

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



please ask for Helen Bell  
direct line 0300 300 4040  
date 6 June 2013

## NOTICE OF MEETING

### DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

**Wednesday, 19 June 2013 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
Chief Executive

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

Cllrs 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 22 May 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>	9 – 14

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

## Planning and Related Applications

To consider the planning applications contained in the following schedules:

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

Item	Subject	Page Nos.
6	<p><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>	15 - 62
7	<p><b>Planning Application No. CB/13/01378/VOC</b></p> <p><b>Address :</b> Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade, SG18 9DP</p> <p>Variation of Conditions No. 2 &amp; 6 on Planning Permission Application MB/05/01478/FULL dated 16/02/2006. Vary condition 2 to allow the stationing of 7 caravans, including up to 7 static caravans. Amend condition 6 to refer to the site layout plan submitted with this application.</p> <p><b>Applicant :</b> Mr N Connors</p>	63 - 76
8	<p><b>Planning Application No. CB/13/1223/VOC</b></p> <p><b>Address :</b> The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH</p> <p>Variation of Conditions: 2 &amp; 5 of planning permission CB/10/03217/FULL - Retention of Gypsy caravan site for 7 families with a total of two static caravans and six touring caravans including hardstanding and landscaping. Additional names to be added to Condition 2 and Condition 5 to say 'No more than twelve caravans shall be stationed on the Site at any time, of which ten caravans shall be residential static caravans'.</p> <p><b>Applicant :</b> Ms Brien</p>	77 - 98

- 9      **Planning Application No. CB/13/01235/FULL**      99 - 110
- Address:**    Roccroft Lower School, Church Road, Stotfold  
SG5 4NE
- Move modular buildings to different locations,  
extend existing building, internal and external  
refurbishment and alterations.
- Applicant:**    Willmott Dickson Construction
- 10      **Planning Application No. CB/13/1040/FULL**      111 - 120
- Address:**    Barretts Yard, Crawley Road, Cranfield
- Change of use from B8 to B8 with B1(c)
- Applicant:**    Grafton Motorcycles
- 11      **Planning Application No. CB/13/1208/FULL**      121 - 138
- Address:**    Land at New Road, Clifton, Shefford
- Erection of 77 dwelling including affordable  
housing, an equipped area of play, access and  
associated works.
- Applicant:**    Taylor Wimpey Ltd & Mr T Cook
- 12      **Planning Application No. CB/13/00921/OUT**      139 - 162
- Address:**    Land on the East Side of Biggleswade Road,  
Potton
- Outline Application: mixed use development  
comprising 151 dwellings, employment premises,  
site for community hall, open space and new  
access (all matters reserved).
- Applicant:**    Potton Enterprises Ltd Linxcroft Leach Partnership
- 13      **Planning Application No. CB/12/01722/RM**      163 - 180
- Address:**    Land at 59 & 69 The Green, Stotfold, Hitchin,  
SG54AN
- Reserved Matters: Residential development of 33  
dwellings (pursuant to outline planning permission  
CB/10/02061/REN dated 31 August 2010)
- Applicant:**    Abbey New Homes

- 14      **Planning Application No. CB/12/03287/FULL**      181 - 188
- 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
- 15      **Planning Application No. CB/13/01292/FULL**      189 - 206
- Address:**      Oak Tree Farm Potton Road, Biggleswade, SG18 0EP
- Change of use of site and buildings from Light industrial / retail / store / showroom / workshop / restaurant to School. External alterations including revised parking layout / landscaping / play areas and new fencing. Subdivision of land to separate existing house. New windows and doors.
- Applicant:**      Ermine Education Trust
- 16      **Planning Application No. CB/12/01590/FULL**      207 - 216
- Address:**      Land to r/o 24-68 Byford Way and 27-31 Garland Way, Billington Park, Leighton Buzzard
- Changed of use of open space to residential gardens.
- Applicant:**      Mr King
- 17      **Planning Application No. CB/13/10276/REG3**      217 - 250
- Address:**      Dukeminster Estate, (South West Corner) Church Street, Dunstable, LU5 4HU
- Demolition of all existing buildings on the site and redevelopment for the construction of 83 no. Extra Care Flats for Older Persons with communal areas, support facilities and retail unit.
- Applicant:**      Central Bedfordshire Council

18      **Planning Application No. CB/13/01368/OUT**      251 - 276

**Address:**      Dukeminster Estate, (Central & North) Church Street, Dunstable, LU5 4HU

The demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road, associated vehicular parking and landscaped areas.

**Applicant:**      Lionsgate Properties No1 and No2 Ltd

19      **Planning Application No. CB/13/1838/FULL**      277 - 282

**Address:**      1 Carlisle Close, Dunstable, LU6 3PH

Front Dormer (Extension to approved loft conversion CB/12/02192/Full)

**Applicant:**      Mr Hollick

20      **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 17 July 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.

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**Meeting:** Development Management Committee  
**Date:** 19<sup>th</sup> June 2013  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Sustainable Communities  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

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

**Background**

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

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



## Planning Enforcement formal action (DM Committee 19th June 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>1</b>	CB/ENC/10/0037	Land at 6 Sutton Road, Pottton, SG19 2DS	Enforcement Notice - siting of mobile home for independent residential accommodation	31-Aug-12	01-Oct-12	01-Dec-12			Not complied	To Legal for further action 7/5/13. Legal letters to be sent
<b>2</b>	CB/ENC/10/0140	Land at 6 The Belfry, Luton. LU2 7GA	Enforcement Notices - change of use of land from amenity land to use as garden.	13-Sep-12	11-Oct-12	08-Nov-12	Appeal submitted 27/9/12			Await outcome of appeal
<b>3</b>	CB/ENC/10/0189	Land adjacent to 17 The Causeway, Clophill Bedfordshire MK45 4RA	2 Enforcement Notices material change of use of the land to a caravan site and construction of hardstanding	10-Aug-11	08-Sep-11	07-Nov-11 and 08-Mar-12	Appeal dismissed, compliance extended	29-May-13		Planning application CB/13/00985/FULL to use adjoining land to Committee 19/6/13
<b>4</b>	CB/ENC/10/0440	Land at Foxbury Stables, Woodside Road, Woodside, Luton. LU1 4DQ	Enforcement notice, change of use to mixed use for keeping horses and for residential purposes.	21-Mar-13	18-Apr-13	18-Jan-14	Appeal submitted 17/4/13			Await outcome of appeal
<b>5</b>	CB/ENC/11/0267	Land at White Gables Farm, Blunham Road, Charlton, Moggerhanger MK44 3RA	3 Enforcement Notices - 1. Canopy/ loading bay extension & lighting to grain store building 2. Use of land for storage/parking of haulage vehicles 3. Failure to comply with Conditions 10, 12, and 14 to MB/06/01599/FULL (grain store)	29-Apr-13	29-May-13	29-Jun-13	Appeals received 28/5/13			Await outcome of appeals
<b>6</b>	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Further action subject to Legal
<b>7</b>	CB/ENC/12/0057	Land at The Drovers, Flitwick Road, Steppingley	Enforcement Notice - Terracing of land and installation of timber retaining walls	30-May-12	30-Jun-12	30-July-12 30-Aug-12	Appeal dismissed 24/10/12	24-Nov-12 and 24-Jan-13	Not complied	To Legal for further action 17/4/13. Court Hearing arranged. Revised planning application for regrading land - CB/13/01384/FULL
<b>8</b>	CB/ENC/12/0098	Land at 26-28 Station Road, Arlesey	S215 Notice - Untidy land storage of motor vehicles	15-May-13	15-May-13	12-Jun-13				Check compliance 12/6/13

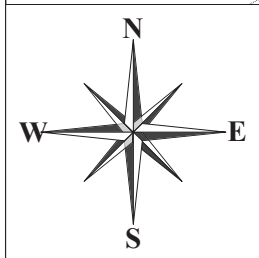
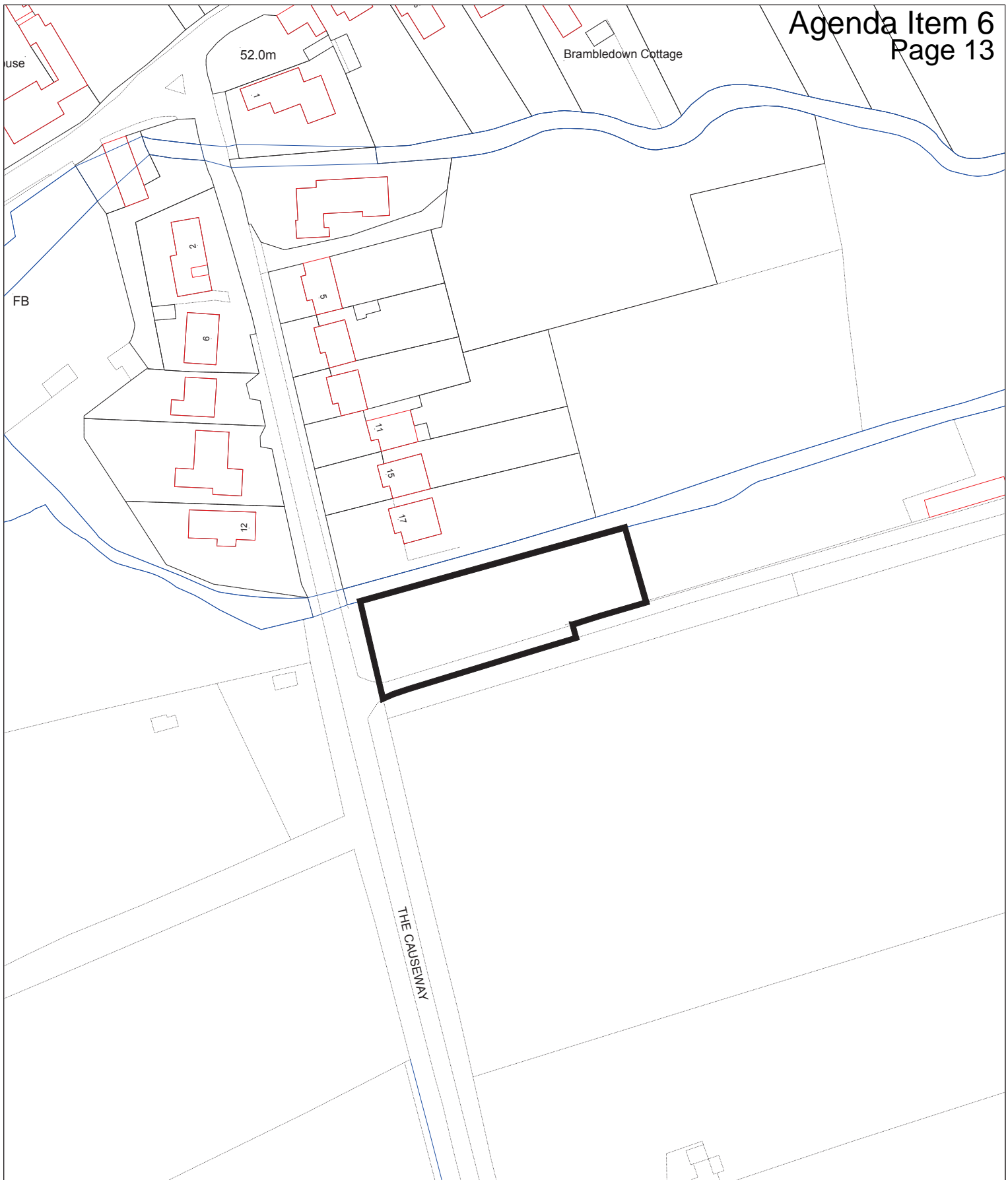
## Planning Enforcement formal action (DM Committee 19th June 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>9</b>	CB/ENC/12/0159	Land at 20a Horslow Street, Pottton Sandy. DG19 2NX	Enforcement Notice - change of use to holistic beauty parlour.	13-May-13	12-Jun-13	12-Aug-13				Check compliance 12/8/13
<b>10</b>	CB/ENC/12/0173	Land at London Gliding Club, Tring Road, Dunstable LU6 2JP	Enforcement Notice. The construction of a T Hangar.	17-Apr-12	15-May-12	15-Jul-12	Appeal dismissed 3/1/13	3-Mar-13		Revised planning application granted to resite hangar - CB/13/00282/FULL. In process of resiting hangar in accordance with revised
<b>11</b>	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Occupied temporarily, await outcome of appeal for Kingswood Nursery
<b>12</b>	CB/ENC/12/0231	Land at 31 Applecroft, Lower Stondon, Henlow	Enforcement Notice - construction of a fence above one metre in height	15-Feb-13	18-Mar-13	15-Apr-13			Not complied	To Legal 13/5/13. Legal letters to be sent.
<b>13</b>	CB/ENC/12/0257	Unit H Kensworth Industrial Estate, Common Rd Kensworth	Breach of Condition Notice. Condition 1 SB/TP/87/0748 height of storage	19-Jun-12	19-Jun-12	19-Jul-12				Planning application CB/13/01522/VOC received to vary Condition. Await outcome of application.
<b>14</b>	CB/ENC/12/0330	Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ	Enforcement Notice - raising and leveling of the land by the importation of waste material	08-Aug-12	10-Sep-12	10-Nov-12	Appeal submitted 10/9/12			Await outcome of appeal
<b>15</b>	CB/ENC/12/0433	Land at Twin Acres, Hitchin Road, Arlesey. SG15 6SE	Breach of Condition Notice - Condition 2: No more than 5 caravans shall be stationed on the site at any one time.	15-Apr-13	15-Apr-13	15-May-13				Planning application CB/13/01851/VOC received to vary Condition. Await outcome of application.
<b>16</b>	CB/ENC/12/0504	Land adj to Mileway House, Eastern Way, Heath and Reach	Enforcement Notice - use of land for siting of storage containers	03-May-13	03-Jun-13	03-Sep-13				Check compliance 3/9/13
<b>17</b>	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hardstanding.	17-Jan-13	14-Feb-13	14-Mar-13				Further action to be taken subject to Legal.

## Planning Enforcement formal action (DM Committee 19th June 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
<b>18</b>	SB/ENF/08/0009	21 Emu Close, Heath & Reach	Construction of single storey front and side extensions and loft conversion	14-Apr-08	14-May-08	14-Aug-08	20-Jun-08	04-Sep-09	LDC proposed granted 22/3/12. Part complied with LDC proposed	Prosecuted and fined October 2011. Part complied with LDC. Neighbour dispute re access

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Date: 08:May:2013

Map Sheet No

Application No:  
CB/13/00985/Full

Scale: 1:1250

Paradise Farm, The Causeway, Clophill, MK45 4BA

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**Item No. 6**

<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>Deferred at DMC 22<sup>nd</sup> May 2013</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application -Approval</b>

**Recommended 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



**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 June 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 and dismissed on Appeal 29/5/12.

**Representations:  
(Parish & Neighbours)**

Clophill Parish Council      The Parish Council sent in a lengthy objection accompanied by photographs, a full copy of the objection is appended to this report.

Strongly object to the proposal for the reasons set out below:

- the appeals considered an almost exactly similar application refused by CBC, after hearing the evidence the appeals were dismissed by the Inspector;
- 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 obstrusive and upsetting; thus all the reasons for the earlier dismissals plus some additional objections apply to this site;
- the land is agricultural and this catergorization must not 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

The proposed site will be a licensable caravan site. In order to comply with the site licence conditions the static and touring caravans have to be positioned so that the following separation distances are achieved.

Minimum separation distance between any caravan & the boundary of the site - 3m

Minimum separation distance between two adjacent caravans - 6m

On Gypsy and traveller sites separate caravans that are occupied by the immediate members of the same family may be less than 6m apart. Therefore if all the caravans are occupied by immediate members of the same family they may be less than 6m apart, however 6m is still the recommended separation distance.

Looking at the proposed layout plan, in order to comply all of the caravans will need to be moved so that they are at least 3m from the edges of the site. I also suggest the positions of the two touring caravans are staggered so to increase the separation distance between them.

I note that the applicant is proposing to use a portaloos for the disposal of foul waste. The site licence conditions will require that there is adequate disposal of foul waste. I would regard the provision of a portaloos the absolute minimum requirement provided there is a permanent service contract in place for them to be emptied on a regular basis. However I would strongly recommend that a more permanent means of disposal of foul waste is provided such as the construction of a toilet or amenity block connected to a foul mains sewer, cess tank, septic tank or package treatment works.



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 Officer

No comment.

### 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.

### Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and is currently out to public consultation following approval at full Council on 18th April 2013. A final draft document will be produced after the consultation ends on 1st July 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 was calculated at January 2013 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 was 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, January 2013, as:

Number of pitches in Central Bedfordshire in 2006 - 118  
 Pitch need from 2013 to 2018 (to meet backlog) - 38  
 Minus pitches coming back into use at Timberlands - 6  
 Growth between 2013-2018 (2.5%) - 33  
 Growth between 2019-2023 (2.5%) - 31  
 Growth between 2024-2028 (2.5%) - 36  
 Growth between 2029-2031 (2.5%) - 25

Total need to 2031 - 157 pitches

The draft 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)

### Gypsy and Traveller Pitch Trajectory

The draft Gypsy and Traveller Local Plan is accompanied by a trajectory which demonstrates that the Council has identified sites which together with windfall sites will deliver a 5 year land supply.

The trajectory was prepared in May 2013 and takes into account that since mid-March 2013 permanent planning permission has been granted for 12 pitches and that a further 6 pitches would be put back into the supply following the refurbishment of Timberlands.

The backlog of pitches is incorporated into the total number of pitches to be delivered over the next 5 year trajectory. The level of windfall applications expected has been calculated based on previous levels of permissions.

The trajectory sets out that in the period 2013 to 2018 (inclusive) 55 pitches can be delivered. This figure includes granting permanent planning permission for 12 existing temporary pitches and 9 pitches within an extension to an existing site, 15 pitches delivered on new sites allocated through the Plan all of which are named in the trajectory and 19 further pitches delivered through windfall applications.

The 5 year land supply is a continuous rolling requirement and therefore even if planning permission was granted for the 19 windfall pitches, until the pitches identified on the allocated sites are also granted planning permission and delivered the ongoing need for pitches continues to exist.

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. If this planning application were to be granted the windfall requirement set out in the trajectory would reduce to 18 pitches.

## **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/11/2165294, 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.

A copy of the appeal decision is attached to this report.

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 came 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. Views at ground floor level would be restricted by the existing boundary treatment and planting.

Views from the nearest residential property would only be possible into the proposed garden area of the site. No clear views into the neighbouring residential property would be possible due to the boundary fencing, planting and orientation of the caravans.

The appeal decision confirms this view with the Inspector concluding that the previous proposal would lead to a degree of harm to outlook from nearby houses but it would not be sufficient for the development to be unacceptable. 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.

The Private Sector Housing Officer made comments regarding the required distances between caravans required to meet site licensing conditions. In order to ensure that the site layout is appropriate in terms of its visual appearance as well as the site licensing requirements it is proposed that a condition be included requiring a site layout plan to be submitted and approved.

- 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 2 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.

The Private Sector Housing Officer made comments that a more permanent means of foul waste disposal be provided rather than a portaloo. The portaloo has been removed from the proposal and it is proposed that the site would be connected to mains drainage.

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 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 Gypsy and Traveller Local Plan is accompanied by a trajectory which demonstrates that the Council has identified sites (including windfall) which could deliver a 5 year land supply subject to applications being made and permissions granted.

Notwithstanding the above if Member's are minded to refuse this application consideration should be given to a temporary consent. If a temporary consent were to be granted the 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 to screen the site, 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.

- vii. within 3 months of the date of this decision a plan showing the layout of the site including the position of the caravans and external appearance of the static caravan 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.

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 SLO2, 2013, Draft II & 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 banktop 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.
- 6. All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. Further information may be obtained from the Private Sector Housing Team, Central Bedfordshire 0300 300 8000.

**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

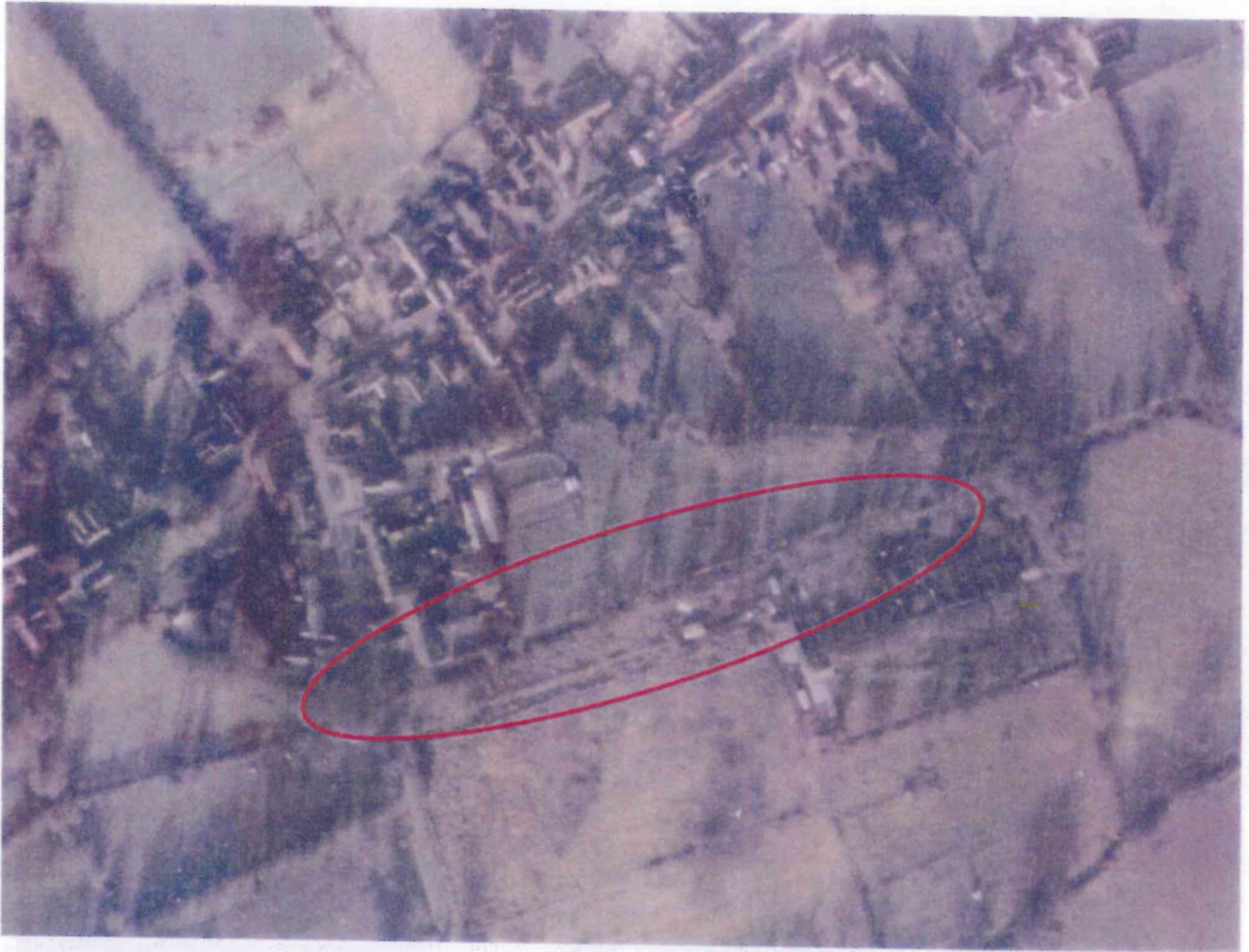
Annex 1

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)





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## Appeal Decisions

Hearing held on 13 March 2012

Site visit made on 13 March 2012

**by Mr Keri Williams BA MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 May 2012

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### **Appeal A: APP/P0240/A/11/2165294**

#### **Paradise Farm, The Causeway, Clophill, Bedfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ned Gumble against the decision of Central Bedfordshire Council.
- The application Ref.CB/11/03034/FULL, dated 30 August 2011, was refused by notice dated 24 October 2011.
- The development proposed is a change of use to a gypsy site, with one static caravan, one portaloo and parking for one car.

**Summary of Decision: The appeal is dismissed.**

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### **Appeal B: APP/P0240/C/11/2160387**

#### **Land adjacent to 17 The Causeway, Clophill, Bedfordshire**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Ned Gumble against an enforcement notice issued by Central Bedfordshire Council.
- The Council's reference is CB/ENC/10/0189.
- The notice was issued on 10 August 2011.
- The breach of planning control as alleged in the notice is the unauthorised material change of use of the Land to a caravan site for the stationing of caravans, trailer, portaloo and other paraphernalia for residential purposes.
- The requirements of the notice are to:
  - i) Cease using the land as a caravan site for the siting of caravans, trailers, portaloo, and other paraphernalia used for residential purposes;
  - ii) Remove all caravans, trailers, portaloo and other paraphernalia used for residential purposes from the Land.
- The period for compliance with each of the requirements is 60 days.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

**Summary of Decision: The appeal is dismissed. The enforcement notice is varied and upheld.**

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### **Preliminary Matters**

1. The National Planning Policy Framework (NPPF) and the Government's "Planning Policy for Traveller Sites" document (PPTS) came into effect soon after the close of the Hearing. My decision takes into account written

representations submitted by the main parties after the Hearing on the effect of these documents in these appeals.

2. The description of development in planning application CB/11/03034/FULL should refer to a residential gypsy site. I have determined Appeal A on that basis. At the start of the Hearing I confirmed the relevant plans for Appeal A. A 1:1250 Ordnance Survey plan, referred to in the Council's decision notice as CBC/001, shows the appeal site as including a rectangular block of land and a track giving access to The Causeway. It is adjacent to Paradise Farm. The Council confirmed that the application was determined taking into account the layout shown in drawing SLO1, Draft V. The enforcement notice area is almost identical to the rectangular area shown on drawing CBC/001 but it excludes the access track. A valid appeal was not made against another enforcement notice on the site, also issued on 10 August 2011. Its requirements, for the removal of hardstanding and related site restoration, took effect at the end of the relevant compliance periods.
3. The site is occupied by a family of 2 adults and their 6 children. The Council does not dispute that they fall within the definition of a gypsy or traveller set out in Annex 1 of the PPTS. From the evidence before me I take the same view.

### **Appeal A and the Deemed Planning Application in Appeal B**

#### *Background and main issues*

4. The site is on the southern edge of Clophill. It is adjacent to a watercourse and is referred to as within the floodplain of the River Flit. The deemed planning application is for what is alleged in the enforcement notice. There are two touring caravans, a kitchen trailer, a shed and a portable toilet on the land. The site is bounded by timber fencing and gates. An appeal concerning a change of use of the site to "a gypsy site with 1 static caravan, 1 touring caravan, parking for 2 vehicles and 1 portaloo (serviced)" was dismissed in June 2011 (APP/P0240/A/10/2137913). I take that decision into account. Appeal A concerns a reduced form of development. Drawing SLO Draft V shows a single mobile home positioned near the site entrance, a parking space adjacent to the caravan, a shingle area on the western half of the site and a portable toilet. The main issues are:
  - i) The effect on the occupiers of the site with regard to the risk of flooding;
  - ii) The effect on the character and appearance of the area;
  - iii) The need for and provision of sites for gypsies and travellers in the area and the availability of alternative sites;
  - iv) The appellant's need for a settled site and personal circumstances; and,
  - v) The overall balance with regard to a permanent permission and permission for a temporary period.

#### *The risk of flooding*

5. The Clophill Flood Zones map (September 2011) shows the main part of the site partly in Zone 1 and partly in Zone 2. Zone 1 has a low probability of flooding and Zone 2 has medium probability, defined as between 1 in 100 and 1 in 1000 annual probability. Part of the track which provides access to The

Causeway is in Zone 2. Part of it, near to The Causeway, is in Zone 3 which has a high risk of flooding. Land to the south of the appeal site, which is at a lower level than the access track, is also in Zone 3.

6. Some local residents consider that the land has been raised by unauthorised tipping. The appellant suggests that raising of levels results from the deposit of river dredgings. The enforcement notice already in force requires the removal of hardstanding, which I take to be the surface gravel on the site. Other than that, there is nothing to show any requirement to lower the site levels and I take into account site levels as they exist.
7. Paragraph 99 of the NPPF says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Footnote 20 refers to the need for a site specific Flood Risk Assessment (FRA) for development in Flood Zone 2 and 3. Table 2 of the Technical Guidance to the NPPF classifies caravans, mobile homes and park homes intended for permanent residential use as a highly vulnerable form of development. Table 1 of the Technical Guidance says that highly vulnerable uses are only appropriate in Zone 2 if the Exception Test is met. Footnote 3 confirms that for any proposal for a change of use to a caravan site the Sequential and Exception tests should be applied.
8. My attention has not been drawn to any specific advice on sites which, as in this case, include land in different flood zones. I consider that both the Sequential and Exception Tests should be applied in these circumstances. No FRA, Sequential Test or Exception Test accompanied the planning application which led to Appeal A. The appellant considers that no FRA was required by the Council. The June 2011 appeal decision for the site refers to an earlier FRA but the Inspector considered it contradictory.
9. Some photographic evidence of previous flooding in the area has been submitted, including flood events in 2007, 2008 and 2010. Local residents refer to a number of occasions when parts of The Causeway and surrounding fields were flooded. The appellant observes that the appeal site was not flooded during these past flood events and this is supported by Mr Marks, who owns land adjacent to the site.
10. The Internal Drainage Board (IDB) refers to the braided nature of the local watercourses and the related difficulty of precisely modelling flood risk for a small site such as this. As the appellant observes, the site is on the edge of a flood risk area so that, in the event of a flood, water depth and flood duration are likely to be less than in other affected areas. A caravan would have a degree of freeboard and if planning permission was granted conditions could be applied, for example requiring the tethering of caravans. Nevertheless, the IDB flood map shows a substantial part of the site to be at significant risk of flooding. Part of the access track, which would provide an escape route to higher ground, is at high risk. It weighs in the appellant's favour that part of the site is at low risk of flooding. However, the area of low risk within the site is limited in extent, which is likely to constrain the extent to which it could effectively meet all the needs of the appellant and his family.
11. A Sequential Test requires consideration of whether there are other sites available at lower risk of flooding. I approach this matter on the basis of sites realistically available for the appellant and his family. With regard to the need

for and provision of sites, the Council's position is based primarily on its northern area, within which the site is located. It says that 30 pitches are required in that area for the period 2006 to 2016, that planning permissions have been granted for 7 pitches and that a further 23 pitches have been allocated in its Draft Submission Gypsy and Traveller Development Plan Document, 2010 (DSDPD). It therefore argues that the need for pitches has been met so that further permissions are not needed. The sites identified in the DSDPD are not at risk from flooding.

12. It seems to me that the sites identified in the DSDPD cannot necessarily be regarded as realistically available. Of the five sites identified, one is the reconfiguration of an existing publicly owned site to ease overcrowding without creating additional pitches. Two others, at Pulloxhill and Greenfield, are already occupied by gypsy families. It has not been shown that they are likely to be available to the appellant. The publicly owned sites in the area are full, with waiting lists and the Council does not identify any alternative site which would be realistically available if this family has to leave the appeal site. In addition, although the DSDPD was subject to public consultation, it was not examined in public. It was not adopted as part of the development plan and will not proceed further because the Council has decided to pursue instead the preparation of a Development Plan Document (DPD) for its area as a whole. Work on that DPD is at an early stage. While the DSDPD was ratified by the Council for development management purposes, this reduces the weight I give to its allocations. The appellant observes that a large number of representations were made on the DSDPD and it is not certain that planning permission would be granted for the sites identified in it. Having regard to the above, I consider the Sequential Test to be met.
13. The two parts of the Exception Test are set out at NPPF paragraph 102. Firstly, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. There are some sustainability benefits from the appellant's settled occupation of the site, including access to health, education and other services. These benefits accrue primarily to the appellant and his family rather than the wider community. However, there is some community benefit, for example from contributing to meeting the wider need for sites and from the avoidance of environmental damage resulting from resorting to a roadside existence or other unauthorised sites. The Exception Test also requires a site specific flood risk assessment to demonstrate, amongst other things, that the development will be safe for its lifetime, taking account of the vulnerability of its users. As I set out above, no FRA was submitted in this case. I consider that the Exception Test has not been met.
14. The appellant submits other appeal decisions which address flood risk and "dry island" sites (APP/N1730/C/10/2134332 and 2134236, APP/U2235/A/09/2114473 and 2114476). Unlike this site, the sites in those decisions were not themselves at risk of flooding but were surrounded by land which was at risk. I take these decisions into account but my decisions rest on the particular circumstances of this site and on current policy and guidance.
15. I conclude on this issue that there is a significant risk of flooding over part of the appeal site. The development proposed is classed as highly vulnerable. The availability of part of the site at low risk of flooding, which could provide a refuge in a flood event, and which could be used to site the single caravan in

Appeal A, weighs in the appellant's favour but that area is limited in extent. A realistic alternative site which is not at risk of flooding is not currently available for this family. That position is likely to change in the future when a site allocation DPD for the whole of Central Bedfordshire is prepared and adopted. While the Sequential Test is met, the Exception Test is not.

*The effect on the character and appearance of the area*

16. Although sites in rural areas are not precluded, paragraph 23 of the PPTS says that new traveller sites in open countryside that is away from existing settlements or outside areas allocated in the development plan should be strictly limited. While this site is close to an existing settlement, it is not in an area allocated in the development plan.
17. The site and adjoining land have historically been part of the flood plain meadows flanking both sides of The Causeway. That area forms an attractive part of the setting for Clophill but there have been significant changes to its character. They include the extensive development on the adjacent Paradise Farm site, comprising buildings, enclosures, stored materials, vehicles and equipment. The land to the west of the appeal site is unoccupied but is surrounded by timber fencing. I refer above to the previous raising of the appeal site, which also appears to have affected the access track and some of the neighbouring land. Tree and shrub planting, including non-indigenous species, has been carried out alongside part of the access track.
18. Nothing is submitted to suggest that these changes are likely to be reversed. Nor does the enforcement notice require the removal of the fencing around the appeal site, which could therefore remain. There are no public footpaths running past the site but it is seen from The Causeway, from part of the A507 and from some of the houses to the north of the stream. The site appears as part of the strip of development along the edge of Clophill, most of which is within Paradise Farm. The development extends the visual intrusion which results from that development. That effect is unlikely to be effectively mitigated by further planting or landscaping on land within the appellant's control.
19. The appeal site can be seen against the backdrop of houses to the north of the stream, including some recent development. Other appeal decisions submitted by the appellant make it clear that gypsy sites need not be hidden from view. Nor is it unusual for sites to be located in the countryside or to result in a degree of visual impact. Nevertheless, I find that the development would be materially harmful to the character and appearance of the area. Policy HO12 of the Mid Bedfordshire Local Plan: First Review, 2005 is a criteria based policy for gypsy sites. It is a relevant development plan policy and is broadly consistent with the NPPF. The development would conflict with policy HO12(i) with regard to the harm to the character and appearance of the area. The harm resulting from the development would be reduced to some extent with regard to Appeal A, which is limited to one caravan.

*The need for and provision of sites for gypsies and travellers in the area and the availability of alternative sites*

20. The PPTS sets out the Government's aims in respect of traveller sites. They include local planning authorities making their own assessment of need, promoting more private traveller site provision and increasing the number of

traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply.

21. I refer above to the need for additional sites as assessed for the northern area in the DSDPD. The need in the Council's area as a whole was addressed in an appeal decision of May 2011 (APP/P02040/A/10/2136031) concerning a site at Tilsworth. The Inspector's report refers to a shortfall of between 22 pitches and 45 pitches. The Inspector went on to find that from any perspective Central Bedfordshire has a shortage of gypsy sites. Nothing has been submitted to show that this overall picture has changed significantly. The Council will address the overall need in its area in a DPD, which it anticipates will be adopted in autumn 2014.
22. The Council's policies have not so far been effective in providing sufficient sites for gypsies and travellers in Central Bedfordshire. While this helps to explain the current under-provision of sites. I do not consider it to add significantly to the arguments in favour of the development. I conclude that there is an unmet need for further sites for gypsies and travellers in the area. Further sites are likely to be allocated and become available following the adoption of a DPD in 2014. If the appellant and his family have to leave the site, it is likely that they would have to resort to a roadside existence or other unauthorised sites.

*The need for a settled site and personal circumstances*

23. The appellant's need is for a settled site on which he and his family can live. He refers to his strong local connections with the area. There are personal circumstances concerning education. Two of the six children attend colleges in Bedford and Kempston. Two children attend schools in Shefford and one attends a school in Flitwick. The remaining child is home tutored. A roadside existence or recourse to other unauthorised sites would not necessarily preclude education. However, it is likely that there would be significant disruption of children's education if the appeals are dismissed. These matters weigh in the appellant's favour.

*Other matters*

24. Clophill Parish Council and some local residents refer to the limited range of services in Clophill and to the site's poor accessibility to services, including schools. While I take this into account, it is not unusual for development in rural areas to require journeys by car or public transport. There would also be some sustainability benefits from a settled site, to which I refer above. There would be a degree of harm to outlook from nearby houses but it is not sufficient for the development to be unacceptable.

*The overall balance*

25. I next consider the overall balance in Appeal A and Appeal B. With regard to a permanent permission, the Exception Test is not met and I give substantial weight to the risk of flooding in Appeal B. Although the single caravan in Appeal A could be positioned on that part of the site with a low risk of flooding, that area is limited in extent. I consider it likely that, in practice, the use would spill over into the remainder of the site and part of the access road to the site is at high risk. Significant weight also attaches to the risk of flooding in Appeal B. I give moderate weight to the harm to the area's character and appearance in Appeal B and more limited weight to that harm in Appeal A. The unmet need for additional sites, the lack of alternative sites and the appellant's personal



need and circumstances weigh in the appellant's favour. Other matters do not materially affect the overall balance and I find that it does not justify a permanent planning permission.

26. Bearing in mind the Council's DPD timetable, I consider 3 years to be an appropriate period to consider in respect of a temporary permission. Paragraph 110 of Circular 11/95: The Use of Conditions in Planning Permissions says that a temporary permission may be justified where it is expected that planning circumstances will change at the end of a period. It is also clear from the Impact Assessment document for PPTS that temporary permissions are likely to have a continuing role in meeting the need for sites. Paragraph 25 of PPTS says that "if a local planning 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 planning permission." However, paragraph 28 makes it clear that this policy only applies 12 months after PPTS comes into force. That period has not expired so that this policy does not yet apply. I therefore give limited weight to the absence of a five year supply of deliverable sites in considering a temporary permission.
27. I take into account all the matters referred to above in respect of a permanent permission and the weight attached to them. A temporary permission would limit the duration of the harm I have identified and alternative sites which are not at risk from flooding are likely to be available at the end of a 3 year period. However, NPPF paragraph 102 makes it clear that both the Sequential and Exception Tests will have to be passed for development to be permitted. Taking that and all other matters into account, I find that the overall balance does not justify a temporary permission.

*Appeal G – Ground (g): The period for compliance*

28. The Council considers that the 60 day period given for compliance is sufficient. It refers to the history of refusal of planning permission on the site. It is suggested that the appellant has had since August 2010, when the first planning application was refused, to seek alternative accommodation and that leaving this site in the summer may give a better chance of finding another site.
29. Notwithstanding the previous planning decisions on the site the appellant was entitled to assume that his appeals could succeed. To extend the period for compliance would prolong the harm I have identified. However, I also have regard to the current lack of realistically available alternative sites and to the likely effect on the appellant and his family of resorting to a roadside existence or other unauthorised sites. An extended compliance period would increase the chance of another suitable site being found. In all the circumstances I conclude that the period for compliance should be extended to 12 months and I shall vary the notice accordingly.

**Human Rights Considerations**

30. If these appeals are dismissed it is likely that the appellant and his family will be required to vacate their home, with no certainty of suitable alternative accommodation. This would be an interference with their home and their private and family lives. The occupation of a caravan is an integral part of gypsy and traveller identity and the tradition of pursuing a travelling lifestyle.

Without an authorised site it would be more difficult for the appellant and his family to pursue their traditional way of life. This interference with the rights of the appellant and his family must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8. With regard to both permanent and temporary permissions, the harm which would continue to be caused by the development with regard to the combined effect of flood risk and the effect on the area's character and appearance would be considerable. Taking into account all the material considerations, including the appellant's personal circumstances, I am satisfied that this legitimate aim can only be safeguarded by the dismissal of these appeals and extension of the compliance period as set out in the Formal Decisions below.

### **Overall Conclusion**

31. Having regard to the above and to all other matters raised the appeals should not succeed.

### **Formal Decisions**

#### **Appeal A: APP/P0240/A/11/2165294**

32. I dismiss the appeal.

#### **Appeal B: APP/P0240/C/11/2160387**

33. I direct that the enforcement notice be varied by the deletion of all the words in paragraph 6 and their replacement with the words. "Time for compliance with the requirements: 12 months from the date when this notice takes effect."

34. I dismiss the appeal and uphold the notice subject to the above variation.

*K Williams*  
INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mrs A Heine BSc, MSc, MRTPI	Heine Planning Consultancy.
Mr J Jones	Bucks Floating Support.
Mr N Gumble	The appellant.
Mr Marks	Owner of Paradise Farm.

### FOR THE LOCAL PLANNING AUTHORITY:

Ms V Davies	Principal Planning Officer, Central Bedfordshire Council.
Ms S Cawthra	Planning Enforcement Team Leader, Central Bedfordshire Council.
Mr A Shadolt	Councillor, Central Bedfordshire Council.

### INTERESTED PERSONS:

Mr Parker-Eaton	Clophill Parish Council.
Mr Clarke	Clophill Parish Council.
Mrs J Huckle	Local resident.
Mr Bell	Local resident.
Ms Breed	Local resident.
Mr Soper	Local resident

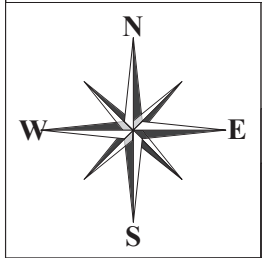
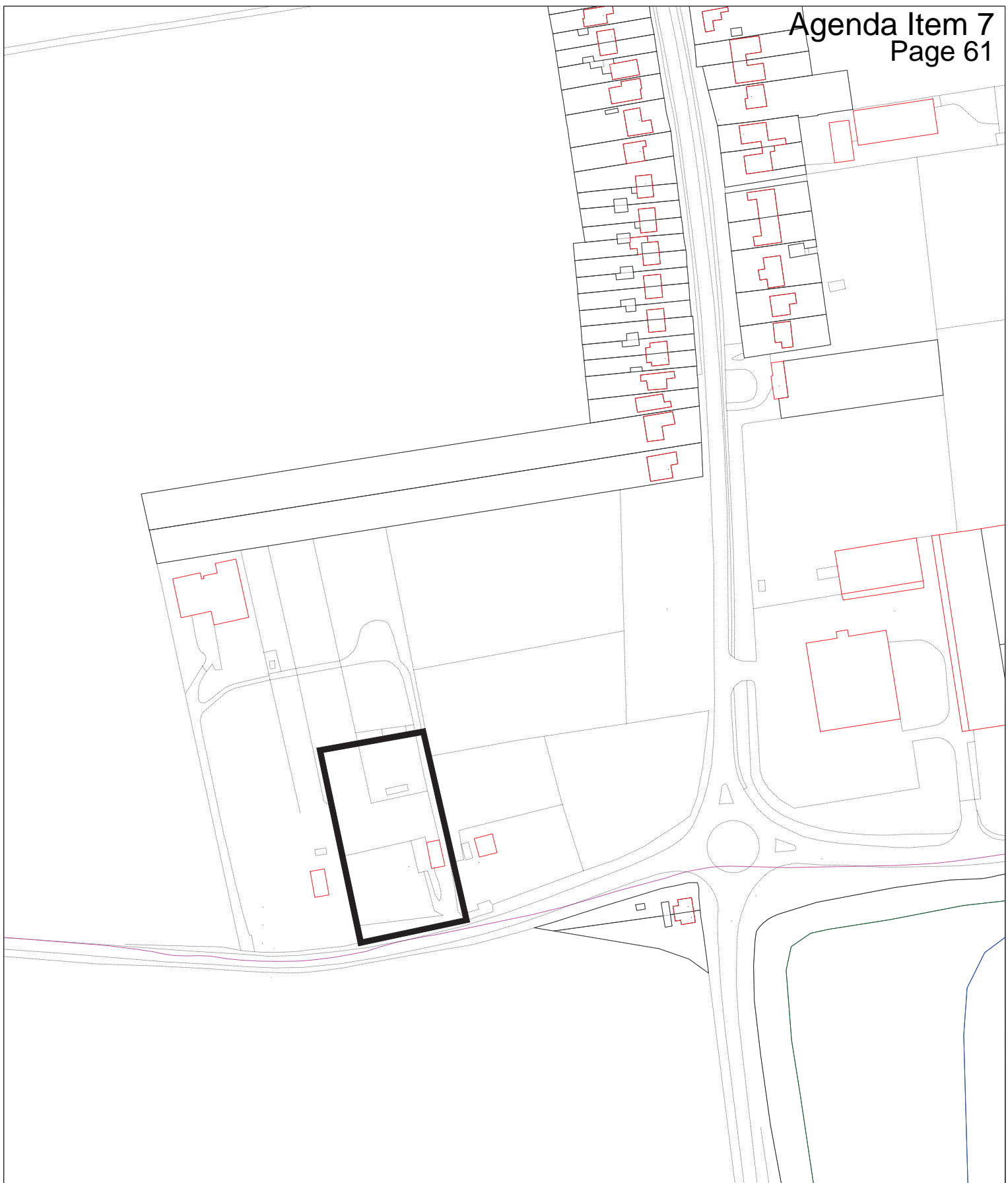
### DOCUMENTS SUBMITTED AT THE HEARING:

1. Map of Central Bedfordshire Council area.
2. Map of Clophill and Hall End, Maulden, Inset 16.
3. Flood zone map showing appeal site.

### DOCUMENTS SUBMITTED AFTER THE HEARING:

4. Letter of 8 April 2012 from Mrs Heine to the Planning Inspectorate.
5. Letter of 12 April 2012 from the Council to the Planning Inspectorate.
6. Email from Mrs Heine to the Planning Inspectorate, 3 May 2012.
7. Letter of 3 May 2012 from the Council to the Planning Inspectorate.
8. Letter of 9 May 2012 from Mr J Jones to the Planning Inspectorate.





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Date: 05:June:2013  
Map Sheet No

Application No.  
CB/13/01378/VOC

Scale: 1:2500

Plot 1, Magpie Farm, Hill Lane, Upper Caldecote,  
Biggleswade, SG18 9DP

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**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/13/01378/VOC</b>
<b>LOCATION</b>	<b>Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade, SG18 9DP</b>
<b>PROPOSAL</b>	<b>Variation of Conditions No. 2 &amp; 6 on Planning Permission Application MB/05/01478/FULL dated 16/02/2006. Vary condition 2 to allow the stationing of 7 caravans, including up to 7 static caravans. Amend condition 6 to refer to the site layout plan submitted with this application.</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>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>18 April 2013</b>
<b>EXPIRY DATE</b>	<b>13 June 2013</b>
<b>APPLICANT</b>	<b>Mr N Connors</b>
<b>AGENT</b>	<b>Philip Brown Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This application was called to Committee by Cllr Mrs Turner because it has the potential to affect the future allocation and distribution of additional Gypsy and Traveller sites.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - grant subject to conditions</b>

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

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 street scene 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, Policies GT5 and GT7 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 North side of Hill Lane, to the West of the Hill Lane/Hitchin Road roundabout. To the immediate East of the site is Turnpike Fruit Farm. To the North is Plot 2, Magpie Farm (that shares the same access from Hill Lane and has planning permission for the siting of two caravans). To the West is Oak Tree Nurseries, where there is planning permission for the stationing of three caravans.

There is planning permission for up to four caravans at this site and up to two of those are authorised to be static caravans or mobile homes. The other two caravans

were a touring caravan and a horse drawn caravan. The number of units at the site is controlled by condition 2 that was attached to the appeal decision. When permission was granted for the siting of these caravans, a condition set out that they could not be sited nearer to Hitchin Road than a line shown on a plan (around 60m). The siting of caravans behind this line at the site is controlled by condition 6 that was attached to the appeal decision.

Views of the site from Hitchin Road are restricted by an existing storage building near to the entrance to the site and by landscaping.

The site falls outside of the Settlement Envelope.

### **The Application:**

Planning permission is sought to vary conditions 2 (number of caravans at the site) and 6 (siting of caravans at the site) attached to planning permission reference MB/05/01478/FULL that was allowed by appeal reference APP/J0215/A/06/2023506 dated 23<sup>rd</sup> April 2007.

The result would be that:

Up to 7 caravans could be positioned at the site (an increase of 3) and all of them could be static or mobile homes (an increase of five). There would be five additional pitches at the site. Touring caravans associated with those pitches would not be positioned at the site.

Caravans could be positioned around 35m nearer to Hill Lane.

### **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 June 2013.*

### **Draft Gypsy and Traveller Plan**

GT5 - Assessing planning applications for Gypsy and Traveller sites

GT7 - Assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople sites

### **Planning History - relevant**

MB/05/01478/FULL Full: Change of use of land for siting of 2 caravans

Refused: 15/02/2006

Appeal allowed: 23/04/2007

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

Northhill Parish Council

Objection for the following reasons:

- Variation of condition 2 would allow development disproportionate the local area that would harm amenity.
- Harm would be caused to the rural appearance of the area.
- The existing access could not safely accommodate additional use.
- There is a fear of crime.
- Local ecology has been harmed because of the loss of hedging.

Old Warden Parish Council

Objection for the following reasons:

- Any increase in the number of caravans would be disproportionate to the local areas and would have a significant impact on amenity and the rural outlook of the area.
- There are three entrances to the site.
- The access is near to the roundabout and is dangerous.
- The site is associated with commercial and anti-social activity.
- There is noise and disturbance for local residents.
- Rural areas are overburdened with G&T sites.

Neighbours

7 letters of objection have been received, commenting as follows:

- An increase in the number of units would be disproportionate to the local area.
- There would be an impact on the rural character of the area.
- More caravans would result in more use of an unsafe access.
- There would be more commercial activity at the site.
- There could be drainage and pollution problems.
- This would not be sustainable development.
- This site is not allocated.
- The development would conflict with the 2007 appeal decision.
- There could be flooding problems.
- There is inadequate screening.
- There are inadequate local services.

### **Consultations/Publicity responses**

Highways	Access to the site would be safe and the increased number of units would have a modest impact on its use. There is no highways reason to withhold permission.
Public Protection	No comment.
Private Sector Housing	Subject to small amendments to the layout (which would be conditioned), the site could be eligible for a site license.

### **Determining Issues**

1. Policy Background including Gypsy and Traveller Pitch Provision
2. Green Belt and Personal Circumstances
3. Harm to openness and character of the Green Belt
4. Assessment against emerging policy GT7
5. Assessment against emerging policy GT5
6. Highway Issues
7. Other Issues
8. Human Rights
9. Conclusion

### **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.

#### Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and is currently out to public consultation following approval at full Council on 18th April 2013. A final draft document will be produced after the consultation ends on 1st July 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

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 draft Gypsy and Traveller Local Plan is accompanied by a trajectory which demonstrates that the Council has identified sites (including windfall) which could deliver a 5 year land supply subject to applications being made and permissions granted. However, with the Council's acceptance of the updated need figures and the known backlog it must also be accepted therefore that there is currently a general need for sites and a need to demonstrate the provision of adequate windfall sites to meet the 5 year trajectory.

Since mid-March 2013 permanent planning permission has been granted for 12 pitches, therefore the backlog of need has reduced to 26 pitches. In addition a further 6 pitches would be put back into the supply following the refurbishment of Timberlands.

The backlog of pitches is 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.

The draft Plan shows that 33 pitches need to be delivered in the first 5 year period in addition to the backlog of pitches highlighted above.

The trajectory sets out that in the period 2013 to 2018 (inclusive) 55 pitches can be delivered. This figure includes granting permanent planning permission for 12 existing temporary pitches and 9 pitches within an extension to an existing site, 15 pitches delivered on new sites allocated through the Plan all of which are named in the trajectory and 19 further pitches delivered through windfall applications.

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

This site is generally well screened from public view by an existing storage building and vegetation. Whilst condition 6 of the 2007 appeal decision set out that caravans could not be sited forward of a line around 60m in to the site, they have been located nearer to the site entrance than that. Even so, views of the site remain limited. Additional caravans at the site would increase the need for screening at the site and a condition would require the implementation of a revised landscape/screening schedule so as to ensure that the impact of the site on the appearance of the area was as modest as possible.

**4. Impact on amenities of neighbours**

The location of the site prevents it from having a significant impact on nearby neighbours. To the North and West are Gypsy and Traveller sites and to the East is a fruit farm. The nearest bricks and mortar dwellings are to the North, on Hitchin Road and are separated from this site by Plot 2, Magpie Farm. Notwithstanding that, a condition would prevent commercial activity from taking place at the site and details of lighting would be secured by condition. It is not considered that an increase in the number units at the site or their location nearer to Hill Lane would have a significantly greater impact on living conditions at neighbouring properties than is currently the case.

**5. Assessment against emerging policy GT7**

The emerging Gypsy and Traveller Local Plan was approved by full Council on 18th April 2013 for public consultation prior to submission to the Secretary of State. The consultation started on Monday 20th May 2013 and will run until Monday 1st July 2013. The Plan contains policy GT7 which is a policy used for assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople Sites.

The policy states that planning permission for the expansion of existing sites will be granted providing that satisfactory evidence demonstrates the need for the scale and nature of accommodation proposed and in order to safeguard the countryside, the expansion of sites should be achieved through the subdivision or infilling of existing pitches or plots.

If the variation of condition application were granted the number of caravans on the existing site would increase from 4 to 7. The site currently provides 2 pitches and the increase in caravans would result in an additional 5 pitches being providing, totalling 7 pitches.

Normally a pitch would include a touring caravan but in this case, they would not be located at the site. Two amenity blocks would be provided to serve the 7 pitches.

Policy GT7 requires expansion of sites to be achieved through subdivision or infilling of existing pitches. This proposal complies with the policy as it would not lead to any extension of the site (although the amount of the site that caravans could be sited on would increase), only an intensification of the existing authorised site. The supporting text to policy GT7 also requires that the application be considered against policy GT5, this assessment is dealt with in section 6.

Allowing the infilling of existing Gypsy and Traveller sites helps to meet the identified need for pitches without requiring new sites to be developed.

Whilst the site does not fall within the scope of the proposed Gypsy and Traveller Plan, the proposal is for the infilling of an existing site to create additional pitches which is addressed in policy GT7 which has been assessed above.

Overall the proposal is considered to accord with policy GT7 of the emerging Gypsy and Traveller Local Plan.

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

The emerging Gypsy and Traveller Local 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.

Planning Policy for Traveller Sites (PPTS) states at paragraph 12 that in rural and semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. Comments have been made that the proposal would result in a disproportionate number of the travelling community to that of the settled community. It is not considered that the aim of the PPTS is to prevent there being more Gypsies and Travellers than members of the settled community within an area. It is considered that the point of the policy is to ensure that in rural and semi-rural areas that the traditional bricks and mortar settlement is not dominated in terms of the scale and visual impact of Gypsy and Traveller pitches. With regard to this application the size of the site would not increase, only the number of caravans and the amount of the site upon which they could be sited. When taken together with Plot 2 Magpie Farm and Oak Tree Nurseries, there would be 12 pitches at the wider site (increased from 7) It is not considered that the resulting scale of the site would have a significant adverse impact to be considered to dominate the nearest settled community. The visual impact of the site has been considered above and would not be such to cause a dominating impact.

### - 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.

The site is not within an area of high risk of flooding.

### - Satisfactory and safe vehicular access.

The Highways Development Control Officer has no objection to the application.

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

Whilst there is no defined size for a Gypsy and Traveller pitch it is considered that the pitches proposed would be smaller than normal. It is however considered that how the families choose to live does not necessarily mean that the proposal is unacceptable. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable.

- Landscaping.

The visual impact of the proposal is considered above.

- Sensitive boundary treatment.

The site has existing landscaping to the boundaries. Additional landscaping will be required by condition.

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

The impact on neighbouring properties is 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.

When the appeal was allowed at this site in 2007, the Inspector acknowledged that the site was quite near to local shops and that there were links to services in Biggleswade, which is near by. The increase in the number of pitches at the site would not change this and the site would still be appropriate.

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

Details of drainage for the additional caravans at the site would be secured by condition.

Overall it is considered that the proposal complies with the emerging Gypsy and Traveller Plan policy GT5.

## 7. Highways Matters

Concern has been raised over the access to the site and suitability of visibility splays. The Highways Development Control Officer has no objection to the proposal. Improvements to the access were required when the appeal was allowed in 2007, and these have been carried out.

## 8. Human Rights

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 lead to an interference with the intended occupiers 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 character and appearance of the countryside, is limited and that the refusal of permission would place a disproportionate burden upon the intended occupiers and would result in a violation of their rights under the Convention.

## **9. Conclusion and recommendation**

This is an existing site that has consent for four caravans (two pitches). The variations of conditions 2 and 6 would allow for the siting of 7 caravans, forming 7 pitches and for these to be located around 35m nearer to Hill Lane than as approved. Central Bedfordshire is relying on windfall sites to meet its identified need for Gypsy and Traveller site provision. Here, subject to conditions, there would be no harm caused to the appearance of the site or the area, there would be no harm caused to living conditions at neighbouring properties and the access to the site would be safe. As such, the application recommended for approval subject to conditions.

### **Conditions:**

- 1 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.

- 2 No more than seven (7) caravans (of which no more than seven shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason: In recognition of the location of the site outside of the Settlement Envelope and having regard to the provisions of the National Planning Policy Framework, Planning Policy for Traveller Sites, policy 36 DSCB and policies GT5 and GT7 of the Draft Pre-Submission Gypsy and Traveller Local Plan (April 2013).

- 3 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 in accordance with Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site outside of the Settlement Envelope and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.



- 4 The use hereby permitted shall cease and all caravans or mobile structures, vehicles, plant, equipment, machinery, materials, buildings, hard surfacing and any other operational development brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any of the requirements set out in (i) to (iv) below:

- i. within 3 months of the date of this decisions schemes for:  
(a) the landscaping of the site;(b) the disposal of surface and foul drainage from the site;  
(c) external lighting; and  
(d) the layout of the site;

shall have been submitted for the written approval of the Local Planning Authority and the schemes shall include a timetable for their implementation.

- ii. within 11 months of the date of this decision the schemes shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve any scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii. if an appeal is made in pursuance (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv. the approved schemes shall have been carried out and completed in accordance with the approved timetables.

Reason: To ensure that the development does not cause harm to the character and appearance of the area or to living conditions at neighbouring properties.

- 5 Any trees or plants which form part of the approved landscaping scheme for the site which within a period of 5 years of their planting 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 gives written approval for any variation.

Reason: To ensure that the appearance of the site would be acceptable.

- 6 No structures, materials or objects shall be placed on the land to the South of the line marked 'xxxxxxx..' on plan CBC/002.

Reason: To ensure that the impact of the development on the appearance of the site is an acceptable one.

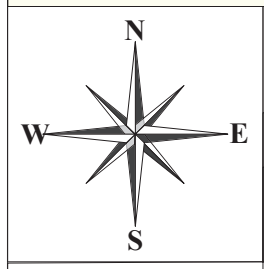
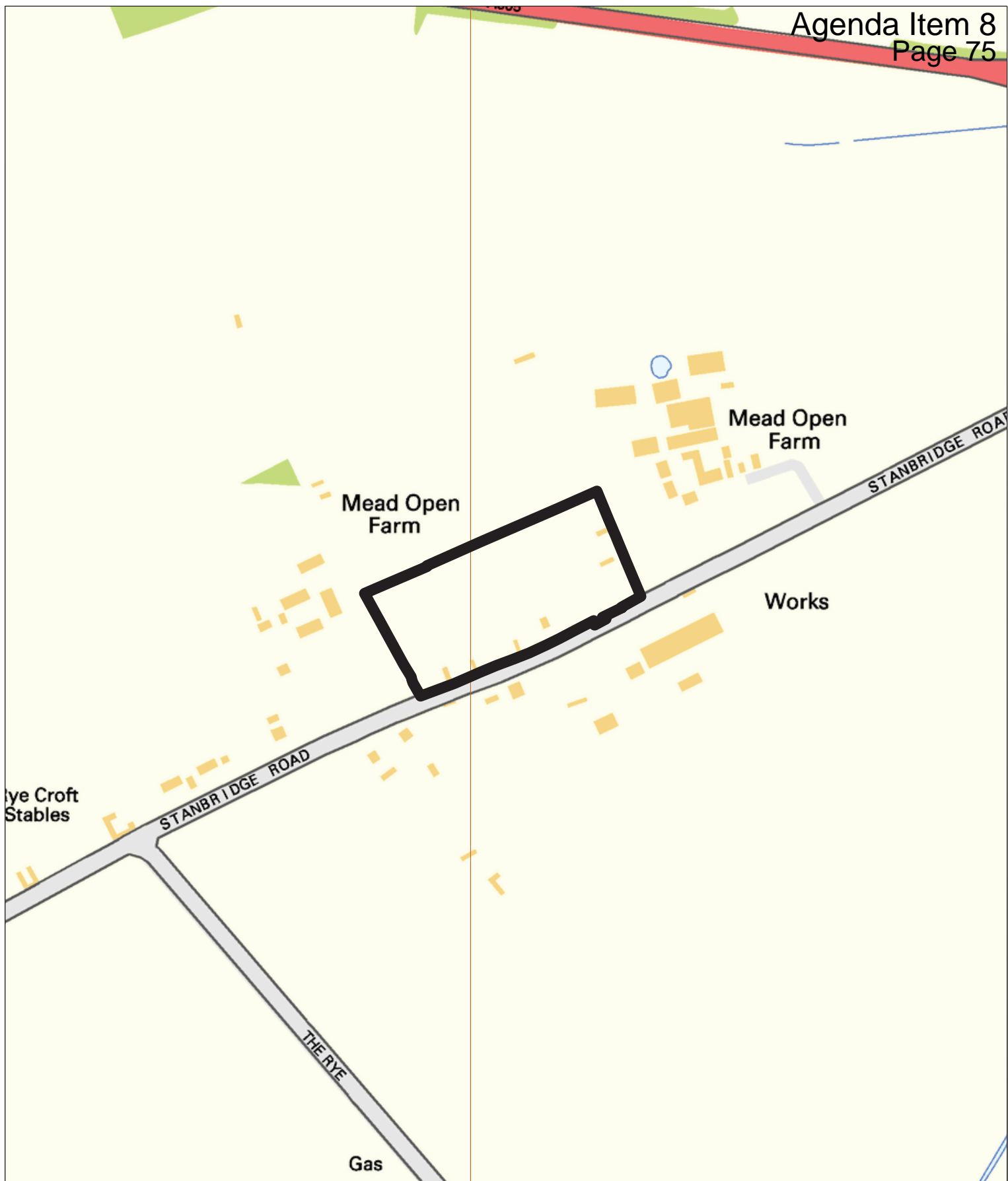
### Notes to Applicant

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).

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 04:June:2013  
Grid Reference: 495032; 222736

Application No.  
CB/13/01223/VOC

Scale: 1:5000

The Stables, Stanbridge Road, Great Billington,  
Leighton Buzzard, LU7 9JH

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<b>Item No. 8</b>
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<b>APPLICATION NUMBER</b>	CB/13/01223/VOC
<b>LOCATION</b>	The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH
<b>PROPOSAL</b>	Variation of Conditions: 2 & 5 of planning permission CB/10/03217/FULL - Retention of Gypsy caravan site for 7 families with a total of two static caravans and six touring caravans including hardstanding and landscaping. Additional names to be added to Condition 2 and Condition 5 to say 'No more than twelve caravans shall be stationed on the Site at any time, of which ten caravans shall be residential static caravans'.
<b>PARISH</b>	Stanbridge
<b>WARD</b>	Heath & Reach
<b>WARD COUNCILLORS</b>	Cllr Versallion
<b>CASE OFFICER</b>	Vicki Davies
<b>DATE REGISTERED</b>	08 April 2013
<b>EXPIRY DATE</b>	03 June 2013
<b>APPLICANT</b>	Ms Brien
<b>AGENT</b>	Rosser Morris Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	Call-in by Cllr Versallion on the grounds of: <ol style="list-style-type: none"> <li>1. Doubling the number of caravans to the conditions that were previously agreed.</li> <li>2. Appeal on Site B (which was to set a precedent) has still not been granted.</li> <li>3. CBC ignoring an agreement made with Billington PC not to allow an increase of pitches in the Parish.</li> <li>4. Green Belt.</li> <li>5. Conservation Area.</li> </ol>
<b>RECOMMENDED DECISION</b>	Variation of Condition - Approval

### Recommended Reasons for Granting

The proposal is contrary to Green Belt policy however on balance it is considered that the general ongoing need and the personal circumstances of the site occupants, cultural factors and compliance with emerging policies GT5 and GT7 weigh in favour of the application. 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. Overall it is considered that there are Very Special Circumstances which outweigh the harm to the Green Belt and that subject to conditions the proposal would be acceptable and is therefore in accordance with policies GT5 and GT7 of the emerging Gypsy and Traveller Local Plan, policy BE8 of the South Bedfordshire Local Plan Review,

policies 33, 36 and 43 of the emerging Development Strategy for Central Bedfordshire and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

**Site Location:**

This application relates to a site located in the Green Belt, approximately two kilometres south-east of Leighton Buzzard and approximately 500 metres east of Great Billington. The site is roughly rectangular in shape, measuring approximately 110 metres deep by approximately 35 metres wide, and extending to approximately 0.395 hectare (or 0.95 acre). It lies on the northern side of Stanbridge Road in the Parish of Stanbridge, near to its boundary with the Parish of Billington.

Due to the planning history of The Stables the application site is known as Site A, The Stables. Immediately to the west of the application site lies Site B, which has previously been occupied as an unauthorised Gypsy and Traveller site but is currently vacant land. Beyond that lies the larger Site C, which has recently been granted planning permission for 4 pitches. Together, the three sites comprise a parcel of land on the northern side of Stanbridge Road with a highway frontage and width of approximately 220 metres and a depth of approximately 110 metres, extending in total to approximately 2.42ha (6 acres).

To the east of the current site is Mead Open Farm, a paying visitor attraction, whilst to the north are parcels of land used for the grazing of horses understood to be in the same ownership. To the west of Site C lies Spinney Meadows, a calf rearing enterprise. To the south side of Slapton Road lies Freeman's Yard which accommodates various industrial and transport related businesses and which is understood to have been developed under World War II emergency powers.

Also to the southern side of Slapton Road and opposite Spinney Meadows lie two Gypsy sites, at Nos. 28 and 30 Stanbridge Road, that were granted planning consent on appeal in 1993 and, in respect of the former, to which a minor extension and increase in the number of caravans was approved in 2008. To the west of these lies Ash Tree Paddock which was approved on appeal for a temporary period of three years in 2008 and subsequently granted permanent planning permission in 2013.

The current application site lies behind a narrow highway verge, a drainage ditch and a mixed deciduous hedgerow. The site rises gently to the north, away from the highway. Within the highway frontage an access has been formed with brickwork splays and ornamental steel gates, from the same access, but to the left of these ornamental gates. The site layout previously approved shows the provision of two amenity blocks shared by all site occupiers.

**The Application:**

The application seeks a variation of conditions 2 and 5 of planning permission CB/10/03217/FULL. The planning permission granted in 2011 gave consent for the retention of a Gypsy caravan site for 7 families with a total of 2 static caravans and 6 touring caravans including hardstanding and landscaping.

Condition 2 of planning permission reference CB/10/02317/FULL lists the persons authorised to live on the site. Condition 2 currently includes 13 names and allows

for the resident dependants of the named persons to also live on the site. The variation of condition application seeks to add the names of one male and one female occupier who are the partners of existing authorised occupiers and three new names. The new occupiers would be the mother, brother and sister of one of the existing authorised occupiers.

In order to accommodate the additional people the application also seeks to vary condition 5. Condition 5 currently restricts the number of caravans permitted on the site to 2 static caravans and 6 touring caravans. The application seeks consent for a total of 12 caravans within no more than 10 being static caravans. The 10 static caravans and one of the touring caravans would be used as accommodation on the site, the other touring caravan would only be used for travelling.

## **RELEVANT POLICIES:**

### **National Planning Policy**

National Planning Policy Framework  
Section 9 - Protecting Green Belt Land

Planning Policy for Traveller Sites

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

Policies:

SD1 (Sustainable Keynote Policy),  
BE8 (Design and Environmental Considerations),  
H5 (Providing Affordable Housing in Rural Areas), and  
H15 (Siting of Mobile Homes in the Green Belt).

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

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

Policies:

1 - Presumption in Favour of Sustainable Development  
3 - Green Belt  
33 - Gypsy and Traveller and Travelling Showpeople Provision  
36 - Development in the Green Belt  
43 - High Quality Development

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

## **Draft Gypsy and Traveller Plan**

GT5 - Assessing planning applications for Gypsy and Traveller sites

GT7 - Assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople sites

### **Planning History for The Stables, Sites A, B & C**

SB/TP/92/0121 - (Site C) Six stables with tack room, hay store and parking area. (Planning permission 29 April 1992).

SB/TP/03/1419 – (Sites A, B & C) Use of land for siting of 19 Gypsy caravans with associated hardstanding and landscaping. Refused 29 October 2003.

Appeals against the above refusal of planning permission, and against Enforcement Notices in respect of changes of use and operational development at both Site A and Site C, were considered at a Public Inquiry held between November 2004 and February 2005. The Inspector recommended that the enforcement appeals be dismissed and that the Enforcement Notices upheld but that a temporary planning permission should be granted, possibly for a period of three years. The Secretary of State determined the appeals on 31 May 2005 and disagreed with the Inspector's recommendation for a temporary consent. The Secretary of State dismissed the appeals and upheld the Enforcement Notices although he extended the period for compliance to two years; i.e. to 31 May 2007.

SB/TP/07/0677 (Site A) Retention of Gypsy caravan site for 5 families with a total of two static caravans and 6 touring caravans, including hardstanding. (Temporary Permission for three years - 04 October 2007).

SB/TP/07/0885 (Site B) Retention of Gypsy caravan site for 4 families, each with a total of up to 3 caravans, including formation of hardstanding. (Refused 21 September 2007).

SB/TP/07/0678 (Site C) Retention of Gypsy caravan site for 12 families, each with up to 3 caravans, including formation of hardstanding. (Refused 19 September 2007).

SB/TP/07/1372 (Site C) retention of Gypsy caravan site for 9 families, each with up to 3 caravans, including hardstandings and landscaping. (Refused 12 March 2008). Appeal dismissed by the Secretary of State. (19 June 2009).

SB/TP/07/1331 (Site B / Plot 4 only) – Retention of Gypsy caravan site for 2 families with a total of 3 caravans including hardstanding and landscaping. (Refused 03 April 2008).

SB/TP/08/0023 – (Site B / Plot 5 only) - Travellers site for the siting of 1 mobile home & 1 tourer & associated hard core for parking & hardstanding. (Refused 03 April 2008).

SB/TP/07/1408 – (Site B / Plot 6 only) - Travellers site for the siting of 1 mobile home & tourer and associated hard core for parking & hardstanding. (Refused 03 April 2008).



SB/TP/07/1353 – (Site B / Plot 7 only) - Change of Use to station static & touring Traveller caravans. Number of caravans unspecified. (Refused 24 April 2008). Appeal dismissed by the Inspector (21 July 2009). Unsuccessful S.288 challenge to the High Court (21 June 2010). Appeal dismissed by the Court of Appeal (19 July 2011).

CB/09/05201/FULL - (Site B / Plot 4 only) - Retention of caravan site for one Gypsy family with 3 caravans, including hardstanding and landscaping. (Refused 23 February 2012, appeal pending).

CB/10/03217 – (Site A) - Retention of Gypsy caravan site for 7 families with a total of 2 static caravans and 6 touring caravans including hardstanding & landscaping. (Permanent Consent granted 29 December 2011).

CB/10/00952/FULL - (Site C - part only) Change of use of land for the stationing of 9 caravans (3 pitches). (Permanent Consent granted 18 April 2013).

CB/11/04074/FULL - (Site C, plot 11 only) Retention of existing static mobile home, caravan, day room and wash room. (Permanent Consent granted 18 April 2013).

**Representations:  
(Parish & Neighbours)**

- |                           |   |
|---------------------------|---|
| Stanbridge Parish Council | We object to this application on the grounds that it once again risks there being a disproportionate number of the travelling community to that of the settled community and places pressure on the stability of the local education structure. Furthermore, the amendments to the site do not fall within the scope of the proposed Gypsy & Traveller Plan and should therefore not be considered.   |
| Billington Parish Council | Requested the Ward Member to call-in the application for determination by the Development Management Committee.   |
| Neighbours                | One letter of objection has been received, the reasons for the objection are: <ul style="list-style-type: none"><li>- concern about further development on the site which is already very large and out of proportion to the settled community in the immediate area</li><li>- there is a problem with the road flooding</li><li>- the visibility splays offer poor visibility along this fast road</li><li>- there is raw sewerage in the ditch</li><li>- flytipping is a regular occurrence</li><li>- a new entrance has been put into the site which causes further risk of flooding due to insufficient culvert size</li><li>- Mead Open Farm is a tourist attraction next to the site which has experienced noise and bonfires from the application site</li><li>- there have been several cases of sheep worrying from dogs from the site, over the winter of 2011/12 we had to</li></ul> |

have 10 sheep destroyed because of dog attacks  
- any further development on the site should be refused  
and the land returned to its original use of paddocks for  
horse grazing

### Consultations/Publicity responses

Tree and Landscape Officer	In the absence of any accompanying plans the officer is unable to ascertain if the extra pitches would use areas previously set aside for landscaping.
Highways Development Control Officer	<p>The application is for the increase in occupation of the existing site. This will ultimately increase the parking demand for the site and use of the access. While I have not got an objection to the proposal it should be ensured that highway safety is maintained.</p> <p>In a highway context I recommend that the conditions to deal with details of the junction with the highway and appropriate visibility splays, surfacing of on-site vehicular areas, refuse storage and collection point and parking provision within the site.</p>
Environment Agency	Comment that the cess pit is not ideal but that the increase is not substantial and providing the applicant has a contractor in place to remove the waste they have no objection.
Public Protection Private Sector Housing	<p>No comment.</p> <p>No response received at the time of writing. Comments will be reported on the Late Sheet.</p>

### Determining Issues

1. Policy Background including Gypsy and Traveller Pitch Provision
2. History of the Site
3. Green Belt and Personal Circumstances
4. Harm to openness and character of the Green Belt
5. Assessment against emerging policy GT7
6. Assessment against emerging policy GT5
7. Highway Issues
8. Other Issues
9. Human Rights
10. Conclusion

### 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.

#### Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and is currently out to public consultation following approval at full Council on 18th April 2013. A final draft document will be produced after the consultation ends on 1st July 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 was calculated at January 2013 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 was 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, January 2013, as:

Number of pitches in Central Bedfordshire in 2006 - 118  
Pitch need from 2013 to 2018 (to meet backlog) - 38  
Minus pitches coming back into use at Timberlands - 6  
Growth between 2013-2018 (2.5%) - 33  
Growth between 2019-2023 (2.5%) - 31

Growth between 2024-2028 (2.5%) - 36  
Growth between 2029-2031 (2.5%) - 25

Total need to 2031 - 157 pitches

The draft 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)

### Gypsy and Traveller Pitch Trajectory

The draft Gypsy and Traveller Local Plan is accompanied by a trajectory which demonstrates that the Council has identified sites which together with windfall sites will deliver a 5 year land supply.

The trajectory was prepared in May 2013 and takes into account that since mid-March 2013 permanent planning permission has been granted for 12 pitches and that a further 6 pitches would be put back into the supply following the refurbishment of Timberlands.

The backlog of pitches is incorporated into the total number of pitches to be delivered over the next 5 year trajectory. The level of windfall applications expected has been calculated based on previous levels of permissions.

The trajectory sets out that in the period 2013 to 2018 (inclusive) 55 pitches can be delivered. This figure includes granting permanent planning permission for 12 existing temporary pitches and 9 pitches within an extension to an existing site, 15 pitches delivered on new sites allocated through the Plan all of which are named in the trajectory and 19 further pitches delivered through windfall applications.

The 5 year land supply is a continuous rolling requirement and therefore even if planning permission was granted for the 19 windfall pitches, until the pitches identified on the allocated sites are also granted planning permission and delivered the ongoing need for pitches continues to exist.

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. If this planning application were to be granted the windfall requirement set out in the trajectory would reduce to 15 pitches.

## **2. History of Site**

The site has a long and protracted history, with an appeal held to consider the refusal of planning permission and associated enforcement notices held in

2004/2005 (APP/N0220/A/03/1134087). The appeal was dismissed on 31 May 2005 as despite giving weight to the unmet need for sites and personal circumstances of the occupants the Secretary of State considered that these did not outweigh the harm to the Green Belt and on the character and appearance of the countryside. The enforcement notices were upheld but the compliance period extended to two years.

In June 2007 prior to end of the compliance period a further planning application was made for the retention of a Gypsy site for 5 families with a total of 2 static caravans and 6 touring caravans including hard standing and landscaping. This application was granted temporary planning permission for a period of 3 years in October 2007.

Following the grant of temporary consent in October 2007, there was a delay in the submission of some of the detailed information required by a condition attached. A Breach of Condition Notice was therefore served. The required details, including the detailed layout of the site, the foul and surface water drainage, the means of enclosure including improvements to the fencing along the boundary with Mead Open Farm and landscape planting, were subsequently submitted and approved and have since been substantially completed.

Prior to the expiry of the temporary permission a further application was submitted for the retention of the site for 7 families with a total of 2 static caravans and 6 touring caravans. The increase in the number of families was due to some of the older children on the site forming their own families. This application was granted permanent consent with consideration given to the unmet need for sites identified and the personal circumstances of the occupiers in terms of medical and educational issues and the related need for mutual support of the extended family group. Conditions were attached to this permission requiring certain matters to be undertaken in accordance with the approved drawing and maintenance of drainage and landscaping. Whilst submissions have been made in accordance with these conditions they were not considered acceptable and have not been approved.

These issues will be considered in relation to the current application proposal elsewhere in the report.

### **3. Green Belt and Personal Circumstances**

The site is within the Green Belt and the proposal conflicts with the policy set out in section 9 of the NPPF and the reasons for including land within the Green Belt set out in paragraph 88 as well as Development Strategy policy 36.

Very Special Circumstances would need to be demonstrated to overcome the conflict with Green Belt policy. The proposal would be inappropriate in terms of Green Belt policy and therefore some harm would result from this. Consideration will need to be given as to whether the material considerations outweigh the harm to the Green Belt and/or whether there are any Very Special Circumstances to take into account.

The application contains details about the occupiers of the site and their families as well as their education, health and other personal circumstances. One of the authorised female occupiers is registered disabled and receives disability living

allowance; she has heart problems as well as diabetes, asthma, osteoarthritis, cancer of the bladder and suffered a stroke in 2010. She regularly attends clinics, her GP and hospitals to monitor and control her conditions. This occupier is already authorised to live on the site however the level of support she requires is increasing and her brother and sister, the proposed new occupiers, would help with her regular care and support.

One of the proposed occupiers is the elderly mother of an authorised occupier who relies on others for help and support. The application does not set out where she is currently living however it is clear from the information that she needs the support of her immediate family in her advancing years.

There are other personal circumstances which exist with the people currently authorised to live on the site which were considered when the original permission was granted for the site.

**4. Harm to openness and character of the Green Belt**

The proposal would increase the number of caravans permitted to be located on the site but would not increase the size of the site. It is considered that due to the characteristics of the site particularly it extending away from the highway and its existing boundary treatment, the increase in the number of caravans on the site would not cause any significant harm to the openness and character of the Green Belt sufficient to warrant refusing planning permission.

The Tree and Landscape Officer commented that as plans were not submitted with the application it was not possible to judge the impact on landscaping. There is no requirement for detailed site plans to be submitted with a variation of condition application, however it is considered that the additional caravans could have an impact in terms of existing and proposed landscaping. A condition is proposed requiring landscaping details to be submitted, carried out and maintained, which would address the concerns of the officer.

**5. Assessment against emerging policy GT7**

The emerging Gypsy and Traveller Local Plan was approved by full Council on 18th April 2013 for public consultation prior to submission to the Secretary of State. The consultation started on Monday 20th May 2013 and will run until Monday 1st July 2013. The Plan contains policy GT7 which is a policy used for assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople Sites.

The policy states that planning permission for the expansion of existing sites will be granted providing that satisfactory evidence demonstrates the need for the scale and nature of accommodation proposed and in order to safeguard the countryside, the expansion of sites should be achieved through the subdivision or infilling of existing pitches or plots.

If the variation of condition application were granted the number of caravans on the existing site would increase from 2 static caravans and 6 touring caravans to 10 static caravans and 2 touring caravans. The site currently provides 7 pitches and the increase in caravans would result in an additional 4 pitches being providing, totalling 11 pitches. Planning permission CB/10/03217/FULL granted permission for 7 pitches used by family groups named in condition 2 of the

consent. One of these named occupiers was the adult daughter of the main occupier of the site. She has since formed her own household thus resulting in an additional family group and separate pitch. In addition to the 8 family groups occupying 8 pitches, a further 3 pitches would be occupied by the proposed additional named occupiers. The application proposes that all 10 of the static caravans be used for residential occupation as well as one of the touring caravans. The remaining touring caravan would be for travelling only.

The need for the accommodation proposed is set out in section 3 above regarding the personal circumstances of the occupiers. The additional occupiers would have a static caravan each which is considered appropriate in scale. The increase in the number of static caravans on the site sought through the variation of condition 5 is also considered appropriate as each family only has one unit of accommodation, i.e. a static caravan. Good Practice Guidance and experience of other sites within Central Bedfordshire reflects that normally a pitch for a family would include a static caravan, a touring caravan, parking, storage and possibly an amenity block. The site has 2 amenity blocks which are shared by all occupiers. Whilst the occupiers of the application site wish to live differently to that normally experienced it is not considered that this makes their approach unacceptable.

Policy GT7 requires expansion of sites to be achieved through subdivision or infilling of existing pitches. This proposal complies with the policy as it would not lead to any extension of the site, only an intensification of the existing authorised site. The supporting text to policy GT7 also requires that the application be considered against policy GT5, this assessment is dealt with in section 6.

Allowing the infilling of existing Gypsy and Traveller sites helps to meet the identified need for pitches without requiring new sites to be developed.

Stanbridge Parish Council comment that the amendments to the site do not fall within the scope of the proposed Gypsy and Traveller Plan and should not be considered. The proposal is for the infilling of an existing site to create additional pitches which is addressed in policy GT7 which has been assessed above.

An objector comments that the site is already very large. The site currently has planning permission for the siting of 2 static caravans/mobile homes and 6 touring caravans. The application would not increase the size of the site and would only increase the number of caravans permitted to be on the site and the resulting number of pitches from 7 to 11.

Overall the proposal is considered to accord with policy GT7 of the emerging Gypsy and Traveller Local Plan.

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

The emerging Gypsy and Traveller Local 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

Gypsy and Traveller Pitch Trajectory identifies a need for 19 windfall pitches in the period 2013-2018. 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.

Planning Policy for Traveller Sites (PPTS) states at paragraph 12 that in rural and semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. Comments have been made that the proposal would result in a disproportionate number of the travelling community to that of the settled community. It is not considered that the aim of the PPTS is to prevent there being more Gypsies and Travellers than members of the settled community within an area. It is considered that the point of the policy is to ensure that in rural and semi-rural areas that the traditional bricks and mortar settlement is not dominated in terms of the scale and visual impact of Gypsy and Traveller pitches. With regard to this application the size of the site would not increase, only the number of caravans. It is not considered that the resulting scale of the site would have a significant adverse impact to be considered to dominate the nearest settled community, which in this case would be Billington, some 700m away. The visual impact of the site has been considered above and would not be such as to cause a dominating impact.

- 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.

The site is not within an area of high risk of flooding.

- Satisfactory and safe vehicular access.

The Highways Development Control Officer has no objection to the application but does request a condition 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 it is considered that the pitches proposed would be smaller than normal. It is however considered that how the families choose to live does not necessarily mean that the proposal is unacceptable. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable. Comments received from Private Sector Housing will be reported on the Late Sheet.

- Landscaping.

The visual impact of the proposal is considered in detail above.

- Sensitive boundary treatment.

The site has existing wooden fencing and landscaping to the boundaries. Additional landscaping will be required by condition.

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

The nearest bricks and mortar dwelling would be some 60 metres away at Mead



Open Farm. It is considered that due to the distance and the existing boundary treatment and proposed landscaping that the proposal would not result in any significant adverse impact on the amenities of the occupiers of this property. The nearest Gypsy and Traveller neighbours are some 75 metres from the site on the land known as Site C. Due to the nature of the accommodation, the distance between the sites and the boundary treatment it is not considered that the proposal would have any adverse impact on the amenities of the occupiers of pitches on Site C.

- 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.

It is acknowledged that the occupiers of the site do not have access to facilities within the immediate area however the policy requires adequate facilities be within a reasonable travelling distance. 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 served by a cess pit and it is proposed that this arrangement continues if planning permission were granted. The site is mainly shingle with grassed areas and therefore surface water permeates.

Overall it is considered that the proposal complies with the emerging Gypsy and Traveller Plan policy GT5.

## 7. Highways Matters

Concern has been raised over the access to the site and suitability of visibility splays. The Highways Development Control Officer has no objection to the proposal but does request a condition be added to any permission granted to ensure that the access and associated visibility splays are adequate.

One objector comments that a new entrance has been formed to the site. No new entrance has been made into the application site however an unauthorised access direct from the highway has been made into one of the plots on the area known as Site C. The plot has recently been granted planning permission, a condition of which is that the unauthorised access is closed.

## 8. Other Issues

Issues of foul and surface water drainage have also been raised by objectors. The previous application contained details of the drainage of the site on plan RM08/034.1J and a condition of the permission required the submission of a timetable for the completion of the works. The information was submitted but found unsatisfactory. In light of this it is considered that the condition should

remain in place with an amended timescale for compliance in order that the required details are submitted and the works undertaken within an appropriate timescale.

The Environment Agency has confirmed that the proposal to use a cess pit is not ideal however that the increase in the number of people and caravans on the site would not be significant. Subject to the applicant having a contractor in place to empty the pit the Environment Agency has no objection to the proposal. The management and maintenance of the drainage system will be dealt with by condition 10.

The objector also raises concern regarding dogs attacking the farm's sheep. There is no evidence that the dogs come from the application site and even if there was it is not considered that refusing planning permission for additional caravans and occupiers would resolve this issue. In addition someone's control over their dogs is not a planning consideration.

The site is not within a Conservation Area.

#### **9. Human Rights**

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 lead to an interference with the intended occupiers 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 the intended occupiers and would result in a violation of their rights under the Convention.

#### **10. Conclusion**

The application site is within the Green Belt and therefore Very Special Circumstances need to be demonstrated to justify the development. The proposal would result in harm by reason of inappropriateness, however other harm by reason of adverse effect on character, openness etc are minimal due to the scale and nature of the development. It is considered that the personal circumstances of the additional occupiers, the continuing requirement for pitches to address the backlog and ongoing need met, in part, by windfall sites are such to outweigh the limited harm to the Green Belt. In addition the proposal is in accordance with policy GT7 of the draft pre-submission Gypsy and Traveller Local Plan (April 2013).

#### **Recommendation**

That Planning Permission be approved subject to the following:

## RECOMMENDED CONDITIONS

- 1 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.

- 2 The Site shall only be occupied by the following persons and their resident dependant's: James Brien, Margaret Brien, Ashley Brien & Michael Nolan, Abraham Howard & Charlene Howard, John Smith & Kelly Smith, Michael Brien & Jane Brien, Jimmy Brien & Cristal Brien, Johnny Brien & Sherry Brien, Teresa Patterson, Michael Brien and Evelyn Gray

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB.

- 3 In the event that the Site shall cease to be occupied by those named in Condition 2 above the use hereby permitted shall cease and all caravans shall be removed from the Site within 28 days of that date.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB..

- 4 Within three months of the cessation of the occupation of the site by those named in Condition 2 above all buildings, other structures, materials and equipment including fences, telegraph poles and lighting columns, septic tanks/cesspits and pipes, cables, meter boxes and other services brought on to the land in connection with the development hereby approved, or in accordance with the planning consent CB/10/03217FULL, shall be removed; all hardcore, tarmac and other hard surfacings on the site shall be broken up and completely removed, the site levelled, topsoiled and seeded with grass or turfed; and the existing vehicular access onto Stanbridge Road shall be closed and the hedgerow reinstated along the highway frontage.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB.

- 5 No more than twelve caravans shall be stationed on the Site at any time, of which only ten caravans shall be residential static caravans.

Reason: In recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework, Planning Policy for Traveller Sites, policy 36 DSCB and policy GT7 of the Draft Pre-Submission Gypsy and Traveller Local Plan (April 2013).

- 6 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 in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 7 No more than five commercial vehicles shall be kept on the Site at any time for use by the persons named in Condition 2 of which not more than one shall exceed ten tonnes in weight and the remainder shall not exceed 3.5 tonnes in weight.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 8 Within three months of the date of this consent the applicant shall submit for the consideration of, and written approval by, the Local Planning Authority a timetable for the completion of all the details identified in plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010 and including, but not exclusively relating to, means of enclosure, surfacing, amenity facilities and drainage of the site. The said works shall be completed in accordance with the timetable agreed by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, and an appeal is made to, and accepted as validly made by the Secretary of State, the works shall be completed within such timetable as may be approved by the Secretary of State.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area, that the proposal takes account for the need of hard and soft landscaping and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 9 The details required to be submitted in accordance with Condition 8 shall include proposals for the removal of the existing fencing along the eastern boundary of the site, and any consequent maintenance or remedial works required to the adjoining landscape planting, including the proposed timetable for such works. Amendments to the details of these particular works and their proposed timetable may be agreed in writing from time to time by the Local Planning Authority.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area, that the proposal takes account for the need of hard and soft landscaping and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 and the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 10 At the same time as the timetable for the completion of the works required by Condition 8 is submitted to the Local Planning Authority there shall be submitted a programme for the management and maintenance of the drainage system for the lifetime of the development. The drainage system shall be managed and maintained in accordance with the approved programme.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having regard to the principles contained in the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 11 Within 3 months of the date of the this consent the applicant shall submit a detailed landscaping scheme including boundary planting and landscaping and grassed areas within the site. The planting will then be carried out in accordance with the approved details no later than the end of the first planting season following the completion of the development and thereafter maintained for a period of five years during which any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, is replaced with another of the same species and size as that originally planted.

Reason: In order to ensure that the proposal takes account for the need for hard and soft landscaping in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 12 Within three months of the date of this consent the applicant shall submit for the consideration of, and written approval by, the Local Planning Authority a site layout plan showing the locations of all existing structures and all static and touring caravans. The site shall be set out in accordance with the plan agreed by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, and an appeal is made to, and accepted as validly made by the Secretary of State, the works shall be completed within such timetable as may be approved by the Secretary of State.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area and that the development has no adverse effect upon general or residential amenity in accordance with

Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 13 No external lighting shall be installed on the site other than such lanterns or similar devices as may be directly attached to individual caravans or the buildings authorised by this consent and identified on plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010.

Reason: In order to ensure that lighting associated with the development does not have a detrimental impact upon the surrounding area in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 14 Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or enactment amending or re-enacting that Order no further accesses shall be formed from the adjoining highway and no walls, fences, gates or other means of enclosure or any amenity blocks, ancillary buildings or other structures shall be erected on the site other than in accordance with this consent or in accordance with a further specific grant of planning consent in that regard.

Reason: In order to ensure that the overall appearance of the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

### **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

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

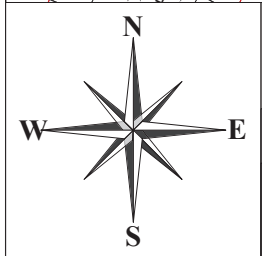
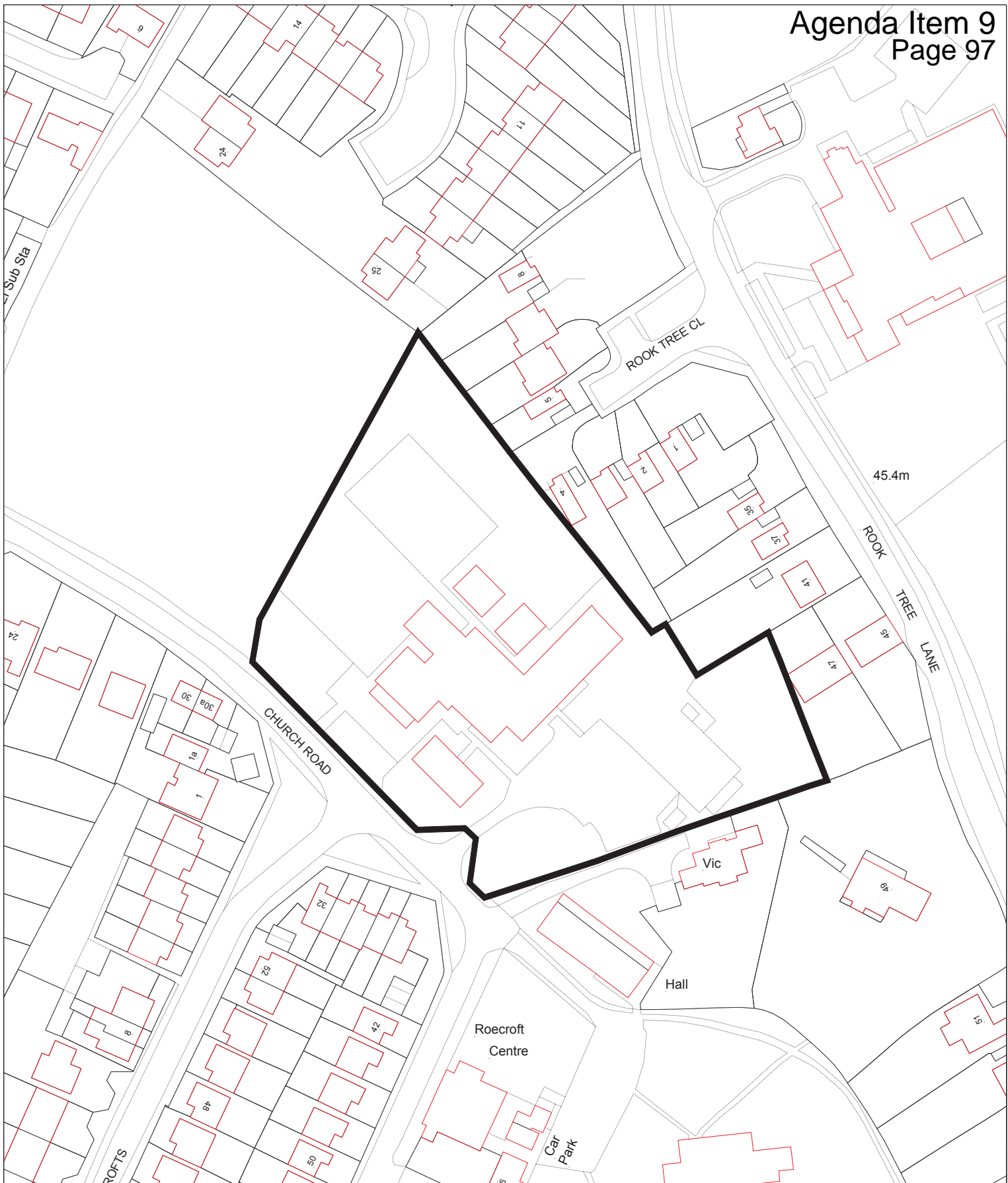
It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework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

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 04:June:2013  
Map Sheet No

Application No  
CB/13/01235/FULL

Scale: 1:1250

Rocroft Lower School, Church Road, Stotfold, SG5 4NE

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**Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/13/01235/FULL</b>
<b>LOCATION</b>	<b>Roecroft Lower School, Church Road, Stotfold, SG5 4NE</b>
<b>PROPOSAL</b>	<b>Move modular buildings to different location, extend existing building, internal &amp; external refurbishment &amp; alterations.</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Clarke, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Lauren Westley</b>
<b>DATE REGISTERED</b>	<b>24 April 2013</b>
<b>EXPIRY DATE</b>	<b>19 June 2013</b>
<b>APPLICANT</b>	<b>Willmott Dixon Construction</b>
<b>AGENT</b>	<b>Swanke Hayden Connell Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Council owned site and objections have been received.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

**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, is in accordance with the aims of the National Planning Policy Framework (2012), policies CS3, CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

**Site Location:**

The application site is located on the northern side of Church Road, Stotfold, to the immediate west of the village church and vicarage. To the north of the site are the rear and side gardens of residential properties, to the south are residential properties facing onto Church Road.

The site is occupied by Roecroft Lower School, which has been closed since July 2012. To the west of the site are playing fields, which were previously used by the school, but which do not form part of this application.

The site is located within the village of Stotfold and contained within the settlement envelope.

**The Application:**

The scheme seeks to convert the existing primary school into a school for referred students from year four to year eleven, involving the construction of two new-build

extensions as separate wings, the re-location of two modular buildings within the site, the creation of MUGA on an existing play ground, and the internal re-modelling and refurbishment of the existing buildings.

One wing will provide additional class rooms, whilst the other will provide two spaces for the teaching of vocational subjects of motor vehicle maintenance and construction. The rearward extension has been reduced in size during the course of this application, to provide an increase separation distance between the proposal and the surrounding residential properties.

The extensions to the school will follow the same building design as the existing school, and will be single storey in height.

#### **RELEVANT POLICIES:**

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

Section 7 - Requiring Good Design

Section 8 - Promoting Healthy Communities

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

CS3 - Healthy and Sustainable Communities

CS14 - High Quality Development

DM3 - High Quality Development

##### **Supplementary Planning Guidance**

Local Transport Plan: Appendix 7 - Parking Standards

##### **Planning History**

None relevant

##### **Representations**

Stoffold Parish Council Originally objected to application on following grounds:

- *The northern extension, due to its scale and proximity to the boundary with No. 4 Rook Tree Lane, would have an overbearing and dominating effect on the property. There would be a loss of daylight throughout most of the day due to the orientation, along with loss of views.*
- *If the room is used as a music technology room, there is the potential to create a noise disturbance.*
- *The narrow passage formed between the new building and property boundary would make a natural walkway with associated loss of privacy to the residents of No. 4.*
- *Due to the differences in ground levels between site and No. 4, the proposal would be a relatively tall building, the floor levels in the extension should be dropped as much as possible to accommodate the difference.*

Following the revisions to the application, further consultation was carried out and a revised response was received -

- *As long as this is a permanent amendment without any later phase where the additional extension is reintroduced in the*

*original suggested area, then it is welcomed and accepted, the objection by the Stotfold Town Council is withdrawn.*

A note was included advising that should it be found possible to lower the floor and roof height of the extension, then this would be supported, to further reduce the impact on the neighbouring property.

Neighbours  
(One objection)

*A single storey extension, of a similar size to a two storey extension, is to be built 3m from dining room window. Will result in loss of light and outlook.*

*Will leave a 1.5m wide space between new building and boundary, meaning people will have to walk right next to boundary.*

*Elevations are misleading, don't show correct height of extension.*

Following the revisions to the application, further consultation was carried out and a revised response was received -

*-Having viewed the proposed amended plan showing the removal of the end classroom, it makes that end wall much more acceptable, although one feels without the drop in floor levels that end wall will still be huge and imposing.*

### **Consultations/Publicity responses**

Sport England

No comment

Archaeology

No objection, subject to conditions.

Highways

As discussed, my understanding is that the proposals are for an educational establishment offering education to up to 70 children. It is assumed that 70 pupils are approximately half the number of pupils that would have attended the school when it was a standard lower school.

The additional information submitted indicates that there will be approximately 25 staff and most of the pupils will either travel on foot or by mini bus.

Whilst this still does not give a clear understanding of the travel patterns; I am content that there will not be any detriment to the public highway. A requirement for a travel plan condition is recommended.

Public Protection

The supplementary comments from the applicant regarding noise from motor vehicle maintenance, construction classes and the music room are noted, and based on the submitted information and proposed locations within the school building

this is not likely to be detrimental to residential amenity.

A condition is recommended to be attached to any approval requiring the details of the air handling equipment.

There are concerns that noise from the MUGA, in particular from balls hitting hard surfaces, including the proposed metal fence and people noise, will affect residents. A condition is recommended to control the hours of use.

Contaminated Land	No comment
Disability Discrimination Officer	No response received
Play and Open Space Officer	No response received
Architectural Liaison Officer - Bedfordshire Police	No response received

### **Determining Issues**

The main considerations of the application are;

1. Principle of development
2. Effect on character and appearance of building and area
3. Effect on residential amenity
4. Parking and access

### **Considerations**

#### **1. Principle of development**

The site is occupied by the recently vacated Roecroft Lower School, which provided infant and junior education services. The school was originally established in the mid-1980's. This application has been submitted on behalf of Academies of Central Bedfordshire, who are proposing to convert the school into school for year four to year eleven, for referred pupils. The curriculum will include hair and beauty, catering, construction and motor vehicle provisions at the core of the curriculum, with horticultural and agricultural education as secondary curriculum, with academic support. The school is to cater for 35 students, rising to 70 students in 18 months.

The National Planning Policy Framework, paragraph 70 requires local planning authorities to plan positively for the provision of community facilities to enhance the sustainability of communities and residential environments. Paragraph 72 provides strong support for ensuring that a sufficient choice of school places is available to meet the needs of communities and to give great weight to the need to expand and alter schools. Policy CS3 supports in principle the upgrading of education facilities.

It is therefore considered that the principle of extending and upgrading the existing educational facility, within the settlement envelope of Stotfold, is supported in principle by the national policy and the Council's adopted policies, subject to consideration of the issues listed below.

**2. Effect on character and appearance of building and area**

The proposed extensions to the school are to the front and rear of the existing building, with a small infill to front reception area, and the re-location of two modular buildings within the site.

The extensions have been designed so as to be in keeping with the style of the existing buildings, the heights, detailing and window and door layouts are all consistent with the original building.

The relocation of the modular buildings, to the existing parking area, will improve the appearance of the school from Church Road, and allow for a more legible front entrance to the school, with improved access into the building from the parking areas.

The creation of the MUGA on the existing play area will involve the erection of fencing, the details of which have been conditioned.

As such, the proposals are considered to be consistent with the overall design and appearance of the existing buildings, and improve the overall layout of the site.

**3. Effect on residential amenity**

The application is for the upgrading of an existing educational establishment, and therefore the nature and character of the use is already established. However as the site is generally surrounded by residential dwellings, with the north-eastern boundary backing directly on to the side and rear gardens of residential properties, regard needs to be given to the impact that the proposal, an in particular the extensions, will have on these properties.

The proposed northern extension has been modified over the course of the application, reducing the size of the proposal to ensure an adequate separation distance between the proposal and the side wall of No. 4 Rook Tree Lane, which has a habitable window on the side elevation. The extension is now sited a minimum of 8m from the rear boundary, increasing to 10m, meaning that there is approximately 10.5m separation distance between the side facing window of No.4, and the new building. This has ensured that the 45° light lines are maintained and despite the change in ground levels, the separation distance will ensure that adequate outlook will be achieved.

The properties across Church Road will have clear views of the front extension, part of which is to be used for motor vehicle maintenance classes, however from the information provided in relation to the type of equipment to be used, and the school hours of 9am till 3pm, no adverse impact on the residential amenity is expected.

The MUGA is to be located to the north of the existing buildings, on the site of the existing hard surfaced playground. The MUGA will involve the erection of

additional fencing, which will increase the useability of the area, but it is not expected to result in a detrimental increase to noise and disturbance, particularly given the suggested conditions to control the hours of its use.

The relocated modular buildings would be a sufficient distance away from the nearest dwelling to ensure that there would be no overbearing impact on the amenities of any neighbouring dwelling.

Conditions have also been suggested in relation to boundary treatments and external lighting, to ensure that these elements will not have a detrimental impact on the residential amenities of surrounding properties.

Given the above, the scheme is therefore considered to have an acceptable impact on the amenities of the surrounding residential properties.

#### **4. Parking and access**

The existing school use has an existing, unmarked car parking area sited adjacent to the main entrance. The application seeks to retain this area, with 13 staff car parking spaces, 2 visitor spaces, 2 disabled bays, 2 motorcycle spaces and 8 cycle parking spaces.

The school will have approximately 45-50 pupils, rising to 70 pupils over the next couple of years. Pupils will arrive by foot, or by 9 seater mini buses, or taxis, approximately 5-7 mini buses daily.

The total number of staff will vary due to the school being a second site of a dual school operation, with the maximum number of staff being 20-25 persons. Staff travel arrangements will be by car, foot, cycles or motor cycles.

Given the existing school use, it is not expected that the proposed changes to the site will result in an unacceptable impact on highway safety, or an increase in parking demand.

The Council's Highways Officer does not consider there would be any detriment to highway safety as a result of the proposals, and the impact on the local highway network is therefore acceptable.

#### **Human Rights Act**

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

#### **Equality Act**

Based on the information submitted, there are no known issues raised in the context of the Equality Act, and as such there would be no relevant implications.

#### **Recommendation**

That Planning Permission be GRANTED 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 **No development shall take place until a written scheme of archaeological investigation , 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 archaeological scheme.**

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

- 3 **No development shall take place until details of the ground levels, floor levels and roof levels of the north east extension hereby permitted, are submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved levels.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 4 **Prior to the commencement of the use, details of the external lighting to be on the site, shall be submitted to and approved in writing the by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details and thereafter maintained for the duration of the development.**

**Reason: In the interests of protecting the visual amenity of the area and the amenities of the surrounding residential occupiers, in accordance with DM3 of the Core Strategy and Development Management Policies (2009).**

- 5 **Prior to the commencement of the use, details of the fencing to be used around and within the site, shall be submitted to and approved in writing the by the Local Planning Authority. The fencing shall then be installed in accordance with the approved details and thereafter maintained for the duration of the development.**

**Reason: In the interests of protecting the visual amenity of the area and the amenities of the surrounding residential occupiers, in accordance with DM3 of the Core Strategy and Development Management Policies (2009).**

- 6 Prior the installation of any air handling equipment, air extraction systems, compressors, generators, or plant or equipment of like kind, details, including acoustic specifications, shall be submitted to and approved in writing by the Local Planning Authority. Any approved plant shall be installed thereafter in accordance with the approved details.

Reason: To protect the amenities of surrounding residents, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 The MUGA hereby permitted shall only be used between 0900 hours and 1530 hours, Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect the amenity of neighbouring residents, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 8 Prior to the re-opening of the school and attendance of pupils, a school travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:

- measures to encourage sustainable travel choices for journeys to the school
- pupil travel patterns and barriers to sustainable travel
- measures to reduce car use
- transport policy(s) of the school
- measures to mitigate any adverse impacts of non-sustainable travel to, from and between the school
- 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 unless otherwise agreed 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

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P-ST-A0011 Rev B, P-ST-A0500 Rev B, P-ST-A2100 Rev A, P-ST-A0800, P-ST-A0010, P-ST-A2101 Rev A and SK015.

Reason: For the avoidance of doubt.

### Notes to Applicant

1. **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.

**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, is in accordance with the aims of the National Planning Policy Framework (2012), policies CS3, CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

**DECISION**

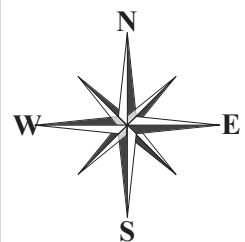
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Football Ground

Pavilion

CRAWLEY ROAD



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Date: 05:June:2013

Map Sheet No

Application No:  
CB/13/01040/Full

Scale: 1:1250

Barretts Yard, Crawley Road, Cranfield

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**Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/13/01040/FULL</b>
<b>LOCATION</b>	<b>Barretts Yard , Crawley Road, Cranfield</b>
<b>PROPOSAL</b>	<b>Change of use from B8 to B8 with B1(c)</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>James Clements</b>
<b>DATE REGISTERED</b>	<b>25 March 2013</b>
<b>EXPIRY DATE</b>	<b>20 May 2013</b>
<b>APPLICANT</b>	<b>Grafton Motorcycles</b>
<b>AGENT</b>	<b>Aragon Land &amp; Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	Called-in by Councillor Bastable for the following reasons: <ul style="list-style-type: none"><li>• concerns about noise and hours of operation</li><li>• the business is in the wrong location and likely to have a negative impact on the residential area</li><li>• concerns about validity of the transport statement</li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application recommended for approval</b>

**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 CS11 and DM3 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 proposal site is located at Barretts Yard, Crawley Road, Cranfield. The land is to the rear and side of no's 29 - 41 Crawley Road and is accessed by a 3.5m wide track, approximately 38m in length, between no's 33 & 35 Crawley Road.

Planning approval MB/98/01457/FULL was approved and implemented for an existing storage building approximately 5-7m from the south east boundary.

The land is currently being marketed for sale and is not in use. The site has been historically used by a landscape business to store items and materials related to the landscaping business.

**The Application:**

Planning permission is sought for a change of use from B8 (storage) to B8 with B1(c) (light industrial) for use by Grafton Motors to store and assemble scooters which would take place within the existing building.

The Town and Country Use Classes Order 1987 (as amended) states that:

**Class B1. Business**

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

**Class B8. Storage or distribution**

Use for storage or as a distribution centre.

The recent Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 permits a change of use from B8 to B1(c) (and vice versa) for up to 500msq without requiring formal planning approval.

**RELEVANT POLICIES:**

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

- 1. Building a strong competitive economy
- 3. Supporting a prosperous economy
- 7. Requiring good design

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

**Bedfordshire Structure Plan 2011**

None

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

DM3 - High Quality Design

CS11 - Rural Economy and Tourism

**Draft Development Strategy (2013)**

Policy 10: Rural Economy and Tourism

Policy 44: High Quality Development

Policy 45: Protection from Environmental Pollution

**Supplementary Planning Guidance**

Design Guide

**Planning History**

- |                  |   |
|------------------|---|
| MB/81/381        | Outline: Erection of storage building use in connection with market garden/nursery. Approved 30/07/81   |
| MB/93/386        | application for the erection of steel clad building for the storage of landscaping machinery & associated materials. Approved 13/05/93  |
| MB/98/01457/FULL | Full: Erection of steel clad building for the storage of landscape machinery and associated materials (to include rest room and WC) - revised scheme to that previously approved under ref:12/93/386 dated 13th May 1993. Approved 25/08/04 |



MB/04/0009/FULL	Full: Change of use of land from landscape storage residential gardens. Approved 04/03/04
MB/07/00314/FULL	Full: Erection of building for B1 (Business) and B8 (Storage and Distribution) use. Refused 23/04/07
MB/08/0462/FULL	Building for B1 purposes after demolition of existing building - refused.

**Representations:  
(Parish & Neighbours)**

Parish/Town Council    Objection

Neighbours  
27, 29, 33 35 & 37  
Crawley Road,  
Cranfield

Highway safety; access unsuitable for heavy traffic; harm peace and privacy as access runs along residential boundary; damage to unacceptable amount of noise; Concern regarding the noise from assembling, starting and servicing of the scooters; Waste oil concern; Query regarding the transport statement claiming that there will be a reduction in traffic; concerns regarding the opening hours; existing building not insulated so noise will escape from building

**Consultations/Publicity responses**

Highway Officer                      No objection having regard to the existing use  
Public Protection                      No objection

**Determining Issues**

The main considerations of the application are;

1. Principle of development and Planning use of the site
2. Whether the proposed use would adversely harm the residential amenity of surrounding neighbours
3. Highway Considerations

**Considerations**

**Human Rights issues**

The application raises human rights issues in relation to Article 8 of the Human Rights Act 1998: *Right to respect for private and family life*

1. Everyone has the right to respect for his private and family life, his home and his correspondence;
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. It is considered that the application is compliant with the Human Rights Act 1998.

## Equality Act 2010

It is considered that the application is compliant with the Equality Act 2010.

### 1. Principle of development and Planning use of the site

The proposal site is outside of the settlement envelope of Cranfield on land that has been used for commercial purposes (namely a Landscaping Business) for a number of decades.

The golden thread that underlies the principles of the NPPF is the presumption in favour of sustainable development. One of the core principles is for sustainable economic development. The NPPF requests that applications respond positively for growth and encourage the reuse of land and states that significant weight should be placed on the need to support economic growth through the planning system.

Core Strategy Policy CS11 states:

#### **Policy CS11: Rural Economy and Tourism**

*The Council will seek to support the rural economy and promote tourism by:*

*Safeguarding rural employment sites in the district unless it can clearly be demonstrated that they are unfit for purpose and unable to be redeveloped for employment use.*

*Supporting diversification of the rural economy and the conversion of redundant properties to commercial, industrial, tourism and recreational uses in the first instance.*

*Providing for new small-scale employment allocations in the rural area where appropriate and there is demand locally.*

*Supporting diversification of redundant horticultural or farm buildings in settlements or in the countryside for employment purposes.*

*Supporting proposals for tourist or leisure developments in settlements or in the countryside including new tourist accommodation which provides opportunities for rural diversification and are well located to support local services, businesses and other tourist attractions.*

#### **Planning history background**

An appeal inspector's report for a refusal for residential development (MB/88/1353) in 1988 stated that, 'the land was covered in sheds, rubble, and stored paraphernalia relating to a landscape gardening operation'. Planning approval MB/98/01457/FULL was granted for a steel clad building for a B8 use. That application appears to confirm that an ancillary B1(c) use could be undertaken within the building and an approved plan indicates an area of outside storage for machinery adjacent to the north west boundary. Condition 9 of MB/98/01457/FULL states that the repair of any machinery shall take place within the building.

The planning use of the site has been discussed in detail with the Council's Legal Department and we consider that there is a case to be made that the site may already have a B8 and B1(c) use. Members may therefore query why a Lawful Development

Certificate has not been submitted rather a full application. It should be noted that the full application was submitted before the above information was understood and the applicant wishes to gain a formal approval so that they can purchase the land.

**2. Whether the proposed use would adversely harm the residential amenity of surrounding neighbours**

The proposal is for the change of use of the existing steel clad building for the storage and assembly of scooters and storage of spare parts, which is a B8 & B1(c) use.

The applicant (Grafton Motorcycles) maintain and assemble motorcycles for the fast food industry. The scooters arrive in part assembled flat-pack form and take approximately 40 minutes to an hour to assemble. Only basic tools are required for assembly. The scooters are then delivered to the customers by one of two engineers. The servicing and repair of scooters take place off site at the customers' premises. There would be no sales from Barretts Yard nor would customers visit the site. The parts store within the building would be used for the off-site service and repair of the scooters. The concern raised by neighbours regarding waste oil relates to the assembly of the scooters given that they do not arrive in flat-pack form with oil.

The applicant has stated that the only time repair work may need to take place within the building would be on the occasions where there has been a major mechanical failure that cannot be repaired off site.

The applicant has confirmed that the hours of use would be Monday to Friday (08:00 - 18:00) and not at weekends nor bank holidays. This would be an improvement on condition 9 of MB/98/01457/FULL approval for the steel clad building that states:

'No repair work shall be undertaken other than between the hours of 8:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No repairs shall take place on Sundays or Bank/Statutory holidays'.

Neighbours have raised concern regarding noise break-out from the existing building because it is not acoustically insulated. The applicant has confirmed that he will accept a noise condition to ensure that the Council has control of noise from the use. It should be noted that a B1(c) use is one which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The applicant has also confirmed that he would accept a personal permission. This would ensure that the Council has protection over any unrestricted B1(c) & B8 uses of the site.

Concern has been raised regarding loss of privacy/ residential amenity and the increase in vehicle movements on the access track. No.35 Crawley Road has a hedge and fence that mitigate the impact of vehicle traffic. No.33 has a low-level fence line. An appropriate boundary condition would help to mitigate any harm. Public Protection has no objections to the proposal and have stated:

'As the site already has a B8 use and the application is for the addition of a B1 use (which is for usage suitable in a residential area) it should mean that the new activities carried out on site should not cause a nuisance. We have received no complaints regarding the site and presume this will continue to be the case as almost all

servicing/testing and repair will take place off site. Should complaints be received, we would investigate accordingly and if applicable work in conjunction with planners to resolve any issues'.

**3. Highway considerations**

The site is accessed from one access point on Crawley Road. The access is approximately 3.5m wide along the majority of its 38m length widening to 9.3m at the junction with Crawley Road. The visibility from the access meets Manual for Streets and is between 160-200m. There is an existing parking area that meets the council's parking standards.

A transport statement has been submitted with the application to assess the trip generation from a B8/B1(c) when compared with the proposed use by Grafton Motorcycles. The transport statement has used the Trics database to assess a number of comparable uses. The assessment indicates that there would be a reduction in traffic numbers.

Whilst there may be an increase in traffic movements compared to the previous Landscaping Business, as discussed above there is a strong case that the existing use is B8 with B1(c). The worse case scenario of an unrestricted use of the site could potentially see a significant increase above the proposed use; the personal permission to the applicant would give the Council additional controls that would not be available to it should the site be used for an unrestricted B8/B1(c) use. It is considered therefore that on balance the proposed traffic generation is acceptable and would not unduly harm highway safety.

**Recommendation**

That Planning Permission be approved 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 No equipment, goods, waste or other materials shall be deposited or stored in the open outside the buildings on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the site and the surrounding area.

- 3 The premises shall only be used between the hours of 8 am to 6 pm Mondays to Fridays and not at all on Saturdays, Sundays and Bank Holidays.

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

4 This permission is for the sole benefit of Grafton Motorcycles and shall extend to no other person, partnership, firm or company.

Reason: To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicant's interest in the land and buildings.

5 Prior to the commencement of the approved development a scheme of noise attenuation measures for controlling noise from plant machinery or equipment shall be submitted in writing for the approved of the local planning authority. The scheme will demonstrated that noise resulting from the use of plant , machinery or equipment shall not exceed a level of 5dBA below the back ground level (or 10 dBA below if there is a tonal quality) when measured or calculated according to BS4142 : 1997 at a point one metre external to the nearest noise sensitive property.

Reason. To protect the residential amenity from noise.

6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1692/12/1, 1692/12/2 & 1692/12/3.

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.

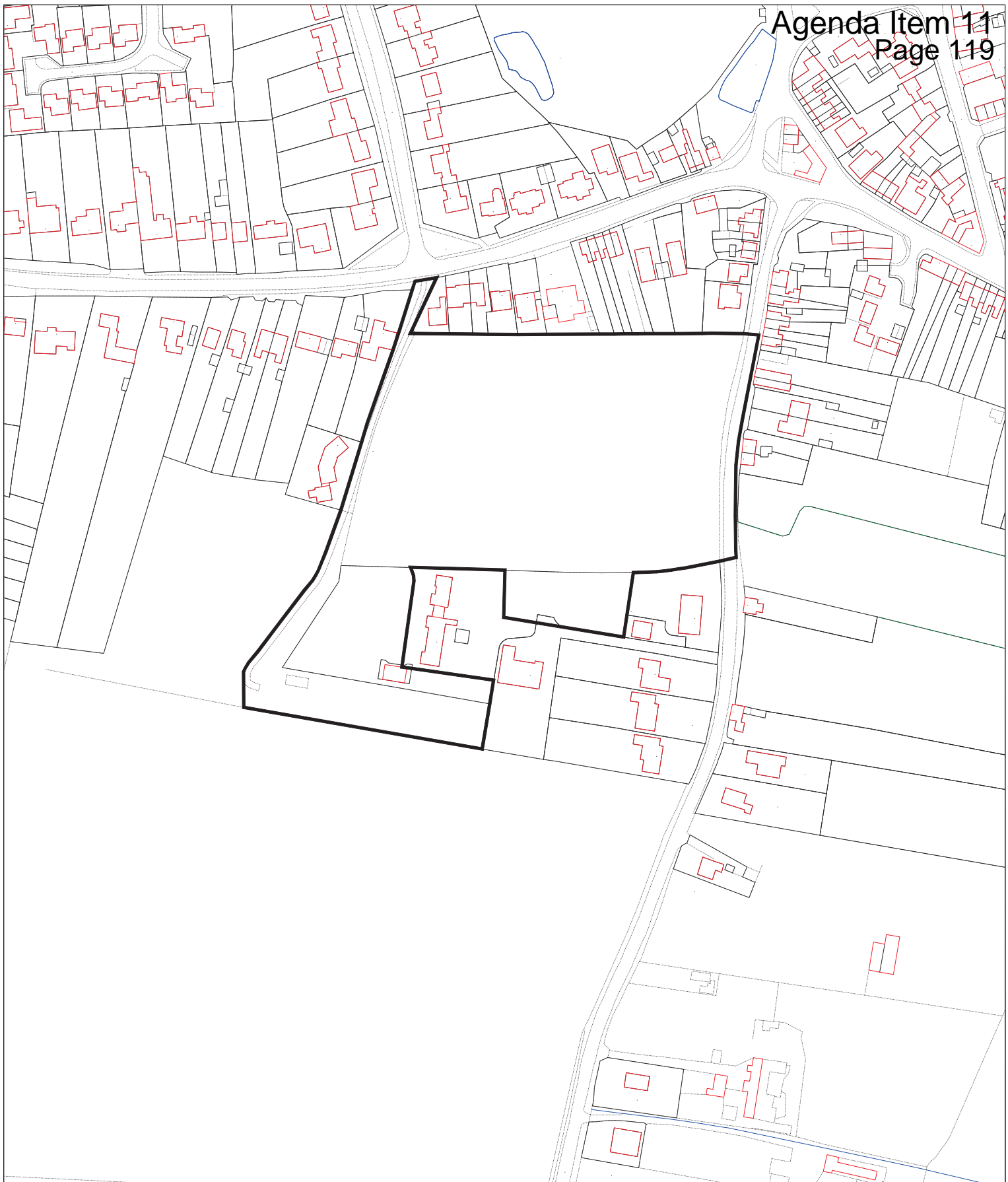
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

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**

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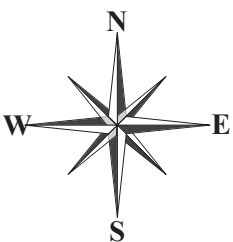


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Date: 04:June:2013

Map Sheet No

Application No  
CB/13/01208/FULL



Scale: 1:2500

Land at New Road, Clifton, Shefford

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**Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/13/01208/FULL</b>
<b>LOCATION</b>	<b>Land at New Road, Clifton, Shefford</b>
<b>PROPOSAL</b>	<b>Erection of 77 dwelling including affordable housing, an equipped area of play, access and associated works.</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>28 March 2013</b>
<b>EXPIRY DATE</b>	<b>27 June 2013</b>
<b>APPLICANT</b>	<b>Taylor Wimpey Ltd &amp; Mr T Cook</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This application was called to the Committee by Cllr Drinkwater for the following reasons: Access, highway safety and parking on and off the site; Layout and design Density and impact on the surrounding area</b>
<b>RECOMMENDED DECISION</b>	<b>Grant subject to conditions and a s106 agreement</b>

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

The development would, subject to conditions and planning obligations, cause no harm to the appearance of the site or the character of the area, would cause no unacceptable harm to living conditions at neighbouring properties, would result in acceptable standards of living accommodation for future occupiers and would cause no harm to the safe and free flow of traffic. The development would meet the specific site requirements of the Central Bedfordshire (North): Site Allocations DPD (2011) and would be in accordance with the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009), Design in Central Bedfordshire (a guide for development) (2010) and Appendix F (Parking Strategy) of the Central Bedfordshire Transport Plan (2012).

**Site Location:**

An area of land 2.62ha in area on the West side of New Road in Clifton. The New Road frontage is currently demarked by mature hedging and there is a private track running from Shefford Road that forms the Western edge of the application site. The site is characterised by existing hedging marking field boundaries.

To the North of the site are rear gardens serving houses on Shefford Road. To the East are houses and open countryside on the opposite side of New Road. To the South are No's 28, 30 and 32 New Road and open countryside beyond the extreme South of the site. To the West are No's 39 and 39a Shefford Road and open countryside lies to the South of those houses.

A number of people who live on New Road do not have off-street parking and park their cars on the road.

**The Application:**

Planning permission is sought for the erection of 77 dwellings made up of the following:

- Market Housing (50 units)
  - 3 x 2-bedroom houses
  - 22 x 3-bedroom houses
  - 25 x 4-bedroom houses
- Affordable housing (27 units)
  - 1x 1-bedroom dormer bungalow
  - 4 x 1-bedroom flats
  - 8 x 2-bedroom flats
  - 10 x 2-bedroom houses
  - 4 x 3-bedroom houses
- A Super Local Equipped Area of Play (SLEAP)
- Access from New Road

**Relevant Policies:**

National Policy

National Planning Policy Framework (2012)

Local Policy

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS4	Linking Communities – Accessibility and Transport
CS5	Providing Homes
CS7	Affordable Housing
CS9	Providing Jobs
CS13	Climate Change
CS14	High Quality Development
CS17	Green Infrastructure
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix

DM15 Biodiversity

Site Allocations (North) Development Plan Document (2011)

Planning Obligations Supplementary Planning Document (2009)

Design in Central Bedfordshire (a guide for development) (2010)

Appendix F (Parking Strategy) Central Bedfordshire Transport Plan (2012)

**Relevant Planning History:**

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

**Consultation responses:**

Neighbours were written to and press and site notices were published. The responses are summarised below:

Parish Council

- The development would conflict with local green infrastructure aspirations.
- The development would not be sustainable.
- There would be too many dwellings.
- The number and size of parking spaces would be wrong.
- Garden sizes would be wrong.
- Not enough play space would be provided.
- There is not enough capacity at the local school.
- The traffic, access and parking situation would be dangerous.
- Inadequate public consultation was carried out by the developer.

Neighbours

87 letters of objection and a petition containing 85 signatures on behalf of the Clifton Residents Association were received, commenting as follows:

- There would be overlooking at Nos 28 and 28a New Road if an existing hedge was removed.
- Introducing parking restrictions along New Road would be detrimental.
- The design of the development would be poor.
- The play space would be poorly located.
- There would be overlooking and a dominant impact at No 39 Shefford Road.
- The width of New Road is already problematic and the development would make the situation worse.
- There would be drainage and sewerage problems.
- The number of houses proposed is disproportionate to the size of the village.
- There should be no three storey buildings.

- Clifton does not have sufficient infrastructure to cope with the development.
- The road network would become dangerous.
- The play area could result in anti-social behaviour.
- There would be overdevelopment.
- The relationships between existing and proposed houses would be unacceptable.
- The retention of existing landscaping would undermine the quality of living accommodation.
- The loss of trees and hedging would be unacceptable.
- The access to the site should be from Shefford Road.
- Construction would be problematic for local residents.
- Not enough play space would be provided.
- The housing mix would be wrong.
- This site should not be developed.
- Affordable housing would not be dispersed properly.

**Consultee responses:**

Sustainable Transport	No objection
Play Officer	Provision of play space in line with policy requirements would be unduly onerous for a site of this size and the amount proposed would be acceptable. Some of the equipment would not be appropriate (a condition would require details of a revised scheme). Contributions towards outdoor sport, amenity space and indoor sports and leisure centres should be sought.
Housing Development Officer	Support the application because affordable housing would be provided in line with the Council's policy requirement.
Highways	The access to the site would be safe. No objection subject to conditions.
Internal Drainage Board	No objection
Archaeology	No objection
Environment Agency	No objection subject to condition and informative
Public Protection	No objection subject to condition.
Trees and landscaping	Concerned by the loss of trees and hedgerows at the site and the lack of proposed quality landscaping (a condition would require revised landscaping details).

Ecology                                      Concerned about the loss of trees and hedgerows at the site because of their ecological value (a condition would require revised landscaping details and details of bat and bird boxes).

### **Determining Issues:**

The considerations in the determination of this application are:

1.        The principle of the development
2.        Layout and appearance
3.        Neighbours and living conditions
4.        Traffic and parking
5.        Drainage, flooding and sustainability
6.        Other considerations
7.        s106 and affordable housing
8.        Conclusions

### **Considerations:**

#### **1. Principle of the development**

This is part of a larger site (2.76ha rather than 2.62ha) allocated by Policy HA16 (land at New Road, Clifton) of the Site Allocations Development Plan Document for:

- A minimum of 80 dwellings
- The provision of a Neighbourhood Equipped Area for Play (NEAP) situated in an accessible location (1000m<sup>2</sup> of play space with 30m buffers)
- Provision of adequate access to the site

The application site is smaller (by around 5%) than the allocated site because No 32 New Road would be retained, rather than incorporated in to the scheme.

The proposed development would not entirely satisfy the objectives of the site allocation policy for two reasons; the number of units proposed would be below 80 (77) and a Super Local Area of Equipped Play (SLEAP) rather than a NEAP would be provided at the site.

The applicant has satisfactorily demonstrated that notwithstanding the reduced size of this application site against the allocated site, to provide 80 units and 1000m<sup>2</sup> of play space (including the necessary 30m buffers) would result in a development more dense than would likely be found acceptable (in excess of 40dph).

As a result, this application proposes slightly fewer dwellings (77 rather than 80) and a reduced area of play space (550m<sup>2</sup> with 20m buffers rather than 1000m<sup>2</sup> and 30m buffers). The development would have a density of 30dph and that would be much more appropriate in a village location like this one.

The access to the site would be safe and adequate and will be described in

greater detail later in this report.

Despite not meeting the prescribed criteria of the site allocation policy in full, the development would meet the objectives of that policy, i.e. the provision of housing and a play area able to cater for the needs of existing local residents and future occupiers at the site and the development would be acceptable in principle.

## **2. Layout and appearance**

### Layout

Currently, the Eastern edge of the site is marked by a mature hedge running along the New Road frontage. This would be lost and clearly, that would change the appearance of the site and the street scene. A rural character would be replaced by a semi-urban appearance and a number of local people have raised this as a concern. When a site is allocated for residential development, inevitably it will look quite different once developed and here, the location of the play area and its associated landscaping at the front of the site would mitigate the impact of the loss of the hedge significantly.

The general layout at the site would be quite good with a rhythm and feeling of openness expected of a scheme of this density. The northwest corner of the site would be more dominated by car parking near to the road than might be desirable and the layout at Plots 24-37a at the West of the site would be less organised than might be ideal. Generally, though, the layout would be sound and would respond well to site and to the policy requirement for a minimum number of dwellings. A number of local people have raised concerns that the layout would be less organic and more urban than they would have liked see. In places, that is the case but the Council asked its urban design consultant for their opinion who felt that the layout responded well to the pressures at the site and that it was acceptable.

In addition to the hedge at the front of the site, some existing trees would be removed. Whilst the play area would present a good opportunity for new planting, more could be done throughout the rest of the site. A condition would require revised landscaping details to ensure that the appearance of the site would be as good as possible.

Rear gardens, would, for the most part meet the Council's standards in terms of size and layout. All gardens would be around 10m deep and whilst some would be smaller than 50m<sup>2</sup>, the proximity of the SLEAP at the front of the site would mitigate that. Larger houses would mostly be served by larger gardens.

### Design

The site does not fall within the Clifton Conservation Area, which begins nearer to the junction with Shefford Road and whilst it would have an impact on its setting, that impact would not be harmful because of the large area of landscaped play space that would sit at the front of the site.

The applicant's Design and Access Statement explains the approach that has

been taken in the design of the proposed buildings. The influence of existing local vernaculars is referred to and that influence is easier to see at some house types than others. The Council has sought notable amendments to the design of some of the buildings so that proportions and detailing would be improved. Significantly, proposed three-storey buildings at the North West of the site would be 2 storeys tall within flats in the roof space. The development would have a more modern design approach than neighbouring existing houses because they would be newer. Generally, the houses would be well designed and there would be a variety of house types.

### Play area

The play area would be smaller than the site allocation policy says that it should be (550m<sup>2</sup> rather than 1000m<sup>2</sup>). It is clear that the site, even were the whole allocation site put forward, could not comfortably accommodate a NEAP and at least 80 dwellings. The area of play proposed would be larger than would normally be expected of a site of this size (550m<sup>2</sup> rather than 400m<sup>2</sup>). It would be located at the front of the site where it could be easily accessed by existing Clifton residents as well as those that would live at the site. Local highway works that are described later in this report would improve pedestrian accessibility to the play area. Revised details of the specific equipment proposed would be sought by condition so as to ensure that it would be appropriate.

The impact of the development on the appearance of the site and the street scene, the layout of the development and the play space at the site would be acceptable.

### **3. Neighbours and living conditions**

The distance between first floor windows and neighbours to the North on Shefford Road would be at least 21m, but for between Plots 66a-71a and No 33. There, rear facing first floor windows at the two and a half storey block would not serve habitable rooms and they would be obscurely glazed so as to prevent overlooking being a problem. The gable end of Plots 60a-65a would be 8m away from the rear boundary shared with No 37a Shefford Road but there would be no windows in the elevation and it would not be so large or near as to cause an overbearing or oppressive impact.

Plot 77 would be 14m away from No 17 New Road, to the East and across New Road but that relationship would be common between front/side facing windows facing a highway. The impact of the development on the availability of parking for residents on New Road is described later in this report.

No 28 New Road, to the Southeast of the site has a large rear garden and is set by around 14m from its Northern boundary with the site and around 25m from its Western boundary. There is an existing tall hedge along both boundaries with the site the would prevent any overlooking problems. Even if that hedge was removed, distances between the rear of proposed houses and the rear of No 28 would be in excess of 21m. If the hedge was removed, there would be some overlooking of the rear garden at No 28 but it would not be any greater than might be expected in a residential area. The impact of garaging serving Plots 1

and 2 would be largely mitigated by boundary treatment.

No 28a New Road is a two-storey dwelling at the rear of No 28. It seems to have been used as an annexe at some point but now appears to be in separate occupation from No 28. Separate Council Tax has been paid at the dwelling since 1996. It has first floor rear facing windows facing the boundary with the site. Amendments were sought to 9a and it would now be a dormer bungalow with a front facing dormer. A rear facing roof window would be obscurely glazed and would serve a bathroom. These amendments would protect living conditions at both properties in the event that the existing tall boundary hedging was removed at any point in the future. No 28a would be able to look down in to the rear garden of Plot 9a but as a one bedroom house, it less likley to be occupied by a family and so this would be less problematic.

The nearest proposed house to No 34 New Road would be across the existing access serving No 30 and would have no side facing windows. Plot 10 would be 21m away from No 30 New Road and would have no side facing windows that might present problems.

The rear garden at No 32 New Road would be overlooked by first floor windows at Plots 10-19 but the garden there is very large and the impact would not be significant.

The rear garden of No 39 Shefford Road is long and runs parallel to the track leading from Shefford Road to the site. Plots 38 and 60a-65a would be between 10 and 12m away from the boundary with that garden at their nearest points but first floor windows facing that garden would not serve habitable rooms and would be obscurely glazed so as to prevent overlooking problems. The scale of the buildings and their orientations and siting would prevent any overbearing impact.

No 39a fronts the track and so would face the site. Plot 39 would face it at a distance of at least 16m which would be acceptable for a face to face relationship. Currently, the occupiers at No 39a are able park their car along the full depth of the frontage with the track. The submitted plans show a visitor parking space that would interrupt the ability of those occupiers to park at the Southern end of that site. That space could be removed when details of roads were submitted pursuant to a planning condition.

Overall, the development has been well designed to respond to adjoining buildings and no harm would be caused to living conditions at neighbouring properties.

#### **4. Traffic and parking**

##### Works to the highway

The applicant has submitted a Transport Assessment that sets out the likely impact that the development would have on the local highways network. The Council's Highways Team is satisfied that the evidence that fed in to the conclusions reached by the Assessment is accurate and that the impact on the highways network would be acceptable. Further, it is satisfied that the access to



the site would be safe, subject to the following measures, which are proposed:

- The introduction of a 'give way' system to the South of No 38 New Road to reduce traffic speed.
- The introduction of a crossing point to the North of the site access, allowing convenient pedestrian access to the play area.
- The introduction of parking restrictions around the New Road/Shefford Road and the Shefford Road/Broad Street junctions.
- The introduction of a footpath along the Western side of New Road (although this would be narrow outside of No 8 New Road).

Initially, more dramatic parking restrictions and road widening were proposed but it was felt that this could result in an increase in vehicle speed along New Road.

A number of residents on New Road do not have on-site car parking provision and so rely on New Road for on-street parking. The introduction of an access and the necessary splays would impact on the availability of parking spaces. Pressure would be less because the introduction of parking restrictions would be less than was initially proposed, but seven spaces are proposed in two lay-bys along the Eastern edge of the site on New Road to part mitigate the impact of the development on local car parking provision. These would be in addition to visitor parking spaces provided at the site.

The existing track leading from the West of the site to Shefford Road would be closed off for vehicular traffic in to the site and used as a pedestrian and cycling link. This link would be useful in connecting the site to the surrounding roads and services and would allow existing Clifton residents an opportunity to easily access the play area.

#### Parking at the site

Parking at the site would be provided broadly in line with the Council's current parking standards. Three units (Plots 10, 11 and 12) would have 2 spaces rather than 3 but 4 units (Plots 24, 25, 26 and 37a would have parking in excess of the standards. All but one of the 4 bedroom units would be provided with 4 spaces plus a double garage but because the double garages would not meet the Council's current internal space standards (they would be 5.9m wide and 6.3m deep internally), they have not been considered in an assessment of parking provision at the site. The Council's standards set out that 19 visitor parking spaces should be provided at the site. 16 would be provided would be removed post decision. A slight under provision of visitor spaces would not be so significant as to result in serious overflow parking on New Road that could justify the refusal of the planning application.

Overall, 227 spaces plus 16 visitor spaces would be provided against the policy requirement of 225 spaces and 19 visitor spaces. Garages serving the 4 bedroom houses could be used for storage.

The traffic and parking situation at the site would be acceptable.

## **5. Drainage, flooding, and sustainability**

Neither the Environment Agency or Internal Drainage Board has objected to the application. The EA has requested conditions that would ensure that drainage from the site was properly dealt with.

A condition would require details of how low-carbon and renewable energy sources would be used at the site.

## 6. Other considerations

### Ecology

The Council's Ecologist is concerned that the loss of existing trees and hedges at the site would reduce the site's ecological value. As such, a revised landscaping scheme would be sought by condition and a condition would control the provision of bird and bat boxes.

### Archaeology

The applicant has submitted a report that demonstrates, to the satisfaction of the Council's Archaeologist, that no harm would be caused to local archaeological heritage assets.

## 7. s106 and affordable housing

35% (27 units) would be affordable and they would be a mix of one, two and three bedroom units.

Contributions would be made to mitigate the impact of the development on existing local infrastructure in line with the Council's Supplementary Planning Guidance. The following contributions would be made:

Education: £607,479.34

Sustainable Transport: £37,883

Health Facilities: £48,625,

Leisure, Recreational Open Space and Green Infrastructure: £207,123

Community Facilities and Services: £584

Community Cohesion: £1,463

Waste Management: £3,674

Emergency Services: £16,772

**Total: £923,603.34**

These contributions would be acceptable.

## 8. Conclusions

The principle of residential development at this site is established as acceptable by the site allocation policy. Fewer units and a smaller area of play space than that set out in the policy is proposed but that is justified by the fact that a fully policy compliant scheme would have resulted in a density unlikely to have been found acceptable. The site is slightly smaller than that allocated but not to an extent that undermines the objectives of the site allocation policy. The design

and layout at the site would be generally good and the amount and quality of play space would be acceptable. No harm would be caused to living conditions at neighbouring houses. The access to the site would be safe and works to the highway would mitigate the impacts of the development. Parking would be provided broadly in line with the Council's standards. There would be no other planning impacts and the impact of the development on existing local infrastructure would be properly mitigated. Affordable Housing would be provided in line with the Council's standards.

**Recommendation:**

That Planning Permission is granted subject to the satisfactory completion of a s106 agreement reflecting the terms set out in this report and 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 a construction and environmental management plan has been submitted to and approved in writing by the Local Planning Authority which shall detail methods that all developers, contractors and subcontractors will employ and shall include:**

**Details of traffic routes and points of access and egress to be used for the construction process, Measures of controlling dust created by the development Measures to be used to reduce the impact of noise arising from the noise generating activities on site in accordance with best practice set out in BS:5228:1997 'Noise and vibration control on construction and open sites. The sighting and appearance of the works compounds Wheel cleaning facilities for construction traffic. The hours of work**

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

**Reason: to safeguard the amenities of adjoining occupiers, to protect the surrounding countryside, and prevent the deposit of materials on the highway.**

- 3 **No development shall commence at the site before details of the type and location of bat and bird boxes to be located at the site have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved before any unit at the site is occupied.**

**Reason: To ensure that the impact of the development on the ecological value of the site is reduced.**

- 4 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The scheme shall also include**

- 1. Details of all elements (i.e. modelling reference labels, designs, diameters, gradients, dimensions, and so on of all pipes, inspection chambers, and flow control device(s)) of the proposed drainage systems should be provided as part of the detailed surface water drainage scheme.**
- 2. Overland flood flow routes and subsequent flood risk in the event of surface water system failure. It is essential the flood flow is routed away from vulnerable areas and property, and that the development remains “safe”.**
- 3. Clear details of the ownership and responsibility of maintenance of all drainage including pipe networks, control structures and SUDS elements for the lifetime of the development.**

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.**

- 5 **Notwithstanding the submitted details, no development shall commence at the site before details of the proposed play area at the site including the proposed equipment, layout and materials to be used together with a timetable for implementation, and details of future management has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in accordance with the approved timetable.**

**Reason: To ensure that adequate provision is made for play at the site.**

- 6 **No development shall commence at the site before details of how the development will achieve a reduction in carbon emissions of at least 10% more than required by current Building Regulations through the use of on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: In the interest of sustainability.**

- 7 **No development shall commence at the site before details of bin storage/collection point have been submitted to and approved by the Local Planning Authority. The details shall be carried out as approved prior to the occupation of any dwelling at the site.**

**Reason: In the interest of amenity.**

- 8 **Notwithstanding the submitted details, no development shall commence at the site before revised details of hard and soft landscaping at the site have been submitted and approved by the Local Planning Authority. The details should include justification for the proposed loss of existing trees and hedgerows at the site and a timetable for the implementation, completion, management and maintenance of landscaping at the site. The details shall be carried out as approved.**

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

- 9 **Car parking shall be provided in accordance with drawing 479/03 B prior to the occupation of the relevant residential unit and shall be provided in full prior to the occupation of the last residential unit at the site.**

**Reason: To ensure that adequate car parking is provided at the site.**

- 10 **No development shall commence at the site before details and samples of materials to be used in the construction of external surfaces at the site 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.**

- 11 **No development shall commence at the site before details of boundary treatment to be used at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure adequate privacy for future occupiers.**

- 12 **No development shall commence at the site before details of existing and proposed site and slab levels and proposed cross sections through houses that border the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To protect living conditions of at neighbouring and proposed properties.**

- 13 **Notwithstanding the provisions of the General Permitted Development Order (or any subsequent order), no additional openings shall be formed in the North facing elevations of Plots 60a-65a, 66a-71a or the West facing**

elevations of Plots 38 or 39.

Reason: To protect living conditions at neighbouring properties.

- 14 Notwithstanding the provisions of the General Permitted Development Order (or any subsequent order), all first and second floor North facing windows at Plots 60a-65a, 66a-71a and all first floor West facing windows at Plots 38 and 39 shall be obscurely glazed and fixed shut below a height of 1.7m from first floor level.

Reason: To protect living conditions at neighbouring properties.

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [01 (Site Location Plan), 1 of 1 (Topographical Survey), JBA 13-53-02 rev A, JBA 13/53-01 rev B, JBA 13/53-03 rev A, 479/03 B, 479/04 B, HT-01 - 00, HT-02 – 01, HT-03-00, HT-04 – 01, HT-06 – 00, HT-07 – 01, HT-07/A – 00, HT-07/B – 00, HT-07/C – 00, HT-08 – 00, HT-09 – 01, HT-10 – 00, HT-11 – 00, HT-12 – 01, HT-13 – 01, HT-14 – 00, HT-15 – 01, HT-16 – 01, HT-17 – 01, HT-18 – 00, HT-21 – 00, HT-22 – 01, HT-23 – 00, HT-24 – 01, HT-25 – 00, HT-26 – 00, Foul and Surface Water Strategy, Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement, Flood Risk Assessment, Phase II Geo-Environmental Assessment Report, Archaeological Geophysical Survey of Land at Harbrook Lane, Clifton, Bedfordshire, Archaeological Desk Based Assessment, Draft Heads of Terms, Energy Statement, Planning Statement (including Affordable Housing Statement), Preliminary Contamination Assessment Report, Statement of Community Involvement, Energy and Sustainability Report, Design and Access Statement, Measured Works Schedule Softworks only, Residential Travel Plan, Transport Assessment and Ecological Survey].

Reason: For the avoidance of doubt.

### Notes to Applicant

1. Groundwater flooding was not considered as part of the flood risk assessment. The risk of groundwater flooding should be considered at the detailed design stage, if underground storage is to be used, and appropriate mitigation measures taken based on this assessment.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

2. [Groundwater and Contaminated Land](#)

We have reviewed the MLM Environmental Preliminary Contamination Assessment Report of 6 September 2012 (Ref: DMB/723732/R1), MLM Environmental Phase II Geo-environmental Assessment Report of 19 September 2012 (Ref: DMB/723732/R2) and MLM Environmental Foul and Surface Water Strategy drawing of 28 February 2013 (Ref: 615049/110) among other documents submitted with the application.

Following review of the above documents and our own information, we agree with the conclusion of the report that the site does not pose a significant risk to controlled waters, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency [Guiding Principles for Land Contamination](#).

3. [Environment Management](#)

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options in accordance with environmental permitting regulations and in particular the Duty of Care. Further information can be obtained from your local Environment Agency office.

Excavated material arising from land development works can sometimes be classified as waste. For further guidance on how waste is classified, and best practice for its handling, transport, treatment and disposal please see our waste pages at <http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. More information can be found in the Pollution Prevention Guidance 6 - Working at construction and demolition sites - at <http://www.environment-agency.gov.uk/static/documents/Business/EA-PPG6 - 03 2012 Final.pdf>

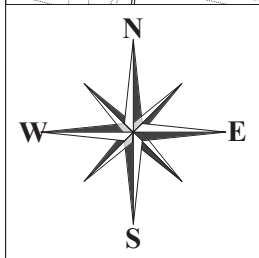
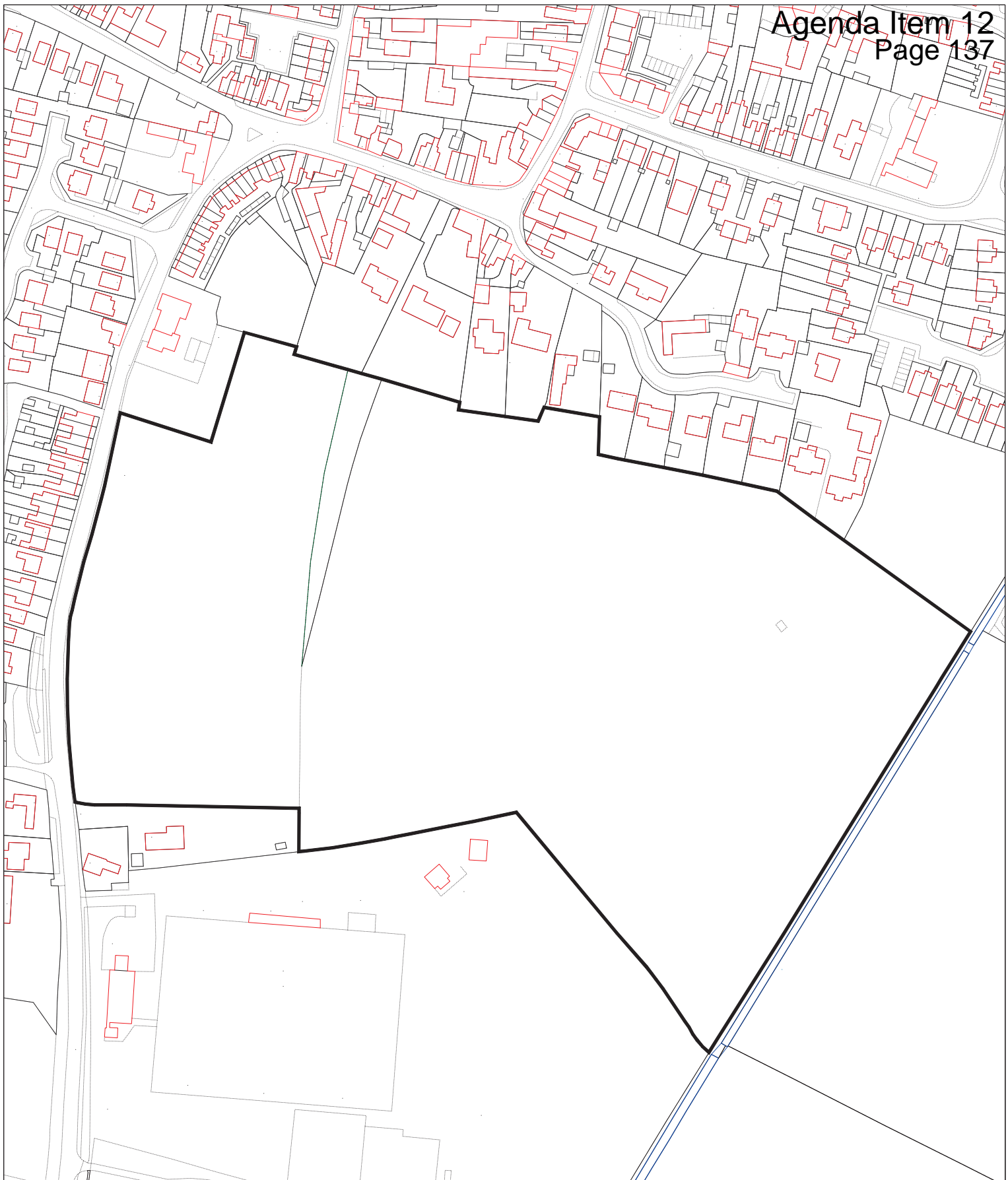
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

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**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 05:June:2013  
Map Sheet No

Application No  
CB/13/00921/OUT

Scale: 1:2500

Land on the East Side of Biggleswade Road, Potton

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<b>Item No. 12</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/00921/OUT</b>
<b>LOCATION</b>	<b>Land On The East Side Of, Biggleswade Road, Potton</b>
<b>PROPOSAL</b>	<b>Outline Application: mixed use development comprising up to 151 dwellings, employment premises, site for community hall, open space and new access (all matters reserved)</b>
<b>PARISH</b>	<b>Potton</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>21 March 2013</b>
<b>EXPIRY DATE</b>	<b>20 June 2013</b>
<b>APPLICANT</b>	<b>Potton Enterprises Ltd Linxcroft Leach Partnership</b>
<b>AGENT</b>	<b>D H Barford</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This application was called to Committee by Cllr Zerny because of concerns over the proposed road layout.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Grant subject to conditions and a s106 agreement</b>

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

The principle of the development would be acceptable and subject to the detail contained within applications for Reserved Matters and the approval of details pursuant to planning conditions, the development would cause no harm to the appearance of the site or the wider area, would cause no harm to living conditions at neighbouring properties, would cause no harm to the safe and free flow of traffic, would cause no harm to local landscape, ecological or heritage assets, would result in acceptable standards of living accommodation, would meet local employment, community and recreational need and would mitigate its impact on existing local infrastructure. It would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009), Design in Central Bedfordshire (a guide for development), the adopted Development Brief for the site (2012) and Appendix F (parking Strategy) of the Central Bedfordshire Transport Plan (2012).

**Planning Policy Context**

This site is allocated by Policy MA5 of the Site Allocations Development Plan Document for a mixed use development providing a minimum of 150 dwellings, approximately 1ha of B1 employment land, a community hall and an extension to the existing sports ground.

In addition, development would be subject to the following:

- The production of a development brief.

- The provision of a roundabout on Biggleswade Road.
- Provision of flexible employment units.
- Provision of multifunctional green space with biodiversity enhancements.
- Control of surface water drainage.
- Provision of an access to the existing recreation ground.
- Provision of sufficient foul sewer and wastewater treatment capacity.
- A buffer zone to protect future occupiers from odour.
- The preparation of a Transport Assessment.

In September 2012, a Development Brief was adopted as technical guidance for planning purposes by the Council.

### **Site Location:**

The site is located around 0.4km to the South of Potton Town Centre and to the East of Biggleswade Road. It has an area of approximately 7.4ha and is broadly rectangular in shape. The site slopes towards the South. Most of the trees at the site are protected by Preservation Orders and a dense hedge runs North to South through the site around 100m in from the Western boundary with Biggleswade Road.

The Western boundary of the site with Biggleswade Road is currently demarked by established planting that becomes less dense towards the North of the site. To the North East of the site is a petrol filling station. The Northern boundary of the site abuts rear gardens of houses on Blackbird Street and Horne Lane. Residential development is underway between the North East corner of the site and Braybrooks Drive. That development includes a road linking with Sheepwalk Close to the East. To the South West of the site are No's 81 and 83 Biggleswade Road. A tall, mature conifer hedge separates those houses from the site. To the South of the site is the Hollow sports ground. Potton Brook demarks the Eastern edge of the site and a line of conifers on its Western side. Beyond the brook is Potton Wood.

An area to the East of the site falls within the Environment Agency's Flood Zone 3. Potton Sewerage Treatment Plan is to the South of the site.

### **The Application:**

Outline planning permission (with all matters reserved) is sought for the erection of up to 151 dwellings, around 1ha of B1 employment floor space, a community building and public amenity space. If Outline permission was granted, subsequent applications for Reserved Matters (scale, appearance, layout, access and design) would need to be submitted to and approved in writing by the Local Planning Authority prior to development commencing at the site.

If planning permission was granted for this application, it would be subject to a s106 agreement, the details of which are set out later in this report.

### **Relevant Policies:**

#### National Policy

National Planning Policy Framework (2012)

Local Policy

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS4	Linking Communities – Accessibility and Transport
CS5	Providing Homes
CS7	Affordable Housing
CS9	Providing Jobs
CS13	Climate Change
CS14	High Quality Development
CS17	Green Infrastructure
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix
DM15	Biodiversity

Site Allocations (North) Development Plan Document (2011)

Planning Obligations Supplementary Planning Document (2009)

Design in Central Bedfordshire (a guide for development) (2010)

Appendix F (Parking Strategy) Central Bedfordshire Transport Plan (2012)

Site Specific Technical Guidance

Development Brief for Residential and Employment Mixed-use Development with Access, Open Space and Community Hall at Land East of Biggleswade Road, Potton

**Planning History:**

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

**Representations:**

Town Council

The Town Council has the following comments and concerns:

- Questions the need for industrial units, their relationship with proposed houses, the layout of the commercial area and the level of car parking proposed
- The pedestrian link to the town should be nearer to Biggleswade Road
- There should be a pedestrian crossing on Biggleswade Road

- The Town Council supports the principle of a new community building in Potton but would not want to be involved in the process of developing it

Neighbours

9 letters of objection were received, commenting as follows:

- Parking should be provided on Biggleswade Road
- 151 units cannot be accommodated at the site without causing harm to neighbours and so the principle is not sound
- The traffic situation would not be acceptable
- Shared surfaces within the site could be dangerous
- Access to the site would be unsafe and would result in the loss of hedgerow
- There is inadequate infrastructure in Potton
- There is a risk of flooding
- There would be harm to ecology
- There is no need for the development
- There would be noise and air pollution
- There would be problems with sewerage

12 letters of support were received, commenting as follows:

- The development will bring benefits to Potton
- Provision should be made for adequate on-plot parking and care should be taken to protect neighbouring living conditions
- s106 monies should be directed towards the 'Hall for All'
- Flood and the relationship with neighbours should be properly considered
- Light pollution should be considered
- There should be a lay-by for residents who live on Biggleswade Road
- The roundabout should act as a traffic calming tool
- There should be provision for cyclists and horse riders
- Pedestrian access to the town should be improved

**Consultee responses:**

Trees Officer	No objection subject to conditions
Landscape Officer	No objection subject to conditions
BRCC Green Infrastructure	No objection

Internal Drainage Board	No objection subject to condition
Sustainable Transport	No objection subject to conditions and s106 contribution
Land Quality	No objection subject to condition
Public protection	No objection subject to conditions
Archaeology	No objection subject to conditions
Environment Agency	No objection subject to conditions
Rights of Way Officer	No objection subject to conditions and s106 contribution

### **Determining Issues:**

The considerations in the determination of this application are:

1. The principle of the development
2. The appearance of the site
3. The impact on neighbours
4. Traffic and parking
5. Landscaping and ecology
6. Rights of way
7. Living conditions for future occupiers
8. Archaeology
9. Flood risk and drainage
10. Planning obligations

### **Considerations:**

1. Principle

#### Residential use

The site was allocated for a minimum of 150 dwellings. Since the allocation the Council has introduced new car parking standards and it is clear from the submitted indicative site layout that these have impacted on the ability of the site to accommodate more than 151 units. The indicative layout will be described later in the report but a condition would ensure that no more than 151 units were built at the site. The indicative layout shows that 4.4ha of land at the site would be used for residential development. If 151 units were proposed, they would be built at a density of 34.3dph, which would be around the Council's suggested range of 35-45dph for development in an area like this.

#### Employment use

The accompanying s106 agreement would require that 1ha at the site would be safeguarded for B1 employment use. This would help to achieve the vibrant, mix of uses that are the aspiration of new developments on sites like this one.

### Community hall use

The s106 agreement would require the transfer of at least 0.52ha of serviced land at the site to the Council for the development of a Community Hall. This would help to achieve the local aspiration of the provision of a new, multi-purpose and modern local community building.

### Open Space use

The s106 agreement would require that at least 1.48ha of land at the site be transferred to the Town Council for use as public open space. A commuted sum would be paid to ensure that it could be properly maintained. This would help to ensure the current and future Potton residents were able to enjoy additional open space in a location that would complement the existing sports ground to the South.

The principle of the proposed mix of uses was established when the site was allocated for development and it was reinforced when the Development Brief was adopted and would be acceptable.

## 2. Appearance and layout

This is an Outline planning application with all matters reserved for subsequent approval and so the appearance and layout at the site are not for consideration now. An indicative layout has been submitted in order to seek to demonstrate that the amount of development proposed can be accommodated at the site but it need not be relied upon going forward. The Council would not be committing to accept the indicative layout by approving the application. Whilst for the most part, the indicative layout would be acceptable, there are problems with it. These include the relationship between Plot 112 and No 10 Horne Lane and the positioning of units to the South of the prescribed odour contour. It may be that the mix or number of units proposed at Reserved Matters stage would be different so as to result in an acceptable layout but it is clearly the case that an acceptable development of up to 151 units could be accommodated at the site.

The applicant is required to set scale parameters for the development at outline stage. They have set out that residential development would be largely 2 storeys with elements of single and two and a half storeys and that dwellings would be arranged as detached, semi-detached, terraced and flatted housing. These would be generally characteristic of existing development in Potton.

A condition would control materials at the development.

## 3. Neighbours

This is an Outline planning application and so the layout, and its impact on neighbours would be assessed at Reserved Matters stage. It is clear from the submitted indicative layout that a development of the scale proposed could be accommodated without causing unacceptable harm to living conditions at neighbouring properties. The relationship between Plot 112 and 10 Horne Lane would not be an acceptable one but it is conceivable that the layout could be satisfactorily amended so as to address this.



A condition would control boundary treatment and that would be especially important along the Northern edge of the site.

Conditions could be attached to an approval of Reserved Matters for the Community Building at the site, depending on the uses proposed and the size and location of that development so as to protect living conditions for existing occupiers from noise and disturbance.

#### 4. Traffic

This is an outline planning application and so details of access to and within the site and car and cycle parking would be considered at Reserved Matters stage. An indicative plan showing access to the site (comprising a roundabout on Biggleswade Road) has been submitted and it demonstrates that safe access can be provided to the site.

A traffic assessment has been submitted that demonstrates to the satisfaction of officers that the development would not place undue pressure on the local highways network subject to the following works, that would be secured by condition:

- The carriageway would be reduced to 5.5m in width along the site and petrol filling station frontage so as to reduce speed.
- The introduction of a footpath on the Eastern side of Biggleswade Road along the boundary with the site and the petrol filling station.
- The realignment of the bend on the South East corner of the junction with Station Road with the inclusion of a refuge to accommodate car parking.
- The replacement of the traffic island on Station Road with a T junction and crossing point in front of the public house and a zebra crossing across Station Road.

The submitted Traffic Assessment demonstrates that the impact on roundabouts in Biggleswade would not be sufficient to warrant contributions towards those infrastructure projects.

#### 5. Landscape and ecology

There are a number of protected trees at the site, which would be retained. A condition would ensure that they were properly protected during construction. The hedge that runs between the North and South of the site makes an important aesthetic and ecological contribution at the site and it would be retained. A condition would secure details of its long-term management and maintenance.

An ecological report submitted with the application highlighted a lizard presence at the site and a condition would require details of their proper relocation in advance of development commencing at the site.

A condition would require full details of hard and soft landscaping at the site.

#### 6. Rights of Way

The site presents valuable opportunities in terms of improving local connectivity and a pedestrian link between the site and the Hollow Recreation Ground would be secured by condition.

A number of consultation responses have highlighted a desire for a pedestrian link to be established between the North East corner of the site and the town. Certainly, access between the town and the proposed open space and community building and the existing sports ground to the South would be advantageous.

A link to the North Eastern corner of the site would be secured by condition. At the current time, the applicant is not in a position to propose a public right of way between the edge of the site and Sheepwalk Close because it involves land outside of their ownership. However, once the development under construction to the North East of the site is completed, a legal right of way between the edge of the site and Sheepwalk Close will exist for owners and occupiers at most of the site (broadly, those to the East of the hedge running through the site and including the Town Council as owners of the open space and the Council as owners of the Community building land). Owners or occupiers would be able to authorise anybody to use the private right. Whilst in practice, this situation could be acceptable, it is less desirable than a public right of way over the land being established. As such, a contribution would be secured through a s106 agreement that would allow the Council to seek to secure a public right over time. The Council's Rights of Way Officer is satisfied with these proposals.

## 7. Living conditions

Details of internal living spaces and rear gardens would be considered at Reserved Matters stage.

The proximity of the site to the Treatment Plant to the South has resulted in an odour contour that has been agreed with Anglian Water. A condition would ensure that no residential units were built below it. Conditions would ensure that deliveries and activities associated with the commercial development at the site did not cause harm to living conditions and a condition would ensure that houses were protected from light pollution from the sports ground to the South and from road traffic noise.

Conditions could be attached to an approval of Reserved Matters for the Community Building at the site, depending on the uses proposed and the size and location of that development to protect future occupiers from noise and disturbance.

The provision of play space within the site and the transfer of 1.48ha of open space to the Town Council would be secured through condition and the s106 agreement.

## 8. Archaeology

A Written Scheme of Archaeological Investigation was submitted with the application and the Council's Archaeologist is satisfied that subject to conditions, no harm would be caused to local heritage assets at the site.

9. Flood risk and drainage

Part of the site falls within the Environment Agency's Flood Zone 3 but it is satisfied that subject to conditions, there would be no significant risk associated with this. Site drainage would also be controlled by condition.

10. Planning obligations

35% of the dwellings at the site would be affordable and that the tenure and unit mix would be assessed at Reserved Matters stage.

Planning obligations would be secured by a s106 agreement and would be made in accordance with the Council's Planning Obligations Supplementary Planning Guidance.

Normally, s106 contributions would be allocated to various spending areas, each seeking to mitigate a particular impact that a development would have on existing local infrastructure.

The spending areas, and the proposed contribution are set out in the table below:

Education	£479,991 (currently being negotiated)
Sustainable Transport	£70,517
Healthcare	£181,200
Leisure, Recreational Open Space and Green Infrastructure	£385,956
Community Facilities and Services	£77,916
Community Cohesion	£2,896
Waste Management	£6,946
Emergency Services	£31, 257
Public Realm and Community Safety	£33,371
<b>Total</b>	<b>£1,270,050</b>

A local group called the Hall for All Committee have asked the Council to consider allocating a proportion of the s106 contributions made by this development towards the building of a Community building on the land that would be allocated for that building and transferred to the Council. The group sets out that there is a local aspiration for a new multi-use hall but it has not been realised because of an inability to find a site.

The group has carried out local consultation, which they say has established that there is significant local support for the project. The Town Council has been clear that whilst it would not look to become directly involved in the project, it supports it in principle.

The Committee have commissioned a feasibility study that it says established that a hall in this location could be viable over time.

The group's initial costings estimate that the building will cost £1.5m and in order

for the aspiration to be realised, a large amount of that total would need to be raised through the diversion of s106 funds.

The reallocation of an education contribution or a sustainable transport contribution (cycle route provision in and around Potton is a priority) would not be supported but the reallocation of other contributions made by this development would be supported because of the exceptional circumstances presented by this opportunity to realise local and policy aspirations. These would total £719,542.

The Council would be protected in two ways. Firstly, it would not release any funds to the project before being satisfied that the development was properly costed, realistic and viable. It would need to be demonstrated that if funds were released, the building would be built. Secondly, in the event that the scheme did not progress for any reason, funds would be allocated back to their original spending areas after a prescribed amount of time. The Council would, it is envisaged, maintain ownership of the site and lease it to the Committee or to another similar body.

If successful, such an arrangement could result in a modern, multi-purpose facility for current Potton residents and those who would be new to the area as a result of the development at the site.

### **Recommendation:**

That Outline Planning Permission is granted for the development subject to conditions and a s106 agreement and that the Committee support the principle of allocating s106 funding towards the provision of a new community building in Potton subject to the safeguards set out in this report.

### **Conditions:**

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission. The development shall begin not later than two years from the date of the approval of the final 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 commence at the site before the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
  - access
  - appearance
  - landscaping
  - layout; and
  - scale,

**Reason: To comply with Article 4 of the Town and Country Planning**

**(Development Management Procedure) (England) Order 2010.**

- 3 No development shall commence at the site before a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Applications for reserved matters and for the approval of details pursuant to a planning condition shall be made with reference to the relevant phase as shown on the phasing plan.**

**Reason: To ensure that different elements of the development can come forward at the appropriate time.**

- 4 No development shall commence at a phase before details of materials to be used in the external construction of the buildings at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

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

- 5 No development shall commence at a phase before details of boundary treatment to be used at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and shall be completed before any buildings at the phase are first brought in to use.**

**Reason: To ensure that the appearance of the development and living conditions for future occupiers would be acceptable.**

- 6 No development shall commence at a phase before details of hard and soft landscaping for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and shall be completed before any buildings at the phase are first brought in to use.**

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

- 7 No development shall commence at a phase before a Landscape Maintenance and Management Plan for a period of ten years from the date of submission for that phase has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be maintained and managed in accordance with the approved plan.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 8 No development shall commence at a phase before details of protection of retained trees and/or hedges during construction at that phase 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 trees at the site are properly protected.**

- 9 **No development shall commence at the site before a scheme for the management and maintenance of the existing hedgerow running between the North and South of the site for a period of ten years has been submitted to and approved in writing by the Local Planning Authority. The plan shall address the role of the hedge as a bat flightpath and shall be carried out as approved.**

**Reason: To ensure that landscaping and ecology at the site are properly protected.**

- 10 **No development shall commence at the site before a Lizard Translocation Plan 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 no harm is caused to local ecology.**

- 11 **No development shall commence at the site before details of pedestrian routes within the site to its boundaries to the Northeast (Sheepwalk Close) and South (the Hollow Recreation Ground) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in accordance with a timetable submitted to and approved in writing by the Local Planning Authority and shall permanently retained and kept clear of obstruction thereafter,**

**Reason: To ensure that there are acceptable links between the site and near by facilities.**

- 12 **No development shall commence at a phase before details of existing and proposed site and slab levels and proposed cross sections between the phase and neighbouring buildings that shall be agreed in writing beforehand at that phase 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 and that no harm would be caused to living conditions at neighbouring properties.**

- 13 **No development shall commence at the site before a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of:**

- **Predicted travel to and from the site by mode.**
- **Details of existing and proposed travel provision in the vicinity of the site, to specifically include linkages to, standard of and any specific issues related to pedestrian, cycle and public transport wider networks.**
- **Outcome based targets to reduce private car use that are**

realistic, reflect the site context and are informed by the local travel data. They may focus on a particular journey purpose, mode or user group.

- Proposed Initiatives to achieve the reduction in private car use and facilitate walking, cycling and use of public transport (to include infrastructure, information and incentives).
- Details of the timescale for appointment, funding and responsibilities of a Travel Plan Coordinator for the site.
- Timetable for implementation of proposed measures and achievement of targets.
- Plans for annual travel monitoring (where, how what), review of information obtained, mechanisms and funding available to implement any actions required. This needs to be carried out for a period of 5 years after which the obligation will be reviewed by the planning authority, taking account of the progress made towards targets.
- Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.
- Uploading of information in the Travel Plan to iOnTRAVEL, Central Bedfordshire's travel plan management tool.

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

Reason: In the interest of sustainable transport.

- 14 No development shall commence at the site before a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment, and shall also include:

- Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the Q<sub>BAR</sub>, Q<sub>30</sub>, Q<sub>100</sub> and Q<sub>100</sub> plus climate change storm events, of the critical storm season and duration;
- The results of all infiltration rate testing should be submitted, including a plan to show the location of each test pit;
- Full results of proposed drainage system modelling in the above-

referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;

- Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;
- Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.
- Details of peak seasonal groundwater levels at proposed soakaway locations, as well as details of finished levels of the proposed soakaways, in relation to peak seasonal groundwater levels.

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and the Potton Brook) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 15 **No development shall commence at the site before a full & detailed scheme for the provision and implementation of foul and surface water drainage and pollution control has been submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans in order to ensure a satisfactory method of foul and surface water drainage and pollution control.**

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and the Potton Brook) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed



**infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.**

- 16 **No development shall take place at a phase that includes a residential use before a scheme to protect future occupiers at the dwellings within that phase from road traffic noise and noise associated with the neighbouring petrol filling station has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential unit within that phase.**

**Reason: To protect living conditions at neighbouring properties.**

- 17 Deliveries to non-residential buildings at the site shall not take place outside of 0800 and 1800 Monday to Saturday and shall not take place at all on Sundays or Bank Holidays.

Reason: To protect living conditions for future occupiers.

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

Reason: To protect living conditions at neighbouring properties.

- 19 **No development shall take place at a phase that includes a residential use before details of a scheme to protect future occupiers from light associated with the Hollow Recreation Ground has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential unit at the phase.**

**Reason: To protect living conditions for future occupiers.**

- 20 No residential development shall take place where the provision of a residential unit or its curtilage (Including the garden) is situated within the 1.5 ouEe/m<sup>3</sup> contour plot as indicated on Drawing Number 11.7082SK10 dated February 2013.

Reason: To protect living conditions for future occupiers.

- 21 **No development shall take place 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 full accordance with the approved scheme.**

**Reason: To protect local heritage assets.**

- 22 **No development shall take place at the site before a Written Scheme of Building Recording for the warden's post at the site 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 protect local heritage assets.**

- 23 No dwelling shall be occupied at the site before a watching brief sign-off report has been submitted to and approved in writing by the Local Planning Authority. The Brief shall demonstrate that no contamination was suspected or discovered during earthworks or development and shall have been produced by a qualified Environmental Specialist. The Brief shall include photographs and contemporaneous notes along with samples, where necessary and particular attention shall be paid to the general vicinity of the adjacent petrol filling station.

Reason: To protect human health and the environment.

- 24 **No development shall commence at any phase before details of how renewable and low carbon energy sources would generate 10% of the energy needs of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: In the interests of sustainability.**

- 25 **No development shall commence at a phase including residential units before details of the layout of play space at that phase including the type of equipment to be included and a maintenance plan have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in advance of the occupation of any residential units at that phase.**

**Reason: To ensure that the standard of accommodation at the site would be acceptable.**

- 26 There shall be no more than 151 units at the site.

Reason: To ensure that the site is not overdeveloped.

- 27 **No development shall commence at a phase before detailed plans and sections of the proposed internal estate roads, including gradients and method of surface water disposal relating to that phase have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied at that phase before 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.

- 28 **No development shall commence at the site before full engineering details of the roundabout junction arrangements and other off-site highway works to provide a continuous footway link to the town centre and suitable pedestrian crossings shown for indicative purposes on plans H001 and M-274P have been submitted to and approved by the Local Planning Authority and no building approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.**

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

- 29 This permission shall not extend to the layout and associated engineering details submitted in support of the application. All highway related development submitted for reserved matters approval shall be designed in accordance with the criteria laid out in Design in Central Bedfordshire Design Supplement & Movement, Streets and Places or any amendments thereto.

Reason: For the avoidance of doubt.

- 30 **No development shall commence at the site before details of a scheme detailing access provision to and from the site for construction traffic and 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 as approved.**

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

- 31 **No development shall commence at the site before 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 as approved.**

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

- 32 **No development shall commence at the site before 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.**

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

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

- 34 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M-274/P, 11.7082.SK10, 11.7082.SK11, H001, Planning, Design and Access Statement, Survey Sheet 1, Survey Sheet 2 of 2, Flood Risk Assessment prepared by MTC dated February 2013, Tree Survey and Constraints Plan prepared by Hayden's revised July 2012, Industrial Development Land report prepared by Barford and Co dated February 2013, Ecological Appraisal and protected Species report prepared by Green Environmental Consultants updated August 2013, Archaeological Field Evaluation and Heritage Asset Assessment prepared by Albion dated August 2012, Geo-Environmental Investigation prepared by MTC dated January 2012, Draft Framework Travel Plan prepared by SLR dated February 2013, Services Report prepared by MTC dated June 2012 and Transport Assessment prepared by SLR dated February 2013, except in the case of drawing numbers 11.7082.SK10, 11.7082.SK11, H001, which are indicative.

Reason: For the avoidance of doubt.

## Notes to Applicant

### 1. Waste

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;

treated materials can be transferred between sites as part of a hub and cluster project;

some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

Duty of Care Regulations 1991;

Hazardous Waste (England and Wales) Regulations 2005;

Environmental Permitting (England and Wales) Regulations 2010;  
The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, including in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' for waste to be removed from site, and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

## 2. Sustainable Drainage Systems (SuDS)

The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels, which have yet to be ascertained. We consider that deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). Deep soakaways increase the risk of groundwater pollution. See our Groundwater Protection GP3(2012) documents, particularly G9, for further information.

## 3. General

How we classify groundwater bodies within England and Wales changed in response to the Water Framework Directive and related UK enabling legislation. A summary of the changes can be found at <http://www.environment-agency.gov.uk/homeandleisure/117020.aspx>, with the new maps available on the "What's in my Backyard" section of our website.

Please also see our advice to the LPA on land contamination and related surface water drainage and foundation solutions and our technical comments on the submitted reports.

We recommend that developers should:

1. Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
2. Refer to our **NEW** "Groundwater Protection: Principles and practice (GP3:2012 v1)" documents including waste management, land contamination, drainage and effluent drainage (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);
3. Refer to our 'Position Statement on the Definition of Waste: Development

Industry Code of Practice';  
4. Refer to our "Technical Aspects of Site Investigations" Technical Report P5-065/TR;  
5. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

4. The applicant is advised that in order to comply with this permission and implement any reserved matters development 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.
5. 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.
6. The applicant is advised that as a result of the reserved matters 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.
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the reserved matters estate roads as highways maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
8. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements

must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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

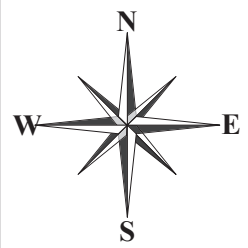
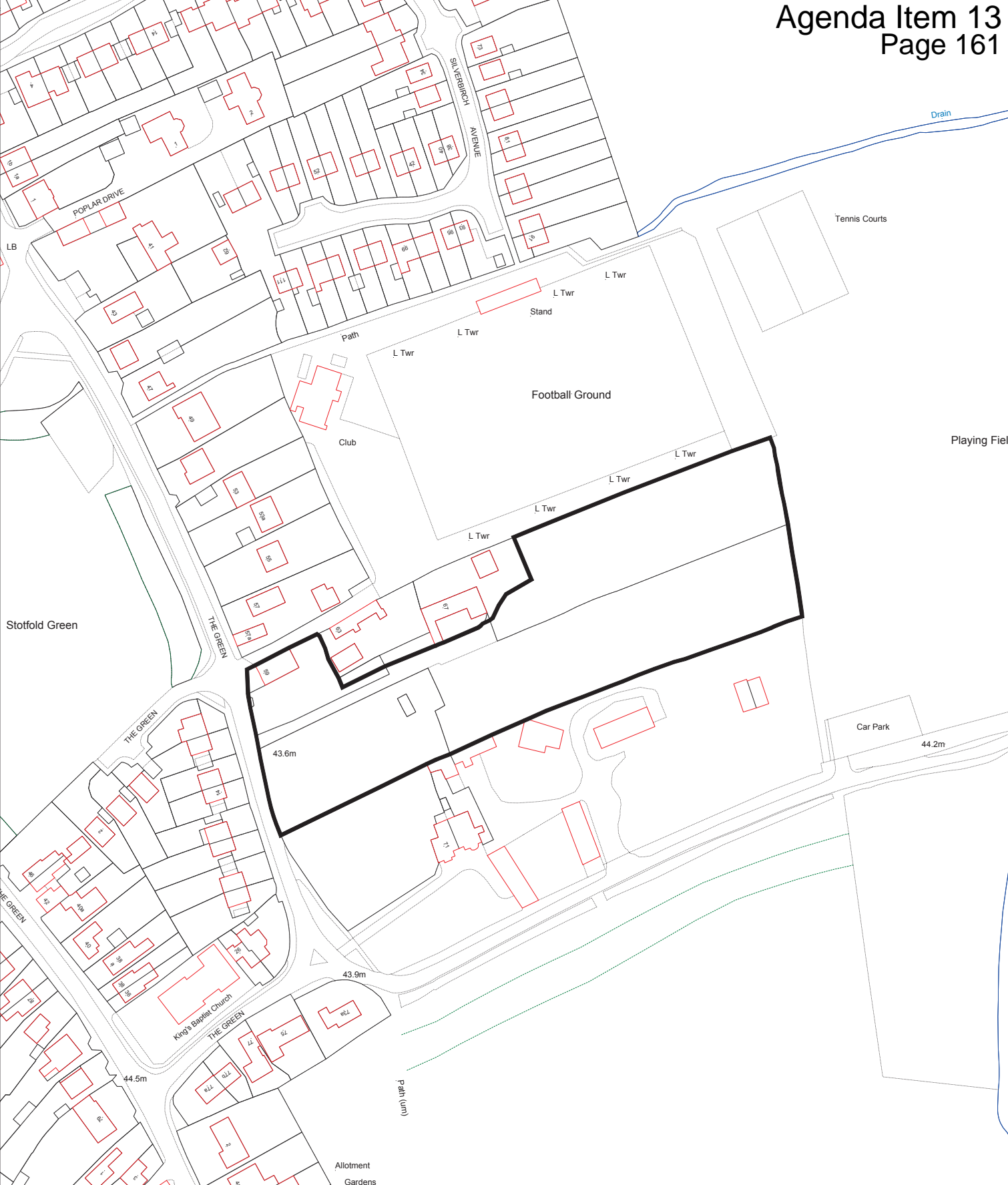
The Council acted pro-actively through positive engagement with the applicant during the determination process and engaged with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development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

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Date: 05:June:2013

Map Sheet No

Application No  
CB/12/01722/RM

Scale: 1:2000

Land at 59 & 69 The Green, Stotfold, Hitchin, SG5 4AN

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<b>Item No. 13</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01722/RM</b>
<b>LOCATION</b>	<b>Land at 59 &amp; 69 The Green, Stotfold, Hitchin, SG5 4AN</b>
<b>PROPOSAL</b>	<b>Reserved Matters: Residential development of 33 dwellings (pursuant to outline planning permission CB/10/02061/REN dated 31 August 2010)</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Clarke, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>10 May 2012</b>
<b>EXPIRY DATE</b>	<b>09 August 2012</b>
<b>APPLICANT</b>	<b>Abbey New Homes</b>
<b>AGENT</b>	<b>AAP Architecture</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>A decision on this application was deferred by the Committee in March to allow an opportunity to look again at car parking and the relationship of the site with the near by skate park. The application was originally before the Committee because of an Objection from the Town Council to a major application.</b>
<b>RECOMMENDED DECISION</b>	<b>Reserved Matters - Grant subject to conditions</b>

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

The principle of the development on this site has already been established on the outline planning permission (CB/10/02061/REN), and the details in this application relating to layout, scale, external materials, landscaping and noise impacts, are considered to be acceptable to preserve the character of the area, and the residential amenity of neighbouring and new properties. Therefore, by reason of its site, design and location, the proposal is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009 and the National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

**Planning Context:**

A decision on this application was deferred by the Development Management Committee at its March meeting so as to allow an opportunity to address an under provision of car parking at the site and to look again at the relationship between the site and an existing skate board park to the East. The number of car parking spaces at the site would be increased and having looked again at the issue of noise related to the skate park, it is considered that on balance, planning permission should not be withheld for that reason. As such, the approval of this application subject to conditions is recommended.

**Site Location:**

The site lies to the east side of The Green and currently comprises two properties, namely no's. 59 & 69 The Green. No. 59 is the site of the old Salvation Army Hall and No. 69 is a timber framed two storey dwelling. The garden land of these two buildings and also the garden land of No. 67 constitutes the majority of the application site.

The site is relatively flat with no significant features. The surrounding area comprises a public park to the immediate east, beyond which open countryside is located. A small skate park, circular cycle track and MUGA are located within the park, the Skate park and cycle track being located to the immediate east of the application site. Manor Farm and associated out buildings is located to the south. Stotfold Football Club (Roker Park) lies to the north, which has an outline planning permission for residential development. Residential properties surrounding The Green are located to the west of the site.

The site is within the settlement boundary for Stotfold but is not an allocated site in the LDF Site Allocations DPD. There are no other planning designations affecting the site.

### **The Application:**

This is a reserved matters application following the granting of outline permission in MB/06/00738/OUT, for a residential development with all matters reserved except means of access. This permission was subject to an extension of time application under Section 73 of the Town and Country Planning Act in 2010 (CB/10/02061/REN). A new set of reserved matters and conditions were attached to this latter planning permission. The current submission also includes details pursuant to conditions 6 and 7 of CB/10/02061/RM (protection against noise and lighting from the use of adjacent land).

### **RELEVANT POLICIES:**

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

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

#### **Central Bedfordshire North Core Strategy and Development Management Policies, 2009:**

- CS2 - Developer contributions
- CS3 - Healthy and sustainable communities
- CS4 - Linking communities
- CS7 - Affordable housing
- CS13 - Climate change
- CS14 - High quality development
- CS15 - Heritage

CS16 - Landscape and woodland  
CS17 - Green Infrastructure  
CS18 - Biodiversity and geological conservation  
DM1 - Renewable energy  
DM2 - Sustainable construction of new buildings  
DM3 - High quality development  
DM4 - Development within and beyond settlement envelopes  
DM10 - Housing mix  
DM13 - Heritage in new development  
DM14 - Landscape and woodland  
DM15 - Biodiversity  
DM16 - Green Infrastructure

### **Development Strategy for Central Bedfordshire (pre-submission version Jan 2013)**

Policy 1	Presumption in favour of sustainable development
Policy 27	Car parking
Policy 43	High quality development
Policy 44	Protection from environmental pollution
Policy 47	Resource efficiency
Policy 48	Adaptation
Policy 49	Mitigating flood risk
Policy 59	Woodlands, Trees and Hedgerows

### **Supplementary Planning Guidance**

Central Bedfordshire (North) Site Allocations DPD, April 2011  
Design in Central Bedfordshire - A Guide for Development, 2010

### **Planning History**

CB/12/00349/RM	Reserved Matters: Residential development of 33 dwellings (pursuant to outline planning permission CB/10/02061/REN dated 31 August 2010). <b>Withdrawn.</b>
CB/11/00126/SE73	Section 73: Variation of Condition 8 on planning approval CB/10/02061/REN dated 31 August 2010 for residential development (all matters reserved except means of access) replacement of planning permission MB/06/00738/OUT dated 7 September 2007. Condition 8 amended to show visibility splay as indicated on drawing E1130/2. <b>Granted.</b>
CB/10/02061/REN	REN: Residential development (all matters reserved except means of access) replacement of planning permission MB/06/00738/OUT dated 7 September 2007. <b>Granted.</b>
CB/10/01172/OUT	Adjoining site to the north: Outline: The erection of 43 No. dwellings (all matters reserved except access). <b>Granted.</b>
MB/06/00738/OUT	Outline: Residential Development (all matters reserved except means of access) - <b>Approved 07/09/07.</b>

**Representations:  
(Parish & Neighbours)**

Stotfold Town Council

**Object** to the proposal on the following grounds:

- The garages do not meet Central Bedfordshire Council guidelines for size
- Insufficient parking
- The fence between Stotfold Football Club and the development is only 1.8metres high, which will allow footballs to enter domestic dwellings

Neighbours

Four letters have been received from the occupiers of the following neighbouring properties:

29 Queen Street, Stotfold;  
83 The Green, Stotfold;  
2 Wrayfields, Stotfold; and,  
73 Regent Street, Stotfold.

These residents **object** to the proposal on the following grounds:

- Overdevelopment of the site
- The site has not been allocated for housing
- The development will put additional pressure on the public utility services
- Additional traffic
- The development will put additional pressure on school places and the existing schools will not be able to accommodate the additional demand
- The development would not preserve the character and appearance of the countryside
- Increase the number of dogs in the area

One letter has been received from the occupier of 29 Queen Street commenting on the application:

- Would like the trees at the front of the site to be retained as part of the landscaping scheme, but not enclosed by private gardens

### **Consultations/Publicity responses**

Archaeology	No objections (subject to condition)
Tree and Landscape Officer	No objections.
Internal Drainage Board	No objections.
Highways	No objections.
Waste Services	No objections, subject to details of collection points etc. being secured.
Public Protection	Commented in September 2012 that the applicant had provided insufficient information to demonstrate that the proposed layout will not result in detriment to residential amenity from noise and light from adjacent land uses,

and therefore objected to the proposal. The applicant provided a noise impact assessment in November 2012, which concluded that with mitigation, the impacts upon residents would be negligible. The noise assessment used a methodology based on assessments of clay-pigeon shooting (to mimic the nature of skate park noise), which the consultant considers to be the most appropriate in this case. Public Protection have viewed the report and mitigation, and remain unsatisfied that the impacts from the skate park and football club have been fully assessed or mitigated against, and therefore maintain an objection to the proposal.

Further comments have been received from Public Protection, who have received a desk-top acoustics report commissioned by them, completed by *Alan Saunders Associates*.

The ASA assessment concludes that the *Cole Jarman* report submitted by the applicant underestimates the impacts of the proposed skate park upon future occupants, concluding that complaints would be likely. ASA also argue that the methodology adopted by *Cole Jarman* is flawed, and should have taken into account other methods of assessment, including BS4142: *Rating Industrial Noise Affecting Mixed Residential and Industrial Areas*, and the World Health Organisation document *Guidelines on Community Noise 1999*. The ASA report concludes that even with acoustic fencing and vents, 'the skate park is likely to cause substantial annoyance to people living in the closest of the new dwellings'.

Public protection endorse the ASA report and wish to maintain their objection to the proposed reserved matters application, advising that if complaints received amount to a statutory noise nuisance, the Council will be obliged to serve a noise abatement notice, which in all likelihood will require the skate park to be relocated by Stotfold Town Council, the body responsible for the park.

The applicant has reviewed the ASA report and provided a rebuttal. In this *Cole Jarman* state that their own assessment is based upon actual readings taken at the site, which should therefore prove to be more reliable. In addition, they comment that the predicted assessment used by ASA is based on data from a larger, concrete skating bowl, used by up to 20 skaters over a continuous 7 hours period. *Cole Jarman* make the point that such a park would be of substantially greater scale than the small local facility at Stotfold. Ultimately, *Cole Jarman* maintain that their assessment is accurate and with the mitigation proposed (2.5m acoustic fence and acoustic

trickle vents), would be unlikely to lead to complaints from new residents.

The Council's consultants have reviewed the amended plan that shows garages located on the Eastern boundary of the site. They remain of the view that the development would be unacceptable and set out that in order for the proposed relationship to be an acceptable one, there would need to be a distance of 250m between the skate ramps and the nearest proposed house.

## **Determining Issues**

The main considerations of the application are;

- 1. Principle of the development**
- 2. Impact on the character and appearance of the surrounding area**
- 2. Building for Life Assessment**
- 3. Impact on the residential amenity of new and neighbouring occupants**
- 4. Other considerations**

## **Considerations**

### **1. Principle of the development**

The application site is located within the settlement envelope for Stoffold and as such the principle of residential development on this site is considered to be acceptable.

The principle of erecting 33 dwellings on the site has been established under the outline planning permission which was granted in 2006 with all matters reserved, except access. The 2006 outline proposal was in fact submitted with layout proposed, but this was withdrawn at the time since potential noise and light impacts from the adjoining football club and play park had not been established.

The 2006 permission was further extended under a replacement planning permission granted on 31 August 2010. In both permissions, the matters for consideration are: the scale of the buildings; the layout, external appearance of the buildings; and the landscaping of the site. These details are considered in the next section.

### **2. Impact on the character and appearance of the surrounding area**

The surrounding area comprises of residential properties to the north, south and west and Stoffold Football Club to the north. Manor Farm lies to the south. A recreation ground lies to the east.

No's 63 and 67 The Green are the closest properties to the site and these comprise detached dwellings. There have been buildings on this part of the site since the 19th Century. The surrounding area has then been subject to later, residential infill developments to the north along The Green and to the west, opposite the site. The surrounding buildings therefore range from the 18th, 19th,



and 20th Century and vary in terms of their size and style.

The site previously comprised two buildings towards the site frontage but these have now been demolished. The remainder of the site is currently undeveloped and is given over to coarse scrub land.

Core Strategy policy DM3 requires that new development be appropriate in scale and design to their setting and should contribute to creating a sense of place and respect local distinctiveness through design and use of materials.

The application site is approximately 1.1Ha. The proposed density of the site therefore would be 30 dwellings per hectare and this is in accordance with the recommended density for village infill development, (30-45dph) outlined in the Adopted Design Guide. The housing is proposed at 2 and 2.5 storeys, which is commensurate with the prevailing character of the surrounding area and therefore would be acceptable in this respect.

#### Layout:

The layout of the proposed development has been influenced by the relatively narrow width of the site, and the single access road which runs through the site and terminates at the end with a turning head. This creates quite a linear character in terms of the layout, although there are small pockets of variation where dwellings have different orientations away from the access road. Consequently, it is not considered that the road unduly dominates the layout, rather, the spaces between buildings, small turning areas and the frontage provided by the existing dwellings, No's 63 and 67, help create a degree of variation and a sense of place within the development.

The proposed layout has been considered in relation to the surrounding grain of development, and also the layout approved in CB/10/01172/OUT for the erection of 43 dwellings on the football ground to the north. It is considered that the proposed layout would complement the existing pattern of development and surrounding housing layouts.

The layout would be influenced by the level of car parking required for this number of units but not to an extent that would be harmful or unacceptable.

No's 63 and 67, existing buildings which will fall within the new development, have been integrated into the development by ensuring that these retain generously sized plots with wide, and deep frontages.

#### The external appearance of the buildings:

The proposed dwellings would reflect a modern house builders interpretation of local design influences. Proposed houses would have multi-pane windows, brick arches, cills and brick windows. All have modest proportions and detailing. Five of the proposed dwellings would be two and-a-half storeys, although the majority of the development would remain as two storey. The proposed two and-a-half storey dwellings have the potential to impact on the character and appearance of the proposed development and surrounding area, however, it should be noted that these would make up a very small proportion of the

development, have relatively low ridge heights and can be considered in relation to other examples of two and-a-half and three storey dwellings in the existing surrounding developments. It is not considered therefore, that the proposed two and-a-half storey dwellings in this development would appear incongruous within the surrounding area.

The proposed materials comprise of brick work, render and plain tiles. The proposed materials are considered to be locally appropriate to the surrounding area and the proposed design is considered in-keeping with the character and appearance of the surrounding development. The intended design, layout and external appearance of the proposed dwellings and development, would comply with the requirements of Core Strategy DM3 and the adopted design 'A guide for Development'.

#### Landscaping of the site:

Core Strategy policy DM3 also states that development should provide hard and soft landscaping appropriate in scale and design to the development and its setting.

A landscaping proposal was submitted as part of the application and this was considered acceptable by the Tree and Landscape Officer subject to further planting within the site. The landscaping scheme has since been revised and incorporates all comments and advice from the Tree and Landscape Officer who is satisfied with the details.

There are a number of attractive trees to the front of the site which are proposed to be retained and which will form part of the landscaping to the front of the site, outside of private gardens.

Overall it is considered that the proposed landscaping is appropriate in scale and design to the development and its setting.

In light of the above assessment, the proposed dwellings are in-keeping with the surrounding area and are not considered to have an adverse impact upon the character and appearance of the area, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies and the Adopted Design Guide.

### **3. Building for Life Assessment**

It is a Council commitment in the 'Medium Term Plan' that design quality is assessed under Building for Life approach. In this case details of reserved matters were submitted in May 2012 and therefore the Building for Life 20 (2008 version) method has been used. The assessment concludes that the development would achieve a rating of 13.5 out of 20, which passes the benchmark of 12 set for developments by the Council. In general the development is considered to score highly in terms of its location, accommodation mix and tenure, legibility, street layout, car parking, pedestrian and cycle layout, general safety and adaptation. The development performs less favourably on matters of access to public transport, environmental mitigation, overall design approach and character, road hierarchy, integration with

surrounding development, public space, architectural quality and energy performance. Nonetheless, none of the above matters are considered to be sufficiently poor to warrant a refusal of the scheme.

#### **4. Impact on the residential amenity of new and neighbouring occupants**

Core Strategy policy DM3 requires development to respect the amenities of neighbouring residents and this approach is mirrored in policy 43 of the emerging Development Strategy for Central Bedfordshire.

The neighbouring dwellings considered to be potentially most affected by the development are No's 57 The Green to the north of the application site, No,s 63 and 67 The Green, located to the north of the application site and No's 71 and 73 High Street located to the south of the application site. No's 8 to 18 The Green are located opposite the application site.

No. 57 is a bungalow located to the north of the application site. A metal clad outbuilding lies adjacent to this property and the application site. A narrow track also separates this property with the application site. The nearest proposed dwelling, Plot 1, would be predominantly screened by the existing outbuilding adjacent to No. 57 and then a four bay car barn would be sited against the northern boundary which would provide further screening from the adjacent development. By virtue of the good degree of separation between this property and the proposed development, it is considered that there would not be a significant impact on the outlook afforded to this dwelling, nor would the proposed development reduce the amount of privacy or light afforded to the dwelling, nor would any part of it appear unduly overbearing.

No. 63 is a two storey dwelling, is sited to the north of the application site and would lie adjacent to the car barns for plots 1-4 which are single storey structures. No. 63 would be afforded a large frontage adjacent to the new access road, as would No. 67 (also two storey), and neither would be significantly overlooked by any of the proposed adjacent dwellings.

Manor Farm and its outbuildings are located to the south of the application site. The rear gardens of the proposed dwellings located to the south of the site, would extend to the southern boundary with this property. Each garden would meet or exceed the Council's 10metre garden depth standards, and the closest buildings at Manor Farm to the proposed dwellings would be outbuildings which are not used as residential accommodation.

No's 8 - 18 directly opposite the application site to the west, would be sited 31metres away from the closest new dwellings. By reason of this degree of separation, the size of the proposed dwellings, and their set back behind landscaping, it is not considered that these dwellings would have an adverse impact in terms of outlook or by appearing overbearing.

It is also important to consider the potential impact of the development on the residential amenities of potential occupiers of the new dwellings. The scheme accords with the Council's guidelines in terms of back to back, and separation

distances between dwellings to achieve an adequate level of privacy, outlook, light and to avoid potential overlooking. A back to back distance of greater than 21 metres is achieved between the rear of the proposed dwellings and surrounding neighbouring properties. The rear gardens of each proposed dwelling would also be a minimum of 10 metres.

However, the outline planning permission was granted with conditions requiring the submission of schemes to protect new residents from impacts in respect of noise (from the adjacent recreation ground, specifically the skate park) and light from the neighbouring football ground.

The current reserved matters proposals were initially submitted without the above details having been included. The Public Protection officer therefore recommended that the reserved matters proposals should not be approved. In response, the developer has commissioned a noise impact report by Cole Jarman acoustic consultants, who have employed techniques more commonly used to assess the impact of clay pigeon shooting on residential amenity, to assess the impact of the skate park. The assessment concludes that the use of the park would not be likely to lead to adverse impacts upon residential amenity, but since the resulting impact would be close to the threshold whereby nuisance may lead to complaints, it is recommended that additional mitigation is incorporated into the development. This would include the provision of acoustic trickle vents in the windows of those houses in closest proximity to the play area and the provision of a 2.5m acoustic fence between the housing and the park. It is proposed that the fence would primarily ensure that amenity in ground floor rooms and gardens would be protected from noise nuisance during the daytime, when the park would be in use. The applicant does not wish to provide sealed windows, arguing that it would be unlikely that residents would be disturbed in the night time when upper bedroom windows are in use, preferring to give residents the option of having either open or closed windows in their own homes.

The Public Protection Officer, having previously expressed concerns over the impact of the skate park, has viewed the submitted noise assessment and proposed mitigation and maintains an objection to the proposed reserved matters. Concern has been raised on the following matters:

- The noise assessment was carried out at a time of year when the park was not in full use, therefore assessment results will not reflect the true impact of the proposal;
- The clay-pigeon methodology used is agreed as one basis for assessment, but the applicant has failed to make a requested dual assessment under BS4142: '*Method for rating industrial noise affecting mixed residential and industrial areas*'.

As a result, the Public Protection Officer favours the redesign of the scheme to relocate housing away from the noise source, the erection of a 'barrier block' of flats facing the park, or the relocation of the skate park away from sensitive noise receptors. There would need to be a distance of at least 250m between the house and the nearest ramp in order for the relationship to be an acceptable one.

The applicant has considered the above and has concluded they would be unreasonable, given their own acoustic consultant has assessed the impact, with mitigation, to be acceptable (in doing so, providing a rebuttal to comments made over the time of the noise survey). It has been suggested that they explore the option of relocating the skate park (since this is a requirement of the s106 attached to the grant of planning permission for the neighbouring development at Roker Park), but the applicant has declined to do so, stating that this should have been considered at outline stage and fearing that to do so now, may effectively expose them to a 'ransom' situation. Such an approach may also lead to further lengthy delays since the relocation of the skate park would itself require planning permission.

On balance, and despite the continued concerns of the Public Protection officer, it is considered that the applicant has taken reasonable steps to minimise the potential impact of noise and disturbance from the skate park upon the amenities of new occupants,. Moreover, further steps, such as the redesign of the housing layout would be unreasonable. In addition, whilst not guaranteed, it is likely that the football club site will be developed in the near future, which will result in the relocation of the skate park in any case. As such and on balance, it is considered that the developer has put forward a scheme of mitigation to minimise adverse noise impacts that are within the tests of reasonableness. It is considered that further demands for mitigation have not been proven and therefore a refusal on these grounds would be difficult to justify. Therefore, the proposal is considered to be acceptable.

In terms of lighting, whilst planning permission has been granted for the replacement of the football ground with residential development, this is yet to be implemented. There is clearly the potential for football matches and training to have an impact on the amenities of the dwellings proposed. Conditions on the outline approval sought to control the impact of noise and flood lighting to an acceptable degree, and in this respect the applicant has proposed additional landscaping in the form of fast-growing evergreen trees on the northern boundary of the site, the siting of all but one of the proposed houses in proximity to the boundary at a 90 degree angle to the football pitch, and the inclusion of 'built-in' screen blinds to north facing upper windows serving bedrooms. It is therefore considered that a reasonable standard of amenities can be provided for the dwellings on the application site.

The proposed dwellings, by reason of their scale, siting and design, will not cause a detrimental impact on the residential amenities of occupiers of neighbouring properties in terms of overlooking, loss of privacy, outlook, loss of light or noise impacts. The proposal is therefore considered to accord with Policy DM3 of the Adopted Core Strategy, Development Management Policies and guidance in 'Design in Central Bedfordshire', Adopted SPD, 2010.

## **5. Other considerations**

### Highway Safety

The reserved matters details were submitted in May 2012 following the withdrawal of an earlier submission, and relate themselves to outline permission renewed in 2010. The proposal has therefore been designed and presented

having regard to the Council's parking standards and approach which existed prior to October 2012. On this basis, policy DM3 (High Quality Development), states that new development should provide adequate areas for parking and servicing, and further guidance is provided by Design Supplement 7 (Movement, Streets and Places) of DCB (2010). This required at least two parking spaces for a three bedroom house and at least three spaces for a four or five bedroom house. Visitor parking should also be provided at a rate of 0.25 spaces per dwelling.

A previous reserved matters application (CB/12/00349/RM) was withdrawn in April 2012 following concerns raised by the Planning Officer in relation to residential amenity, garage widths, and landscaping details. The applicant's sought to resolve these concerns with revisions which were subsequently agreed in principle subject to further minor adjustments suggested by the Officer prior to a revised application being submitted.

The application in its current form therefore, has been informed by pre-application discussions that resulted from the earlier withdrawn application.

#### Parking:

The Council's parking standards set out that a development of this site should provide 127 car parking spaces. When the application was presented to the Development Management Committee in March, the proposed parking provision for the 33 dwellings was 99 spaces, resulting a shortfall of 28 spaces. The majority of this shortfall would have been for the provision of parking to the 24 x 4 and 5 bedroom houses proposed at the site, each property generally only providing 3 designated off-street car parking spaces.

After the application was deferred, the applicant undertook a reassessment of car parking at the site. Now proposed are 138 spaces (11 over the Council's total standard). That figure is slightly skewed by an overprovision at some units. 9 units would have one space less than the Council's standards say that they should (they would all be 4 bedroom houses with 3 spaces). Crucially, 15 visitor parking spaces would be provided (6 more than the standards say might be).

Despite the modest under provision at some of the units, a number of the houses would have an overprovision and additional visitor spaces would help mitigate modest shortfalls and would help to prevent car parking overflowing on the road.

By virtue of the amount of land still proposed to be afforded to No's 63 and 67, the proposal would not result in the loss of parking provision for these dwellings.

#### Garages and Cycle Parking:

Concern has been raised that the garages shown on the submitted plans do not conform to the Council's requirements for garage widths of 3.3 metres including piers and 3.15 metres excluding piers. The applicant has maintained that the proposed garages do meet the Council's requirements and thus it may be a small discrepancy in relation to the scale of the drawings when printed out. For the avoidance of doubt, it is recommended that a condition be imposed to any

approval that the width of the garages must comply with the Council's depth standards.

Unless otherwise shown as cycle storage structures, it is considered that cycle parking will be accommodated within the garages.

It is not considered that the proposal would result in a significant increase in the amount of traffic in Stotfold. The wider issue of the ability of Stotfold to cope with additional development is acknowledged, but it is not considered appropriate to refuse this application on those grounds as this is outside the control of the applicants.

#### Waste Storage:

Waste storage and collection points would ensure that refuse and recycling would be handled and disposed of appropriately.

#### Archaeology:

Archaeology have commented on the current application that the development site partially lies within the Stotfold Green medieval settlement which is an archaeologically sensitive area and an important local and regional heritage asset. The Council's Archaeologist has therefore recommended that an investigation and recording of any archaeological remains that may be affected by the development should be carried out and submitted for approval by the Local Planning Authority before development commences. However, it is considered that such matters should have been included at the time the outline application was determined and it would therefore be unreasonable to request these at reserved matters stage.

#### Drainage:

The Internal Drainage Board has requested details of the method of storm water disposal to be employed. This matter is the subject of conditions attached to the outline planning permission, therefore details will be required for approval in advance of any development at the site.

#### Planning Obligation

The planning obligation associated with the outline approval secures contributions towards local infrastructure and the provision of affordable housing as part of the development.

There are no further issues.

### **Recommendation**

That Planning Permission be **Granted** subject to the following conditions:

- 1 **No development shall commence until a Site Waste Management Plan**

has been produced and submitted and approved by the Local Planning Authority.

The applicant will need to provide the following information:

- The location and size of proposed collection points
- Details of the designs of any communal bin stores and the access to the store for collection vehicles. This should not exceed 10 metres from the rear of the collection vehicle to the store.

The development shall be completed in accordance with these approved details.

**Reason: To ensure that there is sufficient provision for managing household waste on the site and in accordance with policy DM3.**

- 2 The landscaping works of the development hereby permitted shall be carried out in accordance with the details and notes on Drawing No.s P860/100; JBA 11/273-403 C; JBA 11/273 402 C.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is complemented by an appropriate landscaping scheme, in accordance with policy DM3.

- 3 **No development shall commence until samples and details of materials to be used for the external finishes of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing buildings, the visual amenities of the locality in accordance with Policies DM3 and DM13 and of the Adopted Core Strategy, Development Management Policies, 2009.**

- 4 Notwithstanding the width of the garages shown on the drawings submitted with this application, the garages hereby approved shall have a width of no less than 3.3metres (including piers) and 3.15metres (excluding piers).

Reason: For the avoidance of doubt and to ensure that the garages conform to the Council's Adopted Design Guidance Supplement 7, Paragraph 6, 10.4, so that they can properly accommodate the parked car, cycle parking, storage and allow for sufficient access into the car whilst parked in the garage.

- 5 No development shall be carried out on the site until details of the proposed acoustic fencing, acoustic trickle vents and 'built-in' blinds to windows, have



been submitted to and approved in writing by the Local planning Authority. Once approved, the development shall be carried out in accordance with the approved details and the dwellings shall not be occupied until the approved details are installed and retained in situ thereafter.

Reason: In order to ensure residential amenity is safeguarded in accordance with the submitted layout plan and mitigation details, to comply with policy DM3 of the Core Strategy and Development Management policies DPD 2009.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: P860.120; P860/123 A; P860.110 A; P860.105; P860.108; P860.122; P860.112 A; P860.119; P860.118; P860.113; P860.117; P860.111; P860.101; P860.109; P860.104; P860.115; P860.107; P860.114; P860.116; P860.121; P860.103 A; P860.102 A; P860.106; 0110 A; P860/100 K; JBA 11/273 402 C; JBA 11/273-403 C; Measured Works Schedule, Detailed Soft Layout Proposals, James Blake Associates; Arboricultural Implications Assessment and Arboricultural Method Statement Combined, January 2012.

Reason: For the avoidance of doubt.

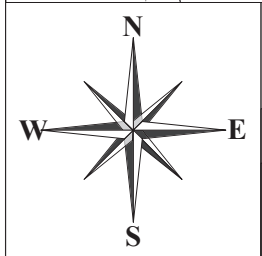
**Statement as required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 – Article 31**

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**

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Central Bedfordshire Council  
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Date: 04:June:2013

Map Sheet No

Application Number  
CB/12/03287/FULL

Scale: 1:1250

6 Shaftesbury Drive, Stofold, Hitchin, SG5 4FS

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<b>Item No. 14</b>
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<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>
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**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



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).

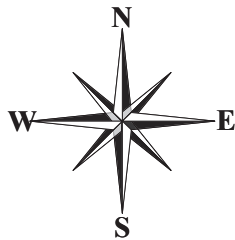
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

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**

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Date: 04:June:2013

Map Sheet No

Application No.  
CB/13/01292/FULL

Scale: 1:2500

Oak Tree Farm, Potton Road, Biggleswade, SG18 0EP

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<b>Item No. 15</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/01292/FULL</b>
<b>LOCATION</b>	<b>Oak Tree Farm, Potton Road, Biggleswade, SG18 0EP</b>
<b>PROPOSAL</b>	<b>Change of use of site and buildings from Light industrial / retail / store / showroom / workshop / restaurant to School. External alterations including revised parking layout / landscaping / play areas and new fencing. Subdivision of land to separate existing house. New windows and doors.</b>
<b>PARISH</b>	<b>Sutton</b>
<b>WARD</b>	<b>Potton</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Gurney &amp; Zerny</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>16 April 2013</b>
<b>EXPIRY DATE</b>	<b>11 June 2013</b>
<b>APPLICANT</b>	<b>Ermine Education Trust</b>
<b>AGENT</b>	<b>CSJ Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Gurney due to concerns as to whether this is an appropriate location for a school use.</b>

<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>
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**Recommended reasons for Granting**

The proposed change of use would provide a sustainable use of vacant retail/light industrial buildings, whilst ensuring the provision of employment at the site. The submitted draft Travel Plan and travel characteristics of the applicant would ensure a reduced level of traffic generation to the site utilising sustainable modes of travel. The use 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 parking and highway safety. The proposal therefore complies with the objectives of the National Planning Policy Framework (2012) and Policies CS1, CS11, DM3, DM4 and DM9 of Central Bedfordshire Core Strategy and Development Management Policies Document (2009).

**Site Location:**

The application site is located on Potton Road, between the settlements of Biggleswade and Sutton, occupying a level area of approximately 1.3 hectares.

The site is currently made up of two separate areas, under the same ownership. The main (west) part of the site, is occupied by a large modern two storey glazed and rendered retail building, with associated restaurant and ancillary offices, totalling a floorspace of approximately 1300sqm. The development was the subject of planning permission in 2005 (MB/05/00606/FULL). The building is set back towards the rear of the site behind a landscaped pond and grassed area, whilst a

1m high post and rail fence extends along the highway boundary. In front of and to the side of the retail building is a parking area, together with a turning area for service vehicles.

A 2.4m high brick wall extends along the eastern boundary of the main part of the site, beyond which is a one and a half storey L shaped workshop/storage building, comprising a floorspace of approximately 580sqm. In addition, a two storey triple garage with games room over is also situated within the eastern part of the site, used ancillary to the use of the adjacent house which, whilst under the same ownership, does not fall within the application site.

There are currently two accesses serving the site, the main access in the north west corner serving the retail use, and a smaller access in the north east corner serving the residential property and the workshop/storage area.

On the opposite side of the road are a number of large buildings associated with Bedfordshire Growers, a large local horticultural business.

### **The Application:**

This application proposes a change of use of the retail showroom, workshop building and triple garage to use as an independent faith school.

The applicant is the Ermine Education Trust, who are registered with the Department for Education and affiliated to the Focus Learning Trust. They are currently responsible for 28 schools in the UK.

The Trust operates Wellgrove Senior School in Barnet and Cheshunt Primary School and advise that they have been looking to relocate both schools to a single campus within Bedfordshire for the last six years, as many of the families have relocated to Bedfordshire. The proposed school would cater for a total of approximately 160 children (60 aged between 7-11 and 100 between 12-18), with the children coming from a wide catchment area covering Bedford, Biggleswade, Barnet and Hertford. It is anticipated that staff levels would comprise 12 full time teachers, 13 part time teachers and 3 full time administration staff.

It is proposed to convert the existing retail building to provide teaching accommodation comprising 12 main classrooms, a library, IT suite, and a special needs room. The adjacent and ancillary workshop building is intended to be converted to provide a sports hall, with associated changing facilities and a cookery area. The existing garage building would be utilised as a maintenance/general store, cycle store and games room for use in connection with the school activities.

Three outdoor hard play areas, each of 594sqm and enclosed by 3m high chain link fencing would be on land including that currently used for parking and turning.

A new 2.5m high acoustic fence is proposed to be provided between the house and the school. In addition, 2m high green chain link fencing is indicated around the perimeter of the site and a lockable gate at the main access to provide security and safety.

The access to the school would be solely from the existing main access, with the

current second access being retained only for use in connection with the adjacent house.

Parking is shown for a total of 45 vehicles, including 19 staff car parking spaces and 12 spaces for minibuses. The extent of the internal road would be reduced from the existing arrangement and would include a turning circle area and drop off points outside the main building.

Further landscaping is also shown to be provided within the site, including additional trees and grassed areas, replacing some of the existing hardstanding.

This application follows the refusal of planning application CB/12/04248/FULL at the Development Management Committee on 15 February 2013. Whilst the recommendation was to approve Members considered the proposal unacceptable for the following reasons:

*"The site is located within the countryside, and the proposed school with the associated vehicular traffic generated would result in an unsustainable use of buildings and land. As such the proposal is contrary to the National Planning Policy Framework, policies CS4, CS11, DM3 and DM9 of the adopted Central Bedfordshire Core Strategy and Development Management Policies (November 2009) policies 9 and 10 of the emerging Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013)".*

The description of the proposal is identical to that previously submitted however this application includes additional supporting information. A supporting letter refers to the "negative reference" to non planning issues made about the school in the committee discussions "in relation to its philosophy and ethos".

The additional submitted information also includes a map showing the current and proposed school catchment areas for the group. Appendix 2 of the document shows the locations of existing schools in Dunstable, Stoke Poges, Ipswich/Colchester, Cambridge and Swatham and how the proposed school would infill a catchment area between the Dunstable and Cambridge sites.

A further additional document providing information about the proposed sports facilities has also been included. This highlights the proposed on site sports facilities, including netball, volleyball and five a side football, together with the other local sporting facilities which could be utilised by the school, including Saxon Swimming Pool and Biggleswade Recreation Centre.

A Transport Statement has been submitted which includes a Travel Plan Statement and a Traffic Impact and Sustainability Assessment. The Travel Plan includes an objective for 85% of children to arrive at school by minibus, whilst the Transport Statement concludes that there would be a significant reduction in vehicle movements to the site during weekdays and the weekend compared to the previous use.

The applicants have recently lodged an appeal against the previous reason for refusal, however this has been held in abeyance pending the determination of this current application.

**RELEVANT POLICIES:**

**National Planning Policy Framework**

**Core Strategy and Development Management Policies**

CS1: Development Strategy

CS11: Rural economy and tourism

DM3: High Quality Development

DM4: Development within and beyond Settlement Envelopes

DM9: Providing a range of Transport

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

Policies 9 and 10

**Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development

Parking Strategy, Appendix F, Central Bedfordshire Local Transport Plan, endorsed for Development Management purposes by Executive October 2012

**Planning History**

CB/12/02428 - Change of use of site and buildings from light industrial/retail/store/showroom/workshop/restaurant to school. (Refused)

CB/10//04579 – Change of use of first floor (garage) from games room to separate residential unit (Refused).

CB/10/02501 – Change of use of first floor (garage) from games room to separate residential unit (Refused).

MB/08/01952 – Change of use of commercial building (workshop) into 2 no. residential dwellings (Refused)

MB/08/00431 – Erection of two storey garage/workshop (Approved)

MB/0700617 – First floor balcony to south east elevation of showroom/restaurant (Approved)

MB/05/00606 – Erection of new showroom, restaurant, workshop, boundary wall and formation of new access and car park. (Approved)

**Representations:  
(Parish & Neighbours)**

Sutton Parish Council      No comments received.



Potton Town Council	No comments received.
Third party representations	<p>Ten letters of support have been received of which the comments are summarised as follows:</p> <ul style="list-style-type: none"><li>– Would make a good use of this neglected site</li><li>– This unoccupied site could attract unwanted visitors.</li><li>– The new school would save time for children currently travelling from Biggleswade, Clifton and Sutton to the current closest Focus Learning Trust School in Dunstable.</li><li>– The Plymouth Brethren have been part of the Biggleswade Community for many years and it is natural for them to want to establish a faith school in Biggleswade along the lines of their successful Dunstable school.</li></ul>

### Consultations/Publicity responses

Highways: No objection subject to conditions.

Traffic Generation: This application is supported by a Transport Statement providing an assessment of traffic generation from both the school proposal and the previous use of the premises based on analysis of the TRICS database. The TRICS database is an industry recognised tool to predict traffic flow data from various land uses and developments based on actual surveys and takes into consideration issues that include location, access to public transport, population, etc. I am content that the figures proposed provide a realistic and balanced assessment and comparison of traffic movements and that overall there would be fewer traffic movements with the school than the previous or comparable commercial use of the buildings.

Access and Parking: The development proposes no changes to the existing vehicle access arrangements which are of a suitable configuration to accommodate the vehicles and level of traffic generation associated with the proposed use. The submitted plan provides a level of on-site parking to comply with standards laid out in the adopted parking strategy. The submission makes reference to the provision of cycle parking and whilst not shown on the plan this issue could be dealt with by condition.

Sustainable Transport: It is acknowledged that the site is not in a location suited to access by walking or cycling. However, as with the previous proposal my colleagues in the Sustainable Transport Team are content that the

particular circumstances associated with the use as a private school and with the measures for transporting pupils outlined within the submission and subject to conditions securing the provision of a formal Travel Plan and restricted the use from becoming an all purpose regular school there are no grounds to justify and sustain a highways objection.

It is noted that there is a bus service running past the site that may be appropriate for use by staff, but not pupils given the timing of the service. However I note from my site visit that there are no formal bus stops or waiting facilities or indeed a footway leading from the site. Given that the TA suggests that the staff could make use of the bus service I consider it reasonable that the development provide appropriate facilities and footway to encourage and enable use as suggested. In this respect I recommend that a Grampian condition be included to secure its provision.

Sustainable Transport  
Officer:

I have reviewed the additional information provided in the Transport Statement by the Simply Oak site applicants. This document provides a much more comprehensive outline of how travel and transport to and from the site will operate and be managed.

Should this proposal be approved I would like a full travel plan to be conditioned. I have provided a suggested condition below.

The only other concern regarding this site is for the future use of the site. If the site was to change usage and the current applicant were to vacate this may then open the doors to a free school to operate from this site with no obligations to ensuring safe and sustainable travel for a catchment that may be inclined to travel to the site by car. This would clearly be unsuitable. If possible I would suggest that the site is and usage is restricted for the purposes of the current applicant only owing to the transport measures they have in place to facilitate safe and sustainable travel.

Additionally, I would also like to see the appropriate amount of cycle parking be installed for the development as per the CBC Cycle Parking Guidance.

Public Protection

No objection subject to a condition to secure the erection of a 2.5m high acoustic fence to mitigate noise from the sports hall building.

Environment Agency

No objection subject to conditions, provided that the Internal Drainage Board are satisfied with the submitted FRA.

Internal Drainage Board  
No objection subject to condition.

Tree Officer  
The site at present has little mature tree planting with the exception of trees close to the existing house, the most important of which are two mature Oaks which may be influenced by the hard play area now proposed. The proximity of the hard surface should be kept 10 metres or (12 times trunk diameter at 1.5 metres above ground level) away from the two Oaks to prevent damage to roots during construction. Fencing in line with BS 5837 Trees in relation to design demolition and construction. Recommendations 2012 should be erected around these trees to prevent damage during construction. Fencing to be erected prior to any works beginning on site.

The boundary with the Potton road which at present is fenced should be enhanced with either a native hedge mix or a more formal single species hedge eg Hornbeam to enhance this boundary.

Assuming the landscaped pond area is to be retained which we would like to see then enhancement of this area would be beneficial, possibly keeping an open view of the pond area from the road by ensuring the new hedging is not planted in the area directly viewed from the road.

Details of landscaping planting proposals will be required to include species, sizes and densities of planting.

## **Determining Issues**

The main considerations of the application are;

1. Principle of development
2. Impact on character and appearance of the surrounding area
3. Impact on amenities of neighbouring residents and future occupiers
4. Access, parking and sustainability
5. Other matters

## **Considerations**

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

The site lies within the open countryside, outside any settlement envelope. Policy CS11 of the Core Strategy seeks to support the rural economy and the diversification of redundant properties to other commercial, industrial, tourism and recreational uses in the first instance.

The NPPF (para 15) advises that Local Plans should follow the approach of the presumption in favour of sustainable development. Paragraph 17 encourages

the effective use of land by reusing land that has been previously developed.

The application site comprises buildings of a substantial floorspace previously used for retail and ancillary light industrial uses. Due to the demise of the previous business the buildings all remain vacant and as such under utilised and of no benefit to the local economy. The proposed use would involve the employment of 12 full time teachers, 13 part time teachers, and 3 full time administrative staff, so would have a positive impact on local employment within the area, particularly given that the site is currently vacant and as such generates no employment.

The NPPF at paragraph 72 encourages the provision of choice of school places and encourages local planning authorities to take a "proactive, positive and collaborative approach to meeting this requirement".

It is considered that the principle of reusing the existing vacant buildings for a school use does in principle broadly reflect the general sustainability objectives of the Core strategy, Development Strategy (Pre submission version) and the NPPF. Matters relating specifically to travel sustainability to the site will be discussed later.

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

The application does not involve any new buildings, with only internal and minor external changes proposed to the buildings which it is not considered would result in any material impact on the appearance of the site.

The large landscaped area with the pond in front of the main building would remain unchanged. Whilst the addition of the front play area would result in the removal of some of the grassed area towards the front of the site new soft landscaping would be provided where currently there is hardstanding. More trees are also proposed to infill those trees at the front of the site which are to be retained, providing additional screening from the highway. It is also intended to provide landscaping in front of the proposed acoustic fencing, which is to enclose the adjoining residential property. Whilst a 2m high chain link fencing is proposed around the perimeter of the site it is considered that this type of fencing appropriately finished in a green colour, with the benefit of landscaping behind, would have a minimal visual impact on the streetscene and open character of the area site, whilst ensuring that the safety and security of the pupils is maintained.

On the basis of the above it is not considered that any harm to the character of the surrounding area would result from the proposed change of use and associated works.

## **3. Impact on Amenities of Neighbouring Residents**

Core Strategy policy DM3 requires new development to respect the amenity of nearby residents.

The site is not located within a residential area and as such the only residential property close to the site is that which is under the same ownership. The existing

property is currently located within 12m, of the existing light industrial workshop building with no intervening boundary. There is presently a wall of approximately 2.4m which divides the retail showroom part of the site from the house and light industrial unit. It is proposed to remove the wall and to provide a new 2.5m acoustic fence around the south and west boundaries of the reduced residential curtilage, separating it from the school site and providing a degree of noise protection from the play areas and sports hall building. Public Protection consider that the proposed 2.5m high acoustic fence would satisfactorily mitigate any resultant noise from the application site to the residential property.

The rear windows of the garage building which would overlook the garden of the house are proposed to be obscurely glazed.

Whilst the curtilage of the house would be reduced the property would still be served by a significant garden area well in excess of 100sqm and more than adequate for the occupants of that property.

On the basis of the above it is not considered that any harm to neighbouring amenity would result and that the development would result in a reasonable level of amenity for future occupiers.

#### **4. Access, Parking and Sustainability**

Unlike the previous application this revised proposal is accompanied by a Transport Statement and a draft Travel Plan which has followed discussions with the Council's Highway Officer and Sustainable Transport Officer.

The Transport Statement details that there will be a total of 45 parking spaces, comprising 19 staff parking spaces, 10 visitor spaces, 4 disabled spaces and 12 minibus spaces. It is proposed that a fleet of 12/13 new minibuses will be provided, transporting 85% of the children to and from school.

It is highlighted by the applicant that there is an hourly bus service (No.190) which could be utilised by any staff living in Sandy, Biggleswade and Hitchin and other villages on route. The Highways Officer has recommended that to ensure a more convenient bus stop and to encourage use of public transport that a footway link is provided on highway land to the bus stops on both sides. This could be secured by condition.

Cycle parking is shown to be provided within the ground floor of the converted garage building and it is anticipated that this could serve the needs of local staff who may wish to cycle to the site.

It is recognised that the site is not in a sustainable location, however this applies to both the existing and the proposed use. The means of shared transport operated by the applicants and proposed to be used at this site would significantly reduce vehicle trips to the site. This is supported by the data provided in the TRICS database information provided as part of the Transport Assessment.

It is also noted that the applicants propose to use a fleet of new low emission minibuses, which would meet the definition of sustainable transport modes as

set out in the NPPF glossary (Annex 2).

The Council's Highway Officer considers the comparison of traffic movements to be realistic and agrees that the proposal would result in fewer traffic movements to the site.

Similarly, the Council's Transport Sustainability Officer considers that the revised proposal provides a much more comprehensive outline of how travel to and from the site will be managed. Subject to a restriction of the use to the current applicants and the provision of a full Travel Plan the Transport Sustainability Officer supports the proposal.

The proposed arrangements by the Ermine Trust are very different to that which would be the case with a local catchment area school. Whilst the use by this group with their particularly wide catchment area and specific travel arrangements is considered sustainable the site would not be appropriate to a local catchment area school, where proximity to housing, walking and cycling routes are required. As such it is considered appropriate in this case to impose a personal user condition in favour of the applicant.

**5.**

**Other Matters**

Given that the site lies within Flood Zone 2, wherein the change of use would result in the site becoming "more vulnerable". A FRA has been produced on behalf of the applicant which concludes with a recommendation that flood mitigation measures are implemented. The Environment Agency have advised that subject to the Internal Drainage Board being satisfied with the FRA and its mitigation measures then they would not object, subject to appropriate conditions and informatives. The Internal Drainage Board have raised no objection.

**Recommendation**

That Planning Permission be granted subject to the following conditions:

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

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

- 3 **No development shall commence until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

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

- 4 **No development shall commence until details of bus stops on Biggleswade Road together with associated waiting areas and facilities for passengers served by a 2.0m wide footway linking the school development to the bus stops have been submitted to and approved by the Local Planning Authority. Occupation of the school shall not take place until the approved scheme, or phase thereof, has been implemented in accordance with a timescale to be agreed.**

**Reason: To ensure the provision of appropriate facilities to encourage use of sustainable modes of transport.**

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

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

premises and ensure satisfactory parking of vehicles outside highway limits.

- 6 This permission is for the sole benefit of the premises as a school for use by the Focus Learning Trust (incorporating the Ermine Education Trust and the Wellgrove Education Trust) or any successor of the aforementioned trusts.

Reason: To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicant's interest in the land and buildings due to the location of the site outside any settlement envelope and the fact that special regard has been had to the specific transportation methods proposed by the applicants and evidenced by examples from other schools within their education portfolio.

- 7 Prior to occupation of the main school building a scheme for the parking of cycles on the site shall be fully implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be thereafter retained for this purpose.

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

- 8 **No development shall commence until 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.**

- 9 Prior to first occupation of the school a 2.5m high acoustic fence shall be provided in the position shown on drawing 12-073-101 and detailed in the drawing within the Design and Access Statement (layout), and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the adjoining residential property.

- 10 The first floor windows to the north elevation of the existing garage building shall be permanently glazed with obscured glass.

Reason: To protect the privacy of the occupiers of the adjoining residential property.



- 11 Prior to occupation, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:
- a. measures to encourage sustainable travel choices for journeys to the school
  - a. pupil travel patterns and barriers to sustainable travel
  - a. measures to reduce car use
  - a. transport policy(s) of the school
  - a. measures to mitigate any adverse impacts of non-sustainable travel to, from and between the school
  - a. 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 occupation of the development, 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: To promote the use of sustainable modes of transport.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Plans 12-073-100, 101, 102, 103, 104, 105, 106, 107, 108, 109].

Reason: For the avoidance of doubt.

### Notes to Applicant

1. The proposed development overlies a Principal aquifer, overlain with alluvium clay, silt, sand and gravel. The application does not provide sufficient information about foul drainage arrangements and pollution prevention measures to demonstrate whether the proposal will lead to pollution of surface or underground waters, and possible contamination of drinking water sources. A septic tank with tertiary reed bed discharging to ground may not provide a suitable arrangement for foul water in this location and with the proposed number of users.

A package treatment plant is an alternative to a septic tank which has an outlet to either a soakaway or watercourse, and requires a separate formal permit from the Environment Agency. Under the Environmental Permitting Regulations 2010 a discharge permit or exemption from this Agency is required prior to the commencement of any discharge of trade or sewage effluent to a watercourse or groundwater. Such permits are not granted

automatically, and may be refused or granted subject to conditions. The statutory consultation period for permit applications is four months. Such consent is not implied by these observations. The applicant may find that, if permits are granted, any conditions applied may influence the nature of any treatment facilities required. **The granting of planning approval must not be taken to imply that consent has been given in respect of any Permit requirements.**

2. The applicant is advised of the following comments by the Environment Agency:

- Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted. The LLFA's Preliminary Flood Risk Assessment susceptibility to groundwater map indicates that there is the possibility of groundwater flooding in this area. Groundwater flooding has not been considered as part of the FRA and could significantly impact the efficiency of soakaways. Site Investigation should be undertaken to ensure that there is at least one metre between the groundwater level and the invert level of all soakaways.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- Any facilities, above ground, for the storage of oils, fuels or chemicals must be provided with adequate, durable secondary containment to prevent the escape of pollutants. The volume of the secondary containment must be at least equivalent to the capacity of the tank plus 10%. If there is more than one oil storage tank in the facility, the secondary containment must be capable of storing 110% of the biggest tank's capacity or 25% of the total capacity of all the tanks, which ever is greater. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets must be directed into the bund. Associated pipework should be located above ground and protected from

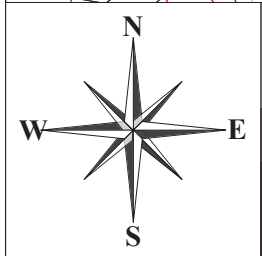
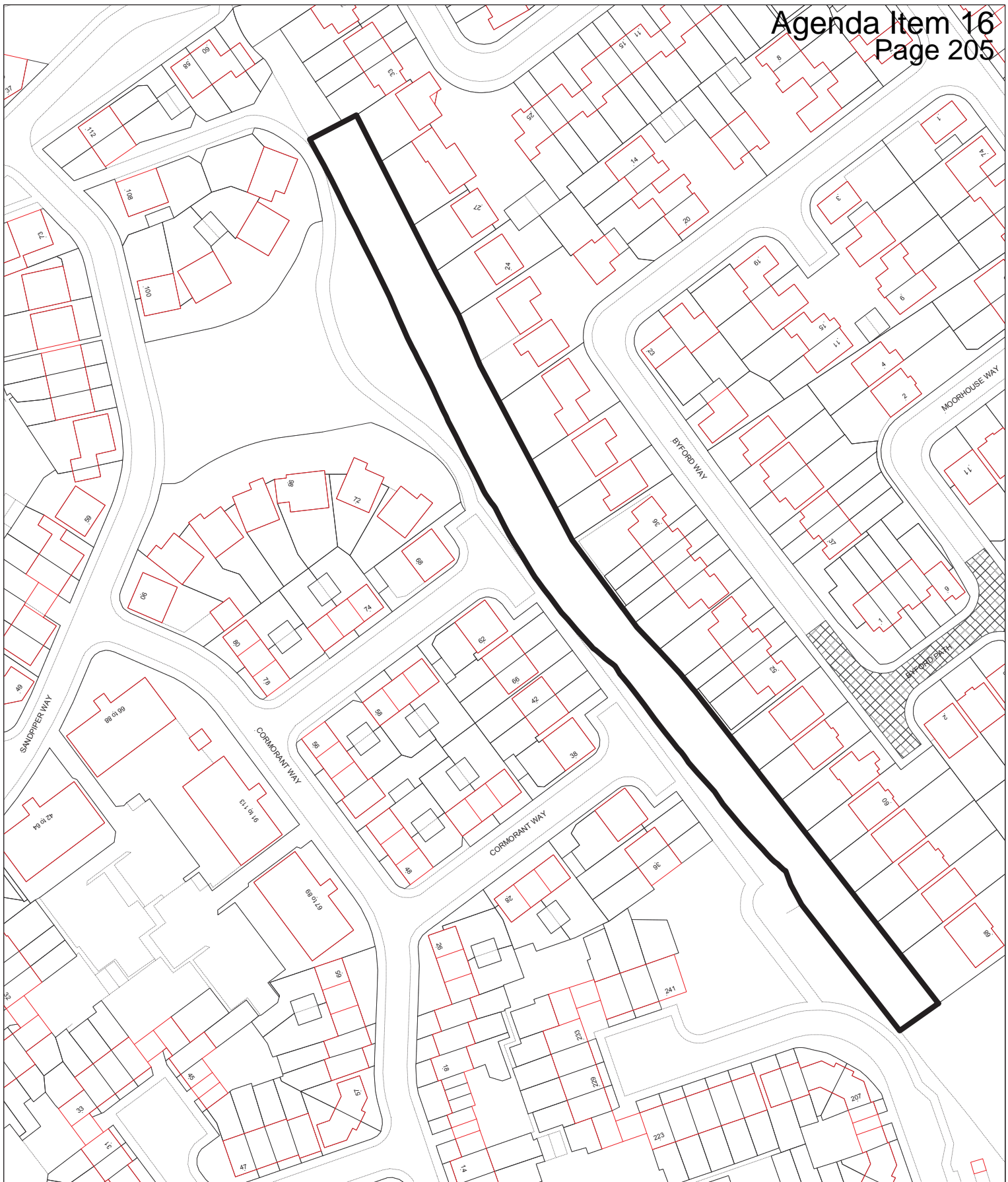
accidental damage. The drainage system of the bund must be sealed with no discharge to any watercourse, land or underground strata. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site occupiers intending to purchase or install pollutant secondary containment (bundling) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Further guidance can be found on the Environment Agency's website at: [www.environment-agency.gov.uk/osr](http://www.environment-agency.gov.uk/osr)

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
4. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. 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.
6. 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"
7. In the event that ground conditions are not suitable for soakaways any storm water run off discharged direct to the Board's adjacent district and/or watercourse will require the Boards's statutory consent and must be limited to the appropriate greenfield rate in accordance with the NPPF.

**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.



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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 04:June:2013  
Grid Reference: 493538; 224109

Application No.  
CB/12/01590/FULL

Scale: 1:1250

Land to r/o 24-68 Byford Way and 27-31 Garland Way,  
Billington Park, Leighton Buzzard

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<b>Item No. 16</b>
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<b>APPLICATION NUMBER</b>	<b>CB/12/01590/FULL</b>
<b>LOCATION</b>	<b>Land to r/o 24-68 Byford Way and 27-31 Garland Way, Billington Park, Leighton Buzzard</b>
<b>PROPOSAL</b>	<b>Change of use of open space to residential gardens</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>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>02 May 2012</b>
<b>EXPIRY DATE</b>	<b>27 June 2012</b>
<b>APPLICANT</b>	<b>Mr King</b>
<b>AGENT</b>	<b>PJPC Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Cllr Bowater (reason to be advised)</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refusal</b>

**Site Location:**

The application site comprises a long strip of grassed land to the rear of 24-68 Byford Way. It varies in width from about 8m at its northern end (to the rear of 27-31 Garland Way) to 6m at the southern end (to the rear of 68 Byford Way) The land at the southern end runs into the main large recreational open space of Astral Park which serves local residents of the Billington Park residential development, on the former R.A.F. Stanbridge site, developed over ten years ago.

A tree belt is evident to the western edge which is protected by a Tree Protection Order. Beyond the western boundary of the site is a mature hedgerow which borders a footpath running along the eastern edge of the Sandhills residential development, developed a few years after the R.A.F. Stanbridge development.

**The Application:**

Permission is sought for the enclosure of the land to residential gardens by way of 1.8m close boarded fencing. This involves all of the protected trees becoming enclosed within the proposed garden areas. The change of use would not extend to the hedgerow running between Sandhills and Billington Park that largely remains in the ownership of the Ministry of Defence.

It should be noted that the land behind number 32 Byford Way has already been enclosed with 1.8m close boarded fencing, providing a 5m unauthorised extension to the residential garden.

**RELEVANT POLICIES:**

**National Planning Policy Framework**

**South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

R12 Protection of Recreational Open Space

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 and R12 are still given significant weight.)*

**Development Strategy for Central Bedfordshire**

Policy 43: High Quality Development

Policy 40: Other Area of Open Space within Settlements

*(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 June 2013.)*

**Supplementary Planning Guidance**

Central Bedfordshire Design Guide: A Guide for Development:

**Planning History**

SB/03/01515 - Residential development (Outline)

(Pratt's Pit site 15a)

SB/99/00457 - Construction of access roads for residential development

(Land at, RAF Stanbridge, Stanbridge Road, Leighton Buzzard.)

SB/97/00776 - Residential development and recreational uses (outline)

RAF Stanbridge, Stanbridge Road, Billington

SB/92/00793 - alterations to vehicular access

RAF Stanbridge, Stanbridge Road, Leighton Buzzard.

**Representations:**

**(Parish & Neighbours)**

Town Council	Resolved to make no comment - Owners of the land in the application site.
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Neighbours	Objections
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66 Cormorant Way (22/05/12)

We would like to object to the planning application made.

Our comments are as follows:

There are very little public open spaces on the Sandhills development and what little there is should be protected.

The area should be developed and landscaped to protect the wildlife, trees and open space on the estate. It should



also be to the benefit of the Sandhills development to provide official access to the sports area and pitches and it should not be developed for the benefit of individuals.

There is a concern that once the land passes into private ownership, its value as a habitat for wildlife can no longer be guaranteed.

We have not been provided with any details regarding how much money the council aims to raise from the sale of this land, nor how this would be spent to benefit the wider community.

We disagree strongly that the land is an eyesore; to the contrary it can be rather beautiful particularly in Spring. The observation made in the proposal is entirely subjective and should not be considered in the final decision.

On the matter of the litter problem I am sure that the community would rather be given the opportunity to address this problem ourselves rather than losing access to the land entirely.

The Horse Chestnuts Trees offer a degree of privacy when in bloom. If planning permission was to be approved and we would like to see them protected and where they could not be cut down if incorporated into residents gardens.

On the point that the land is currently being misused, the sale of the land to private individuals can only be considered as a last resort. There is no mention of the steps the council has already taken to tackle these issues in the proposal.

#### 40 Cormorant Way (11/05/12)

- Detrimental impact upon privacy if the gardens are to be closer to the dwellings on Cormorant Way.
- No anti-social behaviour known to residents
- The green open space provides a natural habitat for wildlife, especially birds and insects. Concerns that this will be damaged and shrubs and vegetation will be removed to accommodate the fencing potentially disturbing the habitat.
- Important open space between housing

Support

#### 32 Byford Way (17/05/12)

The land has never been looked after and is a mess, often

used for tipping rubbish and vandals damaging fences and the hedgerow.

Changing use to gardens will ensure the land is looked after by the home owners.

### **Consultations/Publicity responses**

Tree and Landscape Officer                      Objection due the potential impact upon Protected Trees.

### **Determining Issues**

The main considerations of the application are;

1.        Background
2.        Impact Upon Amenity
3.        Trees and Landscape
4.        Other Matters

### **Considerations**

#### **1.    Background**

The land in question is an open strip of land to the rear of the garden fences of the properties on Byford Way and Garland Way and is owned by Leighton Buzzard Town Council. Together with the main large area of open space at Astral Park, the land was handed to the Town Council with a commuted sum as Public Open Space as required by the original Section 106 Agreement for the development of R.A.F. Stanbridge, reference SB/97/0776 granted in May 1999

The strip of land was intended as a buffer between the residential development at R.A.F. Stanbridge and the adjoining Pratts Sand Quarry and as a means of keeping protected trees that had formerly provided a setting to the R.A.F. base. The land had been intended as a through link to Garland Way, but unfortunately this was not able to be completed, due to the handing over of the northern end of the land to private residential owners by the developers. When Sandhills (Site 15 (a)) was constructed a few years later reference SB/03/01515 granted in August 2004, the opportunity was taken to provide a layout adjoining the western side of the hedgerow that incorporated a footpath and other open space areas. There is therefore the potential for a more comprehensive open space and link between the Sandhills and Billington Park developments.

The one metre width of the hedgerow between the two estates is still owned by the Ministry of Defence however, there are opportunities for the Council to acquire the land in the future through Section 106 Agreement when the remainder of the R.A.F. Stanbridge site comes forward for development in the near future. This would enable the above potential for a more comprehensive open space to be unlocked.

## 2. Impact Upon Amenity

Letters of objection and support were received as a result of consultations on the application.

Saved Policy R12 of the South Bedfordshire Local Plan Review emphasises the need to preserve formal and informal open spaces in the district. The explanatory text to the policy states that the Council considers that open spaces have a vitally important amenity role in addition to their value for recreational purposes. Such open spaces contribute to the variety of land uses within the urban fabric which help to make towns convenient, satisfying and enjoyable to live. Amenity land is generally defined as land which is valued locally for its visual importance and contribution to the character of the area but may also have other uses i.e formal or informal recreation, environmental, cultural and historical and for wildlife and nature conservation value. Such open spaces give relief from the built environment.

Accordingly, Policy R12 of the adopted Local Plan which is intended to include proposals for the incorporation of amenity areas and spaces into private gardens whether privately or publicly owned states that,

**"In the towns and villages of South Bedfordshire excluded from the Green Belt, planning permission will not be given for the development of open space for non-open recreational purposes. Exceptions to this policy will only be considered where the proposed new development is essential for the improvement, enhancement or enlargement of an existing open space or area for sporting or recreational use and where only a small part of the existing open space will be lost."**

The land to the rear of Byford Way and Garland Way serves a vital amenity function. Proper maintenance of this land could provide an important link between Astral Park and the two large housing developments at Billington Park and Sandhills and it is such land which Council policy seeks to preserve and hence, any piecemeal alterations to the original landscape concept of the estate would be unduly detrimental to the general amenity and appearance of the area if permitted.

The application site is in an area where such pockets of amenity land are not uncommon and these areas of land make important contributions to the neighbourhood. In general they provide a soft edge or buffer between the buildings and the footpaths or highway areas. Larger areas of amenity land within the area also make important contributions in terms of recreational space and enhance the local environment. The loss of these areas would not be encouraged, as their removal would be harmful to the character and appearance of the area. For these reasons the change of use of the land and its inclusion within the gardens of the properties would be detrimental to the character and appearance of the area. Furthermore giving approval to the removal of such spaces may also be used as an argument for other areas of open space which would result in the gradual erosion of the green spaces within the estate, thus causing further harm to the character and appearance of the estate.

The Council has been consistent in its application of Policy R12 throughout the District and the current proposal presents no exceptional circumstances sufficient to reach a different conclusion.

In design terms, the proposed enclosure of amenity space would fail to enhance local distinctiveness contrary to Policy BE8 of the adopted local plan and national advice.

Para 11.17 of the emerging Development Strategy states that in order to protect the character of settlements, open spaces which are important both in visual and functional terms, should be protected from development or enclosed as private gardens unless there are exceptional circumstances. Open space also performs a variety of other important functions such as enhancing biodiversity, helping to create linkages for wildlife and humans, improving health and well being, carbon fixing and reducing the heat island effect of built development.

Similarly Policy 40 of the emerging Development Strategy states that:

Within the towns and villages of Central Bedfordshire where Important Open Space has not been designated, planning permission will not be given for the development of open space, including amenity open space and allotments, which contributes to the character of the area either functionally or visually, for non-open recreational purposes. Exceptions to this policy will only be considered where the proposed new development is essential for the improvement, enhancement or enlargement of an existing open space or area for sporting or recreational use and where only a small part of the existing open space will be lost.

Having regard to the foregoing appraisal, it is considered that the proposal is not acceptable as the area of land presently contributes to the landscape character and setting of both Billington Park and Sandhills residential development. Further, as discussed above in the background section, there is the potential for this landscaped character to be further enhanced in the future.

### **3. Trees and Landscape**

The Tree Preservation Order No. 7/2003, which includes those trees (Horse Chestnuts from the original R.A.F. Stanbridge site) growing in the existing area of open space that is being requested for the change of use to residential gardens.

The Tree Officer has concerns that the proposed change of use would inevitably result in the new owners extending their existing side garden fencing. It is calculated that the proposed fencing would come into direct conflict with the positions of many of the protected trees as shown on the TPO plan, and this would lead to future pressure for such trees to be detrimentally pruned or felled, especially where their trunks (or major limbs) are found to be obstructive to the line of the new boundary.

In this respect, the trunks of the following trees were noted to be growing in exactly the positions where new garden fencing is likely to be installed, following a change of use being granted:-

T2,T3, T5, T7, T10, T13, T15 and T16.

The Tree Officer objects to the application on the grounds that resultant garden boundary fencing would be in direct conflict with the positions of at least 8 trees protected by The South Bedfordshire District Council (Land rear of Garland Way and Byford Way (Billington Park) Leighton Buzzard) Tree Preservation Order No. 7/2003.

It is considered that the removal of these trees would lead to a reduction in the landscape value of a strategically positioned piece of green infrastructure, provided in the form of the tree belt, which is intended to visually break up the lines of large scale urban development in the area.

#### **4. Other Issues**

##### **Human Rights issues**

The proposal would raise no Human Rights issues.

##### **Equality Act 2010**

The proposal would raise no issues under the Equality Act 2010

#### **Recommendation**

That Planning Permission be REFUSED subject to the following:

#### **RECOMMENDED REASONS**

- 1 The application site comprises an area of open amenity land which makes a positive contribution to the visual amenity of the area. The inclusion of this land within the residential curtilages of land to r/o 24-68 Byford Way and 27-31 Garland Way and the erection of boundary fencing would be detrimental to the character and appearance of the area. The proposal is therefore contrary to national planning guidance National Planning Policy Framework, Policies BE8 and R12 of the South Bedfordshire Local Plan Review and Policies 40 and 43 of the emerging Development Strategy for Central Bedfordshire.
- 2 The grant of planning permission for the proposed development would create a precedent and make it difficult for the Local Planning Authority to resist other similar proposals in the area. Such piecemeal loss of open amenity space would result in the gradual erosion of the green spaces within the estate, thus causing harm to the character and appearance of the area contrary to national planning guidance within the National Planning Policy Framework, Policies BE8 and R12 of the South Bedfordshire Local Plan Review and Policies 40 and 43 of the emerging Development Strategy for Central Bedfordshire.

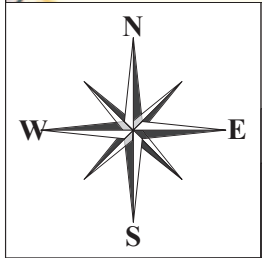
- 3 The resultant garden boundary fencing would be in direct conflict with the positions of at least 8 trees protected by The South Bedfordshire District Council (Land rear of Garland Way and Byford Way (Billington Park) Leighton Buzzard) Tree Preservation Order No. 7/2003, leading to pressure for works to the trees resulting in the loss of amenity value of the trees to the detriment of visual amenity of the locality.

**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 refusal for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**DECISION**

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 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 04:June:2013  
 Grid Reference: 502382; 222038

Application No.  
 CB/13/01276/REG3

Scale: 1:5000

Dukeminster Estate (South West Corner), Church Street,  
 Dunstable, LU5 4HU

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<b>Item No. 17</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/01276/REG3</b>
<b>LOCATION</b>	<b>Dukeminster Estate, (South West Corner) Church Street, Dunstable, LU5 4HU</b>
<b>PROPOSAL</b>	<b>Demolition of all existing buildings on the site and redevelopment for the construction of 83 no. Extra Care Flats for Older Persons with communal areas, support facilities and retail unit</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Young</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>15 April 2013</b>
<b>EXPIRY DATE</b>	<b>15 July 2013</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Kyle Smart Associates Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Contrary to Development Plan Regulation 3 application</b>
<b>RECOMMENDED DECISION</b>	<b>Regulation 3 - Approval</b>

### **Proposed Reasons for Granting**

Although this site is designated a Main Employment Area in the South Bedfordshire Local Plan (Policy E1) a subsequent appeal found this designation to be out of date and in the emerging Central Bedfordshire Development Strategy, to which, in line with the National Planning Policy Framework, appropriate weight should be given, the site is designated Main Employment Area lost to development. Nevertheless, the proposal includes employment generating uses as well as significant affordable accommodation for the elderly. The building would be iconic and well designed (Policies BE8, 43) and act as an uplifting gateway development to the east of the town centre. Important existing landscaping is retained and the building would also safeguard the character of the adjacent Dunstable Conservation Area. The site is brownfield land which would be remediated to a relevant degree and thus comprise regeneration of a prominent site in Dunstable.

### **Site Location:**

This 0.96 ha. level site comprises the south-west corner of the 6.5ha. Dukeminster Estate, until recently a commercial enclave on a rectangle of land half a mile east of Dunstable town centre with a long history of commercial use. It has a southern frontage to Church Street. The site was until recently occupied by office blocks ranging from 3 to 6 storeys in height but is now mainly cleared to slab level except for a building occupied by Plumb Centre and a car park forecourt accessed from Church Street screened by raised shrub beds and trees (behind temporary hoardings). The Plumb Centre premises is served by a small car park with access to

the east from the estate road which runs centrally down this part of the Estate. The adjacent part of this road is included in the site. The site includes the southern end of a mature tree belt to the west.

To the west of the site is a greensward fronting Church Street (the easternmost extremity of Dunstable Conservation Area) with the terraced houses and gardens of Bernards Close behind (not within the CA). To the north is the largely cleared remains of the main Estate flanked on its western side by the greater part of the mature tree belt. This part is currently occupied as the plant yard for the busway construction project. To the east, beyond the estate road, is the site of a proposed care home which has received planning permission. Finally, to the south is Church Street which has been widened as it approaches the guided busway immediately to the east. Opposite the site, Church Street is overlooked by modern 3-storey flats and 2-storey terraced houses let as accommodation, both having a traditional appearance, and a modern tyre fitting dealership (Kwik-Fit).

It should be noted that application CB/13/01368 for residential development of the adjoining part of the Estate to the north appears elsewhere in the agenda.

### **The Application:**

It is proposed to demolish the remaining building and to build a mixed use scheme based on an 83 unit Extra Care housing provision. The communal areas are enhanced to form a facility which may be of use to a clientèle beyond the residential base. This Council is partnering the development. A small (257 m<sup>2</sup>) retail store is proposed on the ground floor. Although the adjacent estate road would be reconfigured, these works are not part of this application.

The building would have a striking form based on a 5-storey 'drum' near the junction of the estate road with Church Street, from which radiate 2 wings of decreasing height facing those roads. As well as using modern materials the building would include concealed and open roof gardens and light wells and be topped out partly with a flat sedum roof with photovoltaic panels. Land to the rear would be landscaped as a garden. A car park for 42 vehicles (including disabled and minibus) would be accessed from Church Street, retaining as much of the existing landscaping as possible, and the shop would be served by a 12 space car park from a servicing loop adjacent to the estate road. Cycle parking (32 spaces) would be included in front of the shop but the care facility would have dedicated cycle sheds (32 spaces) in the grounds. Non-public frontages would be fenced in 1.8m close boarding with 0.3m trellis above; the estate road frontage would have 1.2m railings. A substation site is included.

Internally, the 2 wings would provide 5 levels of accommodation (1 and 2-bed each with a balcony) while the drum would variously provide a cafe, community areas, treatment rooms, storage and service facilities. The retail unit would not have internal links with the rest of the ground floor.

Of the Extra Care units, all affordable, 37% would be available for shared ownership tenure, the remaining 63% for social rent.

The following documents have been submitted:

- Design and Access Statement

- Ecological appraisal
- Tree survey, arboricultural implications assessment report and arboricultural method statement
- Lighting level calculations
- Contamination assessment
- Transport review statement.

## **RELEVANT POLICIES:**

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

- 4 - Promoting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 - Requiring good design
- 10 - Meeting the challenge of climate change, flooding and coastal change
- 11 - Conserving and enhancing the natural environment.

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

- BE8 Design Considerations
- E1 Main Employment Areas
- H3 Meeting local housing needs
- H4 Providing affordable housing

### **Development Strategy for Central Bedfordshire (pre-submission version Jan 2013)**

- Policy 1 Presumption in favour of sustainable development
- Policy 7 Employment sites and uses
- Policy 26 Travel Plans
- Policy 27 Car parking
- Policy 28 Transport assessments and travel plans
- Policy 29 Housing provision
- Policy 30 Housing mix
- Policy 31 Supporting an ageing population
- Policy 34 Affordable housing
- Policy 43 High quality development
- Policy 44 Protection from environmental pollution
- Policy 47 Resource efficiency
- Policy 48 Adaptation
- Policy 49 Mitigating flood risk
- Policy 59 Woodlands, trees and hedgerows

*Having regard to the NPPF, 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 June 2013).*

### **Supplementary Planning Guidance**

- Design in Central Bedfordshire
- Central Bedfordshire Local Transport Plan: App.F, Parking Strategy
- Dunstable Town Centre Masterplan

Borough of Dunstable Tree Preservation Order 1958

**Planning History**

(key decisions, whole Dukeminster Estate)

- SB/OUT/06/0884      Appeal permission expired - Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300m<sup>2</sup> of Class A1 floorspace and up to a maximum of 520m<sup>2</sup> of Class D1 floorspace.
- CB/11/02380/FULL  
[Dukeminster Estate  
excluding this site]      Resolved to Grant - Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300m<sup>2</sup> (gfa) of Class A1 retail space and 513m<sup>2</sup> (gfa) of Class D1 accommodation. Section 106 Agreement not signed.
- CB/11/03053/DEM  
[including land to  
north and east]      Demolition consent for removal of buildings.
- CB/11/04497/OUT      Resolved to Grant - Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to 203 residential dwellings together with a 75 bed care home, 568m<sup>2</sup> (gfa) Class A1 retail space, 505m<sup>2</sup> (gfa) Class A2 financial and professional services or Class 3 restaurants and cafe space, 555m<sup>2</sup> (gfa) Class D1 non residential institutions space, 783m<sup>2</sup> (gfa) Class B1 business space together with associated vehicular parking and landscaped areas. Section 106 Agreement not signed.
- CB/13/00710/FULL  
[land to east of site]      Permission - New build Class C2 care home facility and upgrade of existing access road.
- CB/13/01368/OUT  
[land to north of site]      Being considered at this Meeting - Demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road, associated vehicular parking and landscaped areas.

**Representations:  
(Parish & Neighbours)**

- Town Council (1/5/13)      No objection. Members welcome the development.
- Neighbours      No responses received.

**Consultations/Publicity responses**

- Public Protection Officer      Requests condition to control remediation process.  
- Contaminated land  
(7/5/13)

Environmental Health Officer (1/5/13)	No objections to proposed development. Requests condition to protect Extra Care units from Sainsburys and busway noise. A condition should also be imposed in respect of fixed plant on the site.
Environment Agency (7/5/13)	Planning permission could be granted if 5 conditions attached, otherwise should be refused. The conditions relate to contamination and protection of the aquifer.
Anglian Water (8/5/13)	No AW assets within the site. Dunstable STW has the capacity to receive foul water from the development. The sewerage system has available capacity for these flows. The agreed surface water strategy should be conditioned.
Tree and landscape officer (2/5/13)	No objection to removal of diseased horse chestnuts. Concerned at loss of silver birch group and norway maple which confer a high degree of amenity on Church Street. Could be offset if developer agreed with Dunstable Town Council to provide planting 'offsite' on the adjacent green. Furthermore, a quality landscaping scheme should be provided with the emphasis of planting set within the new parking bays along the frontage with Church Street. Advanced nursery stock trees should be used here, with tree guards and grids to protect from vehicle and wheel compaction damage.
Ecologist (1/5/13)	No objection to proposals and welcomes proposed wildflower meadow. Disappointed in loss of some trees which appear to be in good condition. Badgers are known to be in the area and precautions should be taken during construction works.
Highways Officer (8/5/13)	Recommends conditions including visibility splays, travel plan, wheel cleaning facility, cycle parking, LED lighting, construction worker parking.
Highways Agency (30/4/13, 28/5/13)	Directs that a travel plan condition be attached.
Waste and recycling (15/5/13)	Is in accordance with previous discussions.
Sustainability and Climate Change Officer (2/5/13)	Rather than Code for Sustainable Homes (CfSH), which is not a suitable standard to assess sustainability of the overall scheme, recommends using BREEAM New Construction 2011 which allows for assessment of multi-residential schemes with communal areas. Welcomes commitment to exceed Part L of the Building Regulations and to pursue renewable and low carbon technologies. Provisional comments on these are:

- Combined Heat and Power (CHP) is the most efficient where there is heat demand throughout the year; biomass is classified as zero carbon but may be less suited in or close to an Air Quality Management Zone [the site is thus located], leaving fuel (which will need storage),
- Photo Voltaics (PV) would deliver savings but would need sufficient south-facing roofs, having regard to the use of roof gardens,
- Ground Source Heat Pumps (GSHP) would be more efficient than Air Source Heat Pumps (ASHP) and do not take up roof space.

Consideration should be given to water efficient dishwashers and washing machines and communal rainwater harvesting or grey water recycling.

The use of green roofs and butts is welcomed but more consideration could be given to rainwater runoff, perhaps in conjunction with the rest of Dukeminster estate.

Affinity Water (24/4/13)

Site located within the Source Protection Zone of Periwinkle Lane and AW has a number of boreholes. Construction works and operation should be done in accordance with relevant BS and Best Management Practices to reduce groundwater pollution risk. If any pollution is found, appropriate monitoring and remediation will need to be undertaken. Refers to CIRIA publication.

## **Determining Issues**

The main considerations of the application are;

1. Planning history and principle of development
2. Site Constraints
3. Design and Access
4. Summary and conditions

## **Considerations**

### **Human Rights issues**

The proposal does not give rise to and known Human Rights issues.

### **Equality Act 2010**

Being an extra care scheme great attention has been given to access for those with mobility issues, both within vehicles and on foot, and for the protection of residents while on the premises. The same attention has been given to the proposed shop. The following text appeared in the report to Executive on 5th February 2013 when the principle of the development was discussed:

*Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster*

*good relations in respect of nine protected characteristics; age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. National and local research indicates that there is a shortage of appropriate and affordable housing for older people. The approval of this proposal will play an important role in helping to improve outcomes for vulnerable older people.*

## **1. Planning history and principle of development**

Together with the rest of Dukeminster Estate the site is allocated in the South Bedfordshire Local Plan as a Main Employment Area; relevant Policy E1 is still saved. The site is shown on the Policies Map for the pre-submission Development Strategy for Central Bedfordshire as 'Main employment area (category 1) lost to residential development'. In a pivotal appeal decision on the Estate, the Secretary of State, in allowing an appeal for 458 dwellings (and 300m<sup>2</sup> retail/520m<sup>2</sup> Class D1) in 2007 noted that the proposal would provide new and additional housing in a sustainable location including a good quantity of affordable housing, and that there was evidence of sufficient employment land elsewhere. Subsequent applications have been determined which relied on the steer given by the Secretary of State in respect of the employment land and which is still relevant. The most recent (11/04497) covering the whole Estate was resolved to be granted permission by Development Management Committee on 23rd May 2012 but the S106 Agreement remains to be signed. In this application the current site was indicated as the location for a block containing 568m<sup>2</sup> A1 retail, 505m<sup>2</sup> A2 and A3 retail, 555m<sup>2</sup> D1 nursery, 783m<sup>2</sup> B1 office accommodation and 41 flats.

Dunstable Town Centre Masterplan coverage extends to this site, being part of the Dukeminster Estate. Reference is made to the 11/02380 'planning permission' (see history above) because the 11/04497 submissions was still being considered. The Masterplan states "There is an opportunity to consider the site for comprehensive redevelopment. However, an element of the sites original employment function would need to be retained in some form." It is now generally accepted that employment uses can extend to care facilities and this aspiration can be met in the proposal.

### **PRESENT POSITION**

There has been a recent major shift in the proposed regeneration of this Estate. Quantum Care has made much progress in its interest for the south-east quarter of the Estate and full planning permission was recently issued for a 75-room care home. The adjacent part of the estate road was included in the site and its upgrade was part of the permission. In addition, this Council has been in discussions with the 'owners' of the Estate whereby it would develop an Extra Care scheme (this application) on the south-west quarter, leaving the 'owners' the remainder of the Estate for residential development.

As the previous unsigned S106 Agreements bear witness, a residential scheme would normally involve substantial developer contributions towards infrastructure, under the CBC residential calculator (adopted 2009 - pending the introduction of CIL). Affordable housing would also have to be offered at a rate of typically 30%. At the pre-application stage it was calculated that infrastructure

contributions for the residential phase would total £1.158 million. If the 'owner' was to remain liable to infrastructure contributions and affordable housing for their residential phase they would have to sell the land to CBC at a price which would make the Extra Care scheme unviable.

Recognising the effective contribution which Extra Care can make towards housing targets a S106 Agreement has been drafted whereby the Extra Care scheme would effectively 'comprise' the affordable housing element of the residential development. It would in fact not only provide shared ownership and rented homes for older people but the overall affordable rate would rise to 33%. However, the infrastructure contributions would be considerably reduced to £689,000. The principle of this arrangement was approved by Executive on 5th February 2013:

*"That the proposal to construct an Extra Care Housing scheme at the Dukeminster site in Dunstable be approved; and  
2. to delegate authority to the Director of Social Care, Health and Housing, in consultation with the Chief Finance Officer, the Deputy Leader and Executive Member for Corporate Resources and the Executive Member for Social Care, Health and Housing, to take such steps as were necessary to progress the scheme, including site acquisition and the award of a contract to construct the scheme in accordance with the Council's Code of Procurement Governance."*

The report to Executive is attached as an **APPENDIX** and gives further background to the proposal.

This development on its own would not generate an infrastructure requirement under the CBC Calculator and the whole development is affordable accommodation.

The Council's *Delivering your priorities - Our plan for Central Bedfordshire 2012-2016* sets a target in the 'Promote health and well being and protect the vulnerable' priority of 50 extra care flats by 2014. This would exceed that target. The application points out that there are over 90 learning disabled adults in Central Bedfordshire living with parent-carers of pensionable age. Some of the flats could be made available to meet this need.

The 11/04497 application was subject to a comprehensive public consultation exercise and the current application, together with the proposed residential development on the central/north part of the Estate, has been the subject of another consultation exercise held at the Old Palace Lodge Hotel, on 28th March 2013.

#### EIA DEVELOPMENT

This proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2011 and it is concluded that, having regard also to the proposed developments elsewhere on Dukeminster Estate, the proposal does not constitute EIA Development.



## 2. Site Constraints

### ECOLOGY

The submitted report was prepared for the whole Dukeminster Estate and it is apparent that the most sensitive areas lie further to the north of the site. The remaining building is not suitable for bats nor the open habitats for amphibians. The ecologist welcomes the proposed use of wildflower seed mix for open areas and we propose an informative in respect of appropriate measures to protect badgers known to use the Estate.

### TREES

The trees on the site are part of the setting of the Conservation Area. Apparently 2 sycamore remain of the 1958 TPO (it is not easy to 'date' these trees), being on the western site frontage; however the accompanying trees in this group, while not encroached upon, are poor specimens and could be replaced. A semi-mature norway maple, while needing some work to stabilise decay, will be severely encroached upon by car park and bin enclosure. Its removal is regrettable but the loss would in part be mitigated both by an ash tree further back in the greensward and shrub planting. The applicant is investigating the possibility of planting a new tree on the adjacent part of the greensward, which is managed by the Town Council. The mature tree belt on the western boundary is not so protected but also remains. Other more recent trees have been assessed. Two horse chestnuts to the east of the frontage are suggested for replacement because of advancing disease, however they are not at risk from the development. It has not been possible to retain some smaller individuals or groups within the site.

## 3. Design and Access

### APPROACH TO DESIGN

Historically, Church Street has been lined with 2 storey buildings but Victorian times saw 3 storey groups near the central crossroads (some later demolished). In recent decades the town centre gained the then status symbol of the tall office block of Quadrant House (now Priory Heights), followed by the less tall office blocks fronting the then Fairview Estate (now Dukeminster). These were very substantial departures from local character although, in the case of Fairview, the landscaped foreground and width of Church Street helped reduce the contrast in scale. Subsequent residential development opposite the site was again limited to 3 storeys although the end of Station Road provides a 4 storey block on elevated land. The Quantum care home scheme presents a 3 storey elevation to Church Street.

This part of east Dunstable is undergoing significant change with the busway bridge and works and widening of Church Street, which is tending to out-scale the frontaging buildings. So that the highway does not dominate the streetscape frontaging buildings can be of a somewhat larger scale. The locality also marks the eastern approach to the historic core with the greensward and Marshe Almshouses immediately west of the site. A gateway building here would mark the edge of the town centre and continue the practice set by the other modern gateway buildings at London Road and High Street North. The added sensitivity of the Conservation Area has been addressed by stepping down the height towards the west.

The resulting design is the product of an iterative process where an interpretation of 'traditional' elevations was consciously rejected. The resulting

building has in our opinion a fresh and well detailed form with considerable interest. The extent of glazing would provide an active frontage, enhanced by the shop. It still retains the previous set back building line so as not to stand forward of a line representing the rear of the greensward, and enables the 3 storey western end to relate appropriately to Bernards Close and the Almshouses. As with the previous office blocks there would be a substantial departure from local character but this character is itself changing with highway works. The proposal would thus prevent this change from being towards mediocrity by providing a quality building and setting a standard. For comparison, application 11/04497 showed a block ranging from 3 to 5 stories on this site in its indicative layout. The proposal would also accord with the Dunstable Masterplan which states that 'the design of new development as you enter the town should help create new gateways or landmarks for Dunstable'. This reflects the Dunstable Town Council corporate plan.

#### ELEVATIONS AND MATERIALS

An outline of the external form was given under section above entitled 'The application'. Essentially, each of the frontaging blocks comprise 2 abutting 'separate' buildings at a slight angle to each other which are attached to the central 'drum' by a glazed link. The blocks would have a strong modular form with floors and vertical bays emphasised by render and with a larger white rendered bold rectangle superimposed. The bays would have half balconies with sliding screens. End elevations would be in brick and rear elevations would be simplified with greater use of brick. The central 'drum' would present a curved elevation to the street but this regularity would be highly fragmented at the rear. Above the double height ground floor (partly accommodating the shop) with its glazing, the upper 3 floors would be enclosed within a brick/render frame with more use of brick in the bays. A suspended canopy would extend round the curve level with the ground floor ceiling. An equally bold projection at the top of the building would match this.

The rear elevation of the 'drum' reveals that it is essentially hollow at upper levels with a very modernist composition of bold shapes and pedestrian bridges. The double height ground floor would be a form of atrium with a sloping glazed wall ending in a roof garden at the second floor level.

#### INTERNAL LAYOUT

Whereas all of the units would be provided with 1 bedroom, 49% would have the ability to be converted to provide a second bedroom depending on specific needs of residents. Communal facilities include lounges, dining areas, hobby rooms, treatment rooms, library and health & beauty suites. There would be facilities for visitor sleep-over. The cafe would be open to the public insofar as others from the wider community can visit and enjoy the facilities. Communal spaces could also be closed off for private use to generate income. The wings would be residential while the hub ('drum') would focus the civic and communal. If required, the third floor flats could serve as a dementia unit with its own access to a roof garden.

#### EXTERNAL AREAS

The private garden area and the more public car parking area would both be lit by a combination of lighting columns and low level lighting bollards. The accompanying lighting scheme demonstrates that there would be no overspill

lighting and that the front of the site can benefit from existing street lighting. It is intended that a Secured by Design application would be made following grant of permission. New tree and shrub planting of native species would improve the ecological value and biodiversity of the site.

#### WASTE

Appropriate facilities would be provided for storage with access from collection vehicles and, in the case of the shop, part of this would be inside the building.

#### ACCESS

In view of the intended use full opportunity has been taken to facilitate personal movement around the units, the building and grounds.

#### HIGHWAY MATTERS

The traffic using the junction with Church Street would be considerably less than the traffic calculated from the previous 'permitted' development on this site. A condition would ensure that the retail unit, which relies on access from the estate road, may not trade unless the estate road is available for access.

#### PARKING

The 12 spaces provided for the retail unit would be slightly below (by 1 or 2 spaces) the number required by the Parking Standards (after correction and applying discount for good accessibility), however, Policy P4 of the Parking Strategy allows for negotiation taking into account specific factors. It is considered that the reasonable provision on-site, the potential for short-term parking on the Estate Road and the fact that no-one would or could park on Church Street would act as a constraint on parking and custom at peak times.

The 42 spaces (including minibus) for the Extra Care units calculate at about 0.5 space per flat. The new parking standards do not show a standard for Extra Care and the rate is well below the stated standard for sheltered and other retirement homes. However, those rates do not take into account the fact that, typically, the age of residents at 'entry' is usually about 80 years. A below half-provision was also approved for the Extra Care scheme at Millers Dairy Linslade in consideration of the applicant finding a 34% rate in his other schemes, before further reduction because of good accessibility to local amenities. No distinction is made between visitors and staff parking although a travel plan would be required for staff.

Cycle parking for visitors to the shop (32 spaces) and for residents, staff and their visitors would be provided.

#### SUSTAINABILITY

This is a highly sustainable location for those likely to have limited mobility, with a shop on the ground floor, the town centre facilities less than half a mile away and public transport immediately outside. The building includes a store for mobility scooters and has a dedicated car park including 5 disabled spaces.

The development would meet a minimum level of Code 3 and would re-use previously developed land. Where possible materials incorporated into the construction would be from environmentally sustainable sources and waste materials would be recycled. High levels of thermal insulation would be

employed to exceed Part L of the Building regulations. Subject to investigation a CHP (Combined Heat and Power) Plant could be suitable or PV panels and/or air source heat pumps be installed on the roof. Roof gardens and other roofs can be finished with sedum planting. Water saving measures would be incorporated. The comments of the Sustainability and Climate Change Officer have been forwarded to the applicant but do not need to be the subject of planning conditions.

#### CONSERVATION AREA

The site is adjacent to the Dunstable Conservation Area, which embraces the greensward. The proposal would safeguard the character of the Conservation Area.

#### 4. Summary and conditions

The proposed Extra Care scheme justifies the significant reductions in infrastructure and affordable housing provision for the residential development, which is subject of a separate report on this Agenda.

The Extra Care scheme is of a bold and imaginative design which we consider will fit well into this location and uplift the entrance to the town centre. It would also provide a form of accommodation and service which is much in demand as the proportion of older people increases in the population, and this would exceed a medium term target which the Council has set itself. By including a form of employment-generating use the proposal also meets the expectations of the Estate set out in the emerging Development Strategy which updates the Local Plan designation which was found to be out of date in the earlier appeal decision.

The proposal meets the requirements of the NPPF by attaching appropriate materiality to the DS. In that it comprises sustainable development offering positive improvements in the quality of the built environment, reuses brownfield land, takes into account future demographic change and identifies different forms of tenure, it satisfies a broad range of aspirations in the NPPF.

The site is included in a previously approved mixed-use scheme and those conditions have been reviewed. In particular, the important trees would be protected, subject to ground remediation, and use of the shop would be delayed until the estate road is upgraded (through a different planning permission). Although the site is sustainably located, with good public transport, further effort would be expected in the use of a staff travel plan. No adverse representations have been received and it is pleasing that the Town Council gives full support.

The proposal would represent the regeneration of a prominent site in the town.

#### Recommendation

That the Planning Application be APPROVED under Regulation 3 of the Town and Country Planning General Regulations 1992 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 **No development hereby approved shall commence until a detailed 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. (Policies BE8 South Bedfordshire Local Plan Review (S.B.L.P.R); 43 Development Strategy for Central Bedfordshire (DS)).**

- 3 **No development shall commence, including ground clearance, until tree protection measures in accordance with the *Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement* (Ref. 2345.AIA.Dunstable.Reit) and drawing 2345.TPP hereby approved have been implemented to the standard required by BS3998 '*Recommendations for Treework*' 2010.**

REASON: To ensure a satisfactory standard of landscaping by retaining important existing trees.  
(Policies: BE8 SBLPR; 43 DS).

- 4 If any underground services are required to be routed through the root protection areas of retained trees, such works shall be carried out in strict accordance with the guidance set out in the National Joint Utilities Group's publication *Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in proximity to Trees*.

REASON: To retain important existing trees.  
(Policies: BE8 SBLPR; 43 DS).

- 5 No removal of the low brick wall on the north-eastern side of the tree belt adjacent to western boundary of the site shall take place until details of the proposed treatment of the adjacent land have been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard trees screening the site.  
(Policies: BE8 SBLPR; 43 DS).

6 No development hereby approved shall begin until the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) a Phase 3 Remediation Method Statement containing a detailed scheme, including site plans, for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment, as recommended by the previously submitted Curtins Consulting Phase 2 Site Investigation Report of July 2011.
- (b) a Phase 4 Validation Report demonstrating the effectiveness of the Phase 3 scheme (to incorporate photographs, material transport tickets and excavation-wall chemical validation sampling), unless an alternative period is approved in writing by that Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any part of the proposed building is occupied. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

REASON: To protect human health and the environment.  
(Policies: 43, 44 DS).

7 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.**

REASON: To protect and prevent the pollution of controlled waters (particularly the underlying Principal aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121). (Environment Agency condition)  
(Policy: 44 DS).

- 8 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: as Reason 7. (Environment Agency condition)  
(Policy: 44 DS).

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: as Reason 7. (Environment Agency condition)  
(Policy: 44 DS).

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

REASON: as Reason 7. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins. (Environment Agency condition).  
(Policy: 44 DS).

- 11 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: as Reason 7. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. (Environment Agency condition)  
(Policy: 44 DS).

- 12 **No development shall commence until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

REASON: To ensure satisfactory sustainable drainage for the site.  
(Policy: 44 DS).

- 13 **No development shall commence until samples of proposed facing materials, surfacing materials, and railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

REASON: To ensure a quality development in the context of its situation.  
(Policies: BE8 SBLPR; 43 DS).

- 14 **Development shall not commence until a detailed waste audit addressing issues in respect of waste generated by the site clearance, construction and subsequent occupation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:**

- (a) the anticipated nature and volumes of waste that the development will generate,**
  - (b) measures to maximise the re-use of on-site waste arising from demolition, engineering and landscaping,**
  - (c) steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting and recovery and recycling facilities,**
  - (d) any other steps to be taken to minimise the generation of waste throughout any required demolition and during the construction of the development,**
  - (e) provision within the proposed development to encourage the occupier to manage waste effectively and sustainably,**
  - (f) provision for monitoring the implementation of steps (a) to (e) above, and**
- a timetable for implementing the above steps.**



REASON: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of saved policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

- 15 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB<sub>LAeq</sub>, 23:00-07:00 and 45dB<sub>LAm</sub>, 23:00-07:00 for bedrooms and 35dB<sub>LAeq</sub>, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB<sub>LAeq</sub>, 1hr in outdoor amenity areas. The effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results submitted to and approved in writing by the Local Planning Authority before any permitted dwelling unit is occupied. Furthermore, the applicant/developer shall identify any windows that need to remain closed in order for the internal noise environment to meet the required standards (other than for road traffic noise). Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for the rooms affected.

REASON: To protect occupants from externally generated noise.  
(Policies: BE8 SBLPR; 44 DS).

- 16 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing L<sub>A90</sub> background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise should be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive dwelling unit.

REASON: To prevent nuisance from noise and to safeguard the amenities of the area.  
(Policies: BE8 SBLPR; 44 DS).

- 17 Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by non-domestic cooking and food preparation and the equipment shall be effectively operated for so long as the non-domestic food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of that authority prior to the non-domestic food cooking and preparation use hereby permitted commencing.

REASON: To safeguard sensitive receptors from unacceptable levels of odour pollution.  
(Policies: BE8 SBLPR; 44 DS).

- 18 Before an access onto the estate road or Church Street is first brought into use, a triangular vision splay shall be provided on each side of the access and shall be 2.8m measured along the back edge of the highway from the

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

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

(Policy: 43 DS).

- 19 Before an access onto the estate road or Church Street is first brought into use, a triangular visibility splay shall be provided on each side of the access and shall be 2.4m measured along the centre line of the access from its junction with the channel to the through road and 25m measured from the centre line of the access along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

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

(Policy: 43 DS).

- 20 No part of the development hereby approved shall be brought into use until a staff Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall be in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- Details of mitigation measures to be applied should targets not be met
- Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

No part of the development shall be occupied except in accordance with the provisions and timetabling of the Travel Plan.

REASON: To ensure the A5 trunk road will continue to be an effective part of the strategic Road Network in accordance with Circular 02/07 *Planning and the Strategic Road Network*. (Highways Agency direction).

(Policy: 26 DS).

- 21 The maximum gradient of all vehicular accesses onto the estate road or Church Street shall be 10% (1 in 10).

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

(Policy: NPPF par. 32).

- 22 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 DS).

- 23 The proposed retail unit shall not be brought into use unless and until full servicing and customer vehicular access can be obtained along that length of the estate road between Church Street and the delivery and retail parking provision hereby approved.

REASON: To ensure adequate off-street parking and servicing facilities for the retail unit in the interest of road safety.  
(Policy: 43 DS).

- 24 **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.  
(Policies: BE8 SBLPR, 43 DS).

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

REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.  
(Policy: 24 DS).

- 26 **No development shall commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

REASON: To ensure adequate off street parking during construction in the interests of road safety.  
(Policy: NPPF par. 32).

- 27 This permission relates only to the details shown on drawings 12050wd2.001, 002, 011 – 017, 019 – 021, 023 – 026 received 15/4/13; 2345.TPP, 2345.AIA received 15/4/13; 78310R1 received 15/4/13; 12050wd2.022A received 30/4/13; 12050wd2.010 rev.B received 10/5/13.

REASON:To identify the approved plans and to avoid 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. With respect to the construction phase reference should be made to the Mayor of London's Best Practice Guidance (BPG) The control of dust and emissions from construction and demolition. The impacts upon air quality are likely to be in the "High Risk" category and mitigation measures will be required, which should also include solid barriers to the site boundary.

Normal working hours should be 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays. Normal working hours should be 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps would include noise mitigation measures such as temporary screening or at source insulation may have to be utilised, all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

3. The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highway as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highway together with all the necessary highway and drainage arrangements, including runoff calculations shall be submitted to the development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, PO Box 1395, Bedford, MK42 5AN. 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.
4. Precautions should be taken to cover open excavations at night as badgers are known to be active in the area.
5. The site is located within the groundwater Source Protection Zone of Periwinkle Lane Pumping Station, a public water supply operated by Affinity Water Ltd.. Construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. (Affinity Water advice - 01707 268111).
6. Contact should be made with Andrew McWha, Central Bedfordshire Council (0300 300 8000) prior to completion of the development in order to organise provision of waste bins.

**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. 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**

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**Meeting:** Executive  
**Date:** 5 February 2013  
**Subject:** Proposals to Develop Affordable Extra Care Housing in Dunstable  
**Report of:** Cllr Carole Hegley, Executive Member for Social Care, Health and Housing  
**Summary:** The purpose of this report is to request Executive approval for the development of approximately 80 Extra Care housing apartments on the redundant Dukeminster site in Dunstable.

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**Advising Officer:** Julie Ogley, Director of Social Care, Health and Housing  
**Contact Officer:** Tony Keaveney, Assistant Director Housing  
**Public/Exempt:** Public  
**Wards Affected:** Dunstable Central Ward  
**Function of:** Executive  
**Key Decision** Yes  
**Reason for urgency/  
exemption from call-in  
(if appropriate)** Not applicable

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

Through the provision of high quality, cost effective accommodation with 24 hour, seven day a week care on site, this proposal supports the following Council priorities:

- Promote health and well-being and protecting the vulnerable.
- Value for money.

##### **Financial:**

1. The financial implications are set out below in paragraphs 25 to 29.

##### **Legal:**

2. The Council has a statutory duty under the National Health Service and community care Act 1990 to assess the needs of people in its area who may need community care services. Where appropriate this may necessitate the provision of suitable accommodation to meet those needs. The proposals contained in this report will help the Council to comply with this duty.

**Risk Management:**

3. The following risks have been identified:

- failure to deliver the Council's priorities, Medium Term Plan, the Housing Strategy 2011-15, and programmes including Residential Futures;
- failure to make adequate provision for the accommodation needs of older people in Central Bedfordshire, both in the short term and also by addressing future needs;
- failure to promote town centre regeneration;
- failure to manage the allocation/letting process to ensure that the scheme addresses the residents that are in need; and
- failure to discharge statutory responsibilities.

In addition, there are a number of financial risks, including:

- slippage in timeframes;
- failure to secure Home and Communities Agency (HCA) funding;
- failure to realise shared ownership sales and rent income due to lack of demand/need for accommodation provided;
- failure to deliver the General Fund savings required in 2014/15; and
- uncertainty over construction costs and actual rent income.

These identified risks will be managed throughout the project, and appropriate mitigating action taken.

**Staffing (including Trades Unions):**

4. Not applicable.

**Equalities/Human Rights:**

5. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. National and local research indicates that there is a shortage of appropriate and affordable housing for older people. The approval of this proposal will play an important role in helping to improve outcomes for vulnerable older people.

**Public Health:**

6. Extra Care housing has a positive impact on public health. Studies have shown that that where access to extra care is available, over 80 year olds with care needs are half as likely to move into an institutional care home in the future. Extra Care housing residents are less likely to be admitted into a hospital for an overnight stay compared to someone of a matched demographic living in the Community.



**Community Safety:**

7. The provision of well designed accommodation with 24 hours, seven day a week care will enhance the safety and security of older people. In addition, the communal facilities provided will be open to all members of the community and so should promote intergenerational understanding and support.

**Sustainability:**

8. The location of the Dukeminster site provides the opportunity to regenerate and enhance the centre of Dunstable and bring people back into living in the town.

**Procurement:**

9. A detailed procurement exercise will be undertaken to ensure value for money in the construction of the building and associated services.

**Overview and Scrutiny:**

10. This matter was considered by the Social Care, Health and Housing Overview and Scrutiny Committee on the 29 January 2013. Recommendations from this meeting will be table at the Executive meeting.

**RECOMMENDATIONS:**

**The Executive is asked to:**

1. approve the proposal to construct an Extra Care Housing scheme at the Dukeminster site in Dunstable; and
2. delegate to the Director of Social Care, Health and Housing, in consultation with the Chief Finance Officer, the Deputy Leader and Executive Member for Corporate Resources and the Executive Member for Social Care, Health and Housing, authority to take such steps as are necessary to progress the scheme, including site acquisition and the award of a contract to construct the scheme in accordance with the Council's Code of Procurement Governance.

*Reason for Recommendations: To allow work to progress on the development of approximately 80 units of mixed tenure Extra Care housing on the Dukeminster site in Dunstable.*

**Executive Summary**

11. Extra Care housing combines high quality, self contained, accommodation and communal facilities with the availability of care and support 24 hours a day, seven days a week. Apartments will be available at affordable rents and for purchase on shared ownership basis.

- |  |
|--|
| 12. The Dukeminster site is likely to be the first in a programme of Extra Care housing development across Central Bedfordshire and is a considerable investment in both the accommodation for and care of older people in the area. |
|--|

### Introduction

13. The Office of National Statistics, 2011 census figures, estimated that 39,900 (15.7%) of the Central Bedfordshire population were aged 65+. This figure is predicted to increase to 54,200 (19.1% of CB population) by 2021 – an increase of 35.8%. The number of very old people, those 85 years or older, is estimated to increase from 4,700 to 7,100 an increase of 51.1% in the same period.
14. Changes in life expectancy, while very welcome, present considerable challenges in the efficient provision of accommodation and high quality care for older people. The right type of accommodation can promote independence and self-reliance and reduce social isolation. The importance of well designed accommodation and services has been recognised in the Central Bedfordshire Housing Strategy 2011- 2015, Key Strategic Priority 3 *Meeting the Accommodation Needs of Older and Vulnerable People* and in the Medium Term Plan target, *Provide 50 extra care flats by 2014*.
15. The development of Extra Care housing is part of the wider strategic response of the Council to increasing numbers of older people in its population. A number of projects dealing with the accommodation and care needs of older people have been brought together in the Meeting the Accommodation Needs of Older People Programme (MANOP). These include the review of Council owned Sheltered housing, the establishment of a dementia quality accreditation scheme with increased fee levels, the establishment of a Framework Agreement for engaging with providers of care homes in the move away from block contract arrangements and the development of a robust evidence base to inform future decision making. The aim of the programme is to provide a coordinated approach to tackling the challenges posed by demographic changes.

### Extra Care Housing

16. Extra Care housing, sometimes called "very sheltered" housing or "assisted living", is a relatively new concept in the provision of housing and care services. Extra Care seeks to provide good quality housing, in a supportive environment, coupled with the availability of round-the-clock care. Local authorities across the country are developing schemes similar to the one proposed for Dunstable and a number of commercial developers have seen an opportunity to develop assisted living units in Central Bedfordshire for the private market.
17. The focus of Extra Care is to promote and foster independence and self-reliance in a supportive environment. Extra Care schemes generally consist of a number of self-contained apartments or bungalows grouped together with communal facilities such as cafés, hobby rooms, beauty suites and multi-purpose meeting rooms. The use of the facilities by members of the public is encouraged to ensure that the scheme is integrated into the life of the community.

18. Care and support services are provided on-site, usually 24 hours a day, seven days a week. The provision of care in a purpose built and well-designed setting can enhance well-being and support independence. One of the main benefits of Extra Care is its ability to combat debilitating loneliness and social isolation which can occur when frail older people remain in their own home in the wider community. Extra Care schemes provide a wide range of opportunities to interact with neighbours and the wider community at a level which the individual can control and feels comfortable with. However, residents retain the privacy of their own, self contained, apartment.
19. The development of Extra Care can benefit the younger population as well as older residents. Evidence from other parts of the country shows that, when offered well designed accommodation in an attractive environment, many older people are content to transfer from larger former families. This move frees two and three bedroom houses with gardens to be offered to families requiring that size of accommodation.
20. As part of MANOP, the Council will need to consider the provision of at least 420 units of Extra Care housing over the next seven years. The proposed scheme at Dukeminster, Dunstable, is the first of these developments to come forward. Early thinking is that some of these schemes will be developed and managed directly by the Council's Housing Services, while others will be delivered by partner organisations with Council support. The work done to bring forward Dukeminster has triggered the interest of a number of Registered Providers of accommodation in developing schemes in the area and Dukeminster is seen as a template for further developments of this type.

#### **Dukeminster Dunstable**

21. The site at the redundant Dukeminster industrial estate has outline planning permission for a predominantly residential development with some commercial elements. The proposed Extra Care scheme will occupy a prominent corner position on the site and will be highly visible when entering the town from Luton, a situation of particular importance given the route of the Guided Busway.
22. It is proposed that approximately 80 apartments will be provided. These will be divided equally between 40 one bedroom apartments suitable for two people and 40 two bedroom apartments designed to accommodate three people. The apartments will be fully self-contained, with their own front door and all facilities. The draft plans show them to be generously sized to ensure there is sufficient space for wheelchair access, personal possessions, storage and assistive technology. All one bed apartments are sufficiently large to convert to two bed should future needs require this.
23. It is likely that, 50 of the apartments will be available to rent at "formula rents", consistent with Council and Housing Association (social) rents, while 30 will be for sale for owner occupation on a shared-ownership basis. Owner occupiers will be able to purchase either 50% or 75% of the value of the apartments. No rent will be due on the remaining share if 75% is purchased. Work is currently ongoing to ensure that rents and service charges will be reasonable and within the budget of retired people on low incomes.

24. In addition to the self-contained accommodation, a range of other facilities will be provided on site. The exact nature of these is to be determined in consultation with older peoples representative groups but is likely to include a café open to public use, a lounge, a health and beauty suite, a reading room, hobby rooms, guest rooms, a therapy suite, bathing spas for assisted bathing and multi-purpose meeting rooms. It is envisaged that the majority of these facilities will be open to the general public. In addition, the care element of the scheme will be designed in consultation with Bedfordshire Clinical Commissioning Group.
25. As part of the development it is proposed that 270m<sup>2</sup> of retail space will be provided to be leased to a commercial operator.
26. Dukeminster represents an exciting opportunity to improve the accommodation and care services offered to our older residents and to provide cost effective, value for money services. The scheme will be a major investment, not only in the services Central Bedfordshire Council offers to older people, but also in the physical regeneration of Dunstable town centre. The prominent position of the site, on the route of the Guided Bus, provides the opportunity to improve the built environment of Dunstable, and the facilities provided will benefit not only residents, but the community as a whole.

#### **Financial Considerations**

27. As well as providing better outcomes for residents needing care and support, Extra Care is also more cost effective than other forms of residential care, such as that provided in care homes. The expansion of Extra Care facilities in the area will allow for the efficient use of Council resources in the provision of care for elderly residents. It is envisaged that residents will have a range of care needs including mild to moderate dementia and the focus will be on allowing them to remain in their own apartment for as long as possible.
28. The Localism Act of 2011 brought about fundamental reform to council housing finance, which is detailed more fully in the draft Housing Revenue Account budget report, considered by Executive on the 8 January 2013. The Self-financing regime introduced on 1 April 2012, has given the Council greater autonomy and influence over the financial management of their housing assets. The Landlord Service Business Plan shows rental income will exceed the anticipated costs of managing the stock over the 30 year period; indeed, freed from the constraints of the Subsidy system, the HRA is forecast to generate surpluses after interest repayments of approximately £5m each year for the next 4 financial years. This compares favourably to the Subsidy system, where approximately £10m a year was paid to Central Government, to be re-distributed to other local authorities.

29. The Council has therefore benefitted from the new Self Financing regime. The draft HRA Budget report explains that a Sheltered Housing Re-Provision Reserve (SHRR) has been set up as a source of funding for investment in new build Extra Care accommodation and improvements to the existing sheltered accommodation. If the HRA budget report is approved by the Executive, it is forecast that the SHRR Reserve, as at 31 March 2013, will amount to £8.653m. This Reserve is funded from the annual surplus' in rental income over management and maintenance costs that is being achieved. This Reserve will increase in value during 2014 and 2015.
30. It is proposed that the SHRP is used to fund the development of the extra care housing scheme at Dukeminster, as the primary source of funding. However, the financing of this proposed scheme will draw from various sources, which shall include –
1. A bid seeking grant funding from the Homes and Communities Agency, was made on the 18 January 2013.
  2. There will be the sales receipts from (approximately) 30 shared ownership sales.
  3. Right to Buy sales receipts will be invested, which is envisaged by the Government as a means to deliver new build affordable housing. In August 2012, the Council signed up to an agreement with Government to retain receipts to deliver new build affordable housing and is forecast to retain approximately £0.500m for investment in replacement stock. Indeed, the ability to retain this money actually depends on the council re-providing new build stock on a one for one replacement basis.
  4. Money received as s106 payments to the Council, for the purpose of delivering that new build affordable housing could be invested in the Dukeminster scheme.

The resources required are adequate to deliver the scheme and the proposed investment represents value for money. The exact funding mix can be determined at a later date, in terms of best use of the resources available.

31. As the first year of self-financing draws to a close, Central Bedfordshire Council is already benefiting from the ability to be more strategic in planning how best to manage the asset, to benefit tenants and residents, as well as to achieve wider council objectives. The delivery of extra care housing will also result in savings to the General Fund, as a reduction in the cost of residential care for older people. The proposed efficiency savings in 2014-16 amount to 480k, of which Dukeminster will secure a saving, per annum, of approximately 218k.

### **Development Programme**

32. It is proposed that the Dukeminster site be the first in a series of developments across Central Bedfordshire. It is intended that some of the sites will be developed directly by the Council, while others will be developed by partner organisations such as housing associations.

**Support for the Proposed Scheme**

- 33. The scheme proposals have been developed with members of the Older Persons Reference Group (OPRG) and also members of STAG, the Council's Sheltered Tenants Action Group. This work has mainly related to design and specification of what makes a successful extra care scheme. This work will continue, with a smaller group to progress the detail of the Dukeminster proposal, initially through the planning application process, but then to include interior design and all matters related to the operational commissioning of the scheme, including arrangements for the scheme to be occupied and to create a vibrant, new community from the first day of residence.
  
- 34. The STAG Committee is supportive of the Dukeminster proposal, as being needed in Dunstable; enhancing the quality of provision for older people; and representing a sound investment to deliver new build council housing. The STAG Committee are committed to this project, as well as to future delivery of Extra Care housing, as part of an overall approach which aims to improve, re-model or re-designate existing sheltered housing provision as well as to provide new retirement housing for people typically aged 55 to 75. The STAG Committee supports the strategic approach being taken by the Council to meet the accommodation needs of older people.
  
- 35. The STAG Committee consider that the Dukeminster location in Dunstable is as near to being an ideal location for an Extra Care housing scheme, as one could wish for. It is located near to the town centre, close to shops, amenities, and local services, as well as being close to excellent transport links, including the guided bus-way. The scheme will also benefit from the development, on an adjacent site, of a residential/nursing home, so creating a small retirement village in the centre of Dunstable and enabling older people to enjoy the benefits of being able to live in a town centre.

**Conclusion and Next Steps**

- 36. The anticipated timetable for the development is given in Table 1 below,

Table 1. Proposals to Develop Affordable Extra Care Housing in Dunstable  
 Proposed Timetable

Activity	Date
Detailed Planning Permission Applied For	April 2013
Planning Permission Obtained	August 2013
Construction Commences	Winter 2013
Construction Complete	Winter 2014

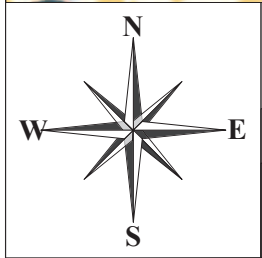
37. The Dukeminster site, Dunstable is the first in a programme to extend Extra Care housing across Central Bedfordshire. It represents a major investment in improving accommodation and care to the oldest residents in the area. The scheme supports the strategic direction to reduce the use of institutional provision of care, and moves towards a personal approach. It also support the Key Strategic Priority 3 in the Housing Strategy, *Meeting the Accommodation Needs of Older and Vulnerable People* and meets the Medium Term Plan target, *Provide 50 extra care flats by 2014.*

**Appendices:** None

**Background Papers:** None







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 Central Bedfordshire Council  
 Licence No. 100049029 (2009)  
 Date: 03:June:2013  
 Grid Reference: 502299; 222177

Application No.  
 CB/13/01368/OUT

Scale: 1:5000

Dukeminster Estate (Central & North), Church Street,  
 Dunstable, LU5 4HU

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<b>Item No. 18</b>
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<b>APPLICATION NUMBER</b>	CB/13/01368/OUT
<b>LOCATION</b>	Dukeminster Estate, (Central & North) Church Street, Dunstable, LU5 4HU
<b>PROPOSAL</b>	The demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road, associated vehicular parking and landscaped areas
<b>PARISH</b>	Dunstable
<b>WARD</b>	Dunstable Icknield
<b>WARD COUNCILLORS</b>	Cllrs McVicar & Young
<b>CASE OFFICER</b>	Mr J Spurgeon
<b>DATE REGISTERED</b>	19 April 2013
<b>EXPIRY DATE</b>	19 July 2013
<b>APPLICANT</b>	Lionsgate Properties No. 1 and No. 2 Ltd
<b>AGENT</b>	Planning Works Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	Contrary to Development Plan
<b>RECOMMENDED DECISION</b>	Outline Application - Approval

### Proposed Reasons for Granting

Although this site is designated a Main Employment Area in the South Bedfordshire Local Plan (Policy E1) a subsequent appeal found this designation to be out of date and in the emerging Development Strategy for Central Bedfordshire, to which, in line with the National Planning Policy Framework, appropriate weight should be given, the site is designated Main Employment Area lost to residential development. Nevertheless, employment uses are proposed or have been granted on other sites in the Estate. The proposed residential development follows a similar form to schemes which have previously been accepted, although no decisions have been issued, and would relate acceptably to its neighbours (Policy BE8). Conditions would reserve certain biodiversity and landscape matters for later detailing. A S106 Agreement would be the instrument to release adjacent land for development of an affordable Extra Care housing scheme and the viability of that scheme would depend on the reduction of infrastructure contributions and the deletion of affordable housing requirements in this scheme. The importance of Council objectives in affordable care for the older person in accordance with Policy 31 of the emerging Development Strategy justifies this decision. The site is brownfield land which would be remediated to a relevant degree and thus comprise regeneration of a significant site in Dunstable.

### **Site Location:**

This site comprises the 4.65 ha. central and northern part of the 6.5 ha. Dukeminster Estate together with the estate road to Church Street (0.35ha.). This was until recently a commercial enclave on a rectangle of land half a mile east of Dunstable town centre with a long history of commercial use.

The Estate sits off the northern side of Church Street and the land was levelled in the past by forming embankments up to 5m high to part of the north and west sides. The embankments were planted resulting in a mature wooded bank on these frontages overlooking flats and houses in The Mall, Kingsway and Bernards Close. However, there are presently no fences at the bottom or top of the bank (except where it abuts private gardens, where a close boarded fence exists). Part of the eastern boundary has an area of undergrowth, with young trees on a bank falling to the Busway under construction; White Lion Retail Park and Sainsburys superstore lie beyond to the east. To the south, the main site adjoins the sites of an approved care home (work yet to start on site) and an Extra Care scheme (application concurrent and which is closely related to the instant proposal). The estate road to Church Street runs between these other sites.

Whereas almost all of the buildings on the other sites have been demolished, the site still contains 2 groups of commercial units (one unit still trading) and the greater part of the open land, which comprises the concrete slabs of the earlier buildings, is being used as a construction depot and materials store for the Busway.

The 1973 Tree Preservation Orders protect (a) trees in an Area which includes the bank towards the NW corner of the site and (b) individual trees at the foot of the bank to the rear of Scott's Court, Kingsway, and Earls Court, The Mall. The Busway land is included in the Luton to Dunstable Railway County Wildlife Site (CWS).

As indicated above, it should be noted that application CB/13/01276 for an Extra Care facility on the adjoining part of the Estate appears elsewhere in the agenda.

### **The Application:**

It is proposed to develop the site with up to 170 dwellings. An indicative range of types has been given as follows:

1-bed flats - 8; 2-bed flats - 20;  
2-bed houses - 28; 3-bed houses - 87; 4+-bed houses - 27.

A total of 4764m<sup>2</sup> of remaining commercial floorspace would be demolished. The application is in outline with all matters except Access reserved for subsequent approval.

The following documents accompany the application:

- Planning application supporting statement
- (Architectural) Design and Access statement
- Building for Life 12 assessment
- Public consultation statement
- Planning obligations statement
- Energy statement

- Flood risk assessment
- Sewer network note
- Phase 2 intrusive investigation
- Noise report
- Ecological appraisal
- Badger report
- Tree survey, arboricultural implications assessment and arboricultural method statement
- Landscape strategy
- Transport review statement

The existing estate road would be narrowed slightly and provide the main means of access to the site. The indicative layout shows the internal layout being based on a series of nodes (marked by a speed table) from which run loops or short culs de sac. Housing would front these shared surfaces which would be designed to restrict speeds to 20mph.. A pedestrian and cycle link would be made to The Mall and another to the proposed Busway stop at College Road. Three small equipped open spaces would be provided and the peripheral tree and belts on the south-west and north-west boundaries would remain. A total of 516 parking spaces are indicated which amounts to an average of 3.1 spaces per unit including visitors'.

Surface water would go to SUDs notwithstanding existing surface water sewers serving the site. This would include permeable paving, cellular storage and soakaways (there will be more permeable surface than at present). The made-up ground to the north may dictate diversion of water away from infiltration. Anglian Water had previously imposed a condition for a foul water strategy in view of restrictions in the capacity of the network to the sewage treatment works. The application anticipates a similar condition which would involve connection with an offsite sewer with adequate capacity.

#### **RELEVANT POLICIES:**

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

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

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

- BE8 Design Considerations
- E1 Main Employment Areas
- H2 Making provision for housing vis 'Fall-in' sites
- H3 Local housing needs
- H4 Affordable housing
- R10 Children's play area standard
- R11 New urban open space
- T4 Public transport services along the former Luton/Dunstable rail line
- SD1 Keynote sustainability policy.

**Development Strategy for Central Bedfordshire (pre-submission version Jan 2013)**

Policy 1	Presumption in favour of sustainable development
Policy 7	Employment sites and uses
Policy 19	Planning obligations and the community infrastructure levy
Policy 20	Next generation broadband
Policy 21	Provision for social and community infrastructure
Policy 22	Leisure and open space provision
Policy 26	Travel plans
Policy 27	Car parking
Policy 28	Transport assessments and travel plans
Policy 29	Housing provision
Policy 30	Housing mix
Policy 31	Supporting an ageing population
Policy 32	Lifetime homes
Policy 34	Affordable housing
Policy 43	High quality development
Policy 44	Protection from environmental pollution
Policy 47	Resource efficiency
Policy 48	Adaptation
Policy 49	Mitigating flood risk
Policy 59	Woodlands, trees and hedgerows

Having regard to the NPPF, 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 June 2013.

**Supplementary Planning Guidance**

Design in Central Bedfordshire - Guide for Development  
Central Bedfordshire Local Transport Plan: App.F, Parking Strategy  
CBC Planning Obligations SPD (South)  
Managing waste in new developments SPD  
Dunstable Town Centre Masterplan (May 2011)

Luton to Dunstable Railway CWS  
Borough of Dunstable Tree Preservation Order No.1 1973  
Borough of Dunstable Tree Preservation Order No.2 1973

**Planning History**

(key decisions, whole Dukeminster Estate)

SB/OUT/06/0884	Appeal permission expired - Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300m <sup>2</sup> of Class A1 floorspace and up to a maximum of 520m <sup>2</sup> of Class D1 floorspace.
CB/11/02380/FULL	Resolved to Grant - Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300m <sup>2</sup> (gfa) of Class A1 retail space and 513m <sup>2</sup> (gfa) of

Class D1 accommodation. Section 106 Agreement not signed.

CB/11/03053/DEM

Demolition consent for removal of buildings.

CB/11/04497/OUT

Resolved to Grant - Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to 203 residential dwellings together with a 75 bed care home, 568m<sup>2</sup> (gfa) Class A1 retail space, 505m<sup>2</sup> (gfa) Class A2 financial and professional services or Class 3 restaurants and cafe space, 555m<sup>2</sup> (gfa) Class D1 non residential institutions space, 783m<sup>2</sup> (gfa) Class B1 business space together with associated vehicular parking and landscaping areas. Section 106 Agreement not signed.

CB/12/01114/SCN

Screening Opinion for current proposal - Not EIA Development.

CB/13/00710/FULL  
[land to south-east of site]

Permission - New build Class C2 care home facility and upgrade of existing access road.

CB/13/01276/FULL  
[land to south of site]

Being considered at this Meeting - Demolition of all existing buildings on the site and redevelopment for the construction of 83 Extra Care Flats for Older Persons with communal areas, support facilities and retail unit.

**Representations:  
(Town & Neighbours)**

Town Council (22/5/13)

No objection to the redevelopment of the site but would prefer the proposed housing mix to exclude any flats and be replaced with one or two bed dwellings.

Neighbours

42 Kingsway (7/5/13)

Concerns:

- extra traffic on an already congested Church Street will make it very difficult exiting from Kingsway,
- houses would face rear of property on land nearly 5m higher with potential overlooking, made worse by an intervening road with streetlighting,
- development may affect range of wildlife on the bank,
- requests that a wood fence be erected between the development and the bank.

**Consultations/Publicity responses**

Tree and Landscape Officer (14/5/13)

Concerned with loss of tree group along eastern boundary which are classed as B2 and are in good condition. They form a strong, linear greening element alongside the busway. The remaining trees should be

retained and protected. Neither is there justification for the removal of a group of sycamore to the north of this belt, on the bank overlooking Earls Court. Therefore objects to the application on this basis. Notwithstanding this objection, recommends a tree protection plan for these trees should permission be granted, and that the approved tree protection plan (submitted with the application) be implemented.

Ecologist (1/5/13)	No objection to proposals. Updated surveys should be undertaken to ascertain site use by reptiles at an appropriate time of year and any necessary mitigation included. Insufficient detail has been provided of badger activity and further surveys/updated layouts will be necessary in order to gain a licence from Natural England.
Natural England (22/5/13)	Proposal unlikely to affect bats or great crested newts. [comments on European species only]
Minerals and Waste (26/4/13)	No objections.
Public Protection Officer - Contaminated land (7/5/13)	Requests condition to control remediation process.
Environmental Health Officer (1/5/13)	No objections to proposed development. Requests condition to protect dwellings from Sainsburys and busway noise.
Environment Agency (10/5/13)	Planning permission could be granted if 6 proposed conditions are attached. Otherwise the proposed development poses an unacceptable risk to the environment and objection would be made.
Anglian Water (30/5/13)	Asks for an informative relating the presence of AW assets within or close to the site. Dunstable STW presently has available capacity for foul water drainage from the development. But, because of the limitations on intervening connections a drainage strategy should be agreed to cover the procurement of the improvement works. Surface water is a matter for the EA.
Affordable Housing Officer (25/4/13)	The affordable housing element required will be delivered through the application CB/13/01276 which is at the front of the site.
Highways Officer (31/5/13)	Makes comments on indicative layout. Adjustment will be needed for shared space standard and in particular visibility on corners and accesses, and turning areas. A parking schedule to include visitor provision should be



provided with reserved matters submission. Parking courts are not popular, need more manoeuvring space and tend to be less well used. The link with the busway stop is best delivered through a S106 schedule, and it should not be crossed by private drives. requests conditions.

Highways Agency  
(28/5/13)

No objection but gives direction for travel plan condition.

Education - school  
places (16/5/13)

Would seek contributions at all levels for £807,804 as pupil levels are expected to increase with no surplus capacity. There is a strong argument to prioritise education when deciding how to divide the contribution which is available.

Leisure Services  
(14/5/13)

- Formal Open Space (sports pitches) - No provision therefore £124,260 developer contribution required; this would be available for a skateboard park as identified by Town Council and ward member,
- Children's Play - 1 'LEAP' plus 2 'LAP' play areas required on-site; those shown on the indicative plan are acceptable and protect privacy of adjacent residents,
- Informal Open Space and GI - Small on-site informal open space is sought (where no other OS is provided) but remainder would be provided through standard developer contributions,
- Indoor Sports and Leisure Centres - Developer contribution of £123,447 required for provision/improvement of leisure centres in the Dunstable area.

Waste and recycling

Comments will be reported at the Meeting.

Sustainability and  
Climate Change Officer  
(10/5/13)

Welcomes commitment to Code 4 and to the extra reduction of carbon dioxide emissions. Electricity, as a heating fuel source, is a more carbon intensive fuel and could make it more difficult to achieve these savings. In the absence of a clear direction for water recycling it is suggested that the simplest and cheapest form is a garden water butt. Recommends planning conditions to ensure that the proposed sustainability standards (10% carbon reduction and a level 4 of the Code for Sustainable Homes (CfSH)) are achieved.

## Determining Issues

The main considerations of the application are;

1. Planning history and policy

2. Site constraints and Design
3. Building for Life 12 assessment
4. Response to representations, conditions and conclusion

## **Considerations**

### **Human Rights issues**

The proposal does not give rise to known Human Rights issues.

### **Equality Act 2010**

As the Building for Life 12 assessment bears out, the proposal has appropriate regard to issues of mobility so far as can be assessed at outline stage. No other issues of equalities are considered to arise in this case.

### **1. Planning history and policy**

Together with the rest of Dukeminster Estate the site is allocated in the South Bedfordshire Local Plan as a Main Employment Area; relevant Policy E1 is still saved. The site is shown on the Policies Map for the pre-submission Development Strategy for Central Bedfordshire as 'Main employment area (category 1) lost to residential development'. In a pivotal appeal decision on the Estate, the Secretary of State, in allowing an appeal for 458 dwellings (and 300m<sup>2</sup> retail/520m<sup>2</sup> Class D1) in 2007 noted that the proposal would provide new and additional housing in a sustainable location including a good quantity of affordable housing, and that there was evidence of sufficient employment land elsewhere.

Subsequent applications have been determined which relied on the steer given by the Secretary of State in respect of the employment land and which is still relevant. The most recent (11/04497) covering the whole Estate was resolved to be granted permission by Development Management Committee on 23rd May 2012 but the S106 Agreement remains to be signed. In that application most of the current site was indicated as the location for residential development of 162 houses but the southernmost part was part of a block containing 568m<sup>2</sup> A1 retail, 505m<sup>2</sup> A2 and A3 retail, 555m<sup>2</sup> D1 nursery, 783m<sup>2</sup> B1 office accommodation and 41 flats. It can therefore be seen that the current proposal is for a slightly higher number of dwellings on a slightly larger area. The density of residential development is roughly similar between the residential schemes at about 37 units/ha..

Dunstable Town Centre Masterplan coverage extends to this site, being part of the Dukeminster Estate. Reference is made only to the 11/02380 'planning permission' (see history above) because the 11/04497 submission was still being considered. The Masterplan states "There is an opportunity to consider the site for comprehensive redevelopment. However, an element of the site's original employment function would need to be retained in some form." The other 2 parts of Dukeminster Estate will provide care facilities and it is now generally accepted that employment uses can extend to care facilities; this aspiration can therefore be met overall at Dukeminster.

The proposal accords with the emerging Development Strategy insofar as the new designation affecting the site recognises the substantial loss of the former employment function as a result of the appeal decision, yet employment

provision has or is intended to be made on other parts of the Estate. The National Planning Policy Framework recognises a degree of weight which can be attached to emerging development plans and this weight is considered to be significant.

#### PRESENT POSITION

There has been a recent major shift in the proposed regeneration of this Estate. Quantum Care has made much progress in its interest for the south-east quarter of the Estate and full planning permission was recently issued for a 75-room care home. The adjacent part of the estate road was included in the site and its upgrade was part of the permission. In addition, this Council has been in discussions with the 'owners' of the Estate whereby it would develop an Extra Care scheme on the south-west quarter, leaving the 'owners' the remainder of the Estate for residential development (this application). While a separate application in its own right, this application therefore relates to that scheme.

As the previous unsigned S106 Agreements bear witness, a residential scheme would normally involve substantial developer contributions towards infrastructure, under the CBC residential calculator (adopted 2009 - pending the introduction of CIL). Affordable housing would also have to be offered at a rate of typically 30%. At the pre-application stage it was calculated that infrastructure contributions for this phase would total £1.18 million. If the 'owner' was to remain liable to infrastructure contributions and affordable housing for its residential phase it would have to sell the land to CBC at a price which would make the Extra Care scheme unviable.

Recognising the effective contribution which Extra Care can make towards housing targets a S106 Agreement has been drafted whereby the Extra Care scheme would effectively 'comprise' the affordable housing element of the residential development. It would in fact not only provide shared ownership and rented homes for older people but the overall rate would rise to 33%. However, the infrastructure contributions would be considerably reduced to £689,000. The principle of this arrangement was approved by Executive on 5th February 2013:

*"That the proposal to construct an Extra Care Housing scheme at the Dukeminster site in Dunstable be approved; and  
2. to delegate authority to the Director of Social Care, Health and Housing, in consultation with the Chief Finance Officer, the Deputy Leader and Executive Member for Corporate Resources and the Executive Member for Social Care, Health and Housing, to take such steps as were necessary to progress the scheme, including site acquisition and the award of a contract to construct the scheme in accordance with the Council's Code of Procurement Governance."*

The report to Executive is attached as an APPENDIX to application CB/13/01276 elsewhere on this agenda and gives further background to the proposal.

It will be for the Council to determine how to apportion spending of this sum, in accordance with the usual relevant tests, particularly in the areas of education, sustainable transport, leisure, social and waste.

## EIA DEVELOPMENT

The current proposal has been screened and was found not to comprise EIA Development and thus an Environmental Statement is not required.

## 2. Site constraints and Design

### ECOLOGY

The revised appraisal considers that the trees and buildings are not suitable for bats nor the ground for amphibians. The Busway embankment has the potential for slow-worms, which would need to be translocated, and other protected species and the site is affected by badger activity. Further survey work is recommended for reptiles. The proposed foot/cycleway link to the Busway would not be expected to have a significant effect on trees. The appraisal recommends that open space be included near the eastern boundary to reduce impact on protected species in the CWS, that cupressus be replaced by more wildlife-friendly species, and that planting/grassland uses information on locally native species. The Council's ecologist agrees with the need for further reptile surveys and would add that more work needs to be done in respect of badger activity.

### SUSTAINABILITY

It is envisaged that the dwellings would be low carbon energy efficient to Code 4. Insulation would be 10% more efficient than under current Building Regulations. Where possible photo-voltaic and solar panels would supplement heating systems. Water recycling would be considered. The site would be better connected with the town centre through the proposed foot/cycle link with The Mall and thence to Court Drive and through the new Busway to Houghton Regis, east Dunstable and Luton (which would also have a parallel foot/cycleway). The Extra Care scheme to the south is intended to include a retail unit and the site is only a quarter mile from Sainsburys.

The recommendation by the Sustainability and Climate Change Officer is noted for conditions to set a level for carbon reduction and for CfSH but it is considered that, until emerging policies in the Development Strategy have been fully examined by the appointed inspector, there would be an understandable risk of successful challenge to such conditions.

### STRATEGIC LANDSCAPE FRAMEWORK

The main perimeter tree belts on the north west and south west sides are fully safeguarded although provision will need to be made for the proposed low grade access to The Mall. These belts are significant features and no request has been received by neighbouring properties for their removal, especially - on grounds of light - the cypressus. The north east side is more problematic. Here, a broad margin of shrubs and young self-set trees has been cleared but the more mature trees on the bank with the busway, while retained, are shown for removal on the basis that they would not be of a suitable species to partner residential development (mainly sycamore). The indicative layout shows a new row of trees along this boundary, albeit with tight clearances. A similar arrangement was approved with the previous 2 'pending' schemes. Notwithstanding this background, it is disappointing with the proposed loss of these trees with no persuasive reason being advanced. Furthermore, with protected animal species activity in this area it would be risky to remove mature

trees wholesale and so we would propose to exclude the indicative layout from the status of parameter plan. This reinforces the fact that 170 dwellings is a maximum and would need to be proved in subsequent submissions. The fact that the layout would result in more vegetation than presently exists across the site would not make this exclusion disproportionate as it is important to provide a suitable filter of greenery for the development when seen from the busway to the east. Landscaping plans for the busway do not propose any new tree or shrub planting against this boundary. We would address any potential conflict between trees and the path to the busway stop when details are submitted.

#### APPROACH TO DESIGN

The indicative layout is based on the submitted layout to the previously approved (outline) residential scheme but updated to take into account current highway design, parking and other factors. Being situated away from principal roads this site does not have immediate neighbours which influence a design approach. Nevertheless, it will become more prominent as the Busway will pass along one boundary where previously there was no public access since the days of the railway. Previous buildings on the site were modern commercial structures faced in brick and cladding and these have left no legacy worth replicating. Similarly, access to the site was functional, direct and largely vehicle-based, which would not sit well with modern approaches to residential design. On the other hand, a valuable border of trees and shrubs should be kept as far as possible both as an amenity and as a screen to development which would be on a higher level than most of its residential neighbours; this also has an ecological benefit.

It has been decided to keep the development low rise at mainly 2 storey with 3 storey buildings as focal points within the development. Its separation from surrounding residential areas enables its own sense of place reinforced by different architectural designs of a contemporary, timeless, character. Although it is claimed that local bricks would be used, these would probably have to be sourced from the Chilterns.

#### ACCESS

The Transport Statement concludes that trip generation would be lower than the 162 dwellings of the 'permitted' scheme, due to the fact that the new proposal incorporates some flats. When the whole Estate is taken into account, there would be considerably fewer movements overall. The highways officer points out certain deficiencies of the indicative layout and recommends conditions. It is considered that these limitations do not cast material questions on the proposed capacity of the site but reference to them can be made through an informative.

In line with current national policy the number of highway conditions has been reduced at this stage so that they can be more focussed on the details of the reserved matters in due course.

Further consideration is being given to the need for a pedestrian/cycle/emergency access to The Mall and an update will be given of this at the Meeting.

#### DRAINAGE

As with previous recommendations Anglian Water requests a condition to

ensure that foul water sewer runs between the site and the Sewage Treatment Works are capable of receiving the extra flow.

**3. Building for Life 12 assessment**

The scheme was assessed after receipt of consultation responses.

Criterion 1 (Connections) - Historically there has been only one means of access to the Estate and, while gradients and unsuitable adjacent streets preclude additional vehicle links, there would be 2 new pedestrian/cycle links opening up the site to the busway, college and central shopping/entertainment area. The scheme therefore improves connectivity. - Green.

Criterion 2 (Facilities and services) - No new facilities are provided in this scheme but the related Extra Care application proposes a small foodstore. As stated above, most of the range of town centre facilities are within a third of a mile on foot and half a mile by car. In particular, a foodstore would be within about 350m of most dwellings. Non-car access to facilities would be by low-use or traffic-calmed routes. Play areas would be appropriately related to houses in relation to the age range targeted. - Green.

Criterion 3 (Public transport) - No part of the indicative layout would be more than 350m from a bus stop served by a frequent bus service to the town centre, Luton (for trains) or Houghton Regis. The furthestmost part would be within 500m of a bus stop for Leighton Buzzard (for trains), Aylesbury and Milton Keynes. - Green.

Criterion 4 (Meeting local housing requirements) - The accommodation concentrates on 3-bed but with significant 2 and 4+ bed representation, appropriate for a town centre site which seeks to respond to the present over-supply of small flats. Because of the particular nature of this scheme (see above), there is no affordable housing but it is commonplace for individuals or companies to buy new open-market housing and release them as private lets, thus broadening the tenure base. - Amber +.

Criterion 5 (Character) - It is intended to use materials which 'reflect the local vernacular'. Otherwise, there are no appropriate cues in the immediate vicinity, which is early post-war and functional commercial in character. Some regard to local architectural styles was had with infill development in Church Street but the site would be separated from that area by proposed modern architecture on the Extra Care and care home sites. The applicant proposes a 'contemporary and timeless' quality which is considered reasonable in the circumstances. With a careful and imaginative approach to design at reserved matters stage (and the indicative layout suggests that this could be achieved) a distinctive identity could be achieved. - Green.

Criterion 6 (Working with the site and its context) - The important tree belts along 2 sides of the site were considered above and are retained. The reason for removing the line of trees adjacent to the busway is not persuasive and protected species would be affected; the indicative layout will be excluded and the matter can be revisited at details stage. Nevertheless, there is no reason to question the potential capacity of the site for 170 dwellings provided a different mix is offered; otherwise the total number may be slightly lower. A successfully

functioning scheme is thus unlikely to be achieved in the way shown on the indicative layout. The case for removal of other individual trees and groups is accepted and the site would finish with far more trees as a consequence. There are no other features to take into account although activity of badgers is found on the edges of the site in 2 places. This will need to be considered carefully prior to submission of reserved matters as it will influence layout. As stated above, the indicative layout would be excluded from this permission as a consequence. - Amber +.

Criterion 7 (Creating well defined streets and spaces) - This application is submitted in outline only and the means of access does not extend beyond the first 100 m of the access road. Although not required to do so by recent legislation, an indicative layout has been provided which shows that public circulation space would be enclosed and overlooked by buildings. This space would provide shared surfaces of which the principal corridors would be planted with trees in the form of an avenue. - Green.

Criterion 8 (Easy to find your way around) - The same layout suggests that a visitor would easily be able to locate themselves by reference to Blows Downs and the Extra Care building to the south, tree belts to the north and west and 3-storey buildings strategically placed in the development (as proposed in the submissions). The only remaining commercial buildings near or on the site would be the rear of White Lion retail park and thus be recognisable. At details stage, further works and interventions are proposed by the applicant within the layout to distinguish locations within the layout. - Green.

Criterion 9 (Streets for all) - Although a detailed response has still to be provided by the Highways Officer, informally it is clear that the indicative layout includes the components of a pedestrian friendly access network with shared surfaces and speed limiting components. - Amber +.

Criterion 10 (Car parking) - The indicative layout was drawn on the basis of a full compliance with the new parking standards. This gives an overall parking ratio of 3 spaces per dwelling. There are few rear parking courts, which are small, and parking provision is represented across the usual range of on-plot, onstreet and court, where they may be overlooked, or in garages which do not dominate the street scene. - Amber +.

Criterion 11 (Public and private spaces) -The indicative layout shows that the appropriate standard of children's play provision can be achieved and that larger scale provision is best addressed by developer financial contributions. The fact that this scheme will deliver a fraction of the infrastructure costs due is not a reason to mark down this scheme. Management arrangements have not yet been made clear. - Amber +.

Criterion 12 (External storage and amenity space) - The submitted Building for Life report states that the layout was based on the larger size of garage now sought by the Council which would include storage for cycles. Waste collection bins would be stored in the garden and moved to collection points at the back of the highway. Of course, this is only a outline application and details cannot be expected to be fully worked through at this stage. - Amber +.

The scheme thus provides an acceptable score. Amber+ scores mean that a green score could not be obtained for reasons beyond the scope of this application (for example, the fact that the evidence would be in details which are not available until the reserved matters application).

**4. Response to representations, conditions and conclusions**

The indicative layout has no formal standing in any permission that may be issued and it is considered that the eastern part in particular would need significant amendment to adequately reflect existing constraints, notwithstanding previous permissions. The wooded bank behind Kingsway provides a significant filter to views across the boundary between dwellings a minimum of 45m apart. Although we find nothing to suggest that this would be an unacceptable relationship, fine tuning of the layout can take place at pre-application stage of the details. That would also be the right time to consider the appropriateness of fencing details. According to the ecological report the wooded belts do not have an unusual wildlife significance. As remarked in BfL Criterion 6 above, there is sufficient assurance overall that 170 dwellings could be achieved at an appropriate density while meeting the parking standards.

The Town Council raises matters of dwelling type and mix. The indicative layout only shows one possible way of developing the site and neither the layout, nor indicative mix, is hereby recommended for approval. Indeed, any housebuilder would carefully research the demands of the local housing market before putting forward the reserved matters proposal. Nevertheless, we recommend an informative to advise the developer to consider in particular local housing demand when determining the final mix.

The site is included in a previously approved mixed-use scheme and those conditions have been reviewed. Regards has been had to the Extra Care scheme application to ensure that the approach is consistent. Clearly, more work is needed to safeguard protected species and an informative advises careful consideration of the eastern boundary where we are not persuaded, on wildlife or landscape grounds, that the tree belt should go. Contamination remediation works may affect finished ground levels and such levels information should be provided. The previously required emergency and pedestrian/cycle access to The Mall is proposed to be included, subject to any updated comments by the Highways Officer at the Meeting.

The scheme overall continues to represent an acceptable re-use of this site and employment uses on the other 2 phases are considered sufficient to offset the pure residential character of this site. The draft Development Strategy recognises this transition and the proposal, well located near the centre of a town, accords with the tenor of the NPPF which supports sustainable development. The proposal would represent the regeneration of a significant site in the town and the residential development should be capable of early delivery. The reduced S106 contributions and lack of affordable housing on this scheme has been justified as part of the requirement to provide for the transfer of land for the Extra Care scheme.



## Recommendation

That, subject to the satisfactory completion of a Planning Agreement under S106 of the Act to secure terms for the offer of land to this Council, the provision of a pedestrian and cycle link to the Luton and Dunstable Busway and an infrastructure contribution related to the proposal, the Application be APPROVED subject to the following:

### RECOMMENDED CONDITIONS

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

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

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

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

- 3 **No development shall begin until a detailed landscaping scheme to include any hard surfaces and earth mounding has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**REASON: To ensure a satisfactory standard of landscaping. (Policy BE8 South Bedfordshire Local Plan Review (SBLPR); 43 Development Strategy for Central Bedfordshire (DS)).**

- 4 **No development shall commence, including ground clearance, until a Tree Protection Plan has been submitted incorporating the tree protection measures contained in the Tree Survey, Arboricultural**

**Implications Assessment Report and Arboricultural Method Statement (Ref. 2354.AIA.Dunstable.Reit) and drawing 2354.TPP hereby approved, together with tree protection measures to safeguard selected trees in Group J. A schedule of the trees in Group J to be protected shall be submitted to and approved by the Local Planning Authority prior to the submission of the Tree Protection Plan. These measures shall be implemented to the standard required by BS3998 'Recommendations for Treework' 2010.**

REASON: To ensure a satisfactory standard of landscaping by retaining important existing trees. The appropriateness of removing all trees within Group J has not been demonstrated.  
(Policies: BE8 SBLPR; 43 DS).

- 5 If any underground services are required to be routed through the root protection areas of retained trees, such works shall be carried out in strict accordance with the guidance set out in the National Joint Utilities Group's publication Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in proximity to Trees.

REASON: To retain important existing trees.  
(Policies: BE8 SBLPR; 43 DS).

- 6 The low brick wall on the north-eastern side of the tree belt adjacent to western boundary of the site shall be retained in its existing position and at its existing height and length. There shall be no reduction in its height and length and no sections of the wall shall be removed without the prior written approval of the Local Planning Authority.

REASON: To safeguard trees screening the site.  
(Policies: BE8 SBLPR; 43 DS).

- 7 All excavations and trenches, where they pass under the canopy of any tree, shall be hand dug so as to minimise damage to its root system; a minimum of 10 days notice shall be given in writing to the Local Planning Authority of an intention to commence such excavations or trenching.

REASON: To safeguard trees screening the site.  
(Policies: BE8 SBLPR; 43 DS).

- 8 Prior to the submission of any reserved matters application a scheme of mitigation in relation to badgers, drawing on a suitably up-to-date survey, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented prior to the commencement of the development and thereafter retained.

REASON: To ensure adequate protection of protected species.  
(Policy: 57 DS).

- 9 **No development shall commence, including site clearance, unless and until a survey of reptiles has taken place on the site and appropriate mitigation provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

REASON: The previous surveys will be out of date by the time development commences.

(Policy: 57 DS).

- 10 Prior to the submission of any reserved matters a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Code shall address and codify the following matters:
- a. spatial arrangement of dwellings and roads
  - b. scale
  - c. building form and height
  - d. architectural composition
  - e. private amenity space, arrangements for storage and collection of refuse and recyclables and arrangements for cycle parking
  - f. public realm including public art
  - g. privacy
  - h. phasing of development
- Reserved matters applications and the implementation of the development shall thereafter accord with the approved Design Code details.

REASON: To ensure a satisfactory quality of urban design in this significant site.

(Policies: BE8 SBLPR; 43 DS).

- 11 **No development hereby approved shall begin until the following have been submitted to and approved in writing by the Local Planning Authority:**
- (a) a Phase 3 Remediation Method Statement containing a detailed scheme, including site plans, for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment, as recommended by the previously submitted Curtins Consulting Phase 2 Site Investigation Report of July 2011.**
  - (b) a Phase 4 Validation Report demonstrating the effectiveness of the Phase 3 scheme (to incorporate photographs, material transport tickets and excavation-wall chemical validation sampling), unless an alternative period is approved in writing by that Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

**Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any part of the proposed building is occupied. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.**

REASON: To protect human health and the environment.

(Policies: 43, 44 DS).

- 12 **No development shall begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) prepared by Cannon Consulting Engineers Ref: CCE/H971/01/FRA Issue No 2 dated April 2013 has been submitted to and approved in**

**writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**The scheme shall include on-site surface water management as outlined in the Section 3.4 of the FRA.**

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. (Environment Agency condition).

(Policy: 49 DS).

- 13 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.**

REASON: To prevent environmental and amenity problems arising from flooding. (Anglian Water condition)

(Policy: 49 DS)

- 14 **No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has each be submitted to and approved, in writing, by the Local Planning Authority:**

**1) A preliminary risk assessment which has identified:**

**all previous uses**

**potential contaminants associated with those uses**

**a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.**

**2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

**3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**

**4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.**

REASON: To protect and prevent the pollution of controlled waters (particularly the underlying Principal aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121). (Environment Agency condition)  
(Policy: 44 DS).

- 15 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: as Reason 13. (Environment Agency condition)  
(Policy: 44 DS).

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: as Reason 13. (Environment Agency condition)  
(Policy: 44 DS).

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

REASON: as Reason 13. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins. (Environment Agency condition).  
(Policy: 44 DS).

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: as Reason 13. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. (Environment Agency condition)  
(Policy: 44 DS).

- 19 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB<sub>LAeq</sub>, 23:00-07:00 and 45dB<sub>LAm</sub>, 23:00-07:00 for bedrooms and 35dB<sub>LAeq</sub>, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB<sub>LAeq</sub>, 1hr in outdoor amenity areas. The effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results submitted to and approved in writing by the Local Planning Authority before any permitted dwelling unit is occupied. Furthermore, the applicant/developer shall identify any windows that need to remain closed in order for the internal noise environment to meet the required standards (other than for road traffic noise). Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for the rooms affected.

REASON: To protect occupants from externally generated noise.  
(Policies: BE8 SBLPR; 44 DS).

- 20 No part of the development hereby approved shall be brought into use until a Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall be in line with prevailing policy and best practice and shall include as a minimum:
- The identification of targets for trip reduction and modal shift
  - The methods to be employed to meet these targets
  - The mechanisms for monitoring and review
  - The mechanisms for reporting
  - Details of mitigation measures to be applied should targets not be met
  - Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
  - Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

No part of the development shall be occupied except in accordance with the provisions and timetabling of the Travel Plan.

REASON: To ensure the A5 trunk road will continue to be an effective part of the strategic Road Network in accordance with Circular 02/07 Planning and the Strategic Road Network. (Highways Agency direction).  
(Policy: 26 DS).

- 21 **No development shall commence until a detailed waste audit addressing issues in respect of waste generated by the site clearance, construction and subsequent occupation phase of the development**

has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:

- a. the anticipated nature and volumes of waste that the development will generate,
- b. measures to maximise the re-use of on-site waste arising from demolition, engineering and landscaping,
- c. steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting and recovery and recycling facilities,
- d. any other steps to be taken to minimise the generation of waste throughout any required demolition and during the construction of the development,
- e. provision within the proposed development to encourage the occupier to manage waste effectively and sustainably,
- f. provision for monitoring the implementation of steps (a) to (e) above, and
- g. a timetable for implementing the above steps.

REASON: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of saved policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

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

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

(Policy: 43 DS)

- 23 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.

(Policy: 43 DS)

- 24 *[Possible condition for access to The Mall - update at Meeting]*

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2429/409 rev.A, 410 rev.A, M10026-A-003 rev.D, received 19/4/13, but excluding the indicative master plan 2429/407 rev.A, received 19/4/13.

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. With respect to the construction phase reference should be made to the Mayor of London's Best Practice Guidance (BPG) The control of dust and emissions from construction and demolition. The impacts upon air quality are likely to be in the "High Risk" category and mitigation measures will be required, which should also include solid barriers to the site boundary.

Normal working hours should be 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays. Normal working hours should be 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps would include noise mitigation measures such as temporary screening or at source insulation may have to be utilised, all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

3. The site is located within the groundwater Source Protection Zone of Periwinkle Lane Pumping Station, a public water supply operated by Affinity Water Ltd.. Construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. (Affinity Water advice - 01707 268111).
4. Further to condition 8, the submitted Badger Report highlights the presence of badgers in respect of the site. Being a protected species any development



which affects them will also require a licence from Natural England. Such development would likely include any proposed removal of trees on the eastern boundary. Both to provide a realistic detailed layout and to obtain a licence further survey work will be necessary in due course. It is recommended that discussions take place with the Council to guide the layout options in the most sensitive areas. The developer is also advised to cover open excavations at night.

5. The reserved matters application should be accompanied by an existing and final ground levels drawing to take account of any increase in levels following remediation or movement of contaminated soils.
6. The developer is strongly recommended to consider local housing demand when considering the final mix of accommodation in order that the development may address the needs of the local community as a first priority.
7. In line with national policy guidance the number of conditions relating to highway and transport matters has been reduced at outline stage from the previous decisions relating to the site. However, it is important to address current Local Planning Authority guidance and policy when drawing up the detail. In particular the indicative layout as submitted does not reflect current standards as concern shared space, vehicle and pedestrian visibility, free movement of vehicles in squares and some turning areas, use of and manoeuvrability in rear parking courts, and private accesses crossing a pedestrian link. The allocation and provision of parking spaces is also unclear in this submission.

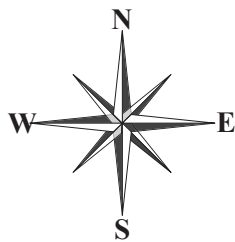
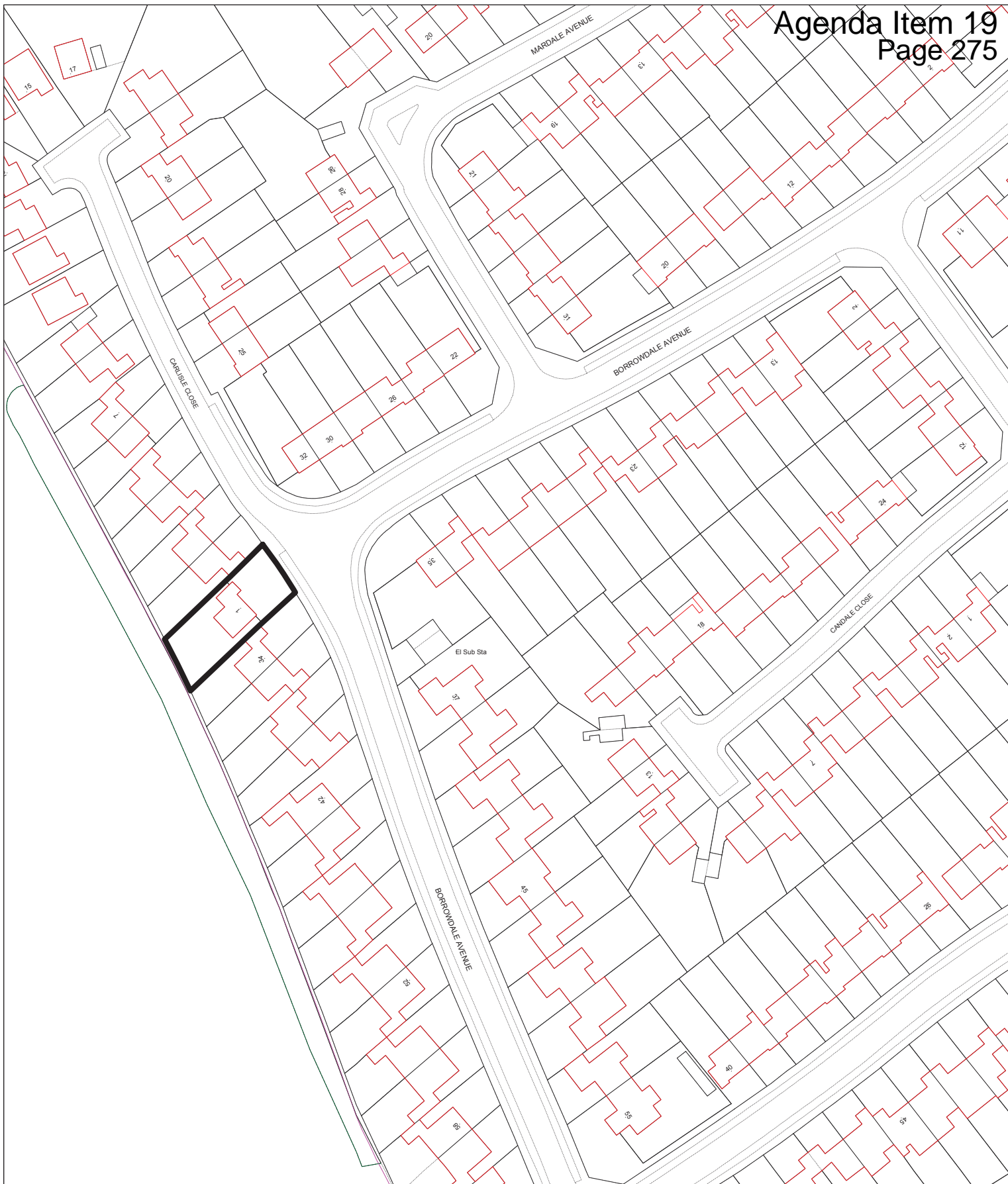
**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

It is recommended that planning permission be granted for this proposal. 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**

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Date: 04:June:2013

Grid Reference: 501972; 220628

Application No.  
CB/13/01838/FULL

Scale: 1:1250

1 Carlisle Close, Dunstable, LU6 3PH

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**Item No. 19**

<b>APPLICATION NUMBER</b>	<b>CB/13/01838/FULL</b>
<b>LOCATION</b>	<b>1 Carlisle Close, Dunstable, LU6 3PH</b>
<b>PROPOSAL</b>	<b>Front dormer (Extension to approved loft conversion CB/12/02192/FULL)</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Watling</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Hollick &amp; Miss Sparrow</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>29 May 2013</b>
<b>EXPIRY DATE</b>	<b>24 July 2013</b>
<b>APPLICANT</b>	<b>Mr Hollick</b>
<b>AGENT</b>	<b>SKETCH3D Design &amp; Drafting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Applicant is an Elected Member</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

**Recommended Reasons for Granting**

The proposal would not have a detrimental 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 site, design and location, is in conformity with Policies BE8, H8 and T10 of the South Bedfordshire Local Plan Review 2004, Policies 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 application site consists of a link-detached two storey dwellinghouse located on Carlisle Close in the town of Dunstable. The site is flanked to the north by 2 Carlisle Close and to the south by 34 Borrowdale Avenue. Dunstable Downs golf course is located to the rear of the application site.

**The Application:**

Planning permission was granted last year for a loft conversion with associated rear dormer windows and velux windows (12/02192).

Permission is sought for the addition of a pitched roof front facing dormer window of 2.4m in width, similar in design to dormer windows granted for the rear roof plane of the dwelling.



## **Consultations/Publicity responses**

CBC Highways Officer      Response to follow on Late Sheet

### **Determining Issues**

The main considerations of the application are;

- 1. Design Considerations**
- 2. Impact on the Residential Amenity**
- 3. Highway Safety & Parking Considerations**
- 4. Other Issues**

### **Considerations**

#### **1. Design Considerations**

The proposed front dormer is consistent in terms of design and scale to the rear dormers and therefore would not appear obtrusive or out of character when considered within the context of the host dwelling.

The proposed velux windows would normally be considered to be permitted development and they are of a scale that would not appear visually intrusive.

#### **2. Impact on the Residential Amenity**

The proposed front dormer would have no resultant impact on the amenity in terms of any mutual overlooking concerns and no other windows are proposed to be installed into any elevation which would result in mutual overlooking concerns.

#### **3. Highway Safety & Parking Considerations**

There would be no additional bedrooms proposed as a result of the development and as such, there would be no impact upon Highway Safety.

#### **4. Other Issues**

##### **Human Rights issues**

The proposal would raise no Human Rights issues.

##### **Equality Act 2010**

The proposal would raise no issues under the Equality Act 2010

### **Recommendation**

That Planning Permission be GRANTED subject to the following:

### **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 New external facing materials shall match those of the existing building as closely as possible.

Reason: To ensure that the development is in keeping with the existing building.  
(Policies BE8 & H8 S.B.L.P.R and Policy 43 D.S.C.B).

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 13018-10 Rev A, 13018-20, 13018-30, 13018-40, 13018-50, 13018-60, 13018-70, 13018-80, 13018-90 & 13018-91.

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

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