) and Affordable Homes Programme (AHP). There are ten indicators that measure quality. Each indicator contains a series of questions that are completed by the applicant organisation. These indicators are:

Location;  
Site – visual impact, layout and landscaping;  
Site – open space;  
Site – routes and movement;  
Unit – size;  
Unit – layout;  
Unit – noise, light, services & adaptability;  
Unit – accessibility within the unit;  
Unit – sustainability;  
External environment - Building for Life.

The proposed development has been assessed against Building for Life 12 and has passed.

It is considered that the design concept of the proposal is appropriate for the location and is in accordance with the Outline consent and Policy DM3: High Quality Development and Supplementary Planning Document 'Design in Central Bedfordshire - Design supplement 1: New Residential Development'.

**4. Impact upon residential amenity**

Given the location of the site, there is no neighbouring residential development and the nearest residential development is opposite the site within Highfield Crescent at a distance of approximately 50m. This separation distance is sufficiently large to ensure that the residential amenity of existing properties would not be adversely harmed by the development.

**5. Highway considerations**

The Highway Officer has no objections subject to conditions the proposed and has stated:

'Since the grant of outline approval the authority has adopted a new parking strategy which increased the requirement for dedicated parking spaces for residential development. I note that this submission does not fully accord with the new standards for the five, three bedroom properties. Nevertheless I am content that there is sufficient space within the communal vehicle areas and the carriageway of the estate road to accommodate occasional extra parking demand without detriment to highway safety or, importantly, the risk of overspill parking into Bedford Road'.

The Highway Officer has confirmed that a pedestrian crossing for the Bedford Road is not justified in this instance because of the low levels of pedestrian movements that can be expected from 16 dwellings. It should also be noted that the Bedford Road has now been de-trunked and that the Marston Gate application (CB/12/04484/OUT - approved at Planning Committee) includes the provision of traffic calming measures on the Bedford Road and a reduction in the speed limit from 50 to 30 m.p.h.

**Tree & Landscape considerations**

- 6.** Previous comments Tree & Landscape comments indicate that a tree survey had been supplied and that the majority of trees on the site were of poor condition and quality and that we would not object to the removal of trees with the proviso that quality landscaping was include in the proposals.

The Landscape Plan submitted with this application indicates that there is the intention to provide extensive planting and landscape buffer to the boundary with Bedford Road and the car parking area. This is a positive approach and should add some quality planting to an area that would certainly enhance the locality.

The Tree & Landscape Officer considers that additional planting of carefully selected trees within the rear gardens of the larger plots where suitable will be required. Planting of hedges is to be as a double staggered row at 300mm centres and consist of 50% Hawthorn, 20% Blackthorn and then 10% each of Hazel, Field Maple and Holly. We will also require detailed hard and soft landscape plans to include species, sizes and densities of planting proposed.

The proposal for boundary treatment for the rear of the plots includes panel fencing between the plots and closeboard fencing to the rear. The Tree & Landscape Officer has suggest that the rear boundary treatment would be more suitable in the form of either post and rail fencing or wire mesh fencing in conjunction with native hedge planting. The applicant has agreed to this approach and this will be negotiated through a planning condition.

### **s106 Legal Agreement**

7. The Outline approval secured a S106 legal agreement for affordable housing and contributions in line with the Council's Planning Obligation Strategy and Core Strategy Policy CS2 & CS7. However, given that this application is for 100% affordable units, the contributions are waived in-line with the Council's Planning Obligations strategy. A deed of variation to the s106 has been submitted by the applicant to the Council's legal department.

### **Recommendation**

That the Reserved Matters be approved subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 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.
- 2 No development shall begins until details of the architectural detailing of windows, doors, window/door surrounds, sills/headers, eaves, dormers, cornices, chimneys, quoins and porches shall be submitted to and agreed in writing by the District Planning Authority. Thereafter the agreed details shall be carried out in full.  
Reason: To ensure an acceptable finish to the development.
- 3 **Before development begins, details of the materials to be used for the hardstandings and shared surfaces shall be submitted to and approved in**

**writing by the District Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the development.  
(Policy DM3)**

- 4 **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).**

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LSD46-01, LSD46-02 REV C, LSD46-04 REV A, LSD46-03 REV C, 300/H883V/PL2 REV A, 300/H883/PLI REV A & 300/H760/PLI REV A.

Reason: For the avoidance of doubt.

#### **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 while the Council has no reason to believe this site is contaminated, commercial/industrial use of the land has the potential to give rise to historic contamination. It is the applicants' responsibility to ensure that final ground conditions are fit for the end use of the site. Any contamination that is identified as a result of the development should be notified to Central Bedfordshire Council as soon as practicable. Further information can be obtained from Andre Douglas, Public Protection, Tel 0300 300 4404

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

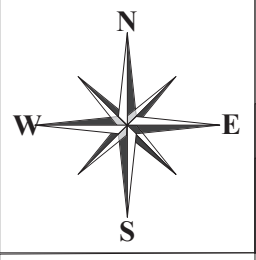
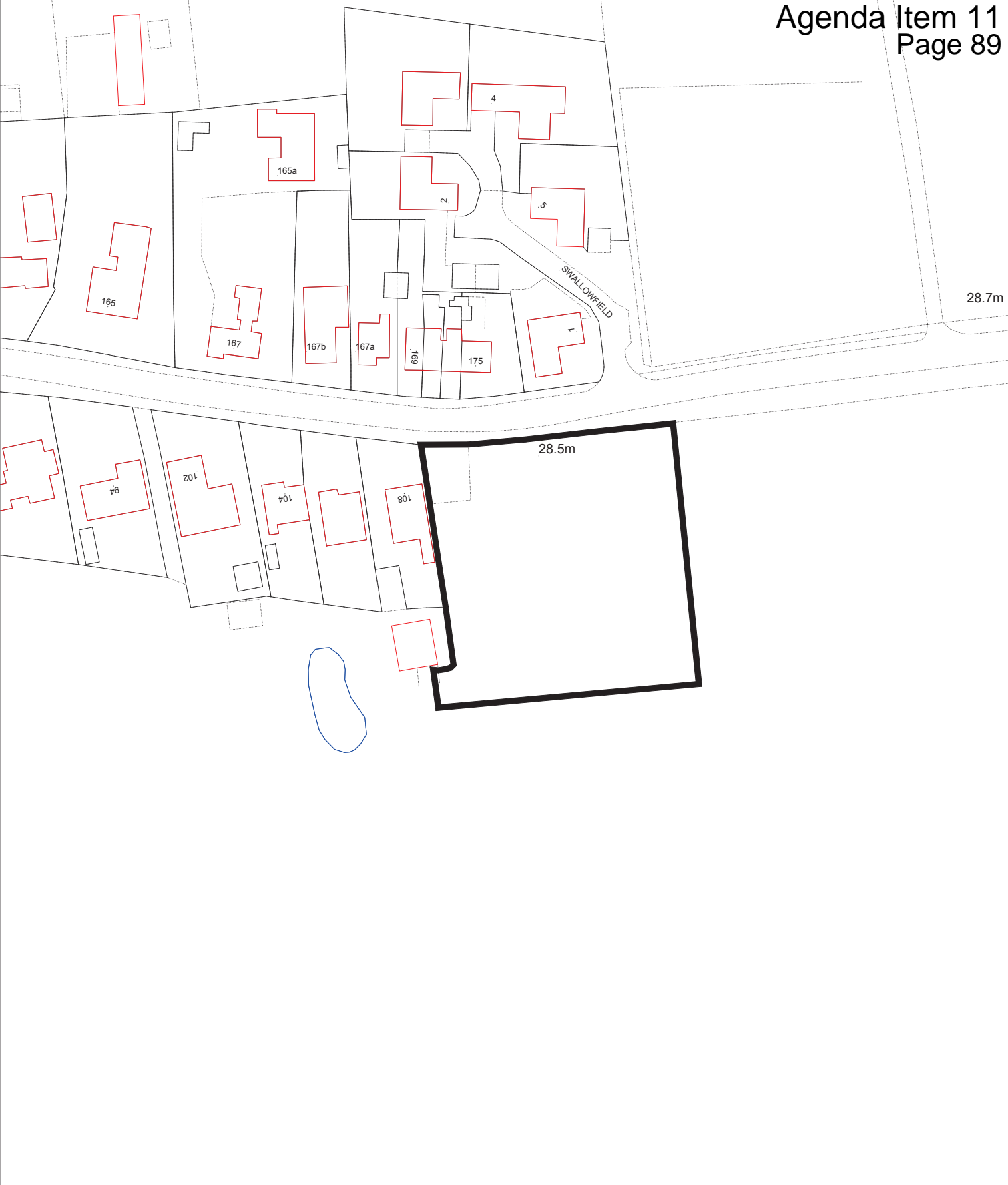
The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements 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.

**DECISION**

.....  
.....  
.....  
.....

This page is intentionally left blank





© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 03:May:2013  
Map Sheet No

Application No.  
CB/13/00554/FULL

Scale: 1:1250

Land off Biggleswade Road, Upper Caldecote, Biggleswade

This page is intentionally left blank

**Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/13/00554/FULL</b>
<b>LOCATION</b>	<b>Land off Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BD</b>
<b>PROPOSAL</b>	<b>Proposed development of 10 new dwellings including parking, private amenity for each dwelling and associated landscape.</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Turner</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>28 February 2013</b>
<b>EXPIRY DATE</b>	<b>30 May 2013</b>
<b>APPLICANT</b>	<b>Grand Union Housing Group</b>
<b>AGENT</b>	<b>David Coles Architects Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call In - Cllr Turner</b> <b>I am requesting this application is considered by DMC.</b> <b>A very difficult Parish mtg was held last evening with considerable concern being expressed by a number of residents, and uncertainty from the PC itself, albeit that it resolved to recommend approval.</b> <b>I am not requesting a site visit.</b>

**RECOMMENDED DECISION - FULL APPLICATION - APPROVAL**

**Recommended reasons for granting**

The proposed development of 10 affordable housing units on this rural exception site is acceptable in terms of Policy CS8. The proposal would not have an adverse negative impact on the character of the area or on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. Therefore by reason of its size, design and location, the proposal is in conformity with Policies CS1, CS8, DM3, DM4, DM14 and DM15 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012 . It is further in conformity with the Supplementary Planning Documents: Design in Central Bedfordshire: A Guide for Development, 2010 and the Local Transport Plan - Parking Strategy.

### **Site Location:**

The application site is located on the southern side of Biggleswade Road to the eastern edge of Upper Caldecote. The site is currently an agricultural field approximately 0.9 acres in size with the northern boundary fronting Biggleswade Road. The eastern and southern boundaries face open fields and the western boundary lies adjacent to No 108 Biggleswade Road.

The village of Upper Caldecote is predominantly located to the west of the application site, however to the east there are small clusters of dwellings along Biggleswade Road and commercial uses.

Biggleswade Road comprises a variety of dwellings styles with a mixture of materials therefore there is no particular architectural character to the area. Opposite the site is Swallowfield, a small development of modern bungalows.

### **The Application:**

Planning permission is sought for the erection of 10 affordable dwellings comprising two three bedroom properties, five two bedroom properties and three two bedroom bungalows. The application includes a new access road along with parking, turning area and associated landscaping.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework 2012**

#### **Core Strategy and Development Management Policies - North 2009**

CS1 - Development Strategy  
CS7 - Affordable Housing  
CS8 - Exception Schemes  
DM3 - High Quality Development  
DM4 - Development within and Beyond Settlement Envelopes  
DM14 - Landscape and Woodland  
DM15 - Biodiversity

#### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development  
Local Transport Plan. Appendix F - Parking Strategy

### **Planning History**

The site has no previous planning history

### **Representations: (Parish & Neighbours)**

Site Notice displayed 14/03/13  
Application advertised in local press 15/03/13

Northill Parish Council

The application was assessed under the following material consideration headings:

1. Planning policy – affordable housing can be permitted outside the normal village development framework on an exception site if housing need is identified. It was acknowledged that NPC supports the provision of affordable housing in the parish as identified in the recent Housing Needs Survey. CBC will ensure compliance with national/regional planning policy.
2. Amenity – it was acknowledged that the development will impact on local residents during construction.
3. Design – this was considered to be acceptable.
4. Highways – the increased traffic will exacerbate existing problems with traffic, on road parking and speeding on Biggleswade Rd. Recommendation - A traffic survey should be completed in order to assess the impact of the development and identify measures to address this impact.

Mrs Parker informed the committee that Speed Watch volunteers will shortly be undertaking speed checks on Biggleswade Rd.

(2 members of the public arrived at the meeting.)

5. Crime/fear of crime – not considered to be relevant to this application.
6. Ecology/impact on the environment – The ecological survey was done in December – Recommendation – this is re done at a more appropriate time to correctly identify species present on the site. Infrastructure – foul water drainage system needs to be upgraded in order to service the additional properties.

Resolved –to approve with the provision that the issues identified in points 1 – 6 above are adequately addressed by CBC.

Northill Parish Council planning committee met last night to consider this application. Its resolution was to approve the revised plans with a request that additional soft landscaping be included on the southern side of the turning key

PC Comments on revised plans

Neighbours

37 letters of objection have been received from residents including a petition of 40 signatures. Residents raised similar concerns and some letters were duplicated. The concerns raised are summarised as follows:

- Credibility of the survey is questioned. It was commissioned by the house builders, it states only 4

houses are required in Upper Caldecote, the full information on the survey was not made available to the public, there are Councillors on the Board of Directors of Grand Union housing, the survey is inadequate.

- The site in Ickwell Road was the first choice of the Parish Council and the residents. This site is for sale by the land owner, why has this site been overlooked in favour of Biggleswade Road.
- The need for affordable housing is recognised, but only in a suitable location,
- The site is too far from village amenities,
- Residents would have to walk half a mile to village amenities such as post office, lower school and church,
- The site access is on a bend in Biggleswade Road which is already dangerous due to speeding traffic,
- There will be additional cars speeding along the road,
- The site is located so that it encourages more people to use the entrance/exit onto the A1 (vehicles and pedestrians),
- There would be more disturbance from additional cars and people in the area,
- There are existing sewage problems/drainage issues in this part of Biggleswade Road, the development would make the situation worse. Raw sewage often backs up through drains into houses,
- There is a potential flooding issue, the land is low lying and water collects on the field.
- The site is located on/nearby an old gravel pit,
- The site uses important agricultural land; the realignment of the A1 was refused for the same reason,
- The hammer head shown on the plans could lead to more development,
- There is no provision for visitors to park and/or delivery vehicles therefore they would park on the main road,
- The design of the dwellings bears no resemblance to the surrounding houses,
- The two rows of houses is not in keeping with the area,
- There would be a loss of privacy to No.108 and the houses in Swallowfield opposite,
- The existing footpath that crosses the site is well used and would need to be diverted,
- No landscaping proposed to mask the development from views across the fields,
- Ecology issues, wild geese rest nearby and fly over the development site, great crested newts grass snakes toads and frogs have been spotted in the pond to the

rear and garden of 108. The machinery sheds to the rear house bats.

- Plans mention trees to be removed however they are not in the boundary of the application site,
- Revised plans have not improved access for the properties on the front who will need to reverse out,
- There have already been accidents in the area, additional access/traffic will make problem worse,
- There are alternative sites for providing the housing,

One letter was received in support of the proposal.

### Consultations/Publicity responses

#### Highways

Comments based on revised plans, nos.12039(D)099 Revision D, 12039 (D)120, 12039(D)98 Revision C, 12039(D)121

The proposal is for 2 three bedroom units and 8 two bedroom units with associated parking and visitor parking provision. The proposal has been designed to adoptable standards with a suitable turning area within the site for a refuse vehicle and a service vehicle at the end of the shared private drive. From a highways point of view there are no objections to the proposal subject to recommended conditions.

#### IDB

Storm water run off is by means of a sustainable drainage system. Providing the drainage is appropriate the Board has no objection however planning permission should not be granted without conditions requiring the applicant's storm water design and construction methods to be approved before any development commences.

#### Rights of Way Officer

The application site and adjoining land to the south east is crossed by public footpath No.9. The applicant has applied for a diversion via the Highways Act 1980 sect 119 which is currently being processed. The adjacent landowners and tenant have agreed in writing to the diversion. There are no further comments regarding this application.

#### Public Protection (contaminated land)

The site borders a 'former pit' map feature which could have been backfilled with unknown material. No objections raised however a condition should be attached relating to contamination assessment prior to commencement of the development.

#### Public Protection

No comments

Anglian Water  
There are no assets owned by Anglian Water in the application site boundary. The foul drainage for this site is within the catchment of Biggleswade STW which has the capacity for these flows. The sewerage system has the available capacity for these flows.

Tree and Landscape Officer  
The proposal is for ten homes on the edge of Upper Caldecote located on what is at present level agricultural land. There is little in the manner of trees or vegetation on the site with the exception of some poor condition hedgeline along the boundary of Biggleswade Road, the majority of which is composed of Elm regrowth, bramble etc.

There is a comprehensive landscaping proposal supplied with the application that includes detail of proposed planting species, sizes, densities and where they are to be located. Most of which would seem to be acceptable. The native hedge mix should be planted as a double row, not a single row as suggested may be the option. The species mix seems to be a bit excessive. I would suggest a better mix would be to include a higher percentage of crataegus and prunus spinosa to improve security and remove some of the other species. Probably a total of six would be more suitable.

There is no detail of boundary treatment either between plots or along the east boundary. I would like to see the east boundary include additional native hedgeline and avoid the use of closeboard fencing or similar. This will allow an open view across existing farmland.

West boundary proposes a new evergreen hedge which would seem acceptable and will help provide screening from the adjoining property.

There is potential to include one additional specimen tree at the far south end of the access road to provide a focal point from the Biggleswade Road to anyone entering the estate.

Ecology Officer  
The site does not seem to contain any important habitats or species. A survey should be undertaken for the presence of Great Crested Newts and other amphibians and reptiles.

### **Determining Issues**

The main considerations of the application are;



1. The principle of the development
2. The effect on the character and appearance of the area
3. The impact on neighbouring amenity
4. Highway considerations
5. Public Footpath No. 9
6. Other issues

## Considerations

### 1. The principle of the development

The application site is located outside of the settlement envelope for Upper Caldecote therefore there is a presumption against new development in accordance with Policy DM4, Development within and Beyond Settlement Envelopes and the NPPF in order to protect the open countryside from inappropriate development.

However Policy CS8 recognises the need to provide for local housing needs in smaller settlements. Therefore an exception to Policy DM4 is allowed for residential schemes where a local need is demonstrated, the scheme is viable, the scheme will remain in perpetuity for local people who demonstrate a need for affordable accommodation, the design and location relates well to the built up area of the settlement and the mix of size and tenure will relate to the identified needs in the area.

The site adjoins the settlement envelope on two sides and would be contained to one area rounding off the settlement envelope on this edge of the village. It would extend built development to the east only slightly further than the existing dwellings on the opposite side of the road. There are no other policy constraints relating to the site.

#### Local housing need

Northill Parish Council requested a housing needs survey be undertaken for the Parish of Northill. The independent survey was carried out by Bedfordshire Rural Communities Charity (BRCC) in the summer of 2010, the results of which identified a need for 22 affordable units across the entire Parish of Northill.

Given that Policy CS8 states rural exception sites in most cases will not exceed 10 dwellings, it was necessary to identify the housing need for each of the three larger villages in the Parish (Ickwell, Northill and Upper Caldecote). Of the 22 units for the Parish, 11 would meet the need identified for Upper Caldecote, however anyone from the Parish of Northill will be considered to have a local connection and be eligible for the housing in Upper Caldecote provided they can demonstrate a housing need. In terms of tenure and mix, the survey identified that of the 11 units in Upper Caldecote four should be shared ownership and seven for rent. Based on the composition of the households in need, the survey suggests the 11 units could be broken down into, 3 x one bed bungalows for rent, 1 x two bed bungalow for shared ownership, 1 x one bed shared ownership, 2 x three bed shared ownership, 1 x one bed for rent and 3 x two beds for rent.

The application proposes the following tenure mix -  
Shared ownership: 1 x 2 bed bungalow, 1 x 2 bed houses, 2 x 3 bed houses.  
Affordable rent: 2 x 2 bed bungalows, 4 x 2 bed houses.

Concern has been raised by residents regarding the credibility of the housing needs survey. BRCC are a charity that provide independent services such as housing needs surveys on behalf of separate bodies such as Grand Union Housing. The Housing Needs Survey is based on a tried and tested methodology that is approved by Central Bedfordshire Council as a means for identifying housing need, and is widely used across the country. It was commissioned by the Parish Council but funded by Grand Union Housing.

The Parish Consultation was publicised and issued to all Parishioners by Northill Parish Council. Comments relating to a poor response are noted, however the number of people that choose to respond is beyond the control of the Parish or the Council.

While survey was funded by Grand Union Housing they would have no influence on the results of the survey. It should also be noted that Grand Union are a non profit organisation whose aim is to provide affordable housing for local people.

There is no evidence to suggest that the housing needs survey has not been carried out in a professional and independent manner. As such the results of the survey are considered to be an accurate indication of the housing needs for Northill Parish.

#### The choice of site

A consultation with the Parish Council took place on 17 September 2012 where the site options were made available to residents. Two sites in Upper Caldecote were looked at, Land off Biggleswade Road (the subject of this application) and Land off Ickwell Road. While Ickwell Road was the preferred choice for the Parish Council and residents, in planning policy terms, it was not as suitable as the Biggleswade Road site.

The Biggleswade Road site adjoins the settlement envelope on two sides and is adjacent to and opposite existing housing. It is considered to relate well to the existing built up area.

The Ickwell Road site does relate so well to the existing development. It does not adjoin the settlement envelope in the same way as the Biggleswade Road site (it touches the settlement envelope boundary on the south east corner) and is located in a space between one existing dwelling to the west and unused commercial/agricultural buildings to the east. If developed the site would create a gap between it and the settlement envelope boundary that runs along the rear of gardens in Hitchin Road. This site is therefore considered to be contrary to Policy CS8.

Concerns have been raised regarding the choice of site. Residents have questions why the Biggleswade Road site has been chosen over Ickwell Road when this was the preferred choice. These concerns are noted, however consideration can only be given to acceptability an application as submitted in

terms of whether it is policy compliant, would not adversely affect the character of the area and neighbouring amenity, and is acceptable for highway safety reasons.

In terms of sustainability, the application site is adjacent to existing dwellings on the edge of Upper Caldecote. While the Lower School and local post office are some distance away, residents would be capable of walking or cycling the distance. The playing field and sports pavilion are located at this end of the village where the site is located and there is a small convenience store along Biggleswade Road. In general, exception schemes are located on the edge of settlements, meaning not all village amenities will be within close proximity to the site.

With regard to the principle of the development, the proposed application site is considered to meet the criteria contained within Policy CS8.

## **2. The effect upon the character and appearance of the area**

The proposed dwellings are designed to appear as traditional properties. The layout comprises two rows of five properties with their rear elevations facing each other and gardens in between. They are a mix of detached and semi detached but all are linked by car ports.

On the eastern edge of the site the bungalows are to be located which would help reduce the impact of the development on the edge of the village and would be an appropriate transition from the built development on this side of Biggleswade Road and the adjacent agricultural land. The two storey dwellings would be adjacent to the existing dwelling to the west, which is also two storey. It is proposed to landscape the eastern and southern edge of the application site with native hedgerows to soften the appearance of the development, and this can be secured via a condition.

The southern side of Biggleswade Road comprises linear development evenly spaced out and sited in along obvious building line. Opposite there are terraced dwellings, detached and bungalows. Swallowfield lies directly opposite the site and is a development of large detached bungalows accessed from a private road that leads into the development. While the proposed two rows of houses are fairly regimented in layout, it is not considered to be completely out of character to have a small development on the edge of the village, as is the case opposite the site.

The site is on the edge of the village, adjacent to the settlement envelope, however with careful landscaping the proposal is not considered to adversely affect the character of this part of Upper Caldecote or the open countryside beyond. In this respect the proposal is considered acceptable.

## **3. The impact on neighbouring amenity**

The proposed dwellings are sited at approximately 20m from rear elevation to rear elevation. This is considered to be an acceptable back to back distance as

set out in the Council's Design Guide which recommends a distance of 21m back to back distance to avoid any undue loss of privacy. The layout of the dwellings is such that the future occupiers would not suffer in terms of lack or privacy, light or outlook.

The front row would face onto Biggleswade Road and would be opposite No. 1 Swallowfield and Nos 175, 173 and 171 Biggleswade Road. There would be approximately 17m between the new and the existing dwellings which is not an unacceptable distance between the front of one property and another. Furthermore the front of a property, where it faces onto the public realm has a limited amount of privacy in most cases. As such the proposed dwellings are not considered to result in an adverse loss of privacy to the properties opposite.

No.108 is a detached two storey dwelling located to the west of the application site. This property would be separated from the new dwellings by around 11m and the access road. The side gable of Plot 1 and Plot 10 would be the closest properties to No. 108 however neither would not contain first floor windows in the side elevations facing onto the neighbouring property. Plot 10 would be set further towards the rear of 108 therefore the rear elevation windows would have a view across the garden. However Plot 10 is off set by a 45 degree angle and located some 25m from the rear elevation of 108. Any overlooking is not considered to be detrimental due to the spacing between the dwellings.

Given the siting of the dwellings no loss of light or overbearing impact would occur to neighbouring properties.

Concern has been raised regarding the noise, disturbance created by the new dwellings/occupants. It is acknowledged that would be additional comings and goings to this part of Biggleswade Road however the existing dwellings are sited along the main road into the village and amongst existing residential properties therefore a degree of noise exists and is to be expected. The additional dwellings are not considered to significantly increase noise and disturbance to a level over and above what would normally be expected in a residential area.

Overall the proposal is not considered to have a significant impact on the amenities of the neighbouring properties.

#### **4. Highway considerations**

In terms of highway safety, Development Management Highways Officers have raised no objection to the development. The proposal has been designed to adoptable standards with a suitable turning area within the site for a refuse vehicle and a service vehicle at the end of the shared private drive off a 30mph classified road.

Concerns have been raised relating to the access road being located on a bend in Biggleswade Road, however visibility is felt to be at an acceptable level.

Concern has also been raised relating to occupants of the new dwellings using the A1 access/entrance however this is a public road which anyone is entitled to use.

In terms of parking, the proposal complies with the parking requirements as set out in the Councils current Parking Strategy which requires one space for each bedroom. There are also three visitor spaces.

## 5. Footpath

The diversion of the public footpath that crosses the site has been agreed with the Rights of Way Officer. The footpath is to be diverted to the perimeter of the field rather than crossing the field diagonally. The applicant has applied for a diversion and this is currently being processed. There are no concerns regarding the diversion of the footpath.

## 6. Other issues

### Drainage

A number of residents have outlined concerns regarding problems with the existing drainage/sewerage in this area of Upper Caldecote. As a result Anglian Water have been consulted on the proposal in order to ascertain whether the existing system can cope with additional properties. They have raised no objections to the proposal and have confirmed that the existing system is capable of dealing with the additional properties.

### Ecology

Generally the site does not appear to contain any important habitats or species. The most likely site for biodiversity interest is the pond to the rear of the site. There is a moderate likelihood that Great Crested Newts may be using the pond and the surrounding land.

The areas of bramble would be well used by breeding birds therefore clearance work should be done outside of nesting season. It is felt that the development will have a local impact on the area due to loss of habitat and the potential presence of GC newts therefore a specific survey will need to be carried out at the appropriate times by a licensed surveyor which should include searches for other amphibians and reptiles. This can be secured via a condition and should be undertaken prior to any development on site.

### Landscaping

There is little in the manner of trees or vegetation on the site with the exception of some poor condition hedgeline along the boundary of Biggleswade Road, the majority of which is composed of Elm regrowth, bramble etc.

There is a comprehensive landscaping proposal supplied with the application that includes detail of proposed planting species, sizes, densities and where they are to be located. Most of which would seem to be acceptable. The native hedge mix should be planted as a double row, not a single row as suggested. The species mix seems to be a bit excessive.

The Tree and Landscape Officer has suggested a better mix would be to include a higher percentage of crataegus and prunus spinosa to improve

security and remove some of the other species.

There is no detail of boundary treatment either between plots or along the east boundary. The east boundary should include additional native hedgeline and avoid the use of closeboard fencing or similar. This will allow an open view across existing farmland. The west boundary proposes a new evergreen hedge which would seem acceptable and will help provide screening from the adjoining property.

There is potential to include one additional specimen tree at the far south end of the access road to provide a focal point from the Biggleswade Road to anyone entering the estate. A detailed landscaping scheme should be submitted and approved as a condition of approval.

### S106 matters

For all new housing developments the Council would normally require the applicant to submit a Section 106 legal agreement to secure financial contributions towards local infrastructure.

In this case the contributions which would be sought would amount to approximately £36,910.

As part of this application a viability assessment has been produced which calculates the costs of providing a 100% affordable housing scheme in addition to the agreed purchase cost of the land. The conclusion of the assessment is that the scheme would not be viable if the infrastructure costs were added to the land value. As such the provision of such much needed accommodation would not be possible.

On the basis of the above and taking account of the Councils strategic aim to secure more affordable housing, a scheme in this location, where such a need has been proven to be required, overrides the lack of financial contributions in this particular case.

However this development will be subject to a Section 106 legal agreement to ensure that the site is developed for the sole purpose of ensuring the provision of affordable housing for local people in perpetuity. This agreement is currently being prepared.

### Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications

## **Recommendation**

That Planning Permission be granted subject to the completion of a section 106 planning obligation and the following:

## RECOMMENDED CONDITIONS / REASONS

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

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

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

**Reason: To protect the visual amenities of the building and of the area generally in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document.**

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

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas in accordance with Policy DM3.**

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

- **boundary treatments;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, play equipment, signs, etc);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new**

- planting;
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

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

**Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area in accordance with Policy DM3.**

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

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

- 6 **No development approved by this permission shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:**

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

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

**c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**

**Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

**The British Standard for Topsoil, BS 3882:2007, specifies requirements**



for topsoils that are moved or traded and should be adhered to.

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

Reason: To protect human health and the environment in accordance with Policy DM3.

- 7 No development shall commence until a survey of the site has been undertaken to ascertain as to whether there are any great crested newts and other amphibians and reptiles. If any of the above species are found to exist the details of measures to be undertaken to safeguard these protected species then habitat protection/migration measures shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area in accordance with DM15.

- 8 Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced on site. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 9 Before development commences details of the demarcation of the highway boundary at the site fronting Biggleswade Road, visitor parking bays and signage advising of the turning area for service vehicles should be kept clear should be submitted to and approved in writing by the local planning authority and no dwelling shall be occupied until the demarcation and signage have been constructed in accordance with the approved plans.

Reason: For the avoidance of doubt, to provide adequate on site visitor parking provision and a usable turning area.

- 10 Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no

**building shall be occupied until the section of road which provides access 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.**

- 11 **Development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries and access thereto 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 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

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

- 13 **No building shall be occupied 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.**

- 14 **Before the accesses for plots 7, 8, 9 and 10 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 highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

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

- 15 No dwelling shall be occupied until a 2.0m wide footway has been constructed on the south side of Biggleswade Road along the site frontage from the existing footway at the frontage of no. 108 to the access for plot 5 in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.  
Reason: In the interests of road safety and pedestrian movement.
- 16 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. 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
- 17 Details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.  
Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises
- 18 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision on the site shall not be used for any purpose, other than as 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 and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.
- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

numbers 200 PLAN, SJA177.01.A, SJA177.02.0, 12039 (D) 097 A, 12039 (D) 112 A, 12039 (D) 121, 12039 (D) 120, 12039 (D) 111 A, 12039 (D) 100 D, 12039 (D) 102 A, 12039 (D) 105 B, 12039 (D) 104 A, 12039 (D) 103 A, 12039 (D) 101 C, 12039 (D) 106 B, 12039 (D) 107 C, 12039 (D) 099 D, 12039 (D) 98 C, 12039 (D) 110.

Reason: For the avoidance of doubt.

### Notes to Applicant

1. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

2. 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 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

The applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, including planting, foundations and surface water hardware shall be erected or installed in, under or overhanging the public highway and no window, door or gate shall be fixed so as to open outwards into the highway.

The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway

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

The applicant is advised that in order to comply with Condition 13 of this permission it will be necessary for the developer of the site to enter into an

agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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

The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

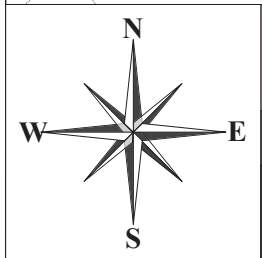
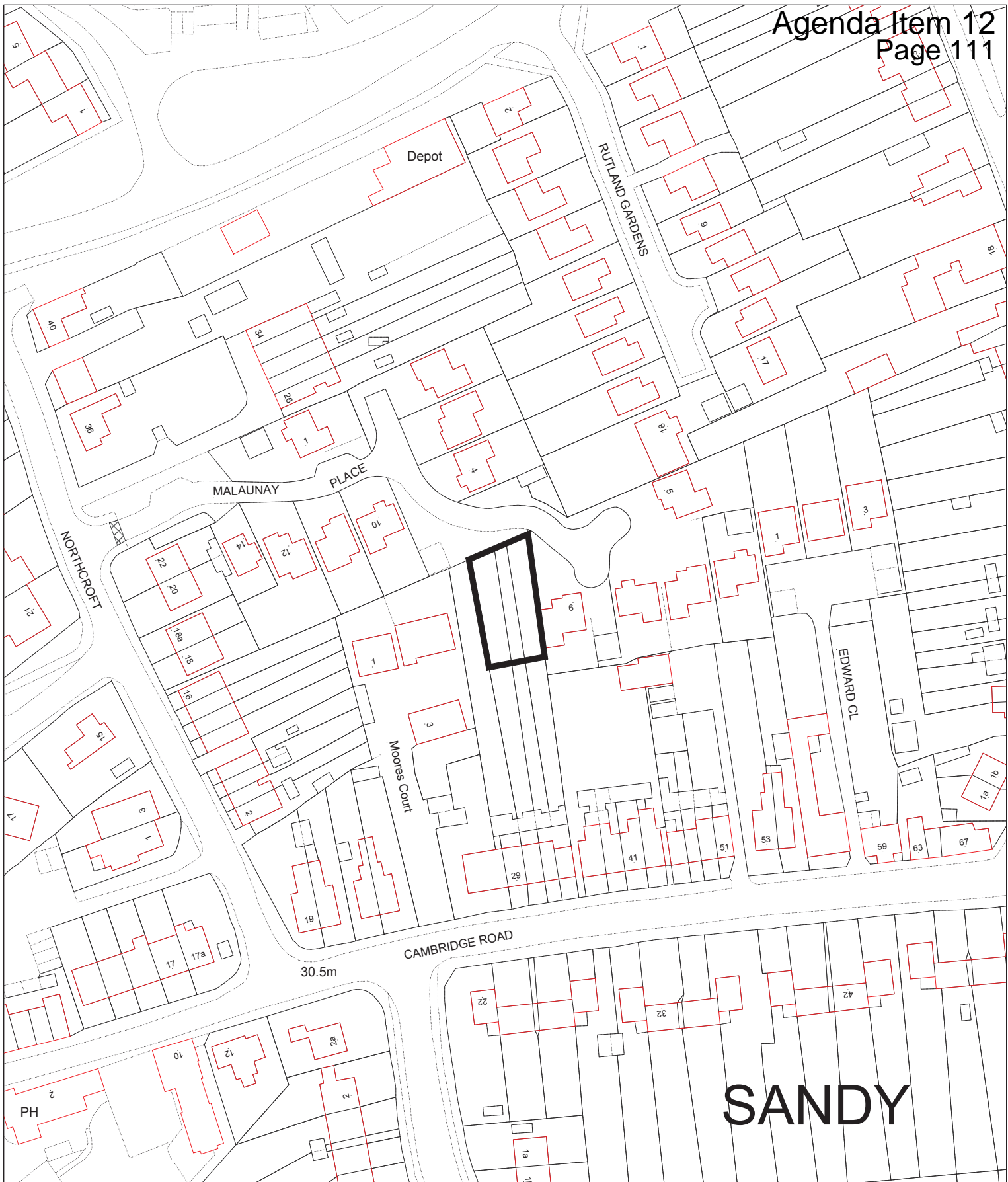
The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development 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.

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

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.

**DECISION**

.....  
.....  
.....  
.....



© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 03:May:2013  
Map Sheet No

Application No.  
CB/13/00723/FULL

Scale: 1:1250

31 - 35 Cambridge Road, Sandy

This page is intentionally left blank



**Item No. 12**

**APPLICATION NUMBER**      **CB/13/00723/FULL**  
**LOCATION**                      **31 - 35 Cambridge Road, Sandy, SG19 1JF**  
**PROPOSAL**                      **Erection of a new four bedroomed detached dwelling with the access from Malaunay Place.**

**PARISH**                         **Sandy**  
**WARD**                             **Sandy**  
**WARD COUNCILLORS**       **Cllrs Aldis, Maudlin & Sheppard**  
**CASE OFFICER**               **Mark Spragg**  
**DATE REGISTERED**         **13 March 2013**  
**EXPIRY DATE**                **08 May 2013**  
**APPLICANT**                 **Miss R Hooker & Miss N Owens**  
**AGENT**                         **Sanctuary Design Ltd**  
**REASON FOR**                 **Request by Councillor Aldis. Due to the size of the**  
**COMMITTEE TO**               **dwelling, constrained nature of the plot and the**  
**DETERMINE**                 **cramped form of development.**

**RECOMMENDED**  
**DECISION**                      **Full Application - APPROVAL**

**Recommended 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).

**Site Location:**

The application site is located within the settlement envelope of Sandy, currently comprising the rear gardens of No's 31, 33 and 35 Cambridge Road, Sandy. The properties are terraced houses with long narrow gardens extending to a depth of approximately 60m, with the rear boundary abutting Malaunay Place, a modern cul de sac development of detached houses to the north. A dense belt of leylandii trees extends along the northern boundary of the site. The rear garden of No.29 Cambridge Road adjoins the western site boundary, with 2 Moore's Court further to the west, and 9 Malaunay Place abutting the eastern boundary.

**The Application:**

The application seeks full planning permission for a four bedroom two-storey 8.2m high dwelling with a half hipped roof, a projecting front gable and an attached single garage. Access would be taken from Malaunay Place, across an existing grassed area.

A parking area for up to for four cars is shown on the frontage, in addition to a garage. A rear garden of approximately 130sqm is also shown, incorporating a cycle

store.

The application is supported by a Design Statement and accompanied by a completed Unilateral Undertaking in respect of infrastructure provision.

Apart from being a detailed application rather than an outline application this proposal is different to those previously refused as a result of it relating to a larger plot (depth of 24m compared to 20.7m in the first application). The application also shows the removal of a large willow tree which would previously have overhung the garden area.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework**

Sections 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design

### **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

### **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/11/02810 – Outline.	Erection of new four bedroom dwelling. Refused.
CB/12/02448 – Outline.	Erection of two storey detached dwelling. Refused

### **Representations: (Parish & Neighbours)**

Sandy Town Council	Sandy Town Councillors made a site visit and considered this application, carefully taking note of neighbours objections and the history of previous applications on the site. The Council found no planning grounds which caused them concern and therefore resolved to make no objections to the proposed development. However, the Council would wish to draw your attention to neighbours
--------------------	---

Neighbours 8 letters of objection have been received from residents of Malaunay Place and Moore's Court, the main points being summarised as follows:

- Loss of privacy to properties in Moore's Court and 4 Malaunay Place.
- Impact on wildlife, especially bats from removal of leylandii trees.
- Would change the character of the area.
- The proposed house would be too large for the site.
- Queries regarding the ownership of the verge.
- Would increase parking and highway safety problems on Malaunay Place.
- Access to 4 Malaunay Place would be affected.
- Dangerous access onto Malaunay Place.
- Highway issues and noise caused by construction traffic.
- Provision of a driveway would result in the loss of amenity land.
- Sandy already has many four bedroom properties for sale.
- Removal of the large willow trees may cause subsidence.
- A unilateral undertaking has not been submitted.

### Consultations/Publicity responses

Ecologist	Do not consider it likely that bats would be living on the site as Leylandii are fast growing trees and it is unusual for even large ones to contain rot holes or cavities sufficient to be utilised by bats. Recommend an advisory note.
Highways	No objection, but suggest conditions to deal with surfacing, visibility splays, access for construction vehicles and on-site parking for construction workers.
Tree Officer	No objection subject to landscaping condition.

### 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
4. Highways and Parking

5. Trees and Ecology
6. Infrastructure

## **Considerations**

### **1. Principle of Development**

Core Strategy Policy CS1 defines Sandy as a major service centre. Policy DM4 sets out that within settlement envelopes of major service centres the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement.

As the application site is within the settlement envelope of a major service centre the proposal is considered acceptable in principle, subject to no conflict with any other relevant policies set out elsewhere in the Core Strategy.

### **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.

Unlike the previously refused outline applications this proposal is a detailed application. The design of the proposed dwelling as shown in the submitted plans would have a half hipped roof and front gable projection, which reflects that of other properties within Malaunay Place. An accompanying street elevation illustrates the relationship with No.9 Malaunay Place and given the slightly lower level of the application site the proposed house would be slightly lower than the neighbouring property.

The siting of the proposed house as shown would be logically positioned between No's 9 and 10 Malaunay Place, taking account of the curvature in the road at this point. Whilst 2 Moore's Court is set back further it does not relate to Malaunay Place and instead relates to the other properties within Moore's Court. As such, the siting of the proposed dwelling is considered appropriate, retaining an adequate set back to the road frontage and with a design in keeping with the existing layout within Malaunay Place.

The siting of the house has been set back from that indicatively shown on the previous outline applications as a result of the increased depth of the plot. As such the layout allows for some landscaping along the frontage to partially screen the parking and to help mitigate for the loss of the existing hedging and to reflect the planting in front of other surrounding properties.

Whilst the proposal does also involve the loss of a number of other trees, including a large willow tree within the site, other trees beyond the application site would be unaffected by the proposal. The trees including the willow tree are not particularly prominent in the streetscene due to the screening provided by the leylandii trees and it is not considered that the trees would warrant any protection. Furthermore, the Tree officer has raised no objection to the proposal. Overall it is considered that the proposal would not significantly impact on the character of the area and as the design of development is in keeping with its surroundings is considered acceptable.

### **3. Impact on Amenities of Neighbouring Residents and future occupiers**

The Core Strategy Policy DM3 also requires new development to respect amenity of nearby residents.

The flank elevation of the proposed house would be approximately 7.8m from the side elevation of 2 Moore's Court. Whilst projecting 4m to the rear of that property it is not considered that any undue loss of light would result. No first floor side windows are shown in the proposed dwelling and no main windows exist in the side elevation of 2 Moore's Court. Due to the proposed siting of the new house it is not considered that any significant loss of privacy to the occupiers of 2 or 3 Moore's Court would result.

The two storey part of the proposed house would be sited approximately 7m beyond the closest front window (first floor) of 9 Malaunay Place. However with a gap of 3.6m between the properties and the fact that the neighbouring window is north facing and with the line of high leylandii currently along the application boundary it is not considered that the proposal would lead to any significant additional loss of light, nor is it considered that the new house would appear unduly overbearing on the neighbouring property. No first floor flank east facing windows are shown in the development. Although acute views towards the south west corner of the rear garden of No.9 may be possible it is not considered that such a degree of overlooking is unreasonable, particularly given that most of the neighbouring garden, especially that immediately to the rear of the house, would remain private.

Given the length of gardens serving No's 29, 31, 33 and 35 Cambridge Road it is not considered that any unacceptable levels of overlooking towards those properties would result.

Unlike the previously refused applications this proposal involves removing the large willow tree within what would be amenity area of the new house. The size of the plot has been increased from the previous applications resulting in a larger rear garden (129sqm), in excess of the recommended average garden size as set out in the Central Bedfordshire Design Guide (100sqm). As such this would enable an acceptable level of amenity for future occupiers.

#### **4. Highways and Parking**

The proposal incorporates a parking area at the front of the property which would allow for the parking of four cars within the driveway, which meets the current parking requirements for such a 4 bed house. Whilst there is also an attached garage shown this does not comply with current size requirement, however this is not relevant as the appropriate parking provision can be provided on the frontage.

Objections have been raised regarding the increase in traffic and parking provision, however the Highways Officer considers that both parking and access are acceptable and that access could be obtained across the adjacent verge which is highway land. No objection is raised on highway grounds subject to conditions to control the surfacing of vehicular areas, visibility splays, construction vehicle access and construction worker parking.

#### **5. Trees and Ecology**

The proposal will result in the loss of a belt of leylandii trees and a large willow tree together with some other smaller trees within the site. However, as addressed in Section 2 of this report it is not considered that the trees are worthy of protection. It is concluded that the loss of these trees would not be so harmful as to justify a refusal, particularly given the presumption in favour of sustainable housing development as set out in the NPPF (para 49).

Some objectors have commented that the proposal would have an adverse impact on wildlife, in particular bats. Whilst the Council's Ecologist does not consider it likely that any bats would be roosting within trees at the site it is recommended that an advisory note in respect of the possible presence of bats is included.

## 6. Infrastructure

The SPD regarding Planning Obligations was adopted in February 2008 and supported by Core Strategy policy CS2 sets out that all residential development, including single dwellings, 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 completed unilateral undertaking has been submitted and as such as submitted the requirements of the SPD have been met.

### Recommendation

That Planning Permission be granted subject to the following:

### RECOMMENDED CONDITIONS / REASONS

- 1        The development shall begin not later than three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2        **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings and surfacing materials for the driveway 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 development.
- 3        **Before development begins, 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.**

- 4 **Before development begins 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. Thereafter the site shall be developed in full accordance with the approved details.**

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

- 5 **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 the dwelling shall not be occupied until the access 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**

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

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

- 7 **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.**

- 8 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [9061-P01 P2, P02 P2, P03 P2, P04 P1, P05 P1, P06 P1].**

**Reason: For the avoidance of doubt.**

**Notes to Applicant**

- 1. If during the course of development a bat roost is found within any trees to be removed then a European Protected Species licence will be required from Natural England.
- 2. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**

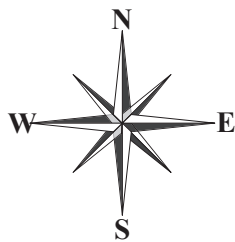
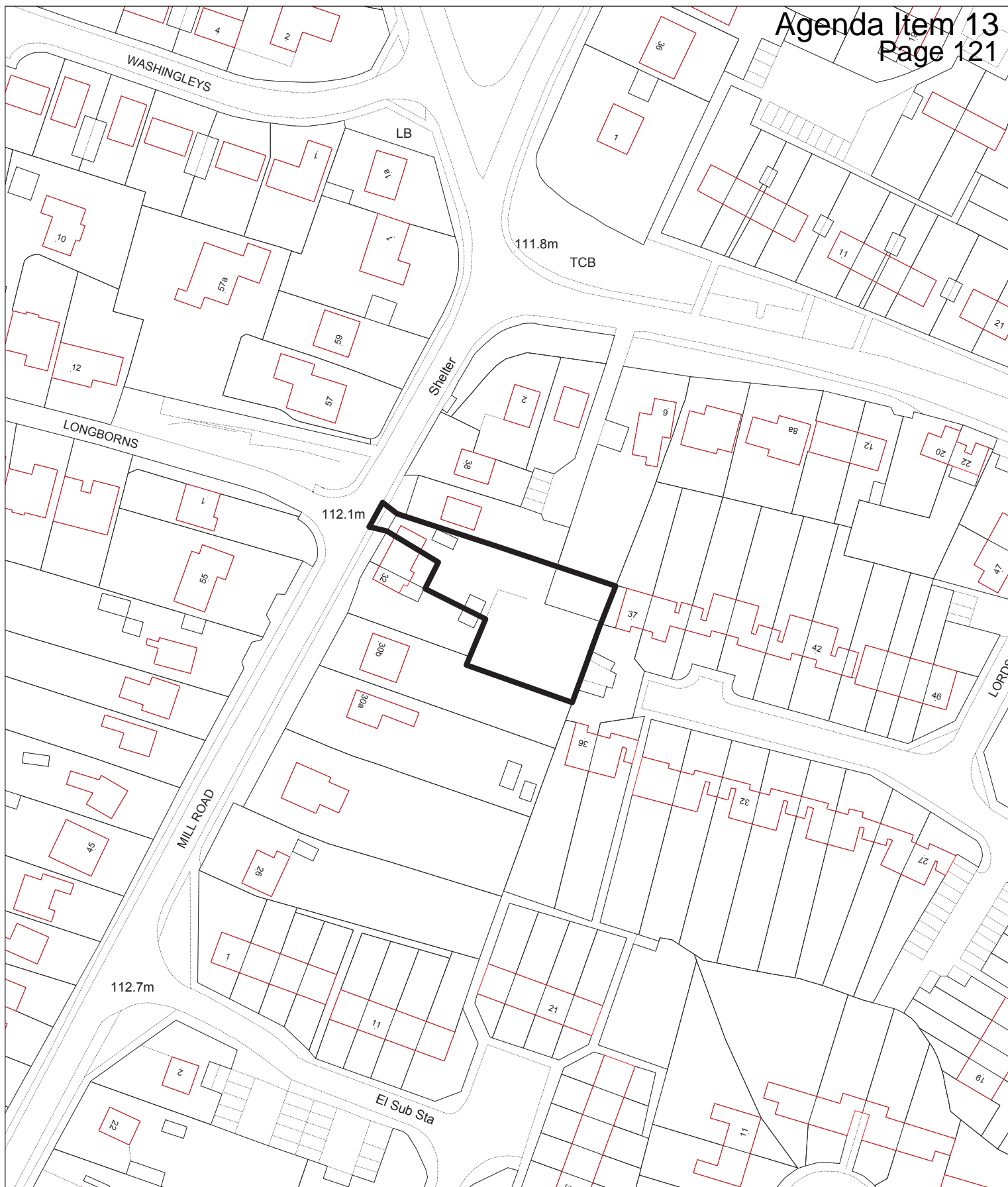
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

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.

**DECISION**

.....  
 .....  
 .....  
 .....





© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 07:May:2013

Grid Ref: 496098, 242908

Application No.  
CB/12/04398/FULL

Scale: 1:1250

34 Mill Road, Cranfield, Bedford, MK43 0JL

This page is intentionally left blank

**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/12/04398/FULL</b>
<b>LOCATION</b>	<b>34 Mill Road, Cranfield, Bedford, MK43 0JL</b>
<b>PROPOSAL</b>	<b>Erection of 2 No. 3 bedroom dwellings with associated garages.</b>
<b>PARISH</b>	<b>Cranfield</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Bastable, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>Annabel Gammell</b>
<b>DATE REGISTERED</b>	<b>30 January 2013</b>
<b>EXPIRY DATE</b>	<b>27 March 2013</b>
<b>APPLICANT</b>	<b>Mr Jones</b>
<b>AGENT</b>	<b>3d Architects Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Bastable called in on the request of the Parish Council reasons:</b>  <b>1] Overbearing to neighbouring properties, and properties in Lordsmead.</b>  <b>2] Access - the development site is opposite to the junction at Longbornes, the visibility along Mill Road is poor.</b>  <b>3] Insufficient parking causing cars to be parked on Mill Road which is already congested, causing traffic to weave.</b>  <b>4] Over development of the site.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approve</b>

**Recommended Reasons for Granting:**

The proposal for the erection of two dwelling houses in this location is considered to be acceptable because the development would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties, it is acceptable in terms of highway safety and therefore by reason of its site, design and location, is in conformity with Policies CS2, CS5, DM3, and DM4 of the Core Strategy and Management Policies, November 2009; The National Planning Policy Framework (2012), the Draft Central Bedfordshire Development Strategy (2013). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development.

**Site Location:**

The application site is land to the rear of 34 Mill Road in Cranfield, which is currently a cleared area of land approximately 800 sqm, this includes an existing access

which currently serves two flats (1&2 34 Mill Road). The site is fenced off but largely turned earth with no structures.

### **The Application:**

This application seeks permission for the erection of two number 3 bedroom dwelling houses.

Please note the block plan and description on the floor plans/elevations do not correlate, the Plot numbers are taken from the block plan.

Plot 1: A three bedroom dwelling house with attached single garage and parking for three vehicles off street. Total height 7.4 metres. The footprint would be some 7.1 metres by 8 metres. This dwelling would have a garden of approximately 100 sqm.

Plot 2: A three bedroom dwelling house with parking for four vehicles off street. Total height 7.4 metres. The footprint would be some 7.5 metres by 10.9 metres. This dwelling would have a garden of approximately 130 sqm.

Both houses would be constructed from red brick work, slate roof tiles and white window detailing.

There have been two consultation periods, as the plans were amended, originally the dwellings were some 8 metres high, had rendered 1st floors and soldier courses above the windows, and the parking provision and garage size has been increased on Plot 1.

### **RELEVANT POLICIES:**

#### **National Policies**

##### **The National Planning Policy Framework**

- 6 Delivering quality homes
- 7 Requiring good design
- 8 Promoting healthy communities

#### **Local Policies**

##### **Core Strategy and Development Management Policies, November 2009**

Policy CS2 - Developer Contributions  
Policy CS5 - Providing Housing  
Policy DM3 - High Quality Development  
Policy DM4- Development Within and Beyond Settlement Envelopes

##### **Development Strategy 2013**

Policy 1 - Presumption in favour of Sustainable Development  
Policy 29- Housing Provision  
Policy 43 - High Quality Development

## Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

### Planning History

<b>Application:</b>	Planning	<b>Number:</b>	CB/12/01038/VOC
<b>Validated:</b>	04/04/2012	<b>Type:</b>	Variation of Condition
<b>Status:</b>	Decided	<b>Date:</b>	30/05/2012
<b>Summary:</b>		<b>Decision:</b>	Variation of Condition - Granted

**Description:** Variation of Condition: variation of condition 3 of Planning Permission CB/11/03160/FULL. (Condition 3 requires completion of car parking, landscaping and boundary treatment) Variation to boundary treatment to provide 1.8m timber fence and 0.9m high brick wall on the northern boundary.

<b>Application:</b>	Planning	<b>Number:</b>	CB/11/03160/FULL
<b>Validated:</b>	16/09/2011	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	10/11/2011
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	Conversion of 34 Mill Road into 2 No. 1 Bedroom Apartments.		

<b>Application:</b>	Planning	<b>Number:</b>	CB/11/02184/FULL
<b>Validated:</b>	05/07/2011	<b>Type:</b>	Full Application
<b>Status:</b>	Withdrawn	<b>Date:</b>	08/09/2011
<b>Summary:</b>		<b>Decision:</b>	Application Withdrawn
<b>Description:</b>	Erection of 1No. 3 Bedroom House and 1No. 4 Bedroom House to rear of 34 Mill Road Cranfield. Conversion of No. 34 Mill Road into 2No. 1 Bedroom apartments.		

### Representations: (Parish & Neighbours)

Cranfield P.C

Object:

- 1] Overbearing to neighbouring properties, and properties in Lordsmead.
- 2] Access - the development site is opposite to the junction at Longbornes, the visibility along Mill Road is poor.
- 3] Insufficient parking causing cars to be parked on Mill Road which is already congested, causing traffic to weave.

Neighbours and near neighbours: 4] Over development of the site.  
Four letters of objection:

36 Mill Road; 36, 37, 41 Lordsmead:

- Traffic and impact upon parking.
- Access insufficient/visibility.
- Access location with regard to local bus stop.
- Loss of trees prior to application being submitted.
- Impact upon streetscene of Lordsmead and Mill Road.
- Overlooking of windows within Lordsmead.
- Restriction on "back land development" and green field sites.
- Previous applications on Mill Road were refused.
- Housing allocations at Home Farm and Land Rear of Central Garages provide enough housing for Cranfield.
- Not in keeping with the village setting.
- Site would be unduly cramped.
- Concern over boundary treatment/landscaping.
- Impact upon light into residential gardens.
- Increase in noise from traffic and residential disturbance.

### **Consultations/Publicity responses**

Site Notice Posted on 01.02.13: No comments received  
Highways Department: No objections:

The existing is the rear garden for what was 34 Mill Road prior to its permitted alteration to 2 one bedroom flats. The proposal is for the construction of two 3 bedroom dwellings with associated parking and turning provision taking access from the existing access. The layout of which is acceptable.

Trees and Landscaping: No comments received

### **Determining Issues**

The main considerations of this application are:

1. The principle of development
2. The effect on the character of the local area

3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. The highway safety implications
5. The planning obligations strategy
6. Any other implications

## **Considerations**

### **1. Principle of Development**

As Cranfield is considered a Minor Service Centre in the Central Bedfordshire Core Strategy, "within the settlement envelopes of both major and minor service centres, the Council will approve housing." - Policy DM4 of the Central Bedfordshire Council, Core Strategy and Development Management Policies, 2009. This is dependant upon ensuring that there would be no significant adverse impact upon the character of the area or on the residential amenity of neighbouring properties and that satisfactory access can be achieved. In addition The National Planning Policy Framework encourages maximising the use of land in urban areas.

Paragraph 14 of the National Planning Policy Framework states:

"At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking"

It is considered that in principle the residential development in this location is acceptable.

### **2. Character and Appearance of the Local Area**

Impact upon appearance of Mill Road:

The proposed development will not have a significant impact upon the appearance of Mill Road, which is a residential road with a variety of housing types on it, the properties are not uniform in appearance. It is considered at the reduced height of some 7.4 metres, set back some 37 metres from the road it would be unlikely to have a significant impact upon the character or appearance of Mill Road.

Impact upon appearance of Lordsmead:

Lordsmead is more uniform in appearance than Mill Road, this development was constructed together in the 1960s, the road is characterised with linked semi detached properties constructed from brick with white window detail and render, or cladding to the first floor. This area is of no special character designation. It is considered that the addition of the two dwellings to the rear of the application site, although they would be visible at the end of the cul-de-sac would not significantly impact upon the character of the road. Currently there

are garages and a fenced amenity block at this end of the road, and this would remain. Approximately 10 metres beyond the existing wall would be the rear elevations of the proposed dwelling houses. It is considered that the brick built dwellings with slate roofs, although not matching those properties within Lordsmead would not detract significantly from the character of the road. The proposed dwellings have taken design cues from the Lordsmead dwellings, being constructed from brick, the pitch of the roofs would also be similar though it is noted slightly steeper.

The impact upon the general character of the area:

Cranfield is a village which is designated as a Minor Service Centre, identified as having local facilities such as small supermarkets, schools and a variety of local shops as well as the University and Technology Park. Due to the designation of Cranfield as a Minor Service Centre within recent years there has been significant development and growth. The traditional character of the village is long and linear. This development would be central within Cranfield filling in an area which has local facilities. It is considered that the additional dwelling houses would not have a detrimental impact upon the general character of the area and would constitute sustainable development.

It is considered that the development has been design to relate sensitively to the site and surroundings and is considered to be in accordance with policy DM3 of the Core Strategy and Development Management Policies, 2009. It considered also to accord with Policy 43 of the Draft Development Strategy 2013.

### **3. Residential Amenity of Neighbouring Properties**

To the north is 36 Mill Road and 6 Crane Way, to the east is 37 and 36 Lordsmead, to the south is 32 and 30b Mill Road, to the west is Flats 1 & 2 34 Mill Road.

It is considered that the development would not significantly impact upon the residential amenity of any neighbouring property in terms of:

#### Loss of light:

The proposed dwellings would not significantly impact upon the light into any residential property. It is considered that there is suitable spacing between the proposed dwellings and all surrounding adjacent properties. Within the design of the proposal attention has been made to locate single storey elements adjacent to boundaries with neighbouring gardens and this would further reduce impact upon light into adjacent residential properties.

#### Overbearing impact:

Due to the moderate scale and massing of the proposed buildings and separate distances it is considered that this development would not cause an overbearing impact upon any neighbouring properties.



Loss of privacy:

The new dwellings have been design to conform to the 21 metre back to back distance which is set out within the technical design guidance, this guidance though intended for "back to back" can be applied to "front to back" in these circumstances, and is based on straight angled windows, thus able to achieve a direct view. The distance of 21 metres is not normally used in "back to side" development or "side to side" development. The rear elevations of the dwelling houses are some 14 and 15 metres from the side elevations of the dwellings on Lordsmead (37 and 36). It was noted on site that there are clear glazed side facing windows within these elevations, these currently look over the site which was originally the rear garden of number 34 Mill Road, prior to this properties conversion. It is considered that these windows would have the potential to partially overlook the amenity areas of the proposed dwelling houses. As part of the landscaping scheme trees are proposed to reduce the intervisibility between these windows and the application site.

The distances between 1st floor windows and adjacent dwelling houses:

36 Mill Road: 14 metres  
34 Mill Road (first floor flat): 26 metres  
32 Mill Road: 23 metres  
30b Mill Road: 21.5 metres  
36 Lordsmead: 14 metres  
37 Lordsmead: 13 metres

Loss of outlook:

Currently the site is in a barren condition, it is judged that a new development with appropriate landscaping would improve the look of the site, and that it would not result in a loss of outlook for any residential properties.

4 letters of objection were received from local residents and an objection from the Parish Council (please see Section 6 "other considerations" for details relating to the comments to the Parish Council):

- Traffic and impact upon parking/Access insufficient/visibility.

The Highways Department have no objections to this proposal, they have considered the appropriateness of the access for two additional dwellings with its proximity to the bus stop, the junction with Crane Way, the junction with Longborns, visibility, the parking provision, the ability to get emergency vehicles in and out.

- Access location with regard to local bus stop.

This site is considered to be sustainable development due to its proximity to local facilities and these include the adjacent bus stop. The Highways Department do not consider the location of the bus stop to be a danger to people using the site or highway therefore it is considered to be acceptable. The close proximity to the local bus stop will hopefully encourage increased use of

public transport.

- Loss of trees prior to application being submitted.

The applicant cleared the site prior to the application being submitted, as far as I am aware at this time this was carried out in an appropriate and reasonable fashion. None of the trees had preservation orders on them and the site is not within a Conservation Area, therefore the applicant was within their rights to clear the site.

- Impact upon streetscene of Lordsmead and Mill Road/Restriction on "back land development" and green field sites/ /Overlooking of windows within Lordsmead/Not in keeping with the village setting/Impact upon light into residential gardens/Site would be unduly cramped.

These issues are covered above.

- Housing approved at Home Farm development and Land Rear of Central Garages, therefore no more houses needed.

As part of the application a Unilateral Undertaking is required this would give a contribution to local infrastructure. Although the Home Farm and Land Rear of Central Garages developments do help provide new dwellings for Cranfield they can not be considered the only appropriate location for new development and "fall in" sites should be considered on their own merits.

- Concern over boundary treatment and landscaping.

A landscaping plan has been submitted as part of the application showing a new 1.8 metre high close boarded fence on the south and west facing boundaries as well as a comprehensive scheme of planting. The boundary on the northern edge which was installed when the house was converted to a flat would be retained and the eastern boundary with the properties on Lordsmead would be retained. It is considered that the approach to boundary treatment is appropriate.

- Increase in noise from traffic and residential development.

There would be a 1.8 metre high fence which would divide the driveway and parking area from the adjacent property. It is considered that this would be a suitable sound barrier. It is not considered that residential noise would be inappropriate within this location.

#### **4. Highways Implications**

The Highways Department have no objection to the development as they are satisfied that the access, parking arrangement and visibility are all to an appropriate standard to ensure no significant danger to the users of the highway.

## 5. Planning Obligation Strategy

With the application a viability assessment was submitted, which concluded that the site was not viable with the full contribution, the comments from John Goody includes that scheme on the Councils model shows a profit of £57,408 which is 8.965%. This is not including any s106. The scheme comes under the usual development return assumptions which I believe is 15% (they have stated 20%) however as the scheme brings in 8.965% profit it's irrelevant.

During discussions with the agent it was agreed that for the housing to provide no contributions would be unacceptable, as this would not be a sustainable form of development.

The proposed development would form 2 number 3 bedroom houses. The Planning Obligations Calculator for this type of development would require:

Educational Facilities £17,240  
Sustainable Transport £1,012  
Health Facilities £3,200  
Leisure, ROS & GI £9,748  
Community Facilities and Services £1416  
Community cohesion £38  
Waste Management £92  
Emergency Services £448

Total: £33,194

The agent agreed that the following contributions could be provided:

Educational Facilities £8,620  
Sustainable Transport £1,012  
Health Facilities £2,904  
Leisure, ROS & GI £9,748  
Community Facilities and Services £1,414  
Community cohesion £57  
Waste Management £160  
Emergency Services £448

Total: £24,363

This level of contribution is worked out on the loss of 1 number 3 bedroom house, the conversion into 2 number 1 bedroom flats, and the erection of 2 number 3 bedroom dwellings, the flats are within the blue line of the application site. The conversion of the three bedroom house into two number one bedroom flats has already taken place; no contributions were sought as it was a net loss of bedrooms (reference CB/11/03160/FULL). Originally both elements of this development were applied for together, however due to timing requirements the development is applied for under two separate applications. It was considered a reasonable approach to provide the original level of contributions required, as this is what the comprehensive redevelopment of 34 Mill Road Cranfield would result in. A satisfactory signed Unilateral Undertaking has been provided.

## 6. Other Implications

### **Parish Council objections and reasons for call into Committee:**

#### 1] Overbearing to neighbouring properties, and properties in Lordsmead.

This issue is considered above, however an overbearing impact would be considered development that would dominate the adjacent properties; it is considered that with the spacing between these properties (the closest relationship being some 13 metres) would not be considered dominating or overbearing.

#### 2] Access - the development site is opposite to the junction at Longbornes, the visibility along Mill Road is poor.

It has been advised that there are suitable relationships with this junction and adjacent roads, the access is already constructed, as it services the existing flats. It is considered that the movements for two additional dwellings would not cause such an intensification that it would become unsuitable.

#### 3] Insufficient parking causing cars to be parked on Mill Road which is already congested, causing traffic to weave.

Plot 1 has parking in accordance with the Central Bedfordshire parking strategy; Plot 2 has an extra parking space in accordance with the Central Bedfordshire parking strategy. It is considered that the additional space is reasonable, the garages accord with the size standard prescribed.

#### 4] Over development of the site.

The site is 800 sqm, the site would approximately equate to 25 dwellings per hectare, which is considered a reasonable density for a village setting. In addition to this the garden space equates to the standards (approximately 100sqm) for family sized dwellings are met, and the parking standards are also met. It is not considered that this is over development.

### **Human Rights issues**

It is the officers understanding that the proposal would raise no Human Rights issues.

### **Equality Act 2010**

It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

### **Recommendation**

That Planning Permission be approved subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

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

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

- 2 A scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.

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

- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site for Plot 1 as shown on plan number 104A shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

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

- 4 Prior to the occupation of the flats the approved car parking, landscaping scheme, the wall on the northern boundary and other boundary treatment plan shown on plan 502B shall be completed.

Reason: To protect the amenities of the adjacent properties.

- 5 Before the premises are occupied the proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, surfacing of the vehicular areas, parking provision and turning area illustrated on the approved drawing no. 104 Revision A 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.

- 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 occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

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

- 7 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.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 100A, 102A, 104A.

Reason: For the avoidance of doubt.

## **Notes to Applicant**

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

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**

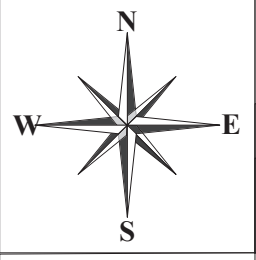
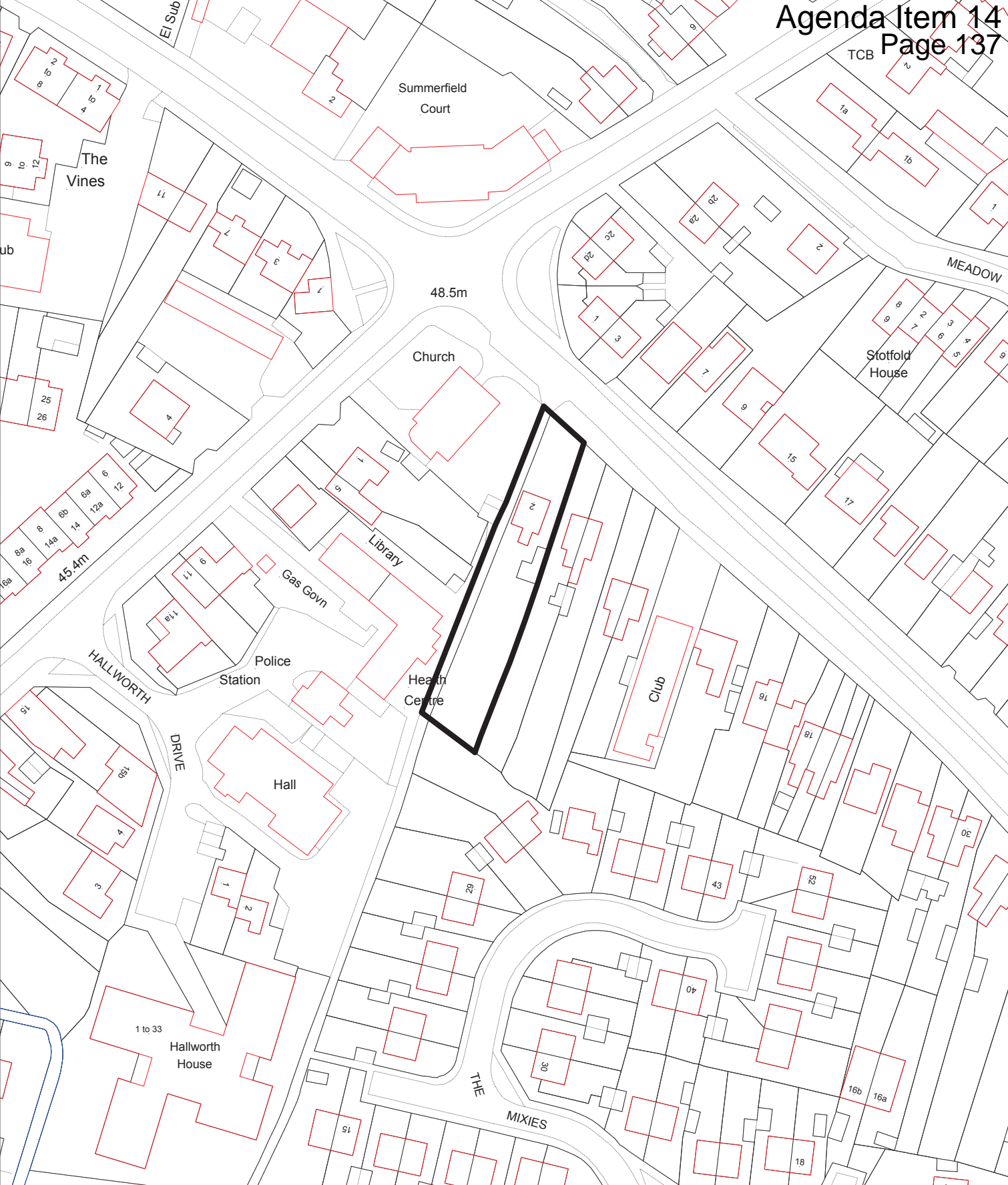
The proposal of the erection of two dwelling houses in this location is considered to be acceptable because the development would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties, it is acceptable in terms of highway safety and therefore by reason of its site, design and location, is in conformity with Policies CS2, CS5, DM3, and DM4 of the Core Strategy and Management Policies, November 2009; The National Planning Policy Framework (2012), the Draft Central Bedfordshire Development Strategy (2013). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development.

**DECISION**

.....  
.....

This page is intentionally left blank





© Crown Copyright. All rights reserved.  
 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 07:May:2013  
 Map Sheet No

Application No.  
 CB-13-00892-FULL

Scale: 1:1250

2 High Street Stotfold, Hitchin

This page is intentionally left blank

**Item No. 14**

**APPLICATION NUMBER** CB/13/00892/FULL  
**LOCATION** 2 High Street, Stotfold, Hitchin, SG5 4LL  
**PROPOSAL** New detached dwelling, revised plans  
**PARISH** Stotfold  
**WARD** Stotfold & Langford  
**WARD COUNCILLORS** Cllrs Clarke, Saunders & Saunders  
**CASE OFFICER** Samantha Boyd  
**DATE REGISTERED** 15 March 2013  
**EXPIRY DATE** 10 May 2013  
**APPLICANT** Mr McNeil  
**AGENT** Aragon land and Planning Ltd  
**REASON FOR COMMITTEE TO DETERMINE** Cllr Call in Cllr B Saunders

I have been asked by the Town Council that if you are minded to Approve this application that it is forwarded to the Development Management Committee for discussion.

My understanding is that the previous amendment was to move the building by 6ft and that the 2nd revision is another 8ft.

The Town Council are currently awaiting a response from the footpaths officer regarding the movement of the boundary on no. 2 onto what is the current Public Footpath

**Recommended Decision** Full Application - Approval

**RECOMMENDED REASONS FOR GRANTING**

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, the proposal is in conformity with Policies DM3, DM4, CS1, CS2 and CS14 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Design Guide: Design in Central Bedfordshire: A Guide for Development, 2010.

**Site Location:**

The site measures 0.2ha and lies to the rear of No. 2 High Street, Stotfold; a two storey detached pebble dashed dwelling with a plain tiled roof. The property benefits from a long back garden which will be approximately halved to create the application site.

The surrounding area comprises a church and civic/public buildings to the west, separated from the site by a public footpath that extends from High Street to the

south of the application site. To the east and south of the site is existing residential development.

**The Application:**

Planning permission is sought for a detached two bedroom bungalow, proposed to be sited at the southern end of the site. Access to the bungalow would be from the High Street using an existing crossover. Parking would be provided for both the new and the existing dwelling along with a turning area to the front.

**RELEVANT POLICIES:**

**National**

National Planning Policy Framework 2012

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

Policies DM3, DM4, CS1, CS2 and CS14 apply.

**Supplementary Planning Guidance**

Design Guide for Central Bedfordshire (Jan 2010)  
Local Transport Plan - Parking Strategy

Planning Obligations Strategy (2009)

**Planning History**

CB/12/04085/Full	Two storey rear extension to No. 2. 27/11/12
CB/12/00466/Full	Erection of one detached dwelling. Refused 09/02/12 ALLOWED ON APPEAL 10/09/12
CB/11/03668/LDCP	Lawful Development Certificate - Erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building. Granted 25/11/2011
CB/10/03477/FULL	Full: Detached dwelling to the rear garden of existing house. Refused 12/11/2010 Appeal dismissed 07/03/2011

**Representations:  
(Parish & Neighbours)**

Stotfold Town Council: Objection received on 11/04/13 on the following grounds:  
The plan drawings submitted as part of the application do not accurately show the property western boundary and are therefore potentially misleading and should be amended accordingly to prevent future misunderstandings (a copy of the title deeds showing the actual boundary is attached).  
We believe that the applicant does not have any legal right to build over the western boundary line marked by the

solid black line on his title plan, he would not appear to have any title to the land on the west of the path, unless he has purchased this separately. To all intents and purposes, therefore unless he gets the footpath diverted, the existing fence line is his physical boundary.

As the amended plans submitted after the application show a proposed diversion of a public footpath, the planning application documents are therefore incorrect as point 6 indicates that there are no required diversions/extinguishments and/or creation of rights of way.

As we are disputing the applicant's boundary claim, point 25 of the application document is also incorrect as it states that the applicant owns all property within the shown boundary. We therefore query whether notice has been served on the owner of the disputed area of land.

As the amended proposal is to move the bungalow closer to the footpath and adjoining Town Council buildings it is considered that this would create a narrowing and overbearing visual impact on the adjacent footpath and its users.

The development would, by virtue of the layout of the site and position of the bungalow, and the poor outlook and light, would result in a generally poor quality of living accommodation for future occupiers.

#### Further comments received on 18/4/13

On taking further views of the documents submitted with this application I feel that we must make sure that all interested parties are aware that the implications of the latest "minor amendments" to the planning consent already in place are far from "minor" in terms of their effect on the footpath and its future.

While the overview may be taken that it "only" involves the new building moving westward around 5 feet the actual effect on site boundary definition, and with that the revised position and shape of the footpath at the lower SW corner, is a move of 2 metres (their scale-line) further out from the current position.

We have never questioned that the footpath is positioned within the site boundary of the property but it must be questioned why, on both versions of Aragon drawing ref. 1563/12/3 the current position of the footpath is indicated in agreement with their own drawing 1563/12/1 BUT the boundary line has been drifted progressively outwards from a position alongside the west of No.2 High Street down to the SW corner?

On the final (?) version drawing 1563/12/3B where a revised footpath route is indicated the 2 metre "dog-leg"

imposed on the path route can clearly be seen with the visibility and safety implications this would bring for pedestrians, particularly at night time, even if further lamp standards were installed!

For both this planning application CB/13/00892/FULL and questions on "true" route of footpath for inclusion on the "definitive map" of footpaths please refer respective CBC officers or other interested parties to -

H.M. Land Registry site plan; Title Number BD204649 (which you already have)

Aragon Land & Planning Ltd drawings (submitted with application) ref.

1563/12/1 Site Location

1563/12/3 Proposed Layout

1563/12/3B Proposed Layout

It's urgent that these drawings be included in any considerations by Footpaths Officer and also that discrepancies between them are highlighted to the Planning Department to show that some of the documentation submitted by the applicant cannot be taken as reliable information on which a decision should be made!

NOTING

Aragon drawing 1563/12/1 would appear to show a site boundary that is in agreement with H.M. Land Registry Title No. drawing BD204649. These both indicate a site boundary and footpath position exactly where it is now giving a continuity of flow along the footpath with reasonable vision along its length and no severe changes of direction.

Further Aragon drawings 1563/12/3 and 1563/12/3B, for no apparent reason, show the SW corner of site boundary moved some 2 metres (6ft 6ins) further West than the previous two drawings. There appears to be no explanation as to why there is this discrepancy but there must be the potential for users of these drawings to be misled regarding the actual position in situ?

My concern on this issue is so great that I must ask that you pass copies of this E-mail on to both the respective Footways & Planning Officers as a hopefully clearer explanation on some of the issues and also on to CBC Councillor Brian Saunders and members of STC Planning Committee for their information.

Neighbours:

22 signatures on the same letter. Raising concern summarised as -

The amendments require the diversion of a public right of

way. This means creating a dog leg in the footpath. The red line on the submitted plans do not comply with title deed BD204649. The footpath has always been in this position. The dog leg would cause a serious safety issue.

Site Notice Displayed	25/03/13
Advert in Newspaper	12/04/13

### **Consultations/Publicity responses**

CBC Highways                      In highway terms the application is relatively unchanged from that proposed in application number CB/12/00466 (allowed on appeal).

No objection subject to conditions.

CBC Footpath:                      No objections to development. No objections to moving the boundary fence, no objections to moving the footpath to its legal line provided it is at the applicants own expense.

### **Determining Issues**

The main considerations of the application are;

1. Planning History
2. Principle of development
3. Impact upon character and appearance of the area
4. Impact upon the amenities of adjoining properties
5. Highway safety and access
6. Other Issues

### **Considerations**

#### **1. Planning History**

The site has been subject to recent planning history which is relevant in the consideration of this application.

In 2010 a full planning application was submitted for a detached two storey dwelling on this site and refused by the Council on 9 September 2010. The decision was appealed and subsequently dismissed by the Planning Inspectorate.

Following the dismissal of the appeal, a Lawful Development Certificate was granted for the erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building.

A further application was then submitted for the erection of a bungalow with access, turning area and parking. The proposed bungalow would be largely the same size and in the same location as the building approved under the LDC

application. The application was appealed prior to its determination. During the appeal the Council submitted evidence to the Planning Inspectorate that the proposal would result in a cramped form of development with little amenity space, which would be harmful to the character and appearance of the area. The appeal was allowed and the appeal decision is appended to this report.

In coming to his decision the Inspector noted that while the proposed dwelling would be visible from the High Street between Nos 2 and 4, it would not have a materially different visual impact to the ancillary building approved under the LDC. Its size and height would not be intrusive or harmful.

The Inspector also noted that while the bungalow would be most apparent from the public footpath to the west where it would stand close to the boundary, the height of the building, above the existing tall close boarded fence would not be dissimilar to the ancillary building, and would not be visually incongruous. The Inspector went on to say *"Moreover, due to the height of the fence, direct views into the site from the footpath would not be possible. For these reasons any differences in use between the two buildings would not be obviously apparent and the appearance and height of the appeal building would not be uncharacteristic or otherwise harmful."*

The current application is in essence similar to the scheme approved on appeal. The design of the roof has been altered, although it remains of the same height; the width of the dwelling has been increased in size by just over 1m and in terms of siting, the proposed bungalow would remain up against the western boundary, adjacent to the public footpath. However there are complicated and ongoing issues with the legal line of the public footpath adjacent to the side boundary and disputes over the land owned by the applicant. The applicant's Agent has confirmed that the land is within the applicant's ownership.

The main concern, as raised by Stotfold Town Council, is the realignment of the public footpath to the west of the site and the proposed siting of the bungalow against the footpath boundary. This issue will be discussed further in the report.

## **2. Principle of development**

The site lies within the Settlement Envelope for Stotfold and as such there is a presumption in favour of new residential development where there is no adverse impact on the character of the area, neighbouring amenity and highway safety.

The proposal is broadly the same as the previous development that was granted on appeal therefore the principle of the development has been established and therefore acceptable.

## **3. Footpath 11 issues**

The application site is unusual in that the public footpath that runs along the western boundary of the site falls within the applicant's ownership. The correct route of the footpath has been the subject of many discussions with the Council's Rights of Way Officers for sometime. It would appear that historically the footpath has been a straight line running alongside the boundary fence of



No.2. However the definitive map show the footpath's legal line to be in a slightly different location and offset from the existing fence line in a westerly direction. The applicant proposes to move the rear section of his boundary fence towards the west by approximately 1.5 to 2m which would align the footpath to its legal position. The realignment would create a kink in the footpath where it is adjacent to the far end of the applicants rear garden. This has caused concern regarding the safety of the footpath.

It would appear that in the past it has been assumed that the footpath is located in the correct position and this has been accepted by previous owners of No. 2. However as the current owner proposes to revert the footpath to its legal line there is no requirement for the applicant to apply for a diversion order. He would in fact be realigning the footpath to it's correct location and as the footpath falls under the applicant's ownership, he would be entitled to do so. The Councils Rights of Way Officer and Senior Definitive Map Officer are in agreement with the applicant's proposals and have no objections to the realignment of the footpath provided it is done at the applicants own expense.

The Town Council have contested the extent of the land owned by the applicant, in particular the section of land to the west of the footpath. The red line is the same as those submitted on all previous applications where no comments related to land ownership were raised. The only difference in this submission is the revised position of the footpath to its legally correct position.

#### **4. Impact upon character and appearance of the area**

As previously discussed, the proposal is similar to the earlier scheme that was allowed on appeal. The current scheme proposes changes to the roofline and the inclusion of an entrance porch. The roof line now includes a gabled section to the front elevation and the width of the bungalow has been increased by approximately 1.5m on the western side.

In terms of the position of the dwelling, it would be located to the rear of the garden with a parking and turning area to the front as was the scheme allowed on appeal.

The approved position of the dwelling is located so that the side elevation abuts the boundary shared with the public footpath. Given that the boundary fence is to be moved towards the west, the dwelling would be relocated 1.5m westwards, however it would remain against the boundary shared with the public footpath.

The changes to the roof design would result in a more prominent roofline than the approved scheme, which has a simple low pitch roof. However the gable section is within the site and therefore the view from the public footpath would remain relatively the same. The overall height of the building would remain as the approved plans.

The view of the Inspector is a material consideration in the determination of this application and as the building similar in scale and height, its impact is not considered to be significantly different to the approved scheme. The proposal is therefore considered acceptable in terms of its impact on the character of the

area in accordance with Policy DM3.

## **5. Impact upon the amenities of adjoining properties**

The proposal is a single storey building and would not result in any loss of privacy to the neighbouring occupants. In coming to the decision on the appeal proposal, the Inspector stated "*In this case, there would not be a similarly harmful effect (refers to previous appeal for a two storey dwelling) because the proposal dwelling is single storey. Furthermore as the Council indicates, any concerns in this regard could be addressed through a condition requiring a higher boundary fence than currently exists*".

The current proposal proposes no material changes to the approved design, in terms of additional windows therefore as the dwelling is single storey and located to the rear part of the existing gardens it would not result in a loss of amenity to the neighbouring properties. The Inspector noted that any concerns regarding overlooking can be addressed through a condition requiring a higher boundary fence than currently exists.

As such the proposal would not result in any additional impact upon the amenities of the adjacent properties.

The proposal is considered acceptable with regard to its impact upon adjoining properties in accordance with Policy DM3.

## **6. Highway safety and access**

As with the previous application, there are no objections to the proposal on highway grounds. The access is considered adequate and sufficient off street parking is provided to serve both the No. 2 High Street and the proposed dwelling to the rear.

Subject to the attachment of relevant conditions, the proposals is acceptable in this regard.

## **7. Other Issues**

The application qualifies for contributions in accordance with the adopted Planning Obligations Strategy. A Deed of Variation to the Unilateral Undertaking submitted with application CB/12/00466 is currently being prepared by the Councils Legal Team.

### Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications

## **Recommendation**

That planning permission be granted subject to the completion of the Deed of Variation and subject to conditions.

## **RECOMMENDED CONDITIONS / REASONS**

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

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

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

**Reason: To protect the visual amenities of the building and of the area generally in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.**

- 3 **No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme as approved shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

**Reason: In the interests of visual amenity and in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document.**

- 4 **No development shall take place until details of the position, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. This shall include a boundary fence to a minimum height of 1.8 metres along the boundary with No 4 High Street. Development shall be carried out in accordance with the approved details.**

**Reason: In the interest of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.**

- 5 **No development shall take place until details of the junction of the modified vehicular access with the highway have been submitted to**

and approved in writing by the local planning authority and the dwelling hereby approved shall not be occupied until the junction has been constructed in accordance with the approved details.

**Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.**

- 6 **No development shall take place until details of the final ground and slab levels of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the local planning authority. Development shall take place in accordance with the approved details.**

**Reason: To protect the amenities of neighbouring properties and the visual appearance of the area in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.**

- 7 **No development shall take place until a scheme detailing access provision to and from the site for construction traffic and provision for one-site parking for construction workers, 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: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.**

- 8 Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the nearest edge of the carriageway of the adjoining highway.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 9 The dwelling hereby permitted shall not be occupied until the vehicular access shown on plan no. 1563/12/3 has been constructed and surfaced for a distance of 8 metres into the site, measured from the highway boundary; and all on-site vehicular areas have been surfaced, all in accordance with details to be submitted to and approved in writing by the local planning

authority. 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: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 10 The turning space for vehicles illustrated on the approved plan no. 1563/12/3 shall be constructed before the dwelling hereby permitted is occupied and thereafter retained for that use.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 11 The dwelling hereby permitted shall not be occupied until details of the bin storage and collection point have been submitted to and approved in writing by the local planning authority and provided in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document 2009.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1563/12/1, 1563/12/2, 1563/12/3B, 1563/12/4.

Reason: For the avoidance of doubt.

**Notes to Applicant**

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

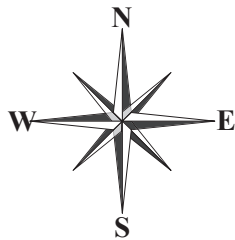
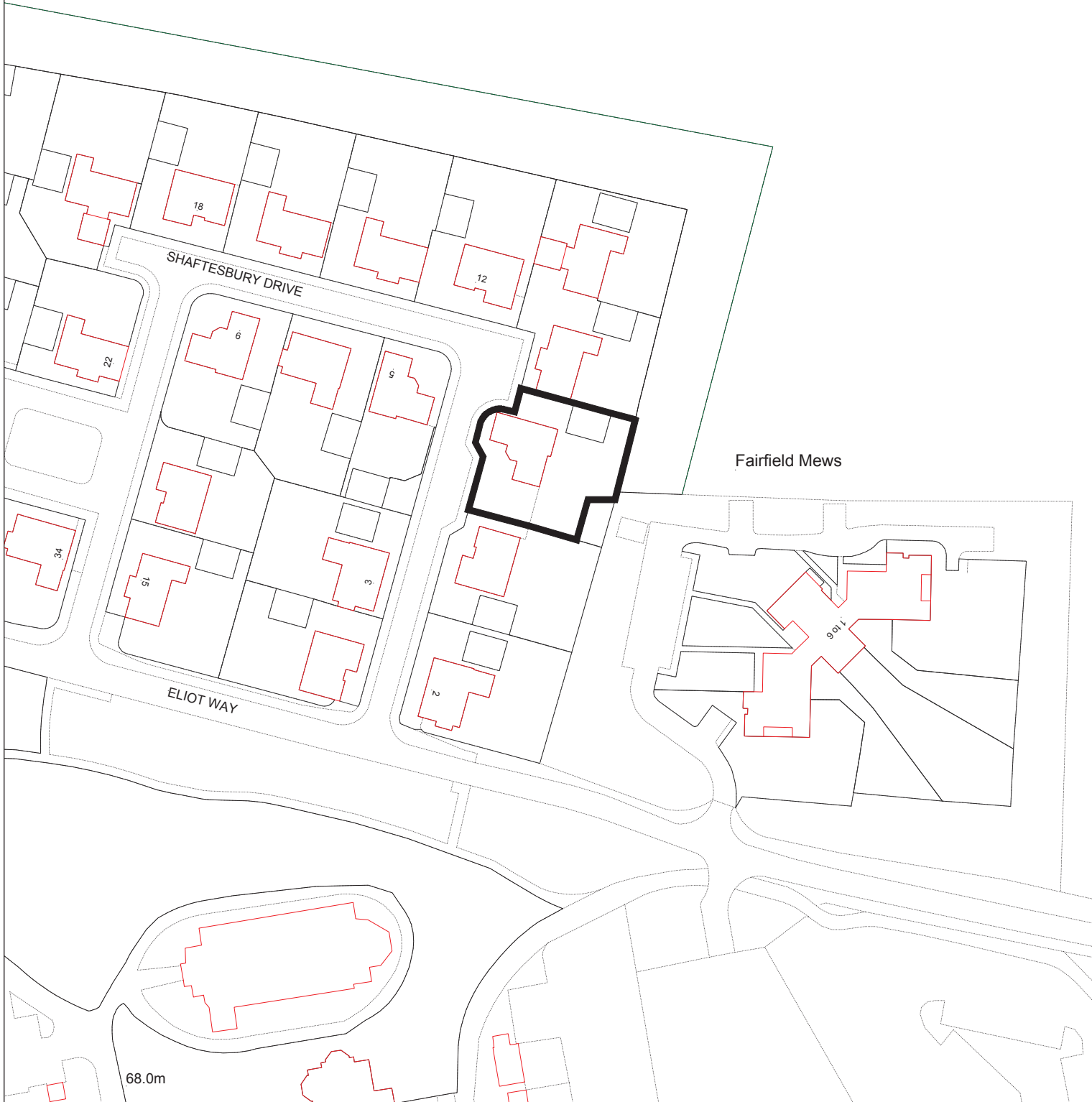
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

**DECISION**

.....  
.....

.....

.....



© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)

Date: 03:May:2013

Map Sheet No

Application No.  
CB/12/03287/FULL

Scale: 1:1250

6 Shaftesbury Drive, Stotfold, Hitchin

This page is intentionally left blank



<b>Item No. 15</b>
--------------------

<b>APPLICATION NUMBER</b>	<b>CB/12/03287/FULL</b>
<b>LOCATION</b>	<b>6 Shaftesbury Drive, Stotfold, Hitchin, SG5 4FS</b>
<b>PROPOSAL</b>	<b>Change of use of store and lobby adjoining detached garage and annexe over detached garage from ancillary residential accommodation to separate self contained residential accommodation. (Retrospective).</b>
<b>PARISH</b>	Stotfold
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Clarke, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>26 February 2013</b>
<b>EXPIRY DATE</b>	<b>23 April 2013</b>
<b>APPLICANT</b>	<b>Mr Watts</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Request by Cllr Brian Saunders on the basis of the concerns raised by the Town Council</b>

<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>
-----------------------------	------------------------------------

**Recommended 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, DM3 and DM4 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).

**Site Location:**

The application site comprises a large double detached garage, originally approved as an annexe associated with 6 Shaftesbury Drive, a large 2½ storey detached dwelling located in the northern part of the Fairfield Park residential development. The garage has two vehicular doors and a gable window on the front elevation. A first floor and ground floor window are located on the rear elevation, with small rooflights and an entrance door located on the side (east elevation) facing the garden of the main house.

**The Application:**

Planning permission is sought to retain the existing use of the garage/annexe building as a self contained dwelling, being currently let out to a person unrelated to the main house. The accommodation comprises a bedroom/living room, bathroom

on the first floor and a kitchen, lobby and double garage on the ground floor.

No external changes are proposed. The application states that there are two parking spaces serving the self contained unit.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework**

6 - Delivering a wide choice of high quality homes

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

Policy CS1: Development Strategy

Policy CS2: Developer Contributions

Policy DM3: High Quality Development

Policy DM4: Development within and Beyond Settlement Envelopes

### **Supplementary Planning Guidance**

Planning Obligations Strategy 2008

Central Bedfordshire Local Transport Plan, Appendix F, Parking Strategy 2012

Design Guide for Central Bedfordshire DS1 (New Residential Development)  
Adopted Jan 2010

### **Relevant Planning History**

03/1456                      Reserved Matters: External appearance, means of access, siting & design including associated garaging and parking for 24 dwellings following outline permission 48/2000/1151 dated 07/02/02. Approved 24.10.03 Condition 1 removes permitted development for extensions and material alterations.

### **Representations: (Parish & Neighbours)**

StotfoldTown Council Overdevelopment of the site. It would set a precedent for neighbouring properties and is against the aspirations of the Fairfield site. The garage must remain as an annexe to the main building, and being a retrospective application, if the current occupier of the garage building is a non family member it should be returned to the original purpose.

Adj. Occs/Site Notice No comments received.

## Consultations/Publicity responses

Highways Officer      No objection, subject to the application building remaining under the ownership of the main house.

## Determining Issues

The main considerations of the application are;

1. Principle of residential use
2. Visual impact upon the character and appearance of the area.
3. Residential amenity of neighbouring properties and future occupiers.
4. Highway Issues.
5. Infrastructure

## Considerations

### 1. *Principle of residential use*

The application site is within the Fairfield Park settlement (small village) wherein restricted residential development is acceptable. The NPPF (para 49) also states that housing application should be considered with a presumption in favour of sustainable development.

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

There are no changes to the external appearance of the building and as such no impact on the appearance of the area.

The immediate surroundings are characterised by large dwellings with detached garages similar to the arrangement at No.6. Whilst a change of use of the building to a self contained dwelling would result in an intensification of the site and a likely precedent for similar proposals it is not considered that this itself is harmful to the character and appearance of the area as no physical changes to the streetscene have occurred. Each case would need to be considered on its merits.

### 3. *Residential amenity of neighbouring properties and future occupiers*

Access to the application site is over the parking area belonging to 6 Shaftesbury Drive and via the side gate and garden of that property. No's 6 and 8 both have flank windows, however given that these are both open to views from the highway and mutually from each other it is not considered that the impact on those secondary windows from the access across the driveway is significant. It is also not considered that any harm to privacy from the front window results to either property.

The access beyond the site gate through the garden of No.6 and the existence of rear windows in the new accommodation would however result in unacceptable loss of privacy to the occupiers of No.6, unless the properties were under the same ownership.

No garden is shown for the new dwelling, however again based on the current arrangement with shared ownership there would be an opportunity for the occupant of the flat sharing a part of the garden area for the main house.

Subject to the building remaining under the ownership and management of the owner of 6 Shaftesbury Drive it is not considered that any undue loss of privacy or amenity would result and that there would be no undue harm to the amenities of No's 4 and 8.

#### **4. Highway Issues**

The application shows that there are two parking spaces within the garage serving the flat, whilst 4 parking spaces are available within the driveway to serve the house.

The red line does not extend up to the carriageway however it is clear that access to the garage from the highway does exist.

Whilst the use as a separate dwelling would result in a need for independent parking it is considered that if the building remains under the management of No.6 that a total of 6 parking spaces would be adequate to serve all users, particularly given the small size of the new unit and the fact that the use already exists and does not appear to have raised any issues and indeed no neighbour objections have been received.

It is noted that the Highways Officer raises no objection to the proposal subject to a condition to retain the link in ownership between the application building and the main house.

#### **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.

#### **Recommendation**

That Planning Permission be granted for the following reasons:

#### **RECOMMENDED CONDITIONS / REASONS**

- 1 The self contained accommodation hereby approved shall only be occupied whilst under the ownership and management of the owner(s) of 6 Shaftesbury Drive.

Reason: Due to the relationship of the building to 6 Shaftesbury Drive and

the implications for parking and amenity which would result from two unrelated properties. (Policy DM3 of the Core Strategy Development Management Policies)

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [CBC 1, CBC2, CBC 3].

Reason: For the avoidance of doubt.

**Notes to Applicant**

- 1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council’s website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).

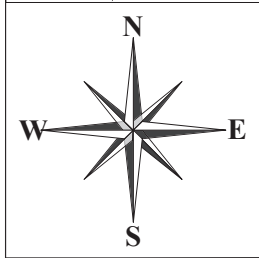
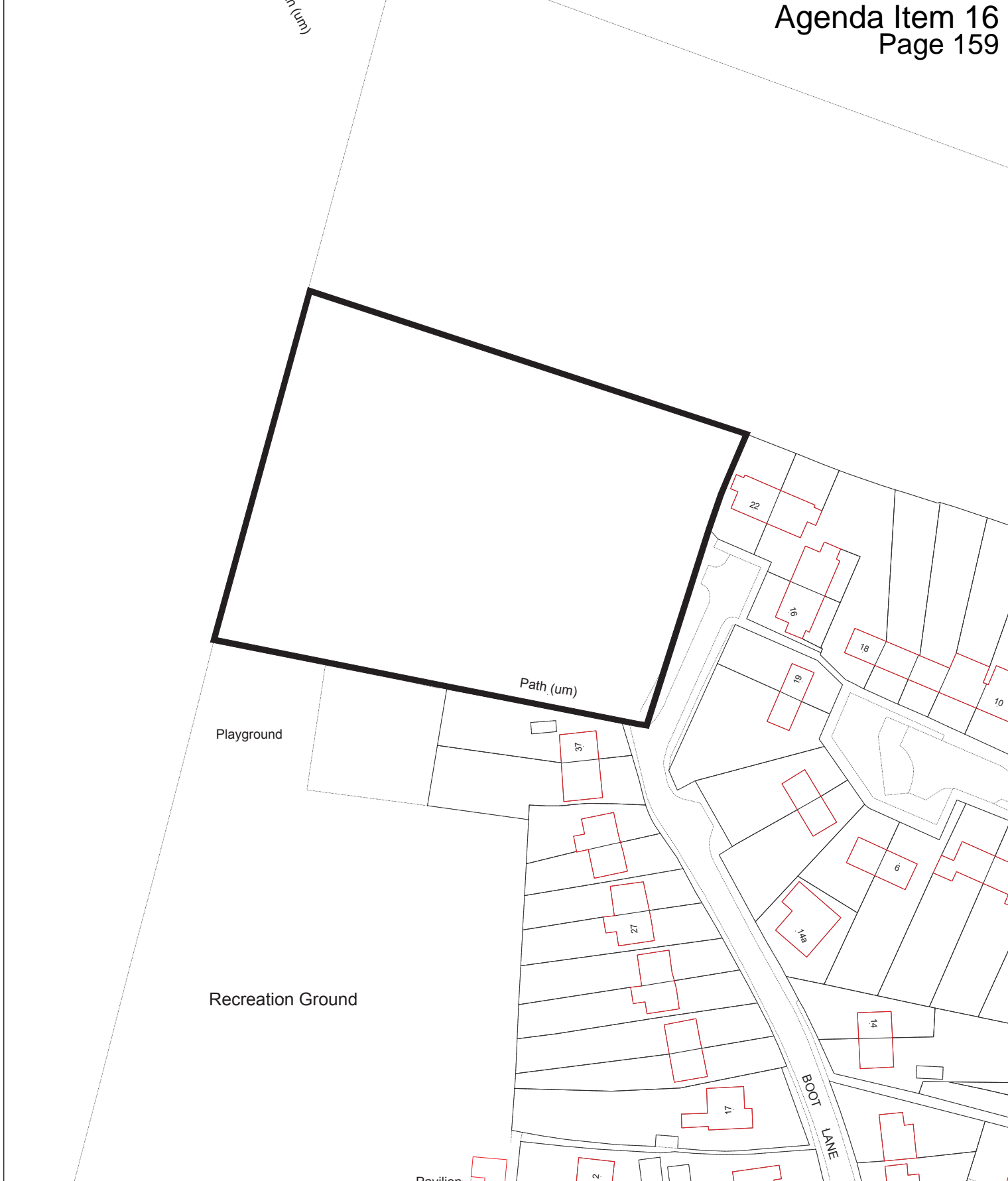
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

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.

**DECISION**

.....  
.....  
.....  
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.  
 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 08:May:2013  
 Map Sheet No

Application No.  
 CB/13/00371/FULL

Scale: 1:1250

Land at Boot Lane, Dunton, Biggleswade

This page is intentionally left blank



<b>Item No. 16</b>
--------------------

<b>APPLICATION NUMBER</b>	<b>CB/13/00371/FULL</b>
<b>LOCATION</b>	<b>Land at Boot Lane, Dunton, Biggleswade, SG18 8RP</b>
<b>PROPOSAL</b>	<b>Construction of 24 houses and associated garaging, roads and sewers</b>
<b>PARISH</b>	<b>Dunton</b>
<b>WARD</b>	<b>Potton</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Gurney &amp; Zerny</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>05 February 2013</b>
<b>EXPIRY DATE</b>	<b>07 May 2013</b>
<b>APPLICANT</b>	<b>Linden Homes Midlands</b>
<b>AGENT</b>	<b>NKW Design</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Objection on material planning grounds from the Parish Council that cannot be overcome by planning conditions</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - approval subject to conditions and s106</b>

**Reason the application is recommended for approval:**

The development would cause no harm to the appearance of the site or the area, would cause no harm to living conditions at neighbouring properties and would cause no harm to the safe and free flow of vehicular and pedestrian traffic. Standards of accommodation would be acceptable and existing rights of way through the site would be protected. The impacts of the development on existing local infrastructure would be adequately mitigated and affordable housing would be provided in line with the Council's policy standards. The development would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009), the Central Bedfordshire Planning Obligations Supplementary Planning Guidance (2009), Design in Central Bedfordshire (a guide for development) and Appendix F Parking Strategy of the Central Bedfordshire Local Transport Plan.

**Site Location:**

An area of 0.77ha to the North West of Boot Lane, Dunton. There is existing, mature hedgerow along the Eastern, Southern and Western boundaries that limit views in to the site from the open countryside beyond. The land immediately to the North does not form part of the application site but does fall within the ownership of the applicant. A footpath passes through the site that links Boot Lane to open countryside accesses from a point on the Western boundary of the site. An informal, walked path appears to be used instead of the formal path. To the South of the site is Dunton Recreation Ground. The nearest neighbours to the site are No 37 Boot Lane (a two-storey, semi-detached house), to the South and No 22 (a single-storey, semi-detached bungalow), to the East. Both have side elevations facing the site. A sewer easement runs between the Southwest and Northeast corners of the site.

The site is allocated by Policy HA19 of the Site Allocations Development Plan Document (2011) for a minimum of 15 dwellings.

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 at this site will be subject to the following:

- Provision of satisfactory buffer landscaping to minimise the impact of development on the open countryside.
- Retention of the public footpath that traverses the site, providing a link to the countryside, and provision of a new footpath to Dunton Recreation Ground.
- A buffer zone created between the proposed development and the existing wastewater treatment facility and
- Acceptable visibility at the junction of Boot Lane and Cambridge Road.

### **The Application:**

Planning permission is sought for 24, two-storey houses made up of:

- 7 x 2 bedroom houses
- 8 x 3 bedroom houses
- 9 x 4 bedroom houses

8 houses (33%) (4 x 2 bedroom and 4 x 3 bedroom and 4 x Affordable Rent and 4 x Intermediate Tenure) would be affordable housing.

The development would have a density of 28dph.

Car parking would be provided at one space per bedroom and each house would be served by a rear garden.

The actual line of the public footpath running through the site would be reinstated (as opposed to the as walked path) and a new path would be introduced at the South of the site that would provide access to Dunton Recreation Ground.

A landscape buffer area to the North of the site (that would be within the ownership of the applicant) would be introduced so as to seek to minimise the visual impact of the development from the open countryside beyond the site.

### **Relevant Policies:**

National Planning Policy Framework (2012)

Site Allocations Development Plan Document (2011)

Planning Obligations Supplementary Planning Guidance (2009)

Core Strategy and Development Management Policies (2009)

CS1      Development Strategy  
CS2      Developer Contributions

CS3	Sustainable and Healthy Communities
CS4	Linking Communities
CS5	Providing Homes
CS7	Affordable Housing
CS13	Climate Change
CS14	High Quality Development
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
DM14	Landscape and Woodland
DM15	Biodiversity
DM16	Green Infrastructure
DM17	Accessible Greenspace

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

DS1	New Residential Development
-----	-----------------------------

Central Bedfordshire Local Transport Plan: Appendix F Parking Strategy (2012)

**Planning History:**

There is no relevant planning history at the site.

**Representations:**

Parish Council

My members did discuss your comments regarding the fact that the Highways Officers comment that a mini roundabout would be unsafe at this location. After a lengthy discussion I can confirm that my Council still do not have any objection to the proposed housing but they object to the proposed road layout/current alterations at Boot Lane for the housing development, they would still like to see a mini roundabout installed. Accordingly, the original objection due to the proposed road layout at Boot Lane junction still stands.

Neighbours

Six letters of objection were received, commenting as follows:

A site notice and a press notice were displayed

- There would be problems with privacy, traffic noise and access.
- It would be dangerous to cross Boot Lane.
- Windows would overlook existing back gardens.
- The layout would be cramped.
- The development could result in flooding.

- The junction with Cambridge Road would be dangerous.
- Boot Lane cannot accommodate additional traffic.
- Dunton does not infrastructure capable of accommodating the proposed houses.
- The development harm the rural character of the village.
- The Traffic Assessment was inadequate.

Three letters of support/comment were received, commenting as follows:

- More houses would be beneficial for the village.
- Local people could live near their families.
- The houses would be appropriately designed.
- The proposed junction works would make it safer.

**Consultee responses:**

Highways	No objection subject to conditions. The proposed junction works, together with a contribution towards traffic calming measures would result in a safe junction. A mini-roundabout in this location would be unsafe.
Housing Development	No objection subject to affordable housing being provided in line with the Council's policy standards
Internal Drainage Board	No objection subject to condition
Rights of Way	No objection subject to a contribution towards local rights of way
Anglian Water	No objection
Environment Agency	No comment
Waste and Recycling	No objection subject to condition
Archaeology	No objection subject to condition
Public protection	No objections raised
Ecology	No objection subject to condition
Trees and Landscape	No objection subject to condition
Sustainable Growth	No objection subject to condition
Contaminated Land	No objection

**Determining Issues:**

The considerations in the determination of this application are:

1. The principle of the development
2. The layout and appearance of the development and landscaping
3. The impact on living conditions at neighbouring properties
4. Traffic and parking
5. Rights of way
6. Quality of the accommodation proposed
7. Other material planning considerations
8. The impact of the development on existing local infrastructure and affordable housing
9. Human Rights and Equality

**Considerations:**

1. Principle

The principle of residential development at this site is established by the site allocation policy for at least 15 units. The density at the site would be 28dph which would be broadly in line with the standard for village infill development set out in the Council's Design Guide of 30dph. Subject to compliance with the site allocation policy additional requirements and other relevant policy and guidance, the development would be acceptable in principle.

2. Layout and appearance

The layout of the site would be directed by constraints at the site, principally the footpath that runs from the Southeast to the Northwest and the sewer easement that runs from the Southwest of the site to the Northeast. The result would be four distinct pockets of development that whilst unusual and at odds with the established built character of Boot Lane, it would not be harmful because of the edge of settlement location of the site and the existing and proposed landscaping that would limit views of the site from the open countryside beyond it. Building types and sizes and the arrangement around a central area of shared surface would be irregular and would have an organic character that would help to create a visually vibrant and interesting built environment.

The buildings would be of a good design quality and the use of chimneys and fenestration detailing would help to ensure an acceptable standard of built development at the site. A condition would require amended elevational details showing headers and cills to windows so as to further enhance the design quality of the buildings.

A landscape buffer of tall trees to the North of the site would prevent a serious impact on the character of the open countryside. Existing hedging on the West and Southern boundaries would be retained. Opportunities for landscaping within the site would be fairly limited but that proposed would add to the quality of the development and would help to ensure that its appearance would be acceptable. The provision and maintenance of landscaping at the site, including the 'buffer zone' would be controlled by condition. The provision of this landscape buffer would meet the criteria set out in the site allocation policy.

Materials would be controlled by condition and the boundary treatment proposed would be acceptable.

The development would cause no harm to the appearance of the site or the wider area.

### 3. Neighbours

The nearest neighbour to the East would be No 22 Boot Lane, a semi-detached bungalow. The side elevation of that building would be less than 2m from the Eastern boundary of the site. The nearest proposed house to that neighbour would be at Plot 21 and 9.5m away and the orientation of that building would prevent any loss of light or outlook at No 22. The rear garden of Plot 21 would run along the boundary of the front garden of No 22 but there would be no development directly adjacent to its rear garden. There would be no side facing windows at Plot 21 so there would be no opportunity for overlooking. There would be 3 parking spaces located 4m away from the shared boundary with No 22 but the level of activity associated with those would not be so great as to cause serious noise and disturbance. The rear elevation of plot 24 would be at least 24m away from the front elevation of No22 and that distance would ensure that no unacceptable overlooking occurred.

The nearest neighbour to the South of the site would be No 37 Boot Lane and its side wall would face the site. There would be two parking spaces near to the boundary with that house but they would not create a level of activity that could cause significant noise and disturbance. The nearest proposed house would be Plot 1 and the side wall of that house would be around 4.5m away from the shared boundary with No 37. That distance, taken together with the siting and orientation of the buildings would prevent any harm in terms of loss of light or outlook. Side facing windows would serve bathrooms and so would be obscurely glazed to prevent overlooking problems. The rear elevation of plot 6 would be over 35m away from the rear of No 37 and would be orientated differently. This distance and orientation would prevent any harmful overlooking occurring.

Other houses on Boot Lane would be located far enough away from the development to prevent harm being caused to living conditions. The level of traffic using Boot Lane would increase as a result of the development, but not to the extent that noise and disturbance associated with car use could be considered harmful.

There would be no harm caused to living conditions at neighbouring properties.

### 4. Traffic and parking

The existing junction between Cambridge Road and Boot Lane serves a large number of existing houses but visibility is not in line with current standards. The junction would be adjusted by moving markings further in to Cambridge Road so as to increase viability for cars using the junction. This would result in a safe junction so long as drivers respected the existing speed limit. To promote the same, the developer would make a contribution that would provide two traffic calming signs to be installed within the proximity of the junction. The Parish

Council has suggested that it would prefer that a mini-roundabout be installed at the junction. That is not proposed as part of the application and the Council's expert officers are of the view that such an arrangement would be unsafe in this location. The access would be safe and would meet the relevant criteria as set out in the site allocation policy.

Car parking would be provided in line with the standards set out in the Council's Parking Strategy (one space per bedroom) and garages would be large enough to accommodate a parked car and bicycle storage (in accordance with the Council's current parking standards). The layout of the site would prevent opportunities for cars to move too quickly through it.

The development would not result in harm to the safe and free flow of traffic and the work to the Boot Lane/Cambridge Road junction would improve safety there.

5. Rights of way

An existing right of way runs through the site. An informal, walked route has been used rather than the formal route. The development would safeguard the formal route that would run from the entrance to the site to the Northwest corner. In addition, a path would be introduced at the South of the site that would allow access to Dunton Recreation Ground. A contribution would be secured to enhance the rights of way network around the site so as to improve opportunities for recreation for local people. A condition would secure the provision and retention of the rights of way.

6. Quality of accommodation

All of the houses would be well laid out with good internal spaces and access to light and outlook. All houses would be served by rear gardens, some of which would be much larger than others. They would all be of a usable shape and the larger houses, more likely to be used by families would be largest. On balance, and taking in to account the proximity and improved access to the Recreation Ground to the South and a financial contribution towards improvements there, the quality of accommodation provided by the development would be acceptable.

7. Other considerations

Drainage

Neither the Environment Agency or Anglian Water have raised objections to the development. A condition requiring the submission and approval of a method of dealing with storm water would prevent harm being caused in this respect.

Public Protection

One of the requirements of the site allocation policy was that the development would be sufficiently screened so as to prevent harm being caused by an existing nearby waste water treatment plant. The Council's Public Protection Team has offered no objection to the layout of the site or to the arrangement of existing and proposed landscaping and so no harm would be caused to living

conditions to future occupiers at the site.

### Archaeology

A condition would require the submission and approval of a Written Scheme of Archaeological Investigation so as to ensure that no harm would be caused to existing heritage assets at the site.

### Ecology

The Council's Ecologist is satisfied that subject to compliance with recommendations set out in the submitted Ecological Assessment, there would be no harm to local ecology. A condition would require that those recommendations would be complied with.

### Sustainability

A condition would ensure that the development achieved the Council's sustainability objectives through a reduction in energy consumption of 10% against the Building Regulations.

#### 8. s106 and affordable housing

33% of the houses at the site would be affordable and the housing and tenure mix would be broadly in line with the Council's objectives. The provision of affordable houses is particularly important in rural areas, like Dunton, where provision is typically low. At 33%, provision would be slightly below the Council's policy objective (35%) but given the number of units at the site (9 units would have resulted in 37.5%), this very modest shortfall would not be so significant as to warrant the refusal of the planning application.

Financial contributions would be secured through a s106 agreement broadly in line with the Council's Supplementary Planning Document (2009). Contributions would not be made to the Forest of Marston Vale or to emergency services but additional contributions would be made to the local rights of way network, traffic signage near to the Boot Lane/Cambridge Road junction and for improvements to Dunton Recreation Ground. Contributions would be made to education and healthcare so as to help mitigate the impact of the development on existing local infrastructure. The package of contributions provided would, on balance, be acceptable.

#### 8. Human Rights and Equality

No human rights or equality issues have been raised during the application process.

### **Recommendation:**

That Planning Permission be granted subject to the completion of a s106 agreement securing the above planning obligations and to the following conditions:

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



permission.

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

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

**Reason: To ensure that the appearance of the site would be acceptable.**

- 3 No dwelling shall be occupied at the site before boundary treatment has been completed in accordance with drawing number 1135-005 rev A.

Reason: To ensure that the appearance of the site and the standard of accommodation provided would be acceptable.

- 4 No dwelling shall be occupied at the site before the landscaping at the site and within the 'buffer zone' has been carried out in accordance with the submitted Landscape Proposals rev A and Landscape Schedules (revised April 2013).

Reason: To ensure that the appearance of the site would be acceptable.

- 5 **No development shall commence at the site before a Landscape Maintenance Scheme for landscaping at the site and within the 'buffer zone' for a period of five years has been submitted to and approved in writing at the site. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 6 Existing trees and hedges at the site shall be protected in accordance with the details shown on drawing numbers 2307.TPP and 2287.AIA for the duration of the development at the site.

Reason: To ensure that existing trees and hedges are protected during construction.

- 7 The public footpath running between the South East and North West of the site shown on drawing number 1135-004 rev E and that running along the South of the site (including access points to the Recreation Ground) shall be made available for public use prior to the occupation of any unit at the site and shall be permanently retained unobstructed thereafter unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that the right of way is available for public use.

- 8 **No development shall commence at the site before details of areas for the storage and collection of waste and recycling have been submitted to and approved in writing by the Local Planning Authority. The details**

shall be carried out as approved.

**Reason: To ensure that adequate facilities for waste and recycling are provided for future occupiers.**

- 9 The development shall be carried out in accordance with the recommendations contained within the Extended Phase 1 Habitat Survey and Protected Species Assessment updated in January 2013 and prepared by ADAS UK Ltd.

Reason: To ensure that local ecology is properly protected.

- 10 **No development shall commence at the site before an energy strategy which demonstrates how the development will achieve a reduction in energy usage of 10% against the standards set out in Part L of the Building Regulations has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the development would be sustainable.**

- 11 **No development shall commence at the site before details of the design and construction of methods to accommodate storm water have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that drainage is properly dealt with at the site.**

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

**Reason: To ensure that the proposed road works are constructed to an adequate standard.**

- 13 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 14 The proposed development shall be carried out and completed in all respects in accordance with the highway configuration 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.

- 15 No dwelling shall be occupied at the site before details of modifications to the road markings at the junction of Boot Lane with Cambridge Road have been submitted to and approved in writing by the Local Planning Authority. The junction works shall be carried out as approved before any dwellings at the site are occupied unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: In order to provide an improved visibility splay in the interests of highway safety.

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

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

- 17 **No development shall commence at the site before details of a wheel cleaning facility at all site exits have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved. The wheel cleaner(s) shall be removed from the site once the road works 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.

- 18 **No development shall commence at the site before details of a scheme detailing access provision to and from the site for construction traffic and 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 as approved.**

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

- 19 **No development shall commence at the site before a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: To ensure that no harm is caused to archaeological heritage assets at the site.**

- 20 **No development shall commence at the site before details of existing and proposed site levels including cross sections through the development and houses on Boot Lane that adjoin the site boundary have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site and the impact on living conditions at neighbouring properties would be acceptable.**

- 21 **Notwithstanding any details shown on the plans hereby approved, no development shall commence at the site before revised details of external cills and headers to windows on the houses have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Extended Phase 1 Habitat Survey and Protected Species Assessment updated January 2013 and prepared by ADAS UK Ltd, Drainage Statement dated 31st January 2013 and prepared by iD Ltd, Site Investigation dated December 2012 and prepared by BRD, Planning01 rev C, 1135/GAR/01 rev A, 1135-006 rev A, 1135-005 rev A, 1135-004 rev E, Dntn - Topo 01, 2287.AIA, 2307.TPP, Planning01 rev B, AF3B-P01, AF2B-P01, Planning02 rev B, AF3B-P02, AF2B-P02, Planning01 rev C, Planning02 rev C, Planning01 rev B, Planning02 rev B, Planning01, Planning02, Planning, Design and Access Statement dated January 2013 and prepared by 3D Planning Ltd, Highway Impact Assessment dated February 2013 and prepared by Infrastructure Design Ltd, Highway Statement dated January 2013 and prepared by iD Ltd and Tree Survey received 4th February 2013].

Reason: For the avoidance of doubt.

#### **Notes to Applicant:**

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development 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.

- 2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
  
- 3. The applicant is advised that in order to comply with conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
  
- 4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes - July 2010"

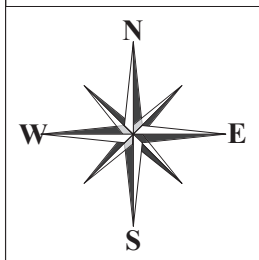
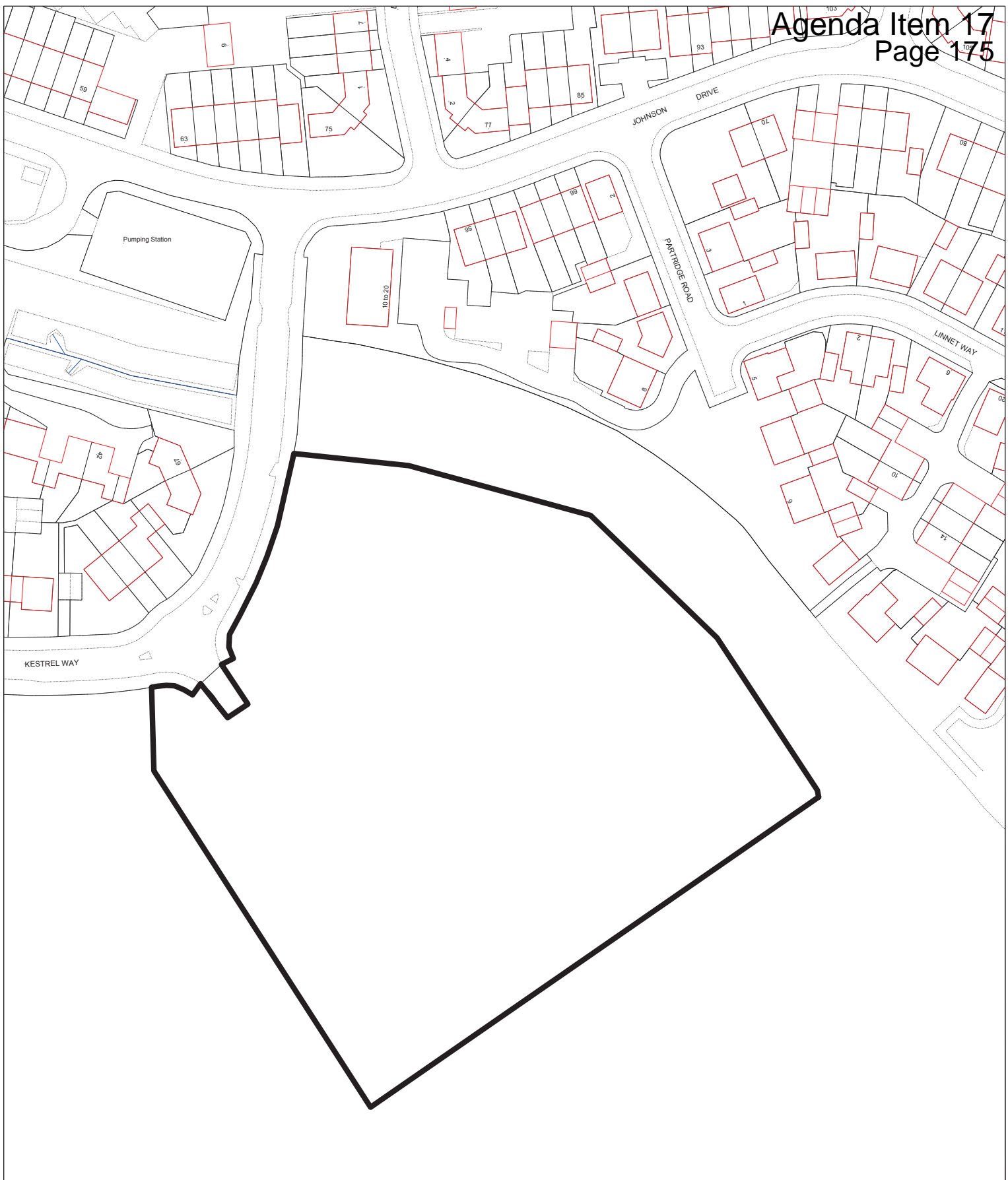
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

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.

**DECISION**

.....  
.....  
.....  
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.  
Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 02:October:2012  
Grid Reference: 493212; 223787

Application No.  
CB/12/02740/FULL

Scale: 1:1250

Leighton Linslade (Greenleas) Lower School,  
Kestrel Way, Leighton Buzzard, LU7 2QU

This page is intentionally left blank



---

**Meeting:** Development Management Committee

**Date:** 22 May 2013

**Subject:** New lower school for 330 pupils at Leighton Linslade (Greenleas) Lower School Kestrel Way, Leighton Buzzard (planning application reference CB/12/02740/FULL)

**Report of:** Director of Sustainable Communities

**Reason for referral to Committee:** Recommended change to DMC resolution to remove need for Section 106 Agreement

---

Advising Officer: Director of Sustainable Communities

Contact Officer: Adam Davies, Senior Planning Officer

Public/Exempt: Public

Wards: Leighton Buzzard South

Function of: Council

### **The Application**

#### **Background**

1. This application relates to the development of a new lower school for 330 pupils in the residential development of Southern Leighton Buzzard. It lies to the south of Kestrel Way which runs from Billington Road to the west to Johnson Drive to the north. The land is bounded to the north east by land which will form part of a drainage swale and public open space for the South Leighton Buzzard Urban Extension. The land to the south west and south east of the site is currently being developed as a residential area forming part of the urban extension.

The application was previously considered at Development Management Committee on 17 October 2012 when the Committee resolved that the Head of Development Management be authorised to grant planning permission subject to a number of conditions and the completion of a prior Section 106 Legal Agreement to provide for appropriate travel management matters. At the time, and in the absence of detailed highway considerations, these could have included physical alterations to the layout of the road and signage detailing, all on the unadopted Kestrel Way.

So as to allow for the opening of the school in September 2013, it was necessary for works on site to commence in late 2012 and works on the school building itself are well advanced.

A scheme of required highway works has now been produced by Amey in consultation with CBC Highways and these in the event only comprise highway markings and signage to the unadopted Kestrel Way. The scheme includes highway signage such as speed limit, give way, mini roundabout, road hump and no stopping signs and road markings including give way lines, circulatory markings, school keep clear markings, toucan crossing markings and cycleway markings to be carried out on land outside the application site, along Kestrel Way. The scheme has been submitted to the Local Planning Authority and the landowner Arnold White Estates who have confirmed in writing their agreement with the scheme of highway works. Excluding the necessary road markings and signage, the required highway layout already exists and is in accordance with the agreed layout which has been considered to be acceptable by CBC Highways, subject to Section 38 Highways Agreement.

Subject to the appropriate planning conditions, all other aspects of the school development were previously considered acceptable by Development Management Committee. In this instance, the only issue for consideration is the manner in which the required highway markings and signage are to be secured.

### **Comments**

2. In connection with the school development, school keep clear markings, other road markings and highway signage are required on land outside of the application site along the unadopted Kestrel Way. At the time of the previous Development Management Committee, a prior Legal Agreement was required in order to secure the necessary highway works before the opening of the school.

A scheme of required highway markings and signage has now been produced and agreed in writing with CBC Highways and the landowner. Excluding the remaining road markings and signage, the required highway layout is already in place and is subject to Section 38 Highways Agreement. As the remaining highway markings and signage have now been agreed with CBC Highways and the landowner, Legal Services advise that the remaining highway works can now be secured by way of planning condition and, in accordance with planning best practice there is no requirement for a prior Legal Agreement.

However, under the terms of the previous Development Management Committee resolution, planning permission can only be granted following the completion of a prior Legal Agreement to secure the necessary highway works. Accordingly, it is recommended that the Development Management Committee resolution be altered so that the

Head of Development Management be authorised to grant planning permission without the completion of a prior Legal Agreement.

Any permission granted should be subject to all of the conditions previously considered appropriate by Development Management Committee and an additional condition to ensure the required highway markings and signage are provided before the opening of the school. The recommended Reason for Granting should also be amended to reflect this change.

**RECOMMENDATION:**

**That the Head of Development Management be authorised to GRANT Planning Permission subject to the following additional/amended conditions and amended Reason for Granting:**

Additional condition:

- 17 The school shall not be occupied until all highway markings and signage detailed on the approved plan, drawing number 700341-000-001, have been carried out in accordance with the approved plan.

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

Amended condition:

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M5288/A/001.P0; M52888/A/010.B; M5288/A/101.B; M5288/A/107.B; M5288/A/120.C; M5288/A/130.A and 700341-000-001.

Reason: For the avoidance of doubt.

Amended Reason for Granting:

The principle of the development has previously been established as acceptable with the grant of the outline planning permission in 2007 for the development on Sites 15B, 15C and 15D. Subject to the appropriate planning conditions, the development is considered acceptable in terms of the proposed parking and access arrangements. The proposal would not be detrimental to the character or appearance of the locality or the amenities of neighbouring residents and is in conformity with the development plan policies comprising the South Bedfordshire Local Plan Review, the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework.

**Appendices**

Appendix A – Development Management Committee Report, 17 October 2012

Appendix B – Scheme of required highway works, drawing number 700341-000-001

This page is intentionally left blank

<b>Item No. 6</b>
-------------------

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

**Site Location:**

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

**The Application:**

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

variety of mono-pitched and flat-roofed elements.

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

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

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

#### **RELEVANT POLICIES:**

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

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

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

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

SS1 - Achieving Sustainable Development

SS4 - Towns other than Key Centres and Rural Areas

T2 - Changing Travel Behaviour

T9 - Walking, Cycling and other Non-Motorised Transport

T8 - Local Roads

T14 - Parking

ENV7 - Quality in Built Environment

WAT4 - Flood Risk Management

WM6 - Waste Management in Development

##### **Milton Keynes & South Midlands Sub-Regional Strategy**

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

### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure

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

BE8 - Design Considerations,

T10 - Controlling Parking in New Developments

*The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policy BE8 is broadly consistent with the Framework and carries significant weight. Policy T10 carries less weight but is considered relevant to this application.*

### **Bedfordshire & Luton Waste Local Plan 2005**

W5 Management of wastes at source - Waste Audits

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

### **Supplementary Planning Guidance**

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

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

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

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

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

### **Planning History**

SB/OUT/03/1515	Outline permission for residential development of Site 15A (land to north) - Subject to Section 106 Agreement.
SB/TP/04/0167	Permission for construction of roads, sewers and pumping station.
SB/ARM/04/1627	Approval of Reserved Matters for 219 dwellings. (Site 15A phase one).
SB/ARM/05/1321	Approval of Reserved Matters for 330 dwellings. (Site 15A phase 2).
SB/TP/06/0865	Permission for access spine road – Granted on appeal.
SB/OUT/06/0869	Outline permission for up to 720 dwellings with site for single-storey lower school, associated play space, landscaping parking and access – Granted on appeal, Subject to Section

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

**Minerals and Waste**

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



**Representations:  
(Parish & Neighbours)**

Town Council  
(28/08/12)

It was noted that there was no provision for a drop-off zone and that parents would therefore be parking on the street. Although it was anticipated that three quarters of children would walk to school from nearby housing, concerns were raised about future parking issues. It was noted that it was likely that the school would open before the road was adopted by Bedfordshire Highways and therefore no enforceable parking controls or restrictions would be in place initially.

Resolved to welcome the provision of a new lower school on Sandhills and to fully support the application, but the Town Council would ask Central Bedfordshire Council to ensure a traffic management scheme was implemented as soon as possible.

Councillor Bowater  
(28/08/12)

If this application is recommended for approval without a "Kiss and Drop" lane to prevent the parking issues prevalent at almost all other schools then I should like to call the application in on behalf of the Town Council.

Neighbours

No. 44 Plover Road (17/08/12):

In support provided adequate parking for people who cannot walk to the school, and pre and after school classes provided for the working parent.

**Consultations/Publicity responses**

Environment Agency  
(30/08/12)

*Officer Note: On the basis of the current information as submitted with the application, the Environment Agency has commented as follows:*

In the absence of a flood risk assessment (FRA), we **object** to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

The application lies within Flood Zone 1 defined by the Technical Guide to the National Planning Policy Framework (NPPF) as having a low probability of flooding. However, the proposed scale of development (the application form states the site area to be 1.4 hectares) may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Footnote 20 of paragraph 103 of the NPPF requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development on this scale is proposed in such locations. A FRA is vital if the local

planning authority is to make informed planning decisions. In the absence of a FRA, the flood risks resulting from the proposed development are unknown. The absence of a FRA is therefore sufficient reason in itself for a refusal of planning permission.

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

**Additional information**

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

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

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

Public Protection  
(04/09/12)

I do not have any objections to the proposed development. Whereas quarrying activities are taking

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

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

Leisure Services  
(09/08/12)

No comment.

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

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

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

#### **Roundabout proposal**

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

#### **Anticipated parking issues**

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

The travel plan rightly states that there is no provision for School Keep Clear markings, double yellow lines or other parking restrictions whilst the top road surface remains

unlaid and also whilst the road is unadopted. A potential solution to this would be to:

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

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

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

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

### **Speed/Perceived speed issues**

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

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

### **Cycle Parking**

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

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

### **Pedestrian/Cycle access facilities**

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

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

### **Travel and Transport Issues**

The travel plan which accompanies the planning application already anticipates travel and transport issues. There is an opportunity now to avoid these. The

issues identified could/should be conditioned for the developer to undertake in order to mitigate these foreseen issues by way of a Section 278 agreement.

### **Comments on points within the Travel Plan**

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

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

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

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

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

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

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

a. The travel plan states that parents will be able to use the car park on site before 8.50 am. I would strongly suggest that this is amended to an earlier time (0830 ?) otherwise there is a danger that vehicles will be encouraged onto the school site at times of peak pedestrian, cyclist and vehicle activity. This needs to be addressed prior to the occupation of the school as a policy such as this will be significantly more difficult to amend retrospectively once people have started to make decisions about how and when to travel to school.

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

a. The travel plan is incomplete. There needs to be further information provided as to objectives and targets;

details of proposed measures; a detailed timetable for implementation; clearly defined responsibilities; evidence of consultation (or at least who this will include and when this will be done); proposals for monitoring and review and signoff by the senior leadership team and school governors.

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

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

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

- Parents of lower school pupils prefer to accompany their children into the playground.
- Schools actively encourage parents to come into the playground to see their children into school as this is a particularly valuable time and interactivity opportunity between school staff and parents. This has further pastoral benefits which are essential to the way a good lower school functions.
- As such a drop-off area for setting down pupils merely functions as a car park for a limited number of parents.
- Drop off lay-bys outside the school grounds often serve as general public parking which further limits any usefulness.
- This has consequential effects such as encouraging parents to arrive earlier in order to compete for an available parking spaces.
- Drop-off areas both inside and outside of school grounds and this type of general encouragement and provision of car travel to schools serve to increase localised congestion at a time when there are high levels of pedestrians of a particularly young age in the vicinity. This poses significant risks in terms of the road safety of vulnerable people on the public highway.
- This type of measure merely serves to advocate car travel for the journey to school. This is contrary to Central Bedfordshire policy and our statutory duty to promote sustainable travel for journeys to, from and between schools (Education Act, 2006).

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

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

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

Highways (07/09/12)

Highlights need for control over Kestrel Way; drop-off points for pupils; rear access/shortcut to site via swale bridge; and school keep clear markings. Recommends conditions to secure improvements to road junction with Kestrel Way; control gradient of vehicular access; position of gates relative to highway; surfacing of vehicular areas; adequate cycle storage; wheel cleaning facilities during construction; parking provision for construction workers; parent drop-off facilities for 10 cars within the site and 10 cars within the highway network; implementation of agreed Travel Plan; and appropriate informatives.

Conservation and Design Officer  
(20/08/12)

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

Tree and Landscape

I agree with the landscape design aspirations for soft

Officer (17/08/12)

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

## Determining Issues

The main considerations of the application are;

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

## Considerations

### 1. Principle of development

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

### 2. Design considerations

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

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

Subject to the appropriate planning conditions to secure the necessary soft



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

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

### 3. **Parking, access and highways considerations**

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

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

However the comments of Sustainable Transport and Highways highlight a number of significant concerns which will need to be addressed in order to achieve a scheme which can be considered acceptable in highways terms. On the basis of the current information as submitted with the application, the submitted Travel Plan is considered incomplete. There is a need for further information regarding objectives and targets; details of proposed measures; a detailed timetable for implementation; clearly defined responsibilities; evidence of or a timeframe for consultation; and proposals for the monitoring, review and signoff of the Travel Plan by the senior leadership team and school governors. In particular the School Travel Plan requires further detail on the management of parent parking around the site and within the shared car park, including appropriate on-site signage. Further clarification is needed to explain how the proposed 'accompanied walks' to school would operate in practice. The Travel Plan should include a timeframe for providing survey information on the travel behaviour of pupils/parents, staff and local residents. It is considered that a revision to the Travel Plan could be secured by planning condition.

Sustainable Transport considers that the mini-roundabout shown at the site access is not suitable given the potential road safety issues in this location. However it should be noted that the roundabout layout already exists and is in accordance with the agreed layout which has been considered to be acceptable

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

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

CBC Highways consider that it would also be necessary to secure pupil drop-off facilities for 10 cars within the site and 10 cars within the highway network. Given that CBC has no control over Kestrel Way, drop-off facilities within the highway cannot currently be achieved by condition as recommended by Highways. Notwithstanding this, the provision of drop-off facilities would run contrary to the parking and access strategy for the school which has been developed in line with Central Bedfordshire Council's own Local Transport Plan 3 (LTP), including Appendix C which sets out the Council's Sustainable Modes of Travel to Schools and Colleges Strategy (SMoTS). Sustainable Transport has advised that the provision of pupil drop-off facilities were dismissed as a measure which should be included as a Central Bedfordshire transport policy as it is considered that this advocates a car culture for the school journeys whereas encouragement should be given to active and sustainable modes of travel in line with the authority's statutory duty to promote sustainable travel for journeys to, from and between schools (Education Act, 2006). It is also stated that there are various practical reasons why this type of approach has not been an effective solution for other schools and a number of local examples have been provided.

Whilst the Council's LTP and SMoTS Policies do not form part of the Development Plan, they set out Council-wide travel policies for schools which have been recently adopted in 2011. Accordingly it is considered to carry

significant weight in the consideration of parking, access and highways matters for this application. Therefore, subject to the submission of a revised Travel Plan, which can be secured by planning condition, various planning conditions as recommended by CBC Highways and the completion of a Section 106 Legal Agreement to secure the required highways markings and signage, no objection is raised in terms of the proposed parking and access arrangements.

**4. Flood risk and drainage**

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

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

**Recommendation**

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

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

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

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

Reason: To protect, as far as possible the character of the locality.

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

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

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

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

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

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

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

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

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

- 7 **Development shall not begin until details of the improvements to the junction of the proposed vehicular access with Kestrel Way have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

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

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

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

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

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

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

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

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

Reason: In order to promote sustainable modes of transport.

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

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

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

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

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

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

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

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

Reason: For the avoidance of doubt.

### Reasons for Granting

The principle of the development has previously been established as acceptable with the grant of the outline planning permission in 2007 for the development on Sites 15B, 15C and 15D. Subject to the completion of a prior Section 106 Agreement to provide for appropriate travel management matters, the development is considered acceptable in terms of the proposed parking and access arrangements. The proposal would not be detrimental to the character or appearance of the locality or the amenities of neighbouring residents and is in conformity with the development plan policies comprising the East of England Plan (May 2008), the Milton Keynes & South Midlands Sub-Regional Strategy, the Bedfordshire Structure Plan 2011, the South Bedfordshire Local Plan Review, the Bedfordshire & Luton Waste Local Plan 2005, and national advice contained in the National Planning Policy Framework.

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason

for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

3. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford, MK42 9BD.

**DECISION**

.....  
.....  
.....  
.....

This page is intentionally left blank





This page is intentionally left blank