

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



please ask for Helen Bell
direct line 0300 300 4040
date 4 July 2013

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 17 July 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 19 June 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	<p>Planning Enforcement Cases Where Formal Action Has Been Taken</p> <p>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.</p>	7 - 12

Planning and Related Applications

To consider the planning applications contained in the following schedules:

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

Item	Subject	Page Nos.
6	<p>Planning Application No. CB/13/01785/VOC</p> <p>Address : Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS.</p> <p>Variation of condition: Variation of condition 25 (approved plans) to allow rear wc additions to units 10 and 11, and 0.76m separation between units 12 and 13. Variation to planning permission CB/11/3832/FULL (Demolition of 2 dwellings and re development of site for 2 No. one bed dwellings, 4 No. two bed dwellings, 4 No. three bed dwellings, 2 No, four bed dwellings, and one No. 5 bed dwelling).</p> <p>Applicant: Hearne Holmes Developments</p>	13 - 28
7	<p>Planning Application No. CB/113/01384/FULL</p> <p>Address : The Drovers, Flitwick Road, Steppingley, Bedford, MK45 5BA.</p> <p>Part removal and part retention of terraced area and sleepers.</p> <p>Applicant : Mr S Miah</p>	29 - 42
8	<p>Planning Application No. CB/13/01437/FULL</p> <p>Address : Lark Rise, Mount Pleasant, Aspley Guise, Milton, Keynes, MK178JW.</p> <p>Proposed side extension and replacement main roof structure. Including a new lower ground floor level within the extension and living accommodation within the new roof space and solar panels to the rear elevation</p> <p>Applicant : Mr & Mrs Wright</p>	43 - 50

13 **Planning Application No. CB/13/01922/FULL** 119 - 128

Address: 1 St Johns Street, Biggleswade, SG18 OBT.

Part first floor extension to the rear and pitched roof to existing single storey rear extension.

Applicant: Ms H Turner

14 **To determine an application to extinguish part of Clophill Footpath No A4** 129 - 142

15 **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 14 August 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: 17th July 2013
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Sustainable Communities
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

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

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

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

Background

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

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 17th July 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/10/0037	Land at 6 Sutton Road, Potton, 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
2	CB/ENC/10/0140	Land at 6 The Belfry, Luton. LU2 7GA	Enforcement Notices - change of use of land from amenity land to use as garden.	13-Sep-12	11-Oct-12	08-Nov-12	Appeal submitted 27/9/12			Await outcome of appeal
3	CB/ENC/10/0172	Land at 10-12 High Street, Shefford. SG17 5DG	Enforcement Notice - construction of an unauthorised wooden extention	19-Jun-13	19-Jul-13	19-Aug-13				Check complaince 19/8/13
4	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 granted at Committee 19/6/13. Monitor compliance
5	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
6	CB/ENC/10/0659	Land at 106 Bury Road, Shillington, Hitchin SG5 3NZ	Enforcement Notice - change of use of garage and rear conservatory to a self contained dwelling unit.	25-Jun-13	25-Jul-13	25-Aug-13				Check complaince 25/8/13
7	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
8	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

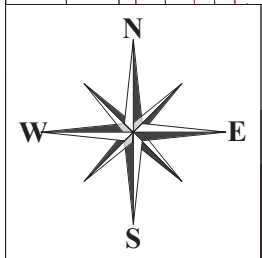
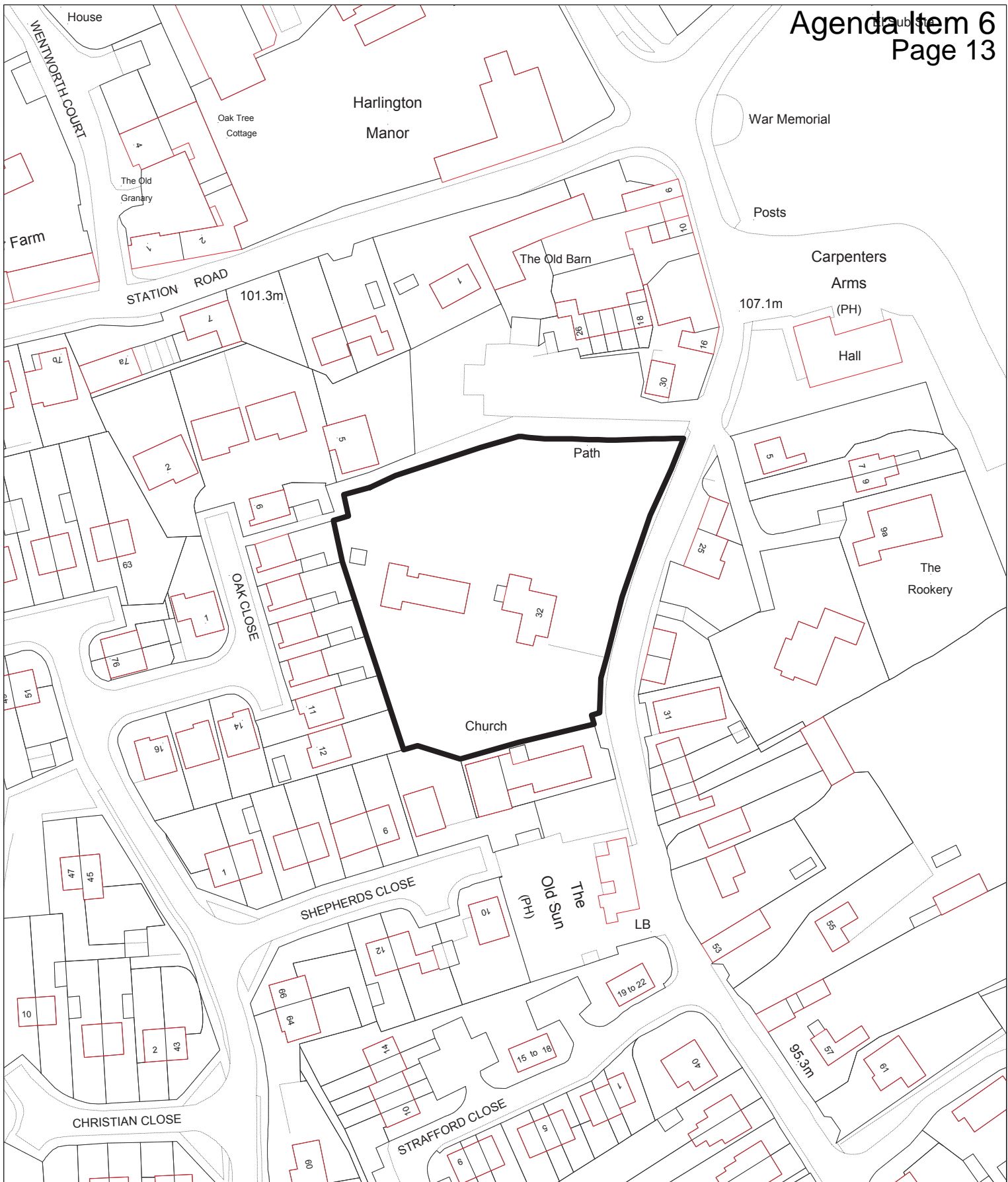
Planning Enforcement formal action (DM Committee 17th July 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	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. Revised planning application for regrading land - CB/13/01384/FULL to Committee 17/7/13
10	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			Not complied	Further action
11	CB/ENC/12/0159	Land at 20a Horslow Street, Potton 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
12	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
13	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.
14	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
15	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.
16	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
17	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.
18	CB/ENC/13/0036	Land to side of 55 Bedford Road, Moggerhanger, Bedford. MK44 3RS	Enforcement Notice - unauthorised change of use of agricultural land to open storage for the siting of two metal storage containers.	25-Jun-13	25-Jul-13	25-Aug-13				Check compliance 25/8/13

Planning Enforcement formal action (DM Committee 17th July 2013)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	CB/ENC/13/0083	Land Adjacent to Magpie Farm, Hill Lane, Upper Cladecote	Enforcement Notice - failure to comply with Condition 5 attached to planning permission MB/08/02009/FULL for gypsy/traveller site	27-Jun-13	27-Jul-13	27-Aug-13				Check compliance 27/8/13

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 Central Bedfordshire Council
 Licence No. 100049029 (2009)
 Date: 02:July:2013
 Grid Reference: 503646; 230340

Application No.
 CB/13/01785/VOC

Scale: 1:1250

Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS

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Item No. 6

APPLICATION NUMBER	CB/13/01785/VOC
LOCATION	Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS
PROPOSAL	Variation of condition: Variation of condition 25 (approved plans) to allow rear wc additions to units 10 and 11, and 0.76m separation between units 12 and 13. Variation to planning permission CB/11/3832/FULL (Demolition of 2 dwellings and re development of site for 2 No. one bed dwellings, 4 No. two bed dwellings, 4 No. three bed dwellings, 2 No, four bed dwellings, and one No. 5 bed dwelling).
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Mark Spragg
DATE REGISTERED	22 May 2013
EXPIRY DATE	21 August 2013
APPLICANT	Hearne Holmes Developments
AGENT	Triad Planning & Design Ltd
REASON FOR COMMITTEE TO DETERMINE	This is a major application subject to an unresolved Parish Council objection.
RECOMMENDED DECISION	Grant subject to conditions and a s106 agreement

Reason the application is recommended for approval:

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

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

Site Location:

This application site comprises an area of 0.40 hectares, located to the west of Sundon Road, centrally positioned within the village of Harlington. Most of the site

lies within the Conservation Area, and currently includes 2 No. two storey dwellings contained within a single large Edwardian building which has had modern additions to its front and rear elevations. To the rear of the main building is a modern detached single storey ancillary building previously used as a grocers shop. Unlike the application site Sundon Road in general is characterised by modest buildings of differing though traditional vernacular styles, located close to the highway.

The site is served by a main access in the north east part of the site, and a secondary access in the south east corner, both accessing onto Sundon Road.

A public footpath, under the ownership of the landowner, runs along the northern boundary of the site, beyond which is the car park serving the Carpenters Arms Public House and the rear garden of 5 Oak Close. To the west of the site are the rear gardens of No's 6-12 Oak Close, part of a modern housing development, whilst the southern boundary of the site abuts the Methodist Church and the rear gardens of No's 6 and 7 Shepherds Close.

The site has a number of trees located predominantly within the eastern part of the site, with evergreen hedging around the north, west and southern boundaries. A prominent wall with a hedge above extends along the eastern boundary of the site, fronting Sundon Road.

The site rises gently from west to east and from south to north and is in an elevated position in relation to Sundon Road.

The Application:

This application seeks a variation to planning permission CB/11/3832/FULL which was approved at the Council's Development Management Committee on 21st November 2012.

The variation sought is in respect of Condition 25 of the above approval which referred to specified drawings. This application therefore seeks to replace the referenced drawings with the revised drawings in respect of plots 10,11,12 and 13. Numbers 10,11 and 12 being the affordable housing units.

The Government in its guidance, "Greater flexibility for planning permissions", seeks to simplify the process for making minor changes to planning permissions. Whilst the applicants had requested that the application be dealt with as a non material amendment, that would not have been subject to any public consultation. Given the changes proposed and taking account of the level of interest in the previous application it was considered that a Section 73 variation of condition in respect of the minor changes was the appropriate mechanism.

The planning approval granted last November was for the erection of 13 dwellings, comprising 2 No. One bed dwellings, 4 No. Two bed dwellings, 4 No. Three bed dwellings, 2 No. Four bed dwellings and 1 No. 5 bed dwelling, with associated garaging and parking.

This application proposes no change to the description of the application, with no additional bedspaces being created. The changes sought are:

- the addition of a ground floor rear extension of approximately 2.6 x 2.7m to plots 10 and 11 to provide a ground floor toilet, separated from the kitchen and therefore enlarging the useable kitchen area.

- separating the affordable unit plot 12 and the market housing plot 13, previously shown as a pair of semi detached properties, by moving plot 12 a distance of 0.75m to the south.

The requirements for the changes result from the needs of the housing association, Grand Union Housing in respect of the design of the affordable units. They wish to allow greater flexibility in terms of internal layout in respect of plots 10 and 11 and in respect of plots 12 and 13 to avoid party wall structures outside the ownership of the housing association.

Relevant Policies:

National Planning Policy Framework (2012)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS1(Development Strategy)
CS2(Developer Contributions)
CS3 (Healthy and Sustainable Communities)
CS5 (Providing Homes)
CS7 (Affordable Housing)
CS14 (High Quality Development)
CS15 (Heritage)
DM2 (Sustainable Construction of New Buildings)
DM3 (High Quality Development)
DM4 (Development Within and Beyond Settlement Envelopes)
DM10 (Housing Mix)
DM13 (Heritage in Development)
DM15 (Biodiversity)

Supplementary DS1- Design Guide for Central Bedfordshire
Planning Guidance DS5 – The Historic Environment
DS7 – Movement, Streets and Places

Planning History

MB/90/01609/FA Erection of new grocery shop and storage area. Approved.

MB/92/00942/FA Erection of two storey side/rear extension and alterations to form attached granny annexe. Approved.

MB/97/00911/FA Change of use of shop to residential garage/outbuilding. Approved.

CB/11/3832/FULL Demolition of 2 dwellings and re-development of site for 2 No. One bed dwellings, 4 No. two bed dwellings, 4 No. three bed

dwellings, 2 No. four bed dwellings and 1 No. five bed dwelling. with associated garaging and parking. Approved.

CB/11/3833/CA

Demolition of 2 dwellings and re-development of site for 2 No. One bed dwellings, 4 No. two bed dwellings, 4 No. three bed dwellings, 2 No. four bed dwellings and 1 No. five bed dwelling. with associated garaging and parking. Conservation Area Consent.

**Representations:
(Parish & Neighbours)**

Harlington Parish
Council

It is understood the original plans contained WCs for units 10 and 11 but the application was rejected due to overcrowding of the site/ Although it is appreciated that the housing association may have specific requirements such as WCs and may not want an affordable home to be attached to a private dwelling, it is felt that it should be the planning department which stipulates what should/should not be on the site and so it was questioned why CBC had not stuck by its original decision to refuse the application based on the overcrowding of the site.

In addition there are concerns with the semi-detached properties becoming detached in that the ECO standard set for houses are not met as semi detached properties take less energy to heat than detached.

Neighbours

One letter of objection received raising the following issues:

- Too many houses on the site.
- Impact on neighbouring properties on Sundon Road, Oak Close and Shepherds Close.
- 13 new dwellings would result in an increase in noise.
- Design not in keeping with the area.
- Increase in traffic.

Consultations

Highways

No objection.

English Heritage

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Conservation Officer

No objections - The proposed introduction of single storey extensions to units 10 and 11 will be to the rear and therefore the street elevations facing Sundon Road will remain unchanged. As such, the Conservation Area is not

considered to be significantly affected. In addition, the slight alteration to units 12 and 13 of separating into detached buildings is minor and will not impact on the Conservation Area.

Anglian Water	No objection.
Tree officer	No objection.
Archaeology	No objection subject to the same scheme of archaeological investigation previously conditioned.

Determining Issues

The main considerations of the application are:

1. Principle of development
2. Impact of development on character and appearance of its surroundings, including the Harlington Conservation Area.
3. Impact of development on the neighbouring properties
4. Parking/Highway safety implications
5. Other matters

Considerations

1. Principle of Development

The principle of the same description of development at this site has already been accepted in the approval of planning permission at the Development Management Committee on 21 November 2012.

2. Impact of the proposed changes on the character and appearance of its surroundings, including the Harlington Conservation Area

The proposed extensions to plots 10 and 11 would, with a projection of just 2.6m and low pitched roof of 3.5m, be modest and in keeping with the existing properties. Furthermore given the positioning at the rear the extensions would not be visible from Sundon Road. Whilst the addition of the extension would create a slightly more cramped development at the rear of those units the fact that they would be screened from public view would mean that a refusal on such grounds could not be substantiated.

The separation of plots 12 and 13 would appear visually acceptable and being located to the rear of the plot and maintaining sufficient space, approximately 2.5m to the boundary would ensure an appropriate layout.

The Conservation Officer considers that the proposed changes would result in no significant impact on the Conservation Area.

3. Impact of Development on neighbouring properties and future occupiers

The changes to plots 10 and 11 would have no impact on any residential property outside the application site. Similarly the separation to plots 12 and 13

would, as previously the case, maintain a separation distance of 22m from the rear windows of 11,12 Oak Close, which is considered acceptable to prevent any undue loss of amenity or privacy. Also as in the approved scheme the orientation of the plots to No's 6 and 7 Shepherds Close would ensure that no harm to those properties would result, being located behind a retained 3m high conifer hedge.

The rear garden areas of plots 10 and 11 would as a result of the extension be reduced slightly to approximately 20 and 24sqm respectively. Whilst the previous approval was amended to increase the amenity areas by approximately 7sqm it is necessary to consider whether the variation proposed would represent a form of development where a refusal on grounds of amenity would be justified. Given that both properties would be one bedroom and as such not classified as family houses there is no minimum garden size stipulated in the Council's Design Guide. It is considered that the rear gardens would nevertheless still provide a suitable sitting out area for future occupiers, with access to sunlight from the south and west. Additionally both plots benefit from a small private amenity space at the front, which would retain a degree of privacy due to the retained boundary hedge and elevated position. As such it is considered that the amenity areas would on balance be acceptable and that there would be no justification to refuse the application on the grounds of a shortfall in amenity provision.

4. Parking and Highway Safety

The proposal would not increase the number of bedspaces or generate any additional parking requirements from that previously approved. Access to and from the site and within it would remain unchanged.

5. Other matters

A Section 106 legal agreement to secure financial contributions towards local infrastructure and affordable homes has been submitted varying the previous agreement reference but still agreeing to the same contributions towards all of the required areas including off site provision of play space facilities and the welcome provision of 4 affordable dwellings on the site.

It is considered that the amendments still allow for adequate space for the provision of landscaping and the Council's Tree Officer is satisfied that the proposal would not prejudice retention of the existing boundary hedging in the proximity of plots 12 and 13.

Conclusion

The changes proposed as part of this variation are considered to be modest and would not represent a significant change to the appearance of the site or to the character of the Conservation Area. Similarly it is not considered that any new neighbour amenity, highway or parking issues would result.

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

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

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

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

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

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

- 5 **No development shall commence until all preliminary works, ground protection and protective fencing has been implemented in strict accordance with the Method Statement and Tree Protection Plan, as shown on the drawing "Tree Removal and Protection Plan" (Drawing No. 11-734-P-15 submitted as part of planning permission CB/11/3832/FULL).**

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

- 6 Consent is being granted in recognition that no underground services are scheduled to be routed through the Root Protection Areas of retained trees

and hedging. If any services are subsequently required to be routed through those areas protected under the Tree Protection Plan, then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees"

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

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

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

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

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

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

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

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

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

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

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

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

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

- 13 The turning spaces for vehicles illustrated on the Drawing No 11-734-P-01 Rev F submitted with approval CB/11/3832/FULL) shall be constructed before the development is first brought into use.

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

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

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

- 15 **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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of amenity.

- 24 The development hereby permitted shall not be carried out except in complete accordance with the plans previously approved as part of planning permission CB/11/3832/FULL as varied by the submitted plan numbers 13-795-P01A, P02B, P03B.

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
3. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
4. The applicant is advised that in order to comply with Conditions 1 and 5 of this permission it will be necessary for the developer of the site to enter into

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

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

Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any

discharge that will result in the input of pollutants to surface waters.

Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.

11. The applicant is requested to have it written into the sale of contract that bins must be stored to the rear of each property when not placed out on day of collection.

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 approval 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.

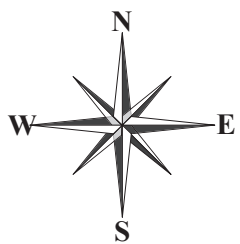
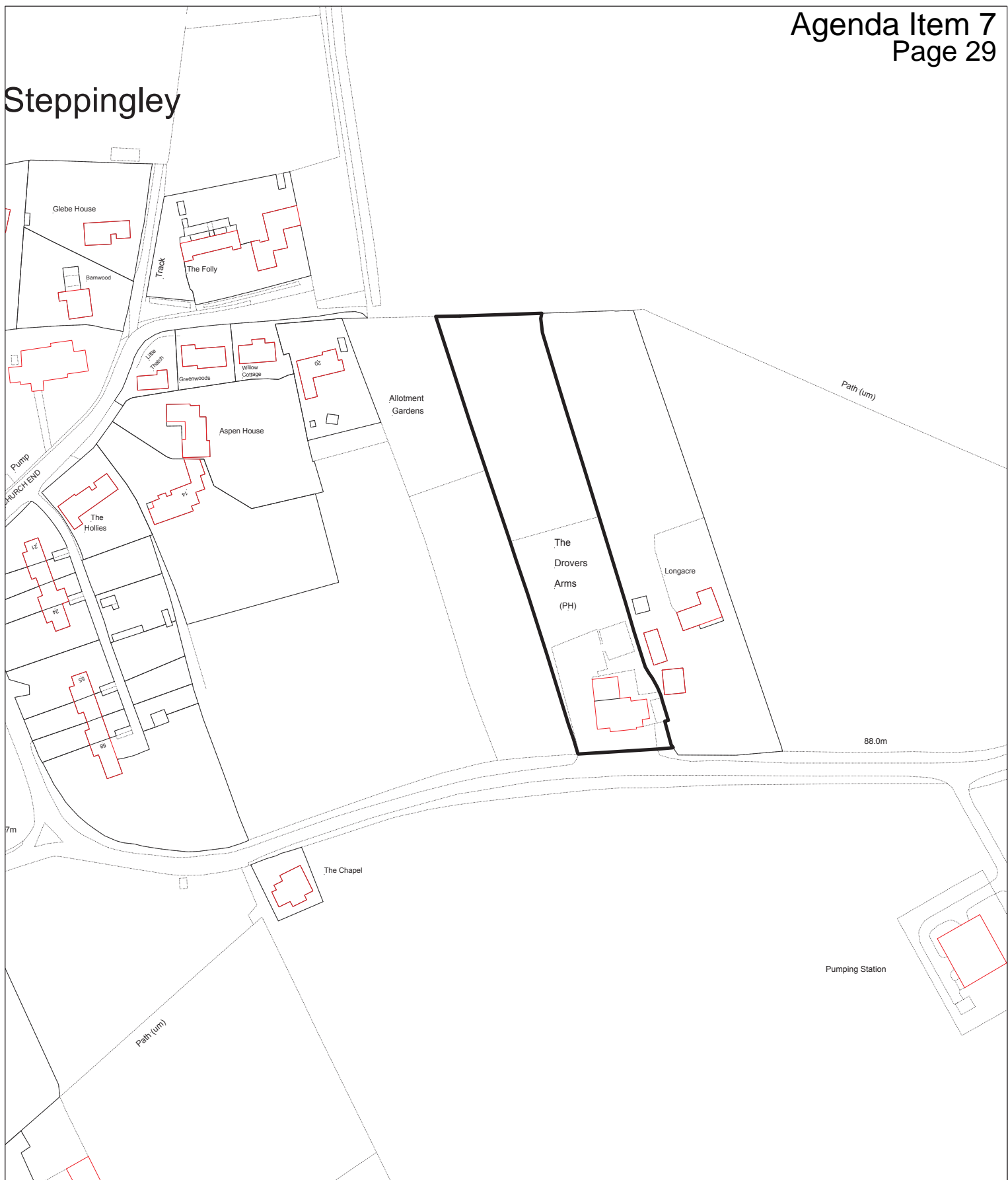
DECISION

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Steppingley



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Central Bedfordshire Council
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Date: 02:July:2013

Grid Reference: 501327; 235368

Application No.
CB/13/01384/FULL

Scale: 1:2000

The Drovers, Flitwick Road, Steppingley, Bedford, MK45 5BA

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Item No. 7

APPLICATION NUMBER	CB/13/01384/FULL
LOCATION	The Drovers, Flitwick Road, Steppingley, Bedford, MK45 5BA
PROPOSAL	Part removal and Part retention of terraced area and sleepers.
PARISH	Steppingley
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Sarah Fortune
DATE REGISTERED	18 April 2013
EXPIRY DATE	13 June 2013
APPLICANT	Mr S Miah
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Councillor call in by Councillor F Chapman for the following reason: Local Concerns regarding the use of the land.
RECOMMENDED DECISION	Full Application - Granted

Recommended Reasons for Granting:

The re-grading and re-landscaping of the land subject to planning conditions to mitigate the impact of the use on neighbours, the landscape and the Green Belt is considered to be in conformity with the National Planning Policy Framework (2012), Development Management Policies DM3, DM14, CS11, CS14 & CS16 and Policies 43, 36, 58 & 59 of the emerging Development Strategy for Central Bedfordshire.

Site Location:

The site lies on the north side of Flitwick Road in a countryside location outside of the village of Steppingley and within the Green Belt. It supports a Public house/restaurant to the front of the site and to the rear is the raised garden area the subject of this planning application and then open land beyond. To the east is a bungalow known as Longacre whilst to the west are allotment gardens

The Application:

This application is in respect of the part removal and part retention of the terraced garden area and sleepers - which lies to the rear of the Pubic House/restaurant.

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

- DM3 Amenity
- DM14 Landscape and Woodland

CS11 Rural Economy and Tourism
CS14 High Quality Development
CS16 Landscape and Woodland

Development Strategy for Central Bedfordshire draft 2013

Policy 43 High Quality Development
Policy 36 Development within the Green Belt.
Policy 58 Landscape
Policy 59 Woodlands trees and Hedgerows.

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Design in Central Bedfordshire A Guide for Development

Planning History - relevant

08/00830 Raised patio, fencing and lighting to front of site.
Granted: 22/08/2008

08/01154/ADV Replacement adverts
Granted: 20/08/2008

11/01046 Single storey side and rear extensions.
Granted: 17/05/2011

CB/11/03272/FULL Landscaping works (Part Retrospective)
Refused: 19/12/2011.
Enforcement notice served on 30/05/2012
Appeal Dismissed: 24/10/2012.

Remove the timber retaining walls and regrade the terraced land to form a single consistent slope to be completed by 24/11/2012.

The preparation of the land for seeding and sowing it with grass seed to be completed by 24/01/2013

Representations: (Parish & Neighbours)

Steppingley Parish Council Objects: Failure to address the matter of primary concern - the fact that an upper terraced area was to cut into the hill (and trees removed in the land behind the Drovers which the land user indicated was to be used for events hire. This proved to be the case when a marquee was erected there and very loud music played to the

disturbance of the neighbourhood. It appears that the creation of an events venue by means of terracing has not been addressed but it is specifically contemplated - see the motor car drawn in drawing number 12/072/103. The proposed changes to the planning arrangements nearer to the building in the lower part of the hill misses the point - the local concern is not so much the planting arrangements as the unlawful development work carried out to the hillside. Please ensure that materials are added to restore the terraced area of this land to its original gradient - whether this is to be done in the present application is far from clear. Also, ensure that trees are replanted to replace the mature specimens that were felled.

Neighbours

1 Objects: No building regulation/inspection adhered to i.e. the steps have no handrails. Do the steps conform to any regulations?

Parking for 25 - not 46 - as claimed so excess parking will be in the road which may be dangerous as there is no footpath or street lighting. The design is unnatural and imposing and the layout creates flat areas for out door events which have in the past been extremely noisy and invasive. As for the large boundary trees only time will tell if they recover from the 1m deep excavation around their roots and lowering of the site around them. Where did all that soil go?

2. Comments and objections. Are they planning to return the top side of the area to the slope as original, are trees to be replanted in the flat surface area, what is the land to be used for and is the area at the back and top side going to be used for parking. Object that they have not respected the planning rules, lack of leadership from the County Council at dealing with the Drivers who clearly had not filled any original planning applications - and lack of honesty from the owners as to the purposes and use of the land.

1. Comments. Legal action has been taken against the applicant for non-compliance with planning laws, any plans they now submit should be carefully considered by the planning officers. The application is to remove the top tier from the development and to re grade the slope left by its removal. The illegal works carried out previously also included removing mature trees and digging out and levelling a large area behind the terracing, on which to erect a marquee for various parties and functions. How are they going to fill back in this large area to a slope - they advise that no materials will be imported into the site. Are they just levelling this area even further. This is not acceptable. Steppingley is a rural village in a Conservation Area and Green Belt and we are fighting to preserve its

dark sky policy and quiet country feel. There is no mention of removing the powerful lighting systems that the Drivers have installed on the tiers or reinstating the trees. This would not only make this area less bare but also help with the stability of the land. Would not object if we are guaranteed that the slope - from the furthest excavated area to the lower terrace is to be reinstated to its previous level and incline and most importantly that new trees are replanted for the area from which they were removed.

Petition (submitted with the application) in favour of the landscaped garden with 95 signatures: The garden is a lovely amenity for the area, we should support local businesses, the garden is a credit to the business, provides a safe play area of kids, it would be a real shame if removed, is an improvement, tastefully done, do not understand the objections, it is an asset to the village, an improvement on the previous vista, great location for marquees etc..

App Adv

Consultations/Publicity responses

Tree Officer	No objection. Suggest that some suitable additional planting of trees on the site be agreed. Please add a condition requiring details of species of trees and sizes along with a plan showing their location.
E.H.O.	No comment
Minerals Officer	No obs received.
Highways Officer	Assume that no materials are to be removed from the site. Recommend a condition and Highway note be attached to any permission.

Determining Issues

The main considerations of the application are:

1. Background and Policy
2. Impact on visual amenities of area
3. Impact on amenities of neighbours
4. Other Considerations

Considerations

Human Rights issues

There are no Human Rights issues

Equality Act 2010

There are no issues under the Equality Act

1. Background and Policy

The site supports a Public House /restaurant - the main restaurant being to the rear of the property and the drinking area to the front. There is a front patio area as well as a further sitting out area to the east side of the main restaurant conservatory extension. There is a hard surfaced car park to the west side and to the immediate rear of the property.

There is a large area of land to the rear of the property which is also in the ownership of the applicant. Historically the area to the immediate rear of the car park has been used for additional pub garden with the land beyond being an open area of rough grass leading up to where it adjoins the footpath off Church End to the north.

The site has been the subject of a number of planning applications over the last few years including consent for the rear conservatory, the erection of the raised patio and associated fencing as well as more recent planning consent for a single storey side and rear extension to form a new kitchen.

The property was a Public House for many years and is well established at the site having grown over these years to now include a large restaurant area to the rear. The associated outside seating areas have also been extended.

Approximately two and a half years ago the applicant carried out very extensive works to this land which involved the regrading of it to provide for some raised terraces which were then landscaped. A small part of the front of this terraced area is on the land that had previously been used as a garden area to the Public House but the rear section of this terracing was formerly an area of rough grass. The applicant submitted a retrospective application for what was effectively an extension of the pub garden areas as well as the regrading of the land to create the terraces under planning ref: CB/11/03272.

Cross sections were submitted which showed sections through this site of ground levels. This showed that the land has been raised up to 2 metres (approx) above the level of the access track alongside of the terracing.

The application was refused on 19/12/2011 for two reasons - one of these being that the site is in the South Beds Green Belt in an area classified as being Greensand Ridge in the Mid Bedfordshire District Landscape Character assessment Document dated 2007. It was felt that the large scale regrading of the land to create terraces was to the serious detriment of the visual amenities of the site and the wider landscape generally in conflict with PPG2, the Landscape Character Assessment Document and policies DM3, DM14 and CS16 in the Core Strategy and Development Management Planning Document dated November 2009.

The second reason for refusal was in respect of the raising of the land to the rear to create terracing and the provision of the extended pub garden and children's play areas on these terraces would give rise to the potential for undue loss of amenity to occupiers of the neighbouring property by way of overlooking,

noise and general disturbance in conflict with planning policies and the form PPS1.

Following this refusal, an enforcement notice was served on 30/05/2012 in respect of the terracing of the land and the installation of timber retaining walls. The requirements of the notice were to remove the timber retaining walls and re-landscape the terraced land to form a single consistent slope and also prepare the land for seeding and sown with grass seed. A subsequent appeal against this was lodged and was dismissed by decision letter dated 24/10/2012.

Since the appeal decision the applicant has retained the terracing and had discussions with officers as he would like to retain the lower terracing and re-grade the upper terraces to provide a consistent slope.

The site lies in the Green Belt outside of the village of Steppingley in a very rural location where there are very strong controls over any inappropriate developments. One of the purposes of including land in the Green belt is to protect the countryside from encroachments and the recent National Planning Policy Framework 2012 states that the Green Belt serves five purposes and one of these is to assist in the safeguarding of the countryside from encroachment. It further states that the construction of new buildings is inappropriate in the Green Belt with some exceptions. However, these exceptions must not conflict with the purpose of including land in the Green Belt.

In addition, the site lies in an area which has been classified as Mid Greensand Ridge in the Mid Bedfordshire District Landscape Character Assessment dated 2007. The overall strategy in this document is to conserve and enhance the landscape of this ridge and to conserve the character of rural roads limiting urbanizing influences. Policy DM14 of the Core Strategy and Development Management Planning Document dated November 2009 states that planning applications are assessed against the impact the proposed development will have on landscape, whether positive or negative and that the Landscape Character Assessment will be used to determine the sensitivity of the landscape and the likely impact. It further states that any proposals that have an unacceptable impact on the landscape quality of the area will be refused unless there is a particular need for or benefit arising from the proposals that would override this requirement.

The more recent policy document of this council the Development Strategy for Central Bedfordshire states in Policy 36 that there is a general presumption against inappropriate development in the Green Belt but that certain forms of development are considered appropriate as long as they preserve the openness of the Green Belt. Policy 43 of this document states that new development must be of appropriate scale and design to its setting, contribute positively to creating a sense of place and respect local distinctiveness through design, layout and use of materials and planting. It must also respect the amenity of surrounding properties and their occupiers. Policies 58 and 59 in this document requires that landscapes are conserved and enhanced in accordance with the Landscape Character Assessment and provides for the council to ensure that any trees or hedgerows lost to development will, where appropriate, be replaced with landscape and habitat features of equivalent value.

2. Impact on visual amenities of area

At present the terracing extends across the width of the site (about 30 metres) and has a depth of about 25 metres. The floodlit, grassed terraced areas are contained by vertical sleeper walls which are bedded in concrete. It is estimated that this re grading has involved the raising in ground levels by 2 metres. The applicant has provided these levelled surfaces for sitting out and children's play which he hoped would attract more customers. A considerable amount of shrub planting has taken place on these terraces. To the west side of these terraces is a vehicle access.

The planning Inspector dismissed the appeal against the enforcement notice served in respect of this terracing on grounds that she was of the opinion that there was no overall need or benefit arising from the development which would override the aim of conserving the valued landscape set out in policies DM14 and CS16 of the Council's adopted Core Strategy and Development Management Planning Document dated 2009. She was also of the view that the development did not accord with policy DM3 which seeks to ensure that development is of high quality and of appropriate scale and design to its setting. She concluded that the development was detrimental to the character and appearance of the area and did not accord with adopted development plan policy and the National Planning Policy Framework.

In view of the above decision letter of the Planning Inspector and following discussions with officers the applicant has submitted this revised application which is for the removal of the upper bank and the sleepers and to re grade the land into a gentle slope. The rear terrace is to be removed and the soil is to be raked so that the land slopes to a more natural level and this will not involve any export off site of any material. The existing boundary hedging and planting is to be retained as part of the proposal will remain as is along the boundaries.

The proposal is to remove the upper structure and re grade or shape the land to the lower level. The lower structure is to be retained in order to stop the bank from collapsing into the car park. The bank is retained by sleepers and can have some landscaping planted in front of the sleepers. The land is then to be seeded and left as a grassed area. This area would be used as a beer garden.

Objections have been raised by some of the local residents and the Steppingley Parish Council to these revised proposals. These objections are based on the fact that trees have been removed from this area of land when the terracing was created, marquees have from time to time been erected upon the land and there is lighting to this area which is considered to be out of keeping with Steppingley as a rural village in a Conservation Area and within the Green Belt. There is a general feeling that local residents would like the slope reinstated to its previous level and incline and trees planted on the areas from which they have been removed.

It is considered that the regrading of the land down to the lower terrace will give the area a less engineered appearance having a softer appearance more in keeping with its rural surroundings. Also, conditions can be attached which require that additional planting take place on the land to the immediate north of

the existing terraced area. This would provide replacement tree planting.

We have requested additional landscaping information from the applicant to ensure that there is a clear restoration plan. Subject to the receipt of these plans the landscaping concerns could be overcome

3. Impact on amenities of neighbours

An important consideration is the impact of the landscaping works on the amenities of neighbours - in particular the neighbours to the east of the site in the bungalow known as Longacre. The proposed revamped terraced area is to the rear of the Public House/restaurant and sited so that it starts on the rear building line of this bungalow to the east. It has been constructed so that it is up to the shared boundary with this bungalow.

The Planning Inspector stated in her appeal decision letter dated 24/10/2012 in paras 10 to 14:

There is considerable vegetation to the side boundaries which I saw prevents overlooking of the adjoining garden. This may be rather less effective during the months when not in leaf, but the terraces are much less likely to be used at such times.

However, the terraces mean that the outdoor area is likely to be more intensively used than before. Whilst it might be expected that people would sit outside in a pub garden, the elevated nature of the terraces mean that noise is more likely to carry and to give rise to disturbance for the adjoining residential occupiers.

The large levelled area facilitates the siting of a marquee for special events such as weddings and beer festivals. From the representations it is evident that, although not many such events may have been held, when they have occurred they have given rise to complaints about significant noise from residents over a wider area.

Conditions about the erection of marquees etc.. could be imposed if planning permission were to be granted. However, I do not consider that conditions would be reasonably imposed to protect neighbouring residents from the noise and disturbance resulting from the use of the elevated seating and children's play area.

I find that the development is detrimental to the living conditions of nearby residents and does not accord with Policy DM3 in this regard.

The applicants have stated that the land the subject of this application is to be used for pub garden purposes. A condition is recommended which states that the land to the rear of the regraded section outside of the red line is not used for pub garden purposes but is retained as a landscaped area.

The Planning Inspector in her recent appeal decision letter stated that the existence of terraces meant that the outdoor area was likely to be used more

intensively than previously and that noise from the elevated nature of the terraces is more likely to give rise to disturbance for the adjoining residential occupiers. The large levelled area facilitated the siting of marquees for special events - such as weddings and beer festivals - and the inspector stated that the holding of such events had given rise to complaints about significant noise from residents of a wider area.

In view of the above it is considered that as long as conditions are attached to any permission which control the use of the land such that the beer garden is confined to the lower level area and permitted development rights are removed with regard to the erection of a marquee then there should not be an unduly adverse impact on the amenities of neighbours by way of noise and disturbance. Also, the pub garden is only likely to be used for such purposes in the summer months when the extensive planting along the side boundaries - shared with the neighbours - is in full leaf and as such provides a visual screen and a part noise barrier to the neighbours.

4. Other considerations

The highways officer did not raise any objections to the previous application for the terracing and is not raising any objections to this revised scheme of works as there are no changes to the means of access or to the overall level of parking provision. A condition is to be attached to the permission which requires a scheme for on site parking for construction workers and deliveries to be provided for the duration of the construction period.

The tree officer has advised that he has no objections to raise in principle but would want conditions to be attached to any planning permission which require the submission of planting details including details of species of trees and their sizes.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.
- 2 The beer garden use hereby permitted shall be restricted to the area cross hatched on plan number ..

Reason: To safeguard the residential amenity of adjoining occupiers.
- 3 Before the beer garden is first brought into use a scheme of fencing and tree planting to demarcate and screen the rear and side boundary of the beer

garden shall be implemented, the scheme having first been approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

- 4 The access track to the west of the beer garden shall only be used for maintenance purposes and shall not be used as a vehicular access to provide additional car parking or in association with uses ancillary to the restaurant, public house or beer garden.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

- 5 Notwithstanding Class B of Part 4 ('Temporary Buildings and Uses') of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent order no marquees, tents or other temporary structures shall be erected on the application site or the land to the rear indicated in blue on plan number 12/072/1000. No part of the beer garden or land indicated in blue on plan number 12/072/1000 shall be used for car parking.

Reason: To safeguard the residential amenities of occupiers of the neighbouring properties.

- 6 Before the beer garden is first brought into use, the finished ground levels of the beer garden and full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a tree planting scheme
- finished ground levels in relation to adjoining land
- proposed and existing functional services above and below ground level.
- planting plans, including a schedule of size, species, positions, density and times of planting.
- cultivation details including operations required to establish new planting
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during the development works

The development shall be carried out in accordance with the approved details before the use of the beer garden commences.

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

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

- 8 On site provision for the parking of construction workers vehicles and

delivery vehicles shall be made available throughout the entire period of the regrading works.

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

- 9 No lighting shall be provided to the area of land to the rear of the car park or to the beer garden without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the visual amenities of the site and its surroundings.

- 10 The beer garden shall only be used for such purposes between the hours of 11am and 11.30pm on any day and no outside amplified music shall be installed or operated without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of nearby dwellings.

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12/072/101, 12/072/103/A, 12/072/104, 12/072/105, 12/072/100 12/072/102 and 12/072/1000

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
2. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial

disadvantage to provide that auxiliary aid.

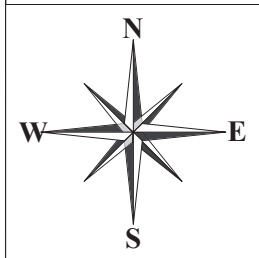
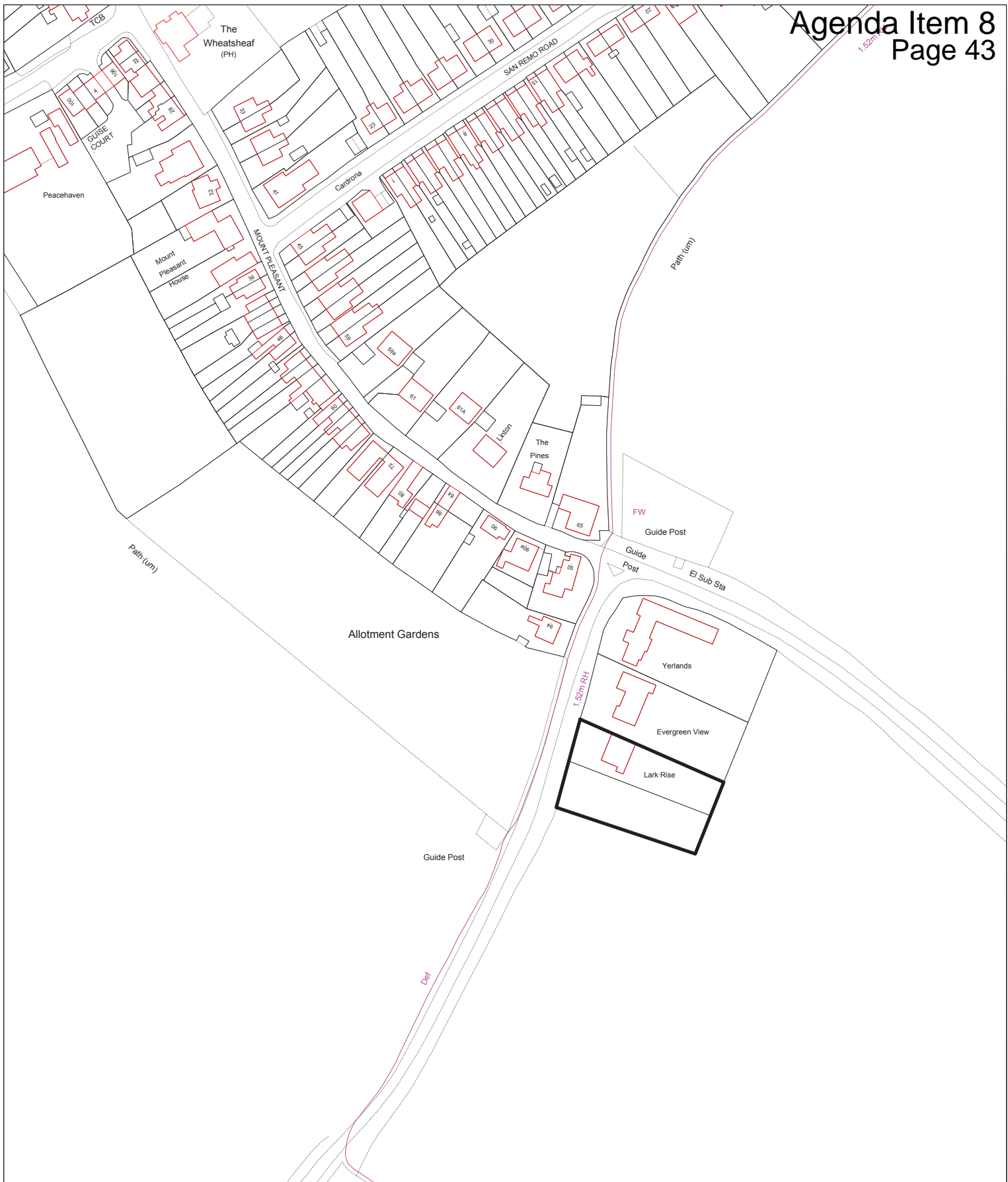
In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

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

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant 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.



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Date: 02:July:2013

Grid Reference: 494943; 235578

Application No.
CB/13/01437/FULL

Scale: 1:2000

Lark Rise, Mount Pleasant, Aspley Guise, Milton Keynes, MK17 8JW

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Item No. 8

APPLICATION NUMBER	CB/13/01437/FULL
LOCATION	Lark Rise, Mount Pleasant, Aspley Guise, Milton Keynes, MK17 8JW
PROPOSAL	Proposed side extension and replacement main roof structure. Including a new lower ground floor level within the extension and living accommodation within the new roof space and solar panels to the rear elevation
PARISH	Husborne Crawley
WARD	Aspley & Woburn
WARD COUNCILLORS	Cllr Wells
CASE OFFICER	Sarah Fortune
DATE REGISTERED	10 May 2013
EXPIRY DATE	05 July 2013
APPLICANT	Mr & Mrs Wright
AGENT	Paul J Elliott Arch. Services
REASON FOR COMMITTEE TO DETERMINE	Councillor Call In - Does not consider this overdevelopment and there is another example nearby.
RECOMMENDED DECISION	Full Application - Refusal

Site Location:

The site lies on the east side of Gypsy Lane on the edge of the built up area of Aspley Guise and in the Green Belt Infill boundary. There is open countryside to the east, south and west and to the north is a property known as Evergreen - which is part single and part two storey - and to the north of this is a large property called Yerlands.

The property on the site is an older style, detached, hipped roof two storey house which is painted cream. There is a large gravel drive to the front and no garage.

The Application:

This application is for the erection of a two storey side addition to the house, the raising in height of its roof, the construction of a basement, the provision of living accommodation in the roof space and the placement of solar panels on the rear facing roof.

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

- DM3 Amenity
- DM6 Development within Green Belt boundaries

Emerging Development Strategy for Central Bedfordshire 2013

Policy 43 High Quality Development
Policy 36 Development in the Green Belt

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Design in Central Bedfordshire A Guide for Development.
Supp 4: House Extensions and Alterations

Planning History - relevant

CB/12/00064/FULL New open bay garage and cycle store
Refused: 15/02/2012
Appeal Dismissed by letter dated 9/05/2012.

Representations: (Parish & Neighbours)

Aspley Guise PC Object: This is substantial development adjacent to the Green Belt. There is concern that the land shown as part of the enclosed garden needs to be the subject of a Change of Use application.
(This area of land has now been removed from the application site.)

Husborne Crawley No obs received.

Parish

Neighbours No obs received

App Adv

Consultations/Publicity responses

Highways Officer Comments regarding the on site parking area.

Determining Issues

The main considerations of the application are:

1. Background and Policy
2. Size, Siting and Design in relation to the character of the house and the visual amenities and openness of the Green Belt
3. Impact on amenities of neighbours.
4. Access, Parking and other considerations

Considerations

Human Rights issues

There are no issues under the Human Rights Act

Equality Act 2010

There are no issues under the Equality Act

1. Background and Policy

The property is a large brick built and cream coloured rendered house with a concrete tiled roof. It is set back from the road behind a mature Copper Beech hedge and there is a large gravel drive and turning area to the front of the house. The immediate area is characterised by two large houses to the immediate north of the site which are two storeys in height and have open front garden and drive areas - with no garages or other outbuildings.

A recent application for the erection of a garage in the front south west corner of the site was refused on grounds that it would be visually intrusive in the street scene and detrimental to the openness of the Green Belt. A subsequent appeal was dismissed by letter dated 9/05/2012. The Inspector stated that he was of the opinion that the garage was tantamount to inappropriate development in the Green Belt - as it was not an extension to the house - and that it would appear as incongruous in its setting being clearly visible in a currently open location to the detriment of the character and appearance of the Green Belt having a significant effect on the openness of the Green Belt.

The applicant wishes to carry out additions and alterations to the house. The house at present has two floors of accommodation. There is a lounge, study, family room kitchen and dining room and rear conservatory at ground floor level and above this are four bedrooms a bathroom and en suite.

There are no objections in principle to additions to a house in this location within the Green Belt as long as the proposals meet planning policies and criteria in respect of extending a house in the Green Belt infill boundary as stated in the NPPF, the Core Strategy and Development Management Planning Document dated 2009 and policies in the emerging Development Strategy for Central Bedfordshire dated 2013.

The NPPF states that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It continues by saying that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this presumption against new development include extensions or alterations to a building provided that they do not result in disproportionate additions over and above the size of the original building.

Policy DM3 of the Core Strategy and Development Management Planning Document states that all proposals for new development including extensions must be of appropriate scale and design for their setting and respect the amenities of surrounding properties.

Policy 36 in the emerging Development Strategy for Central Bedfordshire 2013 states

that within the Green Belt there is a general presumption against inappropriate development and that planning permission will only be granted where there are demonstrable, very exceptional circumstances which outweigh the harm to the Green Belt. One of these is the extension, alteration or replacement of a dwelling providing that it does not result in disproportionate increase in the original size of the dwelling. There is a preamble to this policy which states that within the Green Belt there is a need to protect the character and openness of the landscape and that any development proposals in the Green Belt will be expected to maintain the character of the Green Belt and not undermine the reasons for including land within it. High standards of design and careful siting will therefore be essential for any development proposals.

Also, this authority's design guide on House Extensions and Alterations states that proposed extensions and alterations should not dominate the existing building - in other words they should normally be subservient, and appear as additions in a supporting role.

2. Size, Siting and Design in relation to the character of the house and the visual amenities and openness of the Green Belt.

It is proposed to construct a two storey (three storey including basement) side addition onto the south side of the dwelling to provide for a breakfast area and extended lounge with two bedrooms at first floor creating a five bedroomed house. This addition is to have a width of 4.175 metres and extend along the entire depth of the house of 9.2 metres. It is to have a pitched roof.

The roof of the house is to be raised so that further accommodation can be provided including a bathroom. The new ridge height of the roof is to be 9 metres (approx) a raising in height of approx 1.7 metres.

A basement is to be formed under the new side addition for a family room and study and this is to be accessed by an external stairway. There are to be a number of internal changes to the room layouts. The existing chimney is to be raised and a new chimney constructed on the raised ridge.

Materials are to match the existing house - brown clay to the roof and render to the walls to match the existing cream painted render. Fenestration details are to match.

As stated above, the NPPF states that the government places great importance on safeguarding Green Belts and seeks to safeguard inappropriate development and that Planning authorities should ensure that the extension and alterations do not result in disproportionate additions over and above the size of the original building.

There is already a rear conservatory on the property which has a width of 6 metres and a depth of 3.5 metres. If the proposed further additions are granted planning consent the house will be extended by approximately 4.175m in width and 9.2m in depth with a ridge height up to 1.7m higher than the existing house.

In this case the applicant is seeking a large two storey addition (three storeys including the basement) and the raising in height of the roof. These extensions to the property will significantly increase the floor area of the house and there has already been a

conservatory added since the house was originally constructed.

The additional floor area (including the basement and roof accommodation) will have an area of 182m square (approx) and the existing floor area - excluding the conservatory addition any underground basement and roof space - is 188m square approx. Clearly this represents a significant increase in floor area.

The side extension and the roof extension by reason of their height and scale are in conflict with Green Belt Policy in the National Planning Policy Framework 2012 as well as Green Belt policies in the Core Strategy and the emerging Development Strategy for Central Bedfordshire dated 2013 which seek to restrict such large non subservient additions in the Green Belt.

Notwithstanding the larger increase in size of the house that is being proposed the site is very visually prominent particularly when viewed from the south across the open fields and the landscape generally. Such a large addition to the property especially by way of the raising in height of the roof together with the two storey side addition will appear as an overly large and bulky addition detrimental to both the character of the house itself and the visual amenities of the Green Belt.

The inspector, in his recent appeal decision letter dated 9/05/2012 in respect of the erection of a garage to the front of the property stated that the garage would have resulted in significant harm to the openness of the Green Belt - being clearly visible from the open rural area - by its introduction of built development into an area that is currently open. Whilst the development the subject of this application is not for a detached outbuilding but is for extension and alterations - that are one of the categories of development that are acceptable in principle in the Green Belt - it is clear that such large additions - in particular the raising in height of the roof - would undoubtedly have a very harmful impact on the openness of the Green Belt in this very visible and prominent location at the edge of the built up area of the village. This would be in conflict with both national planning policy in the NPPF and Local Plan policies which seek to restrict such development.

The applicant has established a new orchard to the immediate south west of the house. This has been removed from the application site.

3. Impact on amenities of neighbours

There are no neighbours to the south of the property. To the north of the site is the house known as Evergreen View. The application property is built up to the shared boundary with this house. The additions are to be on the other side of the application property to this neighbour. However, the roof is to be raised and whilst this will have some impact on the amenities of this neighbour by way of some loss of sun and light generally this is considered not sufficient as to sustain a refusal.

4. Access, Parking and other considerations

There is an existing vehicular access into the site to the north of the site frontage. Within the front garden area is a turning area and provision of a vehicle parking area. The highways officer is of the opinion that under the current guidance the creation of a five/six bedroomed dwelling at the site requires one space per bedroom. Whilst it is

possible to have five on site parking spaces measuring 2.5m by 5.0m each, clear of the highway, these spaces can not be independently used. Given the extent of the site frontage it would be beneficial to users of the highway and the property if the parking area was extended to provide independent vehicle use.

Recommendation

That Planning Permission be refused.

RECOMMENDED CONDITIONS / REASONS

- 1 The property lies in a visually prominent location at the edge of open land. The proposed extensions and alterations to the dwelling by reason of their excessive scale, height, massing and design are disproportionate to the original dwelling house and would provide a property significantly larger and more intrusive than the original dwelling. The proposal is therefore inappropriate development which would harm the openness and character of the Green Belt. No very special circumstances for such development have been forwarded. This is in conflict with the National Planning Policy Framework and contrary to policies DM3 and DM6 in the Core Strategy and Development Management Planning Document dated 2009 and policies 36 and 43 in the emerging Development Strategy for Central Bedfordshire dated 2013.

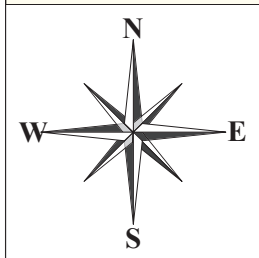
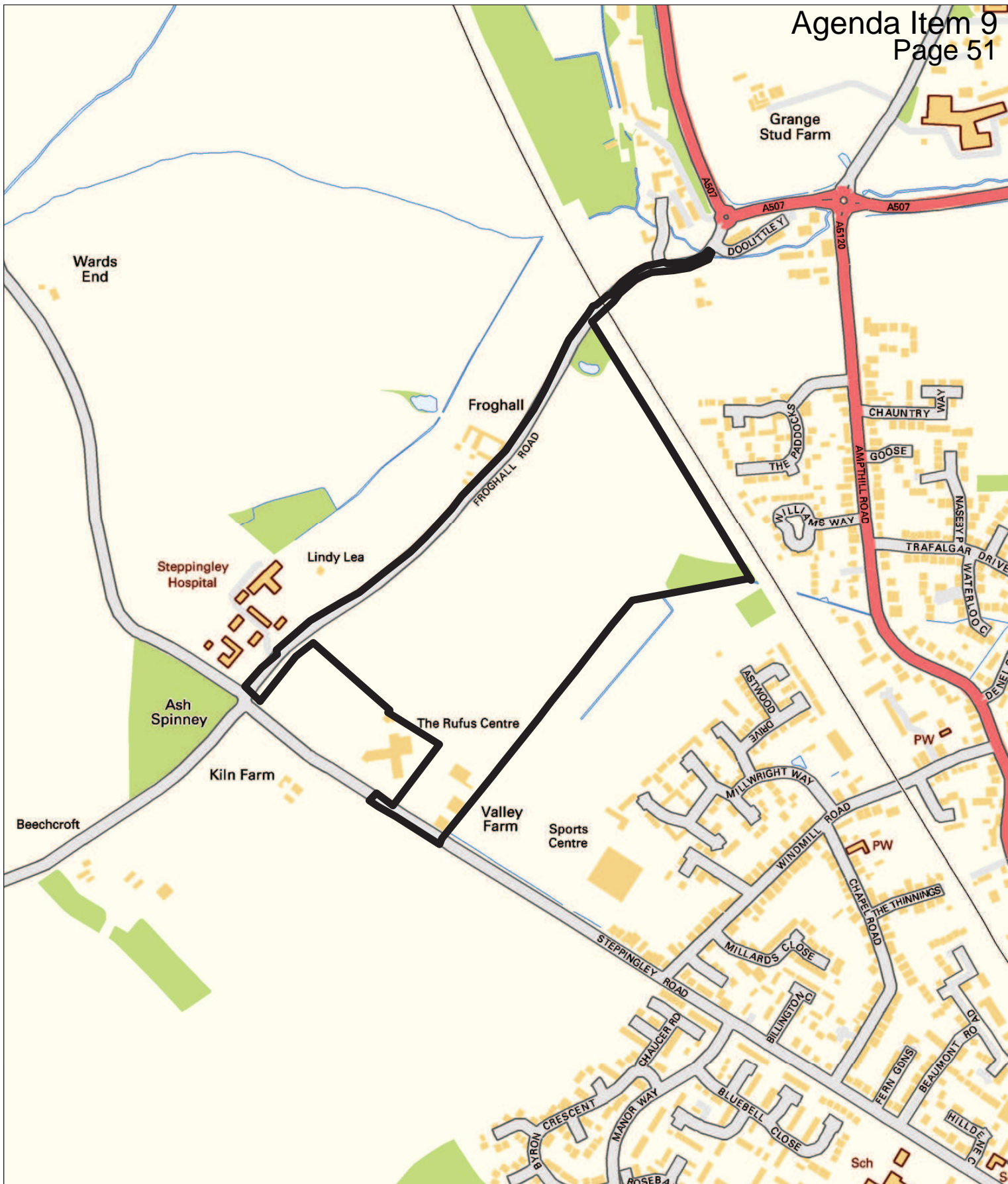
Notes to Applicant

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

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. 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 complied 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: 02:July:2013

Grid Reference: 502508; 235909

Application No.
CB/13/00728/OUT

Scale: 1:7500

Land off Steppingley Road and Froghall Road, Flitwick

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Item No. 9

APPLICATION NUMBER	CB/13/00728/OUT
LOCATION	Land off Steppingley Road and Froghall Road, Flitwick
PROPOSAL	Outline: The construction of up to 400 new homes, up to 4,400 Sq metres of employment floorspace within class B1 (Business) and Class B2 (General Industrial) Development; new access arrangements from Steppingley Road and Froghall Road, including engineering works on Froghall Road; provision of public open space; associated infrastructure including a storm water basin and the demolition of 8 former agricultural buildings.
PARISH	Flitwick
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	27 February 2013
EXPIRY DATE	29 May 2013
APPLICANT	Old Road Securities Plc
AGENT	Framptons Planning
REASON FOR COMMITTEE TO DETERMINE	A major development which is considered to be contrary to the Development Plan and is recommended for approval
RECOMMENDED DECISION	Outline Application - Approval

Recommended Reasons for Granting

The site is allocated for a mixed use development to provide a *minimum* of 450 dwellings and at least 1.1 ha of B1 and B2 employment land under Policy MA2 of the Central Bedfordshire (North) Site Allocations DPD. Whilst the application proposes *up to* 400 dwellings the lower number of dwellings proposed is considered to be acceptable in view of there no longer being minimum density requirements set by Central Government and a general acceptance of lower density developments. The application has however been advertised as a departure from Development Plan policy for the above reason.

The proposal will deliver a sustainable form of mixed use development which will include provision of 1.1 Ha of employment land, affordable housing, on site open space facilities, off-site highways improvements and financial contributions towards infrastructure to mitigate the local impacts of the development. The proposal is considered to be in accordance with relevant sections and policies of the National Planning Policy Framework, Central Bedfordshire (North Area) Core Strategy and Development Management Policies 2009, Affordable Housing (July 2004) and Planning Obligations (north) (November 2009) SPD's, Mid Bedfordshire Recreation Open Space Strategy (2004), Design in Central Bedfordshire: A Guide to

Development (2010) and the Masterplan for Land at Steppingley Road and Froghall Road, Flitwick which was approved as technical guidance for Development Management purposes (October 2012).

Site Location:

The application site comprises 17.3 hectares of land located on the north-west edge of Flitwick. The site, which is largely rectangular in form, sits between Steppingley Road to the west and Froghall Road to the north, with the Midland Mainline Railway forming the eastern boundary to the site. Open countryside exists to the north and west of the site, with the Rufus Centre, partially separating the site from Steppingley Road.

Directly to the south of the site are the existing Flitwick Leisure centre, associated sports fields and an allotment, beyond which are residential dwellings. Land to the east of the development, beyond the railway, also consists of an existing residential development. The nearby surrounding housing to the east and south is mainly modern two storey with a mix of sizes. Froghall Farm, which includes a Grade II listed 17th Century timber framed farmhouse sits to the north on the opposite side of Froghall Road.

At present the site is predominantly open field in connection with former crop production. The north-east corner of the site contains a group of trees and a pond which falls within the designed Green Belt. There is also a group of trees in the south-east corner. The south western corner accommodates two existing cottages and the remnants of farm and barn structures from previous agricultural activities which are accessed off Steppingley Road. There are existing hedgerows and trees on the northern boundary which partially screen site from the Froghall Road frontage.

The site gently falls relatively uniformly from west down to east There is a public footpath which crosses the site in a north-west/south-east direction which passes through the housing to the south connecting to Windmill Road.

The Application:

The application seeks outline permission for the development of up to 400 new homes, and 4,400 sq metres of Class B1 (Business) and Class B2 (General Industry) employment floor space (on 1.1ha of the site) which would be located at the eastern edge of the site running parallel to the railway. All matters of detail are reserved for later approval except means of access.

The principles of the development are shown on the accompanying Master Plan which comprises the following;

- Movement Plan
- Landscape, Ecology and Open Space Plan
- Layout, Scale and Form Plan

The application is also accompanied by a Design and Access Statement and a range of reports prepared by specialist consultants including an Arboricultural

Assessment, Archaeological Assessment, Detailed Bat Surveys, Employment Land Statement, Flood Risk Assessment, Great Crested Newt Report, Landscape and Visual Assessment, Noise Assessment, Public Utilities Report, Road Safety Audits and a Transport Assessment.

The proposed residential density would be 35 dwellings per hectare net. A range of housing types are proposed between 1 and 5 bedrooms with 30% affordable in a range of housing within small clusters across the site. The building form is envisaged to be 'traditional' and predominantly two-storey, with the creation of different character areas within the site. Single storey dwellings would be arranged around a 'farmyard' courtyard located to the rear of the two existing cottages which front Steppingley Road and are proposed to be retained.

Access to the site would be via a 'T' junction off Steppingley Road and two mini roundabouts off Froghall Road. The access details for approval also include provision of a new footpath along Froghall Road and under the railway, connecting to the existing footpath which terminates outside Doolittle Yard. A traffic light system would be introduced to the existing railway bridge and the road modified to a single width carriageway to allow the incorporation of a barrier protected footpath. A height sensor and warning device would be provided at the entrance to the employment land to warn high vehicles of the railway bridge.

All three new junctions are proposed to be linked internally within the site by a hierarchical road network, with the Steppingley Road access and western mini-roundabout on Froghall Road used as a new bus route. The existing public footpath which crosses the site, in a SE-NW direction would be maintained as part of the scheme within an open space corridor.

The application proposes a network of public open spaces across the site. This includes a combined Neighbourhood Equipped Play Area (NEAP) and Super Local Area of Play (Super-LAP) close the Rufus Centre. A further combined Local Equipped Play Area of Play (LEAP) and Super-LAP would be located within the open space corridor towards the west of the site. A series of other linked green areas are also dispersed across the site. A Sustainable Urban Drainage System (SUDS) would provide surface water attenuation to a 1:100 year event.

Following a period of consultation and public exhibition, two main changes were made to the master plan;

- The removal of the Multi Use Games Area (MUGA) from the application site, to the leisure centre to the south.
- The replacement of the existing hedgerow, which is required to be removed along the eastern half of the frontage with Froghall Road.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

1. Building a strong, competitive economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land

10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009)

- CS1 – Development Strategy
- CS2 – Developer Contributions
- CS3 – Healthy and Sustainable Communities
- CS4 – Linking Communities – Accessibility and Transport
- CS5 – Providing Affordable Homes
- CS7 – Affordable Homes
- CS9 – Providing Jobs
- CS10 – Location of Employment Sites
- CS13 – Climate Change
- CS14 – High Quality Development
- CS15 – Heritage
- CS17 – Green Infrastructure
- CS18 – Biodiversity and Geological Conservation
- DM2 – Sustainable Construction of New Buildings
- DM3 – High Quality Development
- DM9 – Providing a range of transport
- DM10 – Housing Mix
- DM13 – Heritage in Development
- DM14 – Landscape and Woodland
- DM15 – Biodiversity
- DM16 – Green Infrastructure
- DM17 – Accessible Greenspaces

Central Bedfordshire (North Area) Site Allocations DPD (April 2011)

MA2: Land at Steppingley Road and Froghall Road, Flitwick

Development Strategy for Central Bedfordshire Pre-Submission Version Policies (January 2013)

- 1 - Presumption in Favour of Sustainable Development
- 3 - Green Belt
- 6 - Employment Land
- 7 - Employment Sites and Uses
- 19 - Planning Obligations and the Community Infrastructure Levy
- 20 - Next Generation Broadband
- 21 - Provision for Social and Community Infrastructure
- 22 - Leisure and open space provision
- 23- Public Rights of Way
- 24 - Accessibility and Connectivity
- 25 - Capacity of the Network
- 26 - Travel Plans
- 27- Car Parking
- 28 - Transport Assessments and Travel Plans
- 29 - Housing Provision
- 30 - Housing Mix
- 32 – Lifetime Homes
- 34 – Affordable Housing

- 36 - Development in the Green Belt
- 43 - High Quality Development
- 44 - Protection from Environmental Pollution
- 45 – The Historic Environment
- 47 – Resource Efficiency
- 48 - Adaptation
- 49 - Mitigating Flood Risk
- 56 - Green Infrastructure
- 57 - Biodiversity and Geodiversity
- 59 - Woodlands, Trees and Hedgerows

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 2013.

Supplementary Planning Guidance

- Affordable Housing (July 2004)
- Mid Bedfordshire Recreation Open Space Strategy (2004)
- Planning Obligations (North) (November 2009)
- Design in Central Bedfordshire - A Guide for Development (2010)

Other Guidance

- Masterplan for land at Steppingley Road and Froghall Road, Flitwick (approved by Executive 4th December 2012)
- Amphill & Flitwick Local Area Transport Plan (April 2012)

Planning History

- CB/12/03776/SCN A Screening Opinion was issued to confirm that an Environmental Impact Assessment would not be required for the development which is the subject of this application.

Representations: (Town Council, Parish Council & Neighbours)

Flitwick Town Council: Support the application.

Amphill Town Council: Support the application.

Steppingley Parish Council: Raise the following concerns:

1. Steppingley and its surrounding area is a valuable countryside resource which is much enjoyed not only by its residents but also by many from the nearby urban developments of Flitwick and Amphill. It is an area which enjoys extensive wildlife and relatively dark night skies. Steppingley is one of the few areas where the night sky is sufficiently dark to be able to observe, at least, part of the Milky Way. It is important from a planning

perspective that such resources should not suffer further continuing erosion by urbanisation as has occurred in recent years, for example by unnecessary and non-environmentally friendly street lighting. We are keen to try to maintain Steppingley as a distinctly separate country resource. The development should be built to the highest environmental standards having regard to the wildlife. The presence of Great Crested Newts on the site should be investigated further and street lighting in the new estate should be designed so as to be switched off late at night.

2. Consideration should be given to minimal construction in highways. The tendency (as seen in the new roundabout at Steppingley Crossroads and elsewhere locally) is to construct highways vastly in excess of the demands of traffic which tends simply to lead to increased traffic passing at unsafe speed.
3. Needs to be addition to necessary local infrastructure and services – schools and medical facilities, both of which are quite restricted at present.
4. It is to be hoped that the plans will include the opportunity for business to service the housing with buses so as to assist to reduce dependency upon cars.
5. Ask that CBC undertake research as to the provision of a cycle way from the new estate to Flitwick Station and allow also for the possibility of a similarly cycle way in the event that a new station should be built at Ampthill.
6. The proposed railway bridge be rendered single track is not realistic for the probable traffic loading. It is essential that the railway bridge be widened to accommodate two way traffic and to make allowance also for the safe passage of pedestrians.
7. The new estate should, of course, be fully DDA compliant.
8. Rainwater harvesting should be required to be installed in all new houses by conditioning in planning permission.

Neighbours:

One letter has been received from 35a Ampthill Road, Flitwick which asks CBC to ensure that extra water is not discharged into the drainage stream which runs from Steppingley Road and under Ampthill Road. This is due to problems caused by the piping of the stream between No's 28 and 30 Ampthill Road which on occasions is blocked by rubbish.

Consultations/Publicity responses

Archaeology	<p>The site contains remains of prehistoric, Roman and medieval occupation and landscape features, as well as a post-medieval onion drying shed. The remains are of archaeological, historical and heritage interest and the onion drying shed is a well preserved and largely unaltered example of Bedfordshire's tradition of market gardening. This does not present an over-riding constraint on the development, as long conditions are attached to the granting of planning permission where;</p> <ul style="list-style-type: none">- No development shall take place until a written scheme of archaeological investigation has been submitted and approved and;- No demolition of any buildings should occur until a written scheme of building recording for the onion drying shed has been submitted and approved.
Environment Agency	<p>Planning permission could be granted provided conditions are included which require suitable surface water drainage, and the identification and remediation of issues of groundwater and contaminated land. Also recommend conditions which outline that no development shall commence until necessary environmental management processes such as sewage systems have been submitted and approved by the council, as well as necessary measures for pollution prevention.</p>
Network Rail	<p>No objection in principle to the development, but outline a series of requirements which must be met, especially with the close proximity to the electrified railway. These include ensuring surface and foul water drainage discharging away from the railway, 'fail safe' measures to prevent construction works interfering with the operation of the railway, provision of trespass-proof fencing along the boundary, sufficient buffering between development and rail land and appropriate lighting to prevent disruption, and the requirement of soundproofing to properties. Additional trips under the railway bridge may increase potential for 'bridge strikes' so recommend consultation with Asset Protection Project Manager to ascertain whether bridge protection barriers may be needed. Recommend conditions relating to drainage, boundary fencing, provision of a method statement, soundproofing, lighting and landscaping for reasons of safety, operational needs and integrity of the railway. Other matters can be dealt with by an informative.</p>
Affordable Housing	<p>Expects to see 35% affordable housing or 140 affordable residential units with a tenure split of 63% Social/Affordable Rent or 88 units and 37% Intermediate tenures such as Shared Ownership or 52 units as per our</p>

SHMA. Would like to see a range of units dispersed throughout the site (pepper potting) and integrated with the market housing to promote community cohesion and tenure blindness. Also expects all units to meet the Code for Sustainable Homes level 3 and meet all HCA design and quality standards. If these comments are taken on board then would support the application.

Public Protection (Contamination)	Recommend a condition requiring a contamination survey prior to occupation of any buildings.
Public Protection (Noise)	No objections in principle. The noise consultants have not taken account of noise generated by road traffic and as there is no definitive site layout plan recommend a condition to ensure that noise and vibration from both road and rail is controlled to protect any residential property. Also recommend conditions to restrict hours of use for commercial units, restriction on noise levels from use of plant machinery or equipment and approval of a Construction Environmental Management Plan.
National Grid	Have identified low and medium pressure gas pipes and associated equipment and electricity transmission overhead lines in the vicinity. Provide advice notes outlining responsibilities and obligations to ensure equipment is protected.
Sport England	There is no existing playing field affected so Sport England have considered this as a non-statutory consultation for a major housing development. There is already an identified deficiency of outdoor sports facilities in the Flitwick area, especially in relation to football pitches and the proposal will add to this. Unless the Council considers that on-site outdoor sports provision can be justified, making an appropriate contribution towards off-site provision/enhancements in accordance with the SPD and emerging Development Strategy would be acceptable as it is acknowledged that the size of the development site and scale proposed would restrict potential to provide a facility of sufficient scale to meet the needs of the community. However as the scope and nature of planning obligations has not yet been agreed and there is no clear commitment at this stage from the applicant to provide a appropriate financial contribution towards outdoor sport then an objection is made. The objection will be withdrawn if it is confirmed that a contribution will be made. The secured contribution should be used towards the delivery of local outdoor sports projects identified in the emerging Playing Pitch Strategy. The identified £50,000 contribution towards a MUGA on the nearby Flitwick Leisure Centre site is only expected to be sufficient for informal play and would not

therefore meet the need for formal sports provision.

A contribution towards a replacement leisure centre would also be considered appropriate to meet the needs generated by the development for indoor sports facilities and again an objection is made until there is certainty of this being provided.

Marston Vale Trust	The application may be relevant for a contribution to the delivery of the Forest of Marston Vale as set out in the Mid Bedfordshire Planning Obligations Strategy 2008.
Minerals and Waste	Following a recent review the site is no longer within a Mineral Safeguarding Area therefore no objection.
Highways Agency	The application will not adversely affect the M1 Motorway at this location and therefore offer no objection.
Bedfordshire Area Ramblers	Have no objection providing Footpath No.15, which crosses the site, will not be diverted or closed as a result of the development. Would object if the footpath is incorporated as part of a road within the proposal.
Beds and River Ivel Internal Drainage Board	No objection to the proposed storm water drainage scheme in principle. Need to keep the attenuation pond sufficiently wet and/or dry where appropriate to prevent the encroachment of protected species such as newts which would prevent it being maintained for the purpose for which it is designed. In addition the Board cannot fully assess the efficacy and maintainability of the scheme until more detailed information is provided which recommend is secured by conditions. The applicant should note it is the Boards standard recommendation that the over-ground component of the SUDS be adopted by a statutory body in order to ensure it is properly maintained in perpetuity.
Bat Conservation Trust	Provide general advice on the planning process and how development may affect bats.
Sustainable Transport	The travel plans for residential and commercial development need to be secured as part of the Section 106 Agreement with an obligation to provide monitoring data through CBC's monitoring software. Cycle parking for both the residential and employment sites needs to be secured by condition. A contribution of £85,000 is required to upgrade Footpath 15 to provide a high quality shared use facility or delivered by the developer through a s278 agreement. A contribution of £30,000 needs to be secured to facilitate safe crossing of the A507. A contribution of £400,000 or £1000 per dwelling needs to be provided to serve the site by public transport.

Countryside Access	<p>The application appears to be in accordance with the masterplan and policy MA2 but have some concerns over the details and issues, most of which can be picked up in the reserved matters applications and Section 106 Agreement:</p> <ul style="list-style-type: none">- Footpath 15 will be a key link into Flitwick and Ampthill and should be upgraded with dog walkers and cyclists in mind. The whole length should be surfaced, improvements should be made to the width and in some locations lighting made appropriate.- Support the footpath improvement under the railway bridge.- Improvements should also be made to a number of public rights of way on the south-west side of Steppingley Road including surfacing sand surfacing improvements, improved signage and way marking and further dog or litter bins.- Welcome the informal leisure footpath routes through the site but would suggest informal surfacing to make them useable.- Concerns over the amount of useable open space for residents so residents may go elsewhere such as to Flitwick Wood which is already under considerable pressure. A Green Infrastructure contribution would enable this.- Not clear whether proposed trees are suitable for use within areas of public open space.
Ecology	<p>Satisfied that the application will be able to provide a net gain for biodiversity through proposed enhancements and mitigation measures. Would be beneficial to review further details once available together with updated survey information.</p>
Conservation and Design	<p>The application site is located to the south of the Grade II listed 17th century timber framed Froghall Farmhouse. The historic rural setting of this building however is largely experienced within its direct farm surroundings and the open fields to the north. Views of the application site from the listed building are largely screened by vegetation along the northern boundary of the site and along Froghall Road. As such, the outline proposals are not considered to have a detrimental impact on the setting of the Grade II listed building.</p> <p>Within the site, to the rear of the Valley Farm Cottages, there is a modest onion shed potentially dating from the early 19th century. The structure appears to be in reasonable condition with minimum alteration. Historic onion sheds are increasingly rare in the district and those which survive are mainly in the eastern part of the district.</p>

The onion shed Valley Farm is the most westerly structure of its kind to be discovered and in good condition. A part of the proposals, this historic structure is to be demolished. Therefore endorse the recommendation of the Council's Archaeological Officer for a recording condition prior to its demolition.

- Trees and Landscape All the existing vegetation is around the perimeter of the site and consists of hedgerows of various condition, species and density. In general the choice of tree species for most of the site looks acceptable but unimaginative. Recommends submission of full hard and soft landscaping details, boundary treatment details, tree protection details and distances and new service line drains etc to avoid root protection distances of trees to be retained.
- Economic Development The Employment Land Statement neglects to consider and compare with the successful operation of the Rufus Centre as a location for small starter units and office space. The Rufus Centre is a very short distance from the proposed employment site and could provide a model for how the new employment space is developed and managed. It is understood that the Rufus Centre operates at near capacity and therefore provides good evidence that a B1-B2 employment development in this location could be successful. It would be useful to get a further view on whether this type of facility could be replicated.
- Education 400 homes in Flitwick would require contributions towards Early Years, Lower and Upper Education totalling £2,379,408.
- Bedfordshire Police Architectural Liaison Officer The Design and Access Statement proposes movement networks which are diametrically opposed to the Bedfordshire Community Safety Supplementary Planning Guidance in respect of balancing the correlation between accessibility and crime. Based on the most recent evaluation of the relationship between road layouts and the distribution of crime and disorder in the county, the number of offences and incidents of anti-social behaviour are likely to be in excess of 200% greater on the proposed scheme. Given the substantial reduction in funding that Bedfordshire Police are facing it is highly unlikely that this development will receive anywhere near the level of police resources commensurate with the high level of demand which is being 'designed in'. The development will therefore be needlessly criminogenic and the Design and Access Statement is likely to mislead the public into believing that community safety has accurately influenced the intended scheme when the reality is that in indicated layout is detrimental in this

respect.

Highways

You will be aware from our recent discussions and continued involvement in the project that the highway authority is supportive of the proposals. The submission included a robust Transport Assessment and the production of a series of plans demonstrating acceptable access arrangements along with measures to influence speed along Froghall Road and provision of appropriate linkages for pedestrian and cycle movement.

I can also confirm that the list of conditions initially drafted by the previous case officer has been agreed from a highway perspective and I do not require any addition to those conditions contained in your latest version 4 (31.05.13). However I would recommend inclusion of the relevant advisory notes.

Anglian Water

Confirm that there is available capacity in the catchment of Flitwick for waste water and sewerage. Should seek the views of the Environment Agency on the surface water strategy/flood risk assessment. Recommend informatives regarding the need for the layout to take account of assets close to or crossing the site and discharge of trade effluents from the employment/commercial uses.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Layout, Density and Built Form
3. Impact on Amenities of Existing and Future Residents
4. Traffic, Access and Sustainable Transport
5. Flood Risk and Drainage
6. Open Space, Landscape and Biodiversity
7. Archaeology and Cultural Heritage
8. Planning Obligations
9. Other Issues

Considerations

1. Principle of Development

The principle of development of the site for mixed uses has already been established by policy MA2 of the Central Bedfordshire (North) Site Allocations DPD and the allocation has been carried forward into the pre-submission draft policies for the emerging Development Strategy. Policy MA2 seeks to provide:

“among other things a minimum of 450 dwellings, at least 1.1 ha of B1 and B2

employment, which may also include bulky goods retailing development that do not detract from town centre uses and a dedicated open space area.”

As the current application proposes *up to* 400 dwellings and includes a small area of land within the Green Belt it has been advertised as a departure from the Development Plan. The lower number of dwellings proposed to those sought by Policy MA2 is considered to be acceptable in view of there no longer being minimum density requirements set by the Government and a general acceptance of lower density developments. A density of approximately 35 dwellings per hectare is considered appropriate for this edge of town location.

The small area of land within the Green Belt in the north-east corner of the site will be retained as public open space, including an existing pond and group of trees. The openness of the Green Belt would not therefore be harmed.

While Policy MA2 requires *at least* 1.1 ha of B1 and B2 employment, the applicants do not propose any more than 1.1 ha. This has been justified through the submission of an Employment Land Statement which confirms that a higher amount of employment land may be difficult to market given competing demands and the location and nature of the site.

2. Layout, Density and Built Form

Policy MA2 required production of a masterplan to guide development. This was approved for Development Management purposes by Executive on the 4th December 2012 following extensive public consultation. The masterplan comprises three main elements:

- Movement Plan
- Landscape, Ecology and Open Space Plan
- Layout, Scale and Form Plan

The submitted Design and Access Statement expands on the approved masterplan principles and provides illustrative detail for a number of character areas. A network of routes across the site, including a number of shared surfaces, will provide safe and convenient connectivity. As required by Policy MA2, the existing public footpath which crosses the site will be incorporated into the development to form part of the open space provision. This footpath will also provide links towards the town centre.

The average net density of 35 dph is considered to be appropriate for this site on the edge of the town and would be similar to densities in nearby residential areas. The development would be dispersed with green spaces including play areas, formal squares and more informal areas. The applicants have stated that the housing mix will incorporate 1, 2, 3, 4 and 5 bedroom properties to reflect local need and provide a vibrant and active community.

The majority of the built form would be 2 storey dwellings with 2.5 storey (rooms in roof) where variations in building height would help create a more interesting street scene. These heights are appropriate for an edge of town site and would be in keeping with surrounding properties. The design of the units is envisaged to be a ‘traditional’ response overall but details will be considered further at the reserved matters stage. A condition is recommended to ensure that the reserved

matters adhere to the masterplan and character area principles.

3. Impact on Amenities of Existing and Future Residents

Most existing properties are located beyond the railway line, the adjoining allotments and sports centre sites or on the other side of Froghall Road and so the distances involved mean little impact on amenity for existing residents. The two existing properties on the Steppingley Road frontage would be retained as part of the development and therefore have been incorporated as part of the masterplan.

The Public Protection Officer has recommended conditions to ensure that any noise (and potential vibration) are mitigated from the railway line, Froghall Road and the proposed commercial land.

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

4. Traffic, Access and Sustainable Transport

Considerable work had been undertaken a pre planning application stage to discuss how Froghall Road could be altered and in particular to design an acceptable solution for both vehicular traffic and pedestrians to safely pass under the Froghall Road railway line bridge. Discussions were held with Ward Members, Flitwick Town Council and Stakeholders including CBC Officers.

In addition during the course of the planning application further works have been undertaken by the applicant to provide additional traffic calming measures to ensure that road speeds are kept below 30 mph along Froghall Road. In addition a signalised solution has been developed under the bridge with a non queuing mechanism to ensure that traffic does not back up unacceptably towards Doolittle Mill.

The benefit of providing a traffic light signalised junction under the bridge has enabled a dedicated footpath to be created from the site under the bridge (separated from the carriageway by railings) along Froghall Road to the existing Doolittle Mill Footpath. This will provide a safe route for pedestrians including school children towards Ampthill and Redborne Upper School.

Other Highway Issues

The development is contributing through a financial contribution towards a scheme to help both traffic capacity at the One-o-One roundabout and a safe crossing point between the Doolittle Mill Roundabout and the One-o-One roundabout (A507 crossing).

A contribution shall be paid through the S106 to upgrade Footpath 15 adjacent to the site. Within the site there is located within a landscape corridor which will provide a green finger through the site.

Sustainable Transport

The S106 Agreement has secured in excess of £701,800 towards Sustainable

Transport measures. This include contributions towards the cycle network, upgrade of Footpath 15, the A507 Crossing and Public Transport.

In securing this contribution it is therefore considered that the site will be adequately served by non-car forms of transport. In light of the close proximity of Flitwick Train Station it is considered appropriate to secure financial contributions towards the cycle network rather than car parking at the station.

5. Flood Risk and Drainage

The existing greenfield site drains to the watercourse which is located along the site's south-eastern boundary. The allocated part of the site is not within the floodplain and therefore falls within Flood Risk Zone 1 which is considered to be low risk.

The proposed development will incorporate a number of drainage features to ensure that the attenuation facilities are designed in accordance with the requirements of the NPPF and to accommodate a 1 in 100 year flood event plus 30% allowance for climate change.

The EA have no objections subject to relevant conditions to surface water drainage, contamination, foundation design and foul and surface water and it is considered that proposed drainage strategy is adequate for this purpose.

6. Open Space, Landscape and Biodiversity

The applicant's landscape strategy identifies a network of open spaces through the development in accordance with the requirements identified by Leisure Services. The development will deliver 3.16 Hectares of public open space including 2 play areas on site (One NEAP and Super LAP and another LEAP and Super LAP), a financial contribution towards a MUGA to be located on Central Bedfordshire Council land adjacent to the site and financial contributions towards Indoor Sports and Leisure Centres and Outdoor Sports in accordance with the adopted Planning Obligations Strategy.

The areas identified are sufficient for a development of this size taking into consideration the additional financial contributions however it should be noted that they shall be accessible to existing Flitwick residents.

Details in relation to landscaping have been submitted however a relevant landscaping condition would be included to ensure that a cohesive and comprehensive landscaping scheme is produced for the whole development.

The applicant has produced an Ecological Assessment which details species found during recent survey work and proposes a number of enhancements including retention of existing landscape buffers, creation of surface water attenuation area, provision of a log pile in the ecological enhancement area, ecological management, bird boxes and roosting opportunities for bats. The Council's Ecologist is satisfied with these enhancements which could be secured by condition. The existing habitats which are of ecological value including the watercourses, hedgerows and trees will be retained as part of the open space as detailed above.

7. Archaeology and Cultural Heritage

The applicants have conducted a geophysical survey and trial trench excavations which have identified a number of archaeological features related to Late Iron Age occupation and the post –medieval agricultural landscape. These represent heritage assets with archaeological interest of regional significance. A condition is therefore recommended to secure the implementation of the written scheme of archaeological investigation for these areas prior to the commencement of development.

The development proposes the demolition of the Onion Shed on the site. Onion sheds by nature are not easy to convert to alternative uses.

The proposed development will have a negative and irreversible impact upon the heritage assets with archaeological and historic interest. However, this does not present an over-riding constraint on the development subject to relevant record and understand the heritage assets.

8. Planning Obligations

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

The applicants have agreed to provide the full financial contributions required under the Planning Obligations SPD (North). The total package to be secured via a Section 106 Agreement would include a contribution of around £5.3 million, provision of on site leisure, recreational and green infrastructure facilities, off site highway works (as detailed above) and the full 35% affordable housing provision (140 dwellings). The applicants propose a Tariff style payment arrangement on a per dwelling basis. Providing the statutory tests for Planning Obligations are met, this would allow the Council greater flexibility in deciding exactly how the contribution will be spent within the locality.

The breakdown of financial contributions is as follows:

Education	£2,335,655.00
Sustainable Transport	£701,800.00
Health Facilities	£480,000.00
Leisure, Recreational Open Space & Green Infrastructure	£1,314,200.00
Community Facilities & Infrastructure	£2,800.00
Community Cohesion	£7,600.00
Waste Management	£18,400.00
Emergency Services	£82,800.00
Public Realm and Community Safety	£88,400.00
Total	£5,031,665.00

The Leisure, Recreational Open Space and Green Infrastructure contribution will include contributions towards indoor and outdoor sports facilities as requested

by Sport England. A contribution to provide an off site MUGA is also included as part of the play provision for the site. It is anticipated that this will be provided on CBC land adjacent to the site.

The proposed affordable housing 'package' consists of 70% Shared Equity and 30% Affordable Rent tenure types. These would comprise a range of 1, 2, 3 and 4+ bedroom dwellings (including flats) pepper-potted across the site.

9. Other Issues

In terms of other issues raised through the consultation process:

Submitted Documents

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

Planning Process and Consultation

The Council issued over 232 letters to individual households in streets nearest to the application site which far exceeds the statutory consultation requirement. In addition to this site notices and a press notice were posted. The statutory time period for response of 21 days was provided but residents actually had longer than this due to the different timings of the site notices, press notice and letters. Adequate opportunity for comment was therefore provided.

Human Rights Issues

The proposal would raise no known Human Rights Issues.

Equality Act 2010

The proposal would raise no known issues under the Equality Act.

Recommendation

That Outline Planning Permission be **granted** subject to satisfactory completion of a Section 106 Agreement and the following conditions:

RECOMMENDED CONDITIONS

- 1 **Approval of the details of the appearance, landscaping, layout and scale of the development within each area approved as identified in condition 4, (herein called 'the reserved matters') shall be obtained in writing from the local planning authority before development is commenced within that area. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- 2 Application for approval of the reserved matters for each area, as identified in condition 4, shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission. The development shall begin no later than two years from the approval of the final reserved matters.

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 Each reserved matters application shall demonstrate how it has taken account of the principles set out within the submitted Design and Access Statement (Woods Hardwick dated 20th February 2013):
- a) Master Plan 1 – Movement Plan
 - b) Master Plan 2 – Landscape, Open Space & Play Areas Plan
 - c) Master Plan 3 – Built Form, Massing & Character Areas
 - d) Section 5.6 – Character Areas

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policies CS14 and DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and Policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 4 Prior to the submission of the first reserved matters, an areas plan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The areas plan shall show a maximum of 6 residential areas and shall define the location and extent of the employment area and each residential area and the number of dwellings in each area; and also define:
- a) the timing of the provision of the movement network shown on Master Plan 1 contained within the submitted Design and Access Statement;
 - b) the timing of the provision of the vehicular access points onto Steppingley Road and Froghall Road as shown in principle on submitted Drawing No's: 46381000/P/3250/006 Rev A and 46381000/P/3250/005 Rev A prepared by URS Infrastructure and Environment UK Ltd;
 - c) the timing of the provision of the open space, play areas and surface water attenuation areas shown on Master Plan 2 contained within the submitted Design and Access Statement.

The development and timing of provision of the movement network, vehicular access point(s) open space and play areas and surface water attenuation areas for each area shall be carried out in accordance with the approved areas plan.

Reason: In order to ensure the timely provision of the development.

- 5 No more than 400 dwellings and no more than 4400 square metres gross of employment floorspace within Class B1 (Business) or Class B2 (General Industrial) of the Town and Country (Use Classes) Order 1987 (as amended) shall be constructed on the site pursuant to this planning permission.

Reason: For the avoidance of doubt.

- 6 The 'Froghall Bridge Signalised Shuttle Working' and the 'Froghall Road Tie-in to existing footpath' works as shown on submitted Drawing No's: 46381000/P/3250/001 Rev A and 46381000/P/3250/007 Rev A prepared by URS Infrastructure and Environment UK Ltd; shall be constructed and available for public use prior to the opening of any new vehicular or pedestrian access points onto Froghall Road to serve the development.

Reason: To provide safe and convenient pedestrian access under the railway bridge and onwards towards local facilities in Ampthill in accordance with policy CS4 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 24 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 7 The traffic calming works on Froghall Road as shown on submitted Drawing No's 4638000/P/3250/005 Rev A and 46381000/P/3250/006 Rev A shall be constructed and open to vehicular traffic prior to the opening of any new vehicular access point onto Froghall Road to serve the development.

Reason: To ensure that speeds are adequately reduced on Froghall Road in the interests of highway safety and in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 8 **No development shall commence until an overarching Landscape and Open Space Strategy has been submitted to and approved in writing by the local planning authority. The Landscape and Open Space Strategy shall set out the in principle requirements for treatment of the areas of landscaping and open space, shall be in accordance with the principles set out within Master Plan 2 – Landscape, Open Space & Play Areas Plan contained within the submitted Design and Access Statement and the areas plan approved by condition 4 and shall include:**

- a) a programme for implementation;
- b) long-term design objectives for the laying out of areas of green infrastructure and open space within the residential development areas including any replacement planting;
- c) short and long-term management responsibilities;
- d) maintenance schedules for all hard and soft landscape areas and open spaces (other than privately owned domestic gardens), and any associated features.

The development shall be carried out in accordance with the approved overarching Landscape and Open Space Strategy.

Reason: To ensure a satisfactory appearance of the development in accordance with policies DM3 and DM16 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies

(2009) and policies 43 and 56 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 9 No development approved by this planning permission shall take place until such time as a detailed surface water drainage scheme, including details of timing of provision, in accordance with the submitted Flood Risk Assessment dated February 2013 prepared by Woods Hardwick has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved timing arrangements as per condition 4.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 49 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012).

- 10 No development in any area of the development approved as per condition 4 of this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall 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 the 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.

The scheme shall be implemented as approved.

Reason: 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 several on-site and nearby surface water features) from potential pollutants associated with current and previous land uses of the site (including agricultural and an adjacent railway) in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012).

- 11 No occupation of any area of the development approved as per condition 4 of this planning permission shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that defined area 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: 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 several on-site and nearby surface water features) from potential pollutants associated with current and previous land uses of the site (including agricultural and an adjacent railway) in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012).

- 12 If, during development within an area of development approved as per condition 4, contamination not previously identified is found to be present at the site then no further development within that area (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy for that defined area 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: 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 several on-site and nearby surface water features) from potential pollutants associated with current and previous land uses of the site (including agricultural and an adjacent railway) in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009),

policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012).

- 13 Infiltration systems for surface water disposal shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.

Reason: 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 several on-site and nearby surface water features) in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 44 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012). 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.

- 14 Piling or any other foundation designs and investigation boreholes 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: 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 several on-site and nearby surface water features) in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 44 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012). 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.

- 15 **No development shall take place in an area of the development approved as per condition 4 above until such time as a scheme to dispose of foul and surface water for each area and in addition in relation to the employment area a scheme for the installation of oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.**

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and several

on-site and nearby surface water features) from potential pollutants associated with current and previous land uses of the site (including agricultural and an adjacent railway) in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012).

- 16 No development approved by this permission shall be commenced until a scheme for connection to the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the approved scheme for connection to the existing sewage system has been completed.

Reason: 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 several on-site and nearby surface water features) from potential pollutants associated with current and previous land uses (including agricultural and an adjacent railway) in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013) and Central Government advice contained within the National Planning Policy Framework (2012).

- 17 No development shall take place in an area of the development approved as per condition 4 above until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme for that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of dwellings and/or commercial units in each area shall be carried out in accordance with the approved details shall not thereafter be used for any other purpose.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 18 The details required by condition 1 of this permission in relation to each area approved by condition 4 shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of

development.

- 19 **Means of access to the site shall be from Steppingley Road and Froghall Road as shown in principle on submitted Drawing No's: 46381000/P/3250/006 Rev A and 46381000/P/3250/005 Rev A. No development shall commence until construction details of the junctions have been submitted to and approved in writing by the Local Planning Authority or as otherwise agreed in accordance with a timetable to be agreed in writing with the Local Planning Authority .**

Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 20 **No development shall take place in an area of the development approved as per condition 4 of this permission until details of the plans and sections of the proposed estate roads in that area, including gradients and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building within that area 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 road works are constructed to adequate standard in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 21 **No occupation of any of the employment land shall take place until a vehicle height sensor, railway bridge warning device and any necessary signage have been installed on the employment land access road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of highway safety in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 22 **Any Class B1 commercial units on the employment land hereby approved shall not be used except between the hours 8am till 7pm Monday to Saturdays and at no time on Sundays, Bank or Public Holidays and any Class B2 commercial units on the employment land hereby approved shall not be used except between the hours 8am till 6pm Monday to Saturdays and at no time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of the neighbouring residential properties from noise associated with their future use in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development

Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 23 No development in any area of the development approved as per condition 4 of this permission shall commence until a scheme of attenuation measures for noise and vibration from the adjacent railway line as identified in the Noise Assessment Report of URS Infrastructure & Environment UK Limited .Reference 47065407 R01 Revision 3 dated 11th February 2013 has been submitted to and approved in writing by the Local Planning Authority so far as may be necessary to ensure that internal noise levels within dwellings from the adjacent railway line shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 - 07:00 and 45 dB LAfmax 23.00 - 07:00 inside any bedroom, and that external noise levels in outdoor amenity areas of dwellings from the railway line shall not exceed 55 dB LAeq, 07:00 – 23:00. The submitted scheme shall include a verification plan to demonstrate the effectiveness of the scheme. The works which form part of the scheme approved by the Local Authority for each dwelling shall be completed before the dwelling is occupied. The effectiveness of the scheme shall be demonstrated to the Local Planning Authority in accordance with the approved verification plan.

Reason: To protect the amenity of the future occupiers of the residential properties from noise and vibration associated with the railway in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version).

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

Reason: To protect the amenity of the neighbouring residential properties from noise associated with their future use in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 25 Deliveries to and from the B1 and B2 uses only hereby approved shall only be made between 08:00 hours and 18:00 hours Monday to Saturday, and at no time on Sunday or Bank Holidays without the prior written agreement of the Local Planning Authority.

Reason: In order to protect the interests and amenity of the immediate surrounding residential properties in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 26 **No development in any area of the development approved as per condition 4 of this permission shall commence until a Construction**

Environmental Management Plan for that area has been submitted to and approved 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**
- **Details of the areas for contractors parking and loading and unloading of materials within the site**
- **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 siting and appearance of the works compounds**
- **Wheel cleaning facilities for construction traffic**
- **The hours of work**
- **A scheme to treat and remove suspended solids from surface water run off during construction works**

The development hereby approved shall only be undertaken in accordance with the agreed plan for each area.

Reason: To safeguard the amenities of adjoining occupiers, to protect the surrounding countryside, and prevent the deposit of materials on the highway in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 27 **No development shall take place until archaeological investigations have been carried out in accordance with the Brief issued by the Local Planning Authority dated 3rd June 2013 or another scheme subsequently submitted to and approved in writing by the Local Planning Authority if the archaeological investigations have not been completed to the satisfaction of the Local Planning Authority by the 3rd January 2014 . The said development shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development in accordance with policy CS15 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 45 of the Development Strategy for Central Bedfordshire (Pre-submission version January 2013) and paragraph 141 of the National Planning Policy Framework.

- 28 **No demolition of any buildings on the site shall take place until a written scheme of building recording for the onion drying shed (Building 7 in the Demolition Proposals Statement (Woods Hardwick 20th February 2013)) has been carried out in accordance with the Brief issued by the Local Planning Authority dated 3rd June 2013 or another**

scheme subsequently submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved building recording scheme.

Reason: To record and advance understanding of the archaeological and historic resource which will be unavoidably destroyed as a consequence of the development in accordance with policy CS15 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009), policy 45 of the Development Strategy for Central Bedfordshire (Pre-submission version January 2013) and paragraph 141 of the National Planning Policy Framework.

- 29 The landscaping scheme(s) required by condition 1 of this permission shall show the numbers, types and sizes of trees, grass and shrubs to be planted and their location in relation to proposed buildings, underground services and/or engineering works and shall include details of any hard surfaces and earth mounding. The approved scheme for each area approved by condition 4 of this permission shall be implemented by the end of the full planting season immediately following the completion of that identified area (a full planting season means the period from October to March). The trees, shrubs and grass shall be subsequently 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 appearance of the development in accordance with Policies DM3 and DM16 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policies 43 and 56 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 30 **Prior to commencement of any development on site an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement and plan.**

Reason: To safeguard existing trees on site in accordance with Policy DM14 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 59 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 31 The development shall be carried out in accordance with all ecological mitigation proposals set out in the submitted Ecolocation reports entitled 'Extended Phase One, Initial Bat Assessment & Detailed Bat Surveys' (12th February 2013 – Revision B) and 'Great Crested Newt Report' (12th February 2013 – Revision B) and the results of any further/updated survey work shall be submitted to the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation

importance in accordance with Policy DM15 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and Policy 57 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 32 The details required by condition 1 of this permission in relation to each area approved as per condition 4 shall include a scheme for parking, and garaging for the residential units in that area and shall take account of the 'Residential Parking Typologies' set out within Section 5.12 of the submitted Design and Access Statement. In relation to the employment area shall include a scheme for parking manoeuvring loading and unloading of vehicles in respect of each building. The parts of each approved scheme pursuant to condition 1 related to each residential unit or building in the employment area shall be made available for use before the residential unit or building is occupied and those areas shall not thereafter be used for any other purpose.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policies 27 and 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 33 **Prior to commencement of development in each area approved by condition 4 of this permission, a scheme showing the proposed boundary treatment of that area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the type and height of fences, hedges, walls or other means of enclosure and shall take account of the boundary treatment guidance set out within Section 5.6 of the submitted Design and Access Statement. The approved scheme shall be implemented before the adjacent residential units are first occupied.**

Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 34 No occupation of any of the dwellings or any buildings on the employment land shall take place until a trespass proof fence (which measures a minimum 1.8m high) has been erected adjacent to the railway boundary in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety for the occupants of the development and the operational needs and integrity of the railway in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 35 A construction method statement shall be submitted to and approved in writing by the Local Planning Authority for any excavations, pilings or buildings which are located within 10 metres of the railway boundary. The Local Planning Authority shall be notified at least 6 weeks in advance of the commencement of any such works and the works shall be carried out in accordance with the approved statement.

Reason: In the interests of safety for the occupants of the development and the operational needs and integrity of the railway in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 36 No occupation of any building and/or associated curtilage upon the employment land shall take place until details of any external lighting for that building, including details of type, location, colour and luminance levels, have been submitted to and approved in writing by the Local Planning Authority. All external lighting shall comply with the approved details.

Reason: In the interests of safety for the occupants of the development and the operational needs and integrity of the railway in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 43 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 37 The details required by condition 1 of this permission in relation to each area approved as per condition 4 shall include a scheme for cycle parking for each dwelling and/or commercial unit. The approved scheme pursuant to condition 1 shall be made available for use before the building is occupied and those areas shall not thereafter be used for any other purpose.

Reason: To ensure that adequate cycle parking is provided in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and policy 24 of the Development Strategy for Central Bedfordshire (Pre-Submission Version January 2013).

- 38 The development hereby permitted shall not be carried out except in accordance with the Approved Plans drawings numbers: Location Plan 16627/1003 prepared by Woods Hardwick , 46381000/P/3250/001 Rev A, 4638100/P/3250/005 Rev A, 4638100/P/3250/006 Rev A and 46381000/P/3250/007 Rev A.

Reason: For the avoidance of doubt.

Notes to Applicant

1. The applicant is advised that in order to comply with the relevant Condition of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further

details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. (HN viii)

2. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, 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. (HN xii)
3. You are advised to note the comments of the Environment Agency as set out in the enclosed letter.
4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of the apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
5. **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.**
6. 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, P.O. Box 1395, Bedford, MK42 5AN.
7. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, 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. (HN vii)
8. If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will be able to advise of the most suitable point of connection.

9. Any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any such vegetation have to be removed during, or close to this period it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is in use by nesting birds. Should nests be found, a suitable area of vegetation (no less than a 5m zone around the nest) should be left intact and undisturbed until it is confirmed that any young have fledged before works in that area proceed. This process should be agreed in writing with the Local Planning Authority.
REASON: In order not to cause destruction of, or damage to, the nests of wild birds, their eggs and young. This corresponds to the protection afforded to them under the Wildlife and Countryside Act 1981 (as amended).

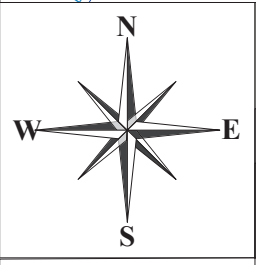
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval 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 National Planning Policy Framework (2012) (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: 02:July:2013
 Grid Reference: 498550; 242324

Application No.
 CB/13/01693/FULL

Scale: 1:2000

Global Robots Limited, Beancroft Road, Marston Moretaine,
 Bedford, MK43 0QF

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Item No. 10

APPLICATION NUMBER	CB/13/01693/FULL
LOCATION	Global Robots Limited, Beancroft Road, Marston Moretaine, Bedford, MK43 0QF
PROPOSAL	Demolition of existing buildings, redevelopment and extension of site comprising a workshop/office building and two storage buildings. Associated car parking, landscaping and ancillary works.
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Gammell
DATE REGISTERED	13 May 2013
EXPIRY DATE	12 August 2013
APPLICANT	Mr Andrew Kirkwood
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE	A Departure from the Central Bedfordshire Core Strategy and a major application.
RECOMMENDED DECISION	Full Application - Granted

Reason for Committee to Determine:

A departure from the Central Bedfordshire Core Strategy and a major application.

Site Location:

The application site is Global Robots Ltd, which is an existing development on Beancroft Road, the site is approximately 0.56 ha, and currently has 4 single storey linked buildings on the frontage. The application site is also part of an agricultural field to the rear of the existing Global Robots site, this area is some 0.6 ha. To the front of the site is a ditch, with some landscaping/fencing, however the site appears visible from the road. The site has a large amount of open storage areas, where Robots are kept adjacent to the frontage, this is also visible from the street scene.

Beancroft Road is a link road between Marston Moretaine and Cranfield, it is a 60 mph road, largely agricultural with sporadic residential and commercial enterprise along it, Global Robots is some 650 metres from the junction with the A421, on the western side of the road.

The Application:

This application proposes a change of use for the agricultural land on the rear portion of the site to B8/B2. Also the demolition of the existing buildings on the site, and the erection of three new buildings, associated works to facilitate the use of the

site, and landscaping.

Building 1 – 62 metres in length, 25 metres in width, 7 metres in height (eaves height 4.8 metres)

Building 2 – 50 metres in length, 28 metres in width, 7.2 metres in height (eaves height 3.8 metres)

Building 3 – 50 metres in length, 28 metres in width, 7.2 metres in height (eaves height 3.8 metres)

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

Draft Development Strategy for Central Bedfordshire

Policy 9: Employment proposals outside Settlement Envelopes

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

Application:	Planning	Number:	CB/10/04158/FULL
Validated:	10/11/2010	Type:	Full Application
Status:	Decided	Date:	22/12/2010
Summary:		Decision:	Full Application - Granted
Description:	Full: Change of use and alterations to existing wood treatment building to form office.		

Application:	Planning	Number:	MB/92/00985/FA
Validated:	16/07/1992	Type:	DO NOT USE - Full Application
Status:	Withdrawn	Date:	16/10/1992
Summary:	Withdrawn	Decision:	Withdrawn
Description:	FULL: NEW ACCESS		

Application: Planning
Validated: 02/05/1990
Status: Decided
Summary: No objection
Description: FULL: ERECTION OF OVERHEAD ELECTRICITY LINE AND POLE MOUNTED TRANSFORMER

Number: MB/90/00828/FA
Type: DO NOT USE - Full Application
Date: 27/06/1990
Decision: No objection

Application: Planning
Validated: 09/05/1989
Status: Decided
Summary:
Description: FULL: CHANGE OF USE OF BARNS TO STORAGE AND LIGHT INDUSTRY

Number: MB/89/00727/FA
Type: Listed Building
Date: 04/07/1989
Decision: Full Conditional

Application: Planning
Validated: 19/01/1989
Status: Decided
Summary: Refused
Description: FULL: CHANGE OF USE OF AGRICULTURAL SHEDS AND ADJOINING YARD TO LIGHT INDUSTRY AND STORAGE

Number: MB/88/01525/FA
Type: DO NOT USE - Full Application
Date: 16/03/1989
Decision: Refuse

Application: Planning
Validated: 28/04/1987
Status: Decided
Summary: Refused
Description: FULL: RENEWAL OF PLANNING PERMISSION FOR MOBILE HOME

Number: MB/87/00493/FA
Type: DO NOT USE - Full Application
Date: 23/06/1987
Decision: Refuse

Application: Planning
Validated: 24/12/1985
Status: Decided
Summary:
Description: FULL: MOBILE HOME FOR AGRICULTURAL WORKER

Number: MB/85/00626/FA
Type: DO NOT USE - Full Application
Date: 18/02/1986
Decision: Full Conditional

Application: Planning
Validated: 21/10/1980
Status: Decided
Summary: Full Conditional Approval
Description: FULL: EXTENSION OF PLANNING PERMISSION 79/1085

Number: MB/79/1085A/FA
Type: DO NOT USE - Full Application
Date: 16/12/1980
Decision: Full Conditional

Application: Planning
Validated: 30/08/1979
Status: Decided
Summary: Full Conditional Approval
Description: FULL: SITING OF RESIDENTIAL MOBILE HOME

Number: MB/79/01085/FA
Type: DO NOT USE - Full Application
Date: 25/10/1979
Decision: Full Conditional

**Representations:
(Parish & Neighbours)**

Marston PC It was felt that this application would tidy up the site and thus improve the appearance of the area. Local employment was another considering factor. The committee were made aware that Global Robots employ a high proportion of their staff from the local area. It was considered that this application could pave the way for employment of additional staff.

Therefore having considered the matter, the Planning Committee resolved that it had no objection to the proposal.

Third party No comments received
representations

Consultations/Publicity responses

Highways: No objection subject to conditions.

Notwithstanding the previous concerns of the highway authority it has now been established that visibility splay appropriate to the actual measured speed of vehicle on the public highway can be accommodated. In these circumstances and given the history of the site I can confirm that the highway authority no longer have a justifiable reason to raise an objection to the scheme now being proposed.

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

Condition 1. The development hereby approved shall not be brought into use until visibility splays have been provided at the junction of the access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 105m to the south east and 114m to the north west, measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the vehicle access in the interests of highway safety

C2. 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

C3. The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

Advice Note 1. 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.

Public Protection No comments to make

Environment Agency No objections subject to conditions relating to Ground Water / Contaminated Land, Flood Risk and Environmental management.

Internal Drainage Board After reviewing the FRA submitted for the above planning application the Board has no objection in principle to the development proposals. The Board note that it is the applicants

intention to discharge storm water runoff from the site to the adjacent watercourse under the statutory control of the Board. As per section 4.15 of the FRA all storm water runoff from the site must be limited to the appropriate green field rate for the 1:100 year event plus a factor for climate change. The applicant should note that in accordance with the interim code of practice if a variable discharge is to be used appropriate discharge rates must also result from the 1:1, 1:30 and 1:100 + CC year storms or the QBar rate must be used for all events up to and including the 1:100 year +CC event and appropriate storage provided. In addition the applicant must demonstrate that the volume of discharge is no greater than that generated by the green field site for the 1:100 year 6 hour storm.

It is not clear if the applicant intends to leave the discharge for the existing impermeable site, situated on the northern boundary in place or whether this discharge will be moved to the proposed new outfall to the west of the site. It is the Board's policy not to consent pre-existing outfalls providing there is no change in impermeable area or discharge but should runoff from the old site now be discharged to a new outfall the applicant must demonstrate the amount of existing impermeable area and discharge and this must be included in the discharge/storage calculations.

As a new, direct discharge to an IDB watercourse the Board's statutory consent will be required for the aforementioned outfall. To date our records indicate no consent has not been issued or sought at this office for the proposed outfall.

The Board therefore suggest that planning permission should not be granted without conditions requiring that the applicant's storm water design and construction proposals are adequate before any development commences.

There are a number of hedgerows on the site boundaries which should be unaffected by the proposals.

Pre application advice included the suggestion that the native hedge mix should be a mix of 50% Hawthorn, 20% Blackthorn, 10% Holly, 10% Field Maple and 10% Hazel or similar mix, planted as a double row at 6 plants per metre incorporating rabbit guards.

Tree Officer

It was suggested that a 10 metre shelter belt using bare root native whips planted during the dormant season (November to March) would be a suitable treatment for the south west boundary and would establish faster than standard tree planting, it was suggested that it incorporates mulching of some form to encourage establishment.

Area to be landscaped at the front boundary with Beancroft

Road has potential for some more formal planting incorporating shrubs, groundcover and selective standard trees.

Full hard and soft landscaping details will be required to include species, sizes and densities of planting.

Ecology

I have no objection to the proposals but on looking at the transport documentation it is evident that works to the ditch will be required for visibility splays. It would appear that this ditch would have some wildlife interest and as such any losses following redesign should be mitigated for elsewhere. The NPPF calls for a net gain to biodiversity whilst I welcome the inclusion of native trees and hedgerows further wetland enhancements would also be beneficial. I note that the surface water is being stored underground due to lack of space but SUDS features can be multifunctional and perhaps should be given further consideration in the scheme.

The application seeks the redevelopment and extension of the site comprising workshop/office buildings and two storage buildings with associated car parking, landscaping and ancillary works.

Planning Policy
Team

The site is located north west of Marston Moretaine, north of the A421 in a predominantly rural location along Beancroft Way. The site is surrounded by arable land. The site is already development with four separate buildings. It is proposed to demolish these buildings and expand the site south westwards to develop three larger buildings.

The Planning Statement states that the expansion and redevelopment of the site will allow for the expansion of the company in one single location which has grown in recent years. The redevelopment of the site will also allow for internal storage. Currently robots are stored externally and therefore external storage will increase safety and improve the visual appearance of the site.

The NPPF and Policies in the emerging Development Strategy provide for the support of employment proposals outside of the Settlement Boundary (Policy 9). The expansion and redevelopment of this site is also supported by the NPPF in its statement on supporting the rural economy. The expansion and redevelopment of this site would allow this business, currently employing 13 people to maintain its base in Central Bedfordshire and take on more employees thus contributing to rural economic growth.

The site is not located in the green belt or AONB. However policies in the emerging Development Strategy strive to ensure

that new buildings are of a high quality. This is further enforced through policies in the adopted Core Strategy and Development Management Policies (Policies CS14 and DM3). Although the proposed new buildings are larger in scale, as the site is effectively doubling in size, than the existing buildings, it is considered that they are appropriate in scale and design to the site and use the land efficiently. The buildings are single storey and the proposals allow for significant landscaping to screen the site from the surrounding countryside. It will be essential that the landscaping provides significant screening of the new buildings and contributes to the objectives of the Forest of Marston Vale. The new buildings will also 'clean up' the site in terms of providing internal storage, improving the visual appearance of this site.

In summary it is considered that there are no reasons for objection on policy grounds for the proposed redevelopment of the site.

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 pre-amble to Policy DM4 advises that in the open countryside only particular types of development will be permitted in accordance with National Guidance.

It is accepted that this is not a redundant agricultural site, however evidence has been provided which explores other facilities within the area, and how they are not suitable for the businesses growing needs. It is considered that where there are no suitable sites possible it is reasonable to expand the existing premises subject to the regular planning considerations. Details of the sites considered for this development are within the Planning Statement. Evidence has been prepared as part of this application which identifies no suitable alternatives, and therefore it is considered that the principle of development on land adjacent to the existing site, may be acceptable. This is in accordance with the draft Development Strategy Policy 9 (Employment Proposals outside of Settlement

Envelopes).

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 NPPF calls for a presumption in favour of sustainable development. Paragraph 18 and 19 state that the Government is committed to securing economic growth in order to create jobs and prosperity and ensuring that the planning system does everything it can to support sustainable economic growth. Therefore planning should operate to encourage sustainable growth.

Paragraph 28 further reiterates the support for a prosperous rural economy and planning policies should support economic growth in rural areas to create jobs and prosperity. This is achieved through taking a positive approach to sustainable new development by supporting growth and expansion of all types of businesses in rural areas including well designed buildings.

Included with the application was an extensive assessment of other sites, and how they do not meet the requirements of the business. As this is an existing business within an existing site, which requires additional land to expand the business, it is considered that it has been suitably demonstrated that there are no suitable sites for their business needs in the locality. It is therefore considered reasonable and appropriate to allow the expansion of this site.

It is considered that the principle of redeveloping and expanding this site for the existing use is in principle broadly reflective of the general sustainability objectives of both the Core strategy and the NPPF.

2. Impact on Character and Appearance of the Surrounding Area

The application includes the total redevelopment of the site, it is considered that it offers the potential for significant design improvements, and although the built mass would be increased on the site it is judged that the proposals represent a visual enhancement to the area.

Substantial levels of new landscaping are proposed which would better integrate this commercial development with the rural environment. Conditions requiring further details of the landscaping would be required. The buildings have been designed to be of relatively low profile and of an agricultural design, set back from the boundary enabling screen planting. On balance it is considered that the development would not have a harmful impact with regard to the character of and views from the open countryside.

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 would be approximately 130 metres away to the south.

It is considered that although additional land would be used, the new buildings offered the opportunity for enhancements to sound quality. This is not a new use to the site, it would result in the existing business being able to use the site more efficiently and reduce the need for outside operations. It is considered that the neighbouring properties would be safeguarded in terms of loss of light, outlook, privacy or the causing of an overbearing impact.

Public Protection raised no objections to this development, and no comments have been received from neighbouring properties.

On the basis of the above it is not considered that any significant 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

The highway officer is satisfied that the proposed access arrangements are suitable for Beancroft Road, extensive pre-application advice was taken prior to this application being made, which has enabled the developer to work with the planning department to agree a satisfactory outcome relating to the access and levels of use.

5. Other Matters

Flooding and contamination

Both the IDB and the Environment Agency have advised that conditions are required, these are recommended to committee.

Human Rights

The development has been assessed in the context of the Human Rights and would have no relevant implications.

Equalities Act 2010

The development has been assessed in the context of the Human Rights and would have no relevant implications.

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 **No works to commence on site until a scheme be submitted for written approval of the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. Samples of the materials shall be provided. The development shall be carried out in accordance with the approved scheme.**

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

- 3 The development hereby approved shall not be brought into use until visibility splays have been provided at the junction of the access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 105m to the south east and 114m to the north west, measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the vehicle access in the interests of highway safety

- 4 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

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

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

- 6 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:

- 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.
- 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”.
- 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

- 7 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.

Reasons: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

- 8 No development approved by this permission shall be commenced until a scheme for the improvement of the existing sewerage disposal system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: The application does not provide sufficient information about drainage arrangements and pollution prevention measures to demonstrate whether the proposal will lead to pollution of surface or underground waters. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also

states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

- 9 **No development shall commence until a 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.

- 10 No goods, waste, materials or equipment shall be deposited or stored on the site in the open other than on any areas defined for those purposes and shown on the approved plan.

Reason: To protect the amenities of the area and to ensure that vehicle parking, servicing and unloading areas are available for those purposes at all times.

- 11 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the character of the open countryside and in the interest of highway safety.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans site plan, P01, P02, P03, P04, P05, P06, P07, P08, 500.

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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.

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

4. **Environment Agency:**

The use of the term cesspool refers to a reasonably large watertight sealed vessel which has no constructed outlet and requires regular emptying by contractor. We do not support the use of cesspits. Cesspits should be used as a temporary method pending a more satisfactory solution such as mains drainage, or installation of a sewage treatment plant. The expansion of this site and increase in staffing levels should be seen as an opportunity to explore a more satisfactory form of sewage disposal.

A septic tank is an aerobic treatment tank which has an outlet to soakaway which will require a separate formal approval from us. It would appear that the local geology is unsuitable for use for soakaways.

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 consent from us. Such consent is not implied by these observations, and may be withheld.

Advice to Applicant

Depending on the precise activities and quantitative throughputs of the development, the site may be subject to the constraints of Environmental legislation, including but not limited to the WEEE regulations and the Environmental Permitting (England and Wales) Regulations, 2010. The developer is advised to seek further guidance or pre-application advice from the Environment Agency to clarify requirements. Further information is available on our website at:

<http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as a potential waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. Further, if any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

The proposal must have consideration for prevention of pollution. The developer is advised to ensure the site infrastructure takes into account the requirements for prevention of pollution. Further information on these requirements can be found in the Pollution Prevention Guidelines (PPG) documents via our website at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

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

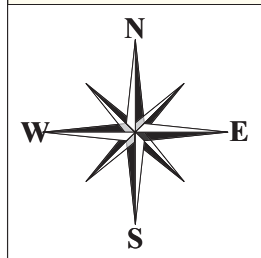
Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with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

Reasons for recommending approval

The proposed change of use of agricultural land and redevelopment of the site for a comprehensive B2/B8 development would be appropriate within the location. The use and 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 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).

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 02:July:2013
Grid Reference: 501924; 228865

Application No.
CB/13/01825/FULL

Scale: 1:5000

Crooked Oak, Bridle Way, Toddington, Dunstable, LU5 6HS

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Item No. 11

APPLICATION NUMBER	CB/13/01825/FULL
LOCATION	Crooked Oak, Bridle Way, Toddington, Dunstable, LU5 6HS
PROPOSAL	Single storey side extensions, One and a half storey side/front extension.
PARISH	Toddington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Dee Walker
DATE REGISTERED	24 May 2013
EXPIRY DATE	19 July 2013
APPLICANT	Mr & Mrs Laird
REASON FOR COMMITTEE TO DETERMINE	Applicant is a member of staff
RECOMMENDED DECISION	Full Application - Refusal

Site Location:

The application site is Crooked Oak, Bridle Way in Toddington. The site consists of a single storey detached residential dwelling on a long linear plot. The site is located within the open countryside and within the designated South Bedfordshire Green Belt.

The Application:

This application seeks permission for a single storey side extension towards the rear of the dwelling and a 1½ storey side/front extension. The property benefits from a single storey extension to the rear.

RELEVANT POLICIES:

National Policy

National Planning Policy Framework (2012)

Bedfordshire Structure Plan 2011

None saved

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

Not Applicable

South Bedfordshire Local Plan Review Policies

Policy BE8	Design considerations
Policy H8	Extensions to dwellings
Policy H13	Extensions to dwellings within the Green Belt

Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H8 are still given significant weight.

Development Strategy for Central Bedfordshire

Policy 36	Development in the Green Belt
Policy 43	High Quality Development

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

Supplementary Planning Guidance

Central Bedfordshire Council's Technical Guidance - *Design Supplement 4: Residential Alterations and Extensions* (2010)

Relevant Planning History

SB/88/01540	Full: Erection of single storey rear extension – Approved 11.01.1989
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Representations: (Parish & Neighbours)

Toddington Parish Council	No objection
Adjacent Occupiers	No comments received

Consultations/Publicity responses

Site Notice posted	31.05.2013
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Determining Issues

The main considerations of the application are;

1. The effect on the visual appearance and impact on the Green Belt
2. The impact on the residential amenity of neighbouring properties
3. Any other implications of the proposal

Considerations

1. Effect on the visual appearance and impact on the Green Belt

The application site is washed over by the South Bedfordshire Green Belt. Policy H13 sets out that *'extensions to dwellings in the green belt will only be permitted providing that the proposed extension is modest in scale and does not result in disproportionate cumulative addition over and above the original building ...'* the proposal has two elements to it and thus set out each below followed by the cumulative impact.

Policy 36 (Development in the Green Belt) of the emerging Development Strategy for Central Bedfordshire states that planning permission may be granted for *'the extension, alteration or replacement of an existing dwelling will be granted providing it does not result in a disproportionate increase in the original size of the dwelling'* thus preserving the openness of the Green Belt.

Single storey side extension

This is located towards the rear of the host dwelling and will result in the footprint increasing by some 21.0m². It is providing an extension to the existing lounge.

One and a half side/front extension

This element is located towards the front of the host dwelling and will increase the footprint by a further 45.3m². It will provide for 2 no. further bedrooms an en-suites. At the first floor a further bedroom is being created.

Cumulative Impact

The proposed extensions will result in additional 66.0m² in floor space therefore together with the previous extension which is some 21.0 m², the dwelling would have been extended 84% of the original gross floor space. This level of extension would result in an inappropriate and disproportionate cumulative increase to the detriment of the visual amenity of the Green Belt in this location.

2. Impact on the residential amenity of neighbouring properties

Given the application sites isolated location, there would be no adverse impact on the residential amenity of neighbouring properties by reason of loss of privacy, light or overbearing impact.

3. Any other implications

There are no further considerations to this application.

Human Rights

The development has been assessed in the context of human rights and would have no relevant implications.

The Equalities Act 2010

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

Recommendation

That Planning Permission be REFUSED for the following reason:

- 1 The proposed extensions, by nature of their size and the extent of previous addition to the original dwelling, represents an unacceptable cumulative addition to this property in a Green Belt location where restrictive planning policies apply; as such the proposal is contrary to Policy H13 of the Adopted South Bedfordshire Local Plan Review Policies and Policy 36 of the emerging Development Strategy for Central Bedfordshire 2013 and Section 9 of the National Planning Policy Framework 2012.

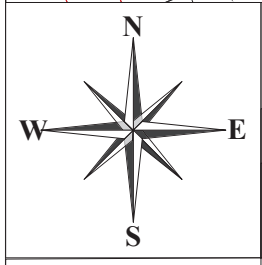
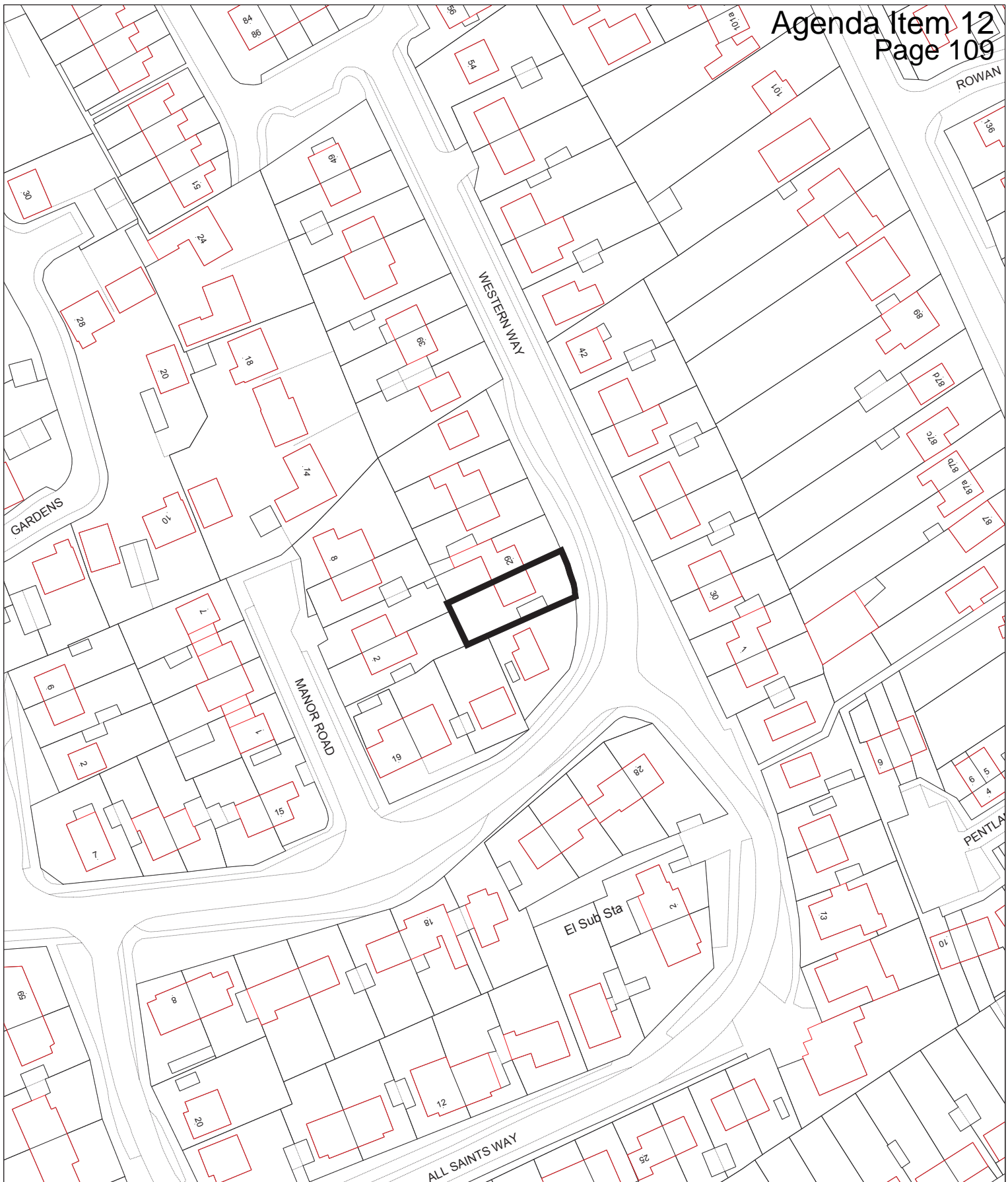
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

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 overcome the reason for refusal. 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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Date: 03:July:2013
Map Sheet No

Application No.
CB/03/01879/FULL

Scale: 1:1250

27 Western Way, Sandy SG19 1DU

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Item No. 12

APPLICATION NUMBER	CB/13/01879/FULL
LOCATION	27 Western Way, Sandy, SG19 1DU
PROPOSAL	First floor side extension
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllrs Aldis, Maudlin & Sheppard
CASE OFFICER	Samantha Boyd
DATE REGISTERED	30 May 2013
EXPIRY DATE	25 July 2013
APPLICANT	Mr Oakely
AGENT	Richard Beaty (Building Design) Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in. Cllr Aldis Overbearing impact on the adjacent property which is at right angles to the application site and therefore the proposed extension adversely impacts on the immediate garden area.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Reasons for Recommendation

The first floor side extension would not have a negative impact on the character of the area or a significant adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, the first floor extension 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 Supplementary Planning Document: Design in Central Bedfordshire: A Guide for Development, 2010.

Site Location:

27 Western Way is a semi detached property located in a residential area of Sandy. The property has a flat roof garage attached to the side of the dwelling and parking for approximately 2/3 vehicles on the front garden area.

The area is residential in nature with similar character properties nearby.

The Application:

Planning permission is sought for a first floor side extension over the existing flat roof garage.

RELEVANT POLICIES:

National Planning Policy Framework

Central Bedfordshire Core Strategy and Development Management Policies

CS14, DM3 High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development
Local Transport Plan: Parking Strategy

Planning History

CB/12/02028 Erection of first floor side extension. Withdrawn 31/05/12

**Representations:
(Parish & Neighbours)**

Sandy Town Council No comments received - to be reported at Committee

Neighbours Objections received from the neighbouring property
No.25.

Moving the extension 1m in from boundary does not change overbearing impact on No. 25 therefore original objections still relevant.

Further letter received from Arnold Gilpin Architect on behalf of the occupants of No. 25. Summary of issues raised -
concerns relating to accuracy of plans (block plan misrepresents the effect on the neighbouring property), main issue is orientation of houses with rear elevation of No. 25 facing side of 27, amenity issues relating to loss of light, an oppressive feeling of extension up to the boundary, proposed extension would be the equivalent of a 6.5m high wall only 7.5m from kitchen and bedroom windows, new window in front elevation of extension would be 3m nearer to sitting out area of clients garden resulting in overlooking.

Consultations/Publicity responses

None required

Determining Issues

The main considerations of the application are;

1. The effect upon the character and appearance of the area
2. The impact on neighbouring amenity
3. Other considerations

Considerations

1. The effect upon the character and appearance of the area

The proposed first floor extension would be located above the existing flat roof garage at the side of the property. The existing garage extends forward of the front elevation of the property level with the flat roof porch to the front and has been joined to the property by an internal corridor.

The proposed extension would be set back from the front elevation and set down at the roofline, resulting in a subservient extension in accordance with guidance contained within Design Supplement 4 (Residential Alterations and Extensions) of the Central Bedfordshire Design Guide: A Guide for Development adopted 2010.

The proposal is set off the side boundary by 1m leaving an area of flat roof remaining alongside the boundary. The proposal would bring the side elevation closer to the boundary shared with No. 25 at first floor level, however No. 25 is located on the bend in Western Way and is a detached property within a large corner plot. It is set apart from the application site with its rear elevation facing the side elevation of the site, therefore while the extension would reduce the space between the properties, on balance it is not considered to result in an unacceptable terracing effect within the street scene.

The surrounding area is predominantly semi-detached properties many of which have been extended in some form. The proposed extension is subservient in appearance and in accordance with the Council's design guidelines therefore in design terms, the proposal is not considered to have a harmful effect on the character and appearance of the area provided materials are used that match the existing dwelling as closely as possible.

2. The impact on neighbouring amenity

Given the location of the proposed extension the only neighbouring property likely to be affected by the proposal is No. 25, the property located to the South.

No. 25 is a detached property located to the South of the application site and positioned on the corner of Western Way. The rear of the property faces the side elevation of the application site while the side and the majority of the garden space, front Western Way.

Privacy

Concern has been raised regarding loss of privacy to the garden areas of No. 25. No windows are proposed in the flank elevation that faces the garden areas of the adjacent property. There is an existing window in the side elevation of the application site which serves the landing and this window faces directly into the bedroom window of No.25 and into the rear garden space. The proposal would remove this window which would improve the current situation regarding overlooking.

There is to be one small window serving an en-suite on the rear elevation of the proposed extension. The window would not directly overlook the rear garden area of No. 25, although it is acknowledged that the rear garden of No. 25 could be viewed from the window. Given that there are already rear windows on the rear of the application site no significant overlooking would occur above what would normally be acceptable within a residential area. In any case as the window would serve an ensuite, it would be appropriate to use obscure glazing in this window.

To the front a bedroom window is proposed that would be set back from the existing front elevation by approximately 900mm. While this would give rise to some overlooking into the side garden area of No.25, as this part of the garden fronts Western Way (due to corner position of the property), there is already a degree of overlooking that currently exists. It is acknowledged that the occupant of No.25 uses this area for sitting out in the garden and it is relatively well screened by 1.8m fencing. However it is not a completely private area of the garden given that the area fronts Western Way and can be seen from the first floor windows in the surrounding properties. The proposed front window would overlook some of the garden area to a degree, however as the window would be at an oblique angle to the garden area, any overlooking is not considered to be to an unacceptable level.

Overbearing

The proposed extension would be constructed 1m off the shared boundary at first floor level. This would result in a two storey building 6.5m in height to ridge approximately 7m from the rear elevation of the adjacent property. At ground floor level, No 25 has a flat roof rear extension to which a conservatory has been added. There is also a timber shed against the side wall of the neighbouring property's garage. From the ground floor the proposed extension would be partly hidden given the existing extensions, the shed and the existing trees. It would be visible from the kitchen window and the bathroom above however it would not be directly in line with the window given the off set siting of the properties.

On the first floor No. 25 has a bedroom and an obscure glazed bathroom window facing the application site. The flank wall of the proposed extension would be directly opposite the bedroom window and would appear somewhat overbearing. It would be clearly visible from the bedroom window resulting in the view of a brick wall located 7.5m away. However the current view from the bedroom window is that of the existing flank gable wall and landing window of the application site. It is acknowledged that the proposed extension would have an impact on the view from the bedroom window however it is not considered to be an unacceptable overbearing impact on the bedroom window of No. 25 given that just over 7m would separate the buildings. In terms of the garden areas, the proposed extension would result in built form close to the northern boundary of No. 25. This would result in some impact from the extension on the garden area to the west of No. 25 and the area to the east, however the impact is greatest in the area where No. 25's extension, shed and conservatory are located which would help to reduce the effect of the extension. Therefore, on balance the proposal is not considered to have a significant adverse overbearing impact

Loss of light

The proposed extension is located to the North East of the rear elevation of No 25. There is approximately 10m between the rear bedroom window of No. 25 and the side elevation of the application site. This distance would be reduced to around 7m if the extension were to be built.

The garden area of No. 25 is located in two areas, one to the west of their existing extension and one to the east, adjacent to the Western Way boundary. The extension may result in some shadowing of the garden area to the east however the western side of the garden, the most private of the two areas, would not suffer loss of sunlight due to the orientation of the sun.

It is considered that the first floor windows in the side elevation of No. 25 would not suffer any undue loss of light given that the extension is located to the north east.

In conclusion it is acknowledged that the side extension will bring the built form closer to the rear of No. 25 and this would have some impact on the amenities of the occupiers by way of overbearing impact, however given the situation on site, the siting of the dwellings and the orientation of the proposed extension, on balance it is considered that the proposal would have some impact but not to such an extent that it would justify a refusal on this ground.

Other considerations

3

Accuracy of plans

In terms of the accuracy of the submitted plans, the site plan does not show the full extent of the extensions at the neighbouring property, however the plan is a copy from Ordnance Survey which are often out of date. The submitted Block Plan accurately shows the proposed extensions and any additional extensions at the neighbouring property can be clearly viewed at the site visit. Furthermore the applicant's agent would need permission from the owner of No. 25 to survey the existing extensions at their property. The submitted plans are considered to be of sufficient quality to accurately assess the impact of the proposal.

Parking

The application proposes an additional bedroom to form a four bedroom property. The current parking guidelines within the Local Transport Plan require a parking space for each bedroom therefore four spaces would be required. There is currently space for three vehicles to park at the property, one in the garage and two on the garden frontage however given the size of the parking area it could be possible to park four vehicles within the plot.

There are no parking restrictions on the nearby roads and there does not appear to be a parking problem within the vicinity of the application site therefore given the existing level of parking, it would not be appropriate reason to refuse the application on lack of parking provision.

Other

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

Recommendation

That Planning Permission be granted subject to the following conditions:

RECOMMENDED CONDITIONS / REASONS

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

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

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

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building and the visual amenities of the locality.

- 3 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the side elevation of the building.

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

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12.25.01, 12.25.02B, 12.25.OSmap.

Reason: For the avoidance of doubt.

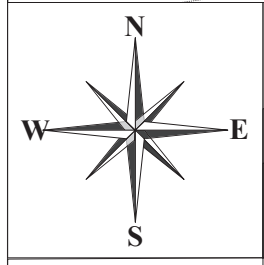
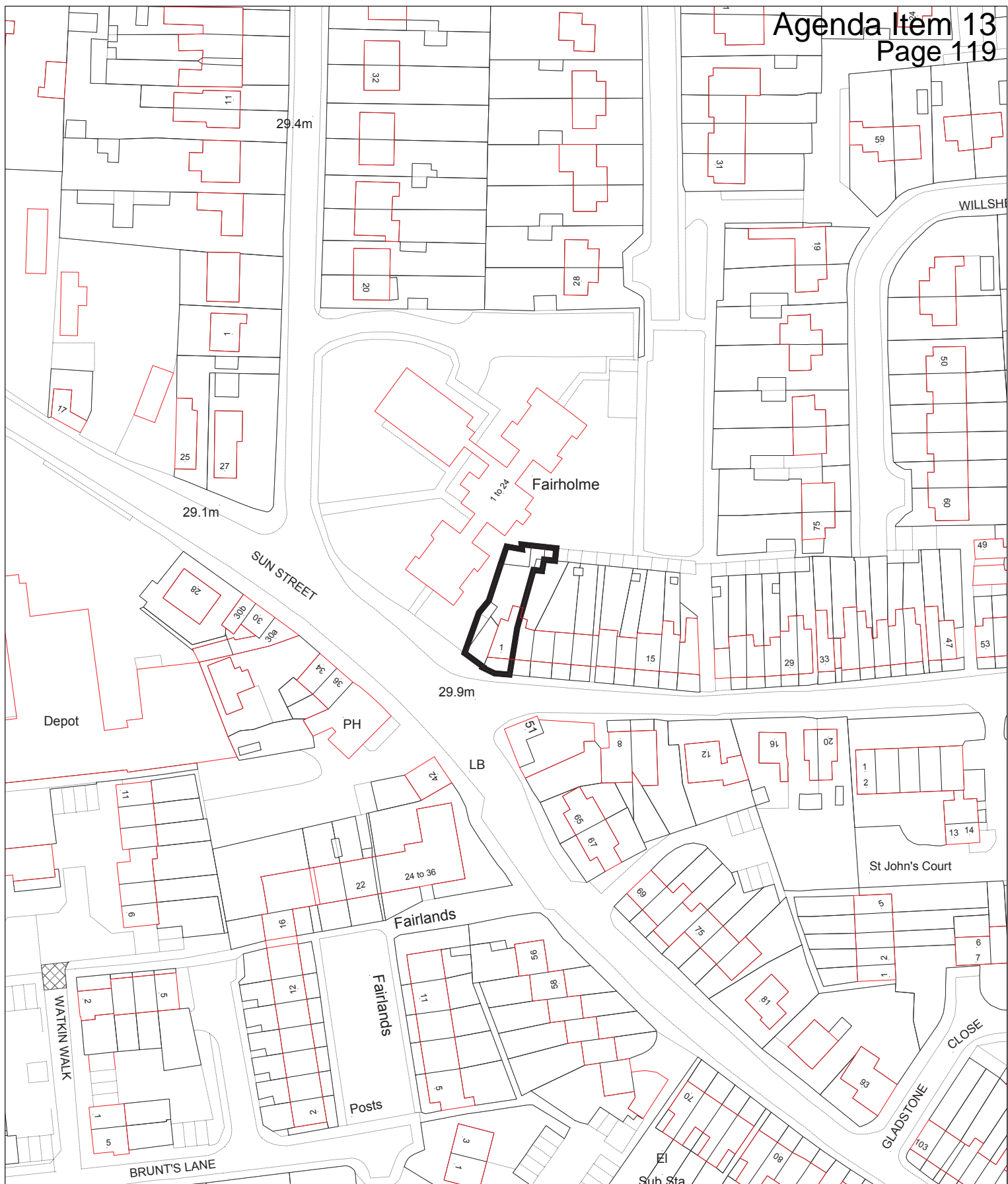
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 02:July:2013
Map Sheet No

Application No
CB/13/01922/FULL

Scale: 1:1250

1 St Johns Street, Biggleswade, SG18 0BT

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Item No. 13

APPLICATION NUMBER	CB/13/01922/FULL
LOCATION	1 St Johns Street, Biggleswade, SG18 0BT
PROPOSAL	Part first floor extension to the rear and pitched roof to existing single storey rear extension.
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Nicola Stevens
DATE REGISTERED	06 June 2013
EXPIRY DATE	01 August 2013
APPLICANT	Ms H Turner
AGENT	Mrs M Turner
REASON FOR COMMITTEE TO DETERMINE	Call in by Cllr Mrs Lawrence on grounds of significant over development of the site and could not be repeated throughout the terrace.
RECOMMENDED DECISION	Full Application - Approval

Recommended Reasons for Granting

The proposal would not have a negative impact on the character or appearance 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 CS14, DM3 and DM4 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework (March 2012). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010 and Central Bedfordshire Local Transport Plan: Appendix F Parking Strategy (endorsed as interim technical guidance for Development Management purposes 2.10.12).

Site Location:

The site is located at 1 St Johns Street Biggleswade; an end of terraced property within the settlement envelope of Biggleswade.

The Application:

The application seeks permission for part first floor extension to the rear and pitched roof to existing single storey rear extension.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies Adopted November 2009

CS14	High Quality Development
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Design Guide for Central Bedfordshire & DS4 Residential Alterations
Adopted Jan 2010

Central Bedfordshire Local Transport Plan: Appendix F Parking Strategy
(endorsed as interim technical guidance for Development Management
purposes 2.10.12)

Planning History

None

Representations: (Parish & Neighbours)

Biggleswade Town Council	Object as it is an overdevelopment for the size of the property.
Neighbours/site notice	<p>1 Letter of objection received from No 3 St Johns Street:</p> <p>1) The overall size and plan for this build will completely dwarf and over shadow our property, please note the extension at no1 at present is built on top of the existing boundary wall, this means the new proposed pitch roof will overhang our property as will any guttering, I will not except any excursion onto our property by this application.</p> <p>2) Loss of sunlight, the proposed first floor extension will shroud both our bathroom and rear bedroom into darkness by loss of any afternoon sun, please note that our bathroom window is important to us as it is presently the only source of natural light to our landing and stairwell.</p> <p>3) The build will nullify our own plans to convert our bathroom into a 3rd bedroom for my 7yr old son who suffers from a rare genetic syndrome called 22q11 deletion syndrome and is in desperate need of his own space (he currently shares with his 5yr old sister), how can we convert this room if it has a loss of light, you may be interested to know that as part of 22q11 a lack of calcium is present, it is medically recommended that sunlight helps with this aspect of his condition.</p> <p>4) The plans submitted are very basic and I would question their accuracy, for instance no one has approached us to measure our property etc, you may also be interested to note that the plans submitted to us as part</p>

of an intended party wall agreement (rejected by our party wall surveyor due to inaccuracies and not being legal) show in great detail the size of the proposals inside, in effect no room will be left intact with a complete redesign and change to the existing layout, the plans also show how the existing doorway to this 1900 Victorian terraced cottage will be bricked up and moved to a new side entrance, they also propose a new tile roof to this property, in essence the plans do not show the whole picture intended for this property and does not reflect the size of the disturbance to our family life.

5) The plans submitted to me show the back extension to have French doors and also a side window, this will impact on the privacy in our back garden and combined with the loss of sunlight will mean we will lose our right to enjoy the peace, quiet and relative safety of our back garden.

6) As alluded to above the existing extension at no 1 is built on top of the existing boundary wall, this wall already shows a high level of bowing and movement and unless a full structural investigation is carried out I would be of the position that the foundations are not strong enough to withstand the added weight proposed, this of course will place my property in jeopardy.

7) My son has 22q11 deletion syndrome and suffers from a complex health history, all children with this condition appear on the autistic spectrum and so changes on this scale will seriously affect his wellbeing, add to this the noise levels we will experience in our terraced property along with dust etc and you can see why we have concerns as a family and I would like to voice my anger that we have not been consulted until now about this proposal, please note my son has deformed ears and suffers hearing problems due to his condition and he cannot tolerate either loud sudden noise or continual loud noise, the managing of this for us as a family will be detrimental to us all (I can of course provide medical history if required and I would also like to point you towards www.maxappeal.org.uk for further info regarding the condition.

8) We currently have a new build estate being finalised at the bottom of our garden which comprises of a two storey home 1.5 metres from our boundary across its width, this proposed extension will have the effect of completely enclosing our garden from yet another side, this is not acceptable to us as a family.

9) These are circa 1904 Victorian cottages, they were never built or intended to be big modern 3 bedroom homes, please look into the change of the street scene especially as the size and scale of this extension means it will be visible from street side

10) The Velux windows intended for the extension are

obviously intended to maximise their light, the irony being that it will come at the loss of ours, these windows will also offer a loss of privacy to our home and our rear bedroom as it will overlook the rear of our property.

I finish by saying it would appear that no consideration to my family home or to my family has been given at all in the planning of this project, my back garden is my childrens play area (not allowed out front due to main road and my son has no sense of road safety due to his behavioural and learning difficulties associated with 22q), our back door opens directly onto their existing extension and I would like to know before any build is accepted just what the proposals are to keep my family safe.

Consultations/Publicity responses

Public Protection
contamination No comments received.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Other issues

Considerations

1. Principle of development

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

2. Visual impact

The application site is a two storey end of terrace dwelling, constructed of white render and slate roof. The dwelling has an existing single storey flat roofed rear extension.

This proposal is for part first floor extension to the rear and pitched roof to existing single storey rear extension. The first floor extension will project out approx 2.5m, its eaves will match the existing house, its ridge at approx 6m high set down from the main host dwelling at 7.1m high. Whilst located to the rear of the building it will be partially visible from St Johns Street down the side of the property and from longer views at the rear. However, the first floor extension will be set down to be subservient to the host dwelling and as such will not be harmful in visual terms. A velux rooflight is shown on the rear roofslope of the

main dwelling to serve a bathroom and would not be visually intrusive in the streetscene being located to the rear.

A pitched roof is proposed over the single storey rear extension to approx 3.8m high. As this is located to the rear of the property and subservient to the host dwelling it is not considered that this part of the scheme will adversely affect the character and appearance of the area.

Other external changes include demolishing the existing porch area to the side of the existing single storey rear extension and inserting a new window and doors on the rear elevations. These changes would not have a harmful visual impact.

The existing terrace is a mix of materials, being brick, painted brick, render, slate and concrete roof tiles. The plans have been revised as it is now proposed to use interlocking tiles rather than slate. Whilst it would not match the roof of the main dwelling, as it is to the rear of the property and given the mix of materials on the existing terrace this would not be visually unacceptable.

3. Residential amenity

No 3 St Johns Street forms the adjoining mid terrace property and is the most likely to be affected by the proposal. The neighbour has objected to the proposal for a number of reasons set out above including loss of light, privacy and overbearing impact.

The floorplans have been revised in relation to the depth of the existing single storey extension at No3 and the proposed extension to the shared boundary. The applicant has confirmed in writing that at no point will the gutter overhang anything but land within the applicants ownership and that the correct certificate has been signed.

No 3 has a first floor obscure glazed bathroom window and single storey rear extension with door on its rear elevation nearest the shared boundary. The single storey extension has a side window and there is a kitchen window on the rear elevation beyond. There is an approx 1.3m high wall along the shared boundary.

The plans show that the boundary tapers towards No 3, the end of the first floor extension would be approx 0.4m closer to No 3 than the extension when taken off the rear wall. The first floor extension would extend out slightly further than the single storey rear extension at No 3. Despite this given the existence of the single storey extension at No 3 and the set down and pitched roof of the first floor extension, it is not considered that this part of the proposal would result in any undue loss of light, privacy or overbearing impact. Whilst there would be some loss of light during the later part of the day to the bathroom and rear garden of No 3 due to the first floor extension this would not be to such a degree as to warrant a reason for refusal. Similarly the pitched roof over the existing flat roofed extension will result in a taller development along part of the shared boundary (approx 3.7m to the ridge) but given the pitched roof sloping away from the boundary and that it will be single storey there would be no undue loss of light, privacy or overbearing impact as a result of this part of the proposal on the occupiers on that neighbouring property. New doors are proposed in the

rear elevation of the single storey extension, whilst the boundary treatment is 1.3m high this is not unacceptable given the residential context of the site. Two rooflights are shown on either side of the first floor extension to provide light to the bedroom but will not result in any undue loss of privacy given the relationships involved.

New properties are currently being erected to the side and rear of the application site and appear to be nearing completion. No 8 Vickers Close lies to the side (west) of the application site and has three ground floor windows and a first floor landing window above on the side and a kitchen door and window and obscure glazed window above on the rear elevation nearest the shared boundary. The rear of No 8 Vickers Close is set further to the rear than No 1 St Johns Street. There is a 1.8m fence down the side, a shed measuring approx 2.8m at the ridge, and 1.9m wall beyond on the shared boundary. Given the gap between the properties and the distances and relationships involved there would be no undue loss of light, privacy or overbearing impact as a result of this proposal on the occupiers on that neighbouring property.

No 7 Vickers Close lies to the north/east and faces onto a car parking court to the rear of the application site, there are single storey outbuildings along the rear of the site and its first floor side elevation is blank sided. Whilst a first floor bedroom window is proposed in the extension given the residential context of the site and the distances and relationships involved it is not considered any undue loss of privacy, light or overbearing impact will result for the occupiers of that neighbouring property.

No other surrounding properties will be unduly affected in terms of residential amenity due to the distances and relationships involved.

4. Other issues

The neighbour at No 3 St Johns Street has raised a number of issues which include possible conversion of their first floor rear bathroom to a bedroom (which does not appear to have taken place to date), noise and disturbance during any construction works, the structural integrity of the existing single storey extensions and the health and safety of the occupiers of that property. However, these issues are not material planning considerations and cannot be taken into account when determining the application. Further notwithstanding the personal circumstances put forward, these are not considered to be of sufficient weight to influence the planning considerations of the proposal such as to justify refusing the application, particularly given the permanent nature of the extension.

No increase in floorspace is proposed at ground floor level. Sufficient private amenity space would be retained.

Existing vehicular access and on site parking remain unchanged. This proposal will result in a reduction in bedroom numbers from three to two. Sufficient space exists on site to accommodate two parking spaces.

Based on the information submitted other than the personal circumstances of the neighbour, as discussed above, there are no known issues raised in the context of the Human Rights/The Equalities Act) and as such there would be no

relevant implications.

There are no further considerations to this application.

Recommendation

That Planning Permission be Approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

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

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the east and west flank elevations of the proposed extension.

Reason: To protect the amenity of neighbouring residents.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [CBC/001, 1 SJS/1, 1 SJS/2, 1 SJS/3, 1 SJS/4, 1 SJS/5, 1 SJS/6].

Reason: For the avoidance of doubt.

Notes to Applicant

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.

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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Meeting: Development Management Committee
Date: 17 July 2013
Subject: The determination of an application to extinguish part of Clophill Footpath No. A4

Report of: Cllr. Ian Dalgarno, Executive Member for Deputy Executive Members for Sustainable Communities – Services

Summary: The report proposes that the application to extinguish the section of Clophill Footpath No. A4 running northwards from Old Kiln Lane across the middle of two paddocks and an arable field should not be approved as the footpath is considered needed for public use.

Advising Officer: Trevor Saunders, Assistant Director for Planning
Contact Officer: Adam Maciejewski – Senior Definitive Map Officer – 0300 300 6530 x76530 adam.maciejewski@centralbedfordshire.gov.uk
Public/Exempt: Public
Wards Affected: Ampthill
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

It is a statutory duty of Central Bedfordshire Council, as the local Highway Authority, to assert and protect public rights of way. The proposal meets the following Council priorities by asserting the public's right to use a public right of way and by assisting and promoting use of the countryside as a sustainable transport and leisure facility.

- Enhancing Central Bedfordshire – creating jobs, managing growth, protecting our countryside and enabling businesses to grow.
- Promoting health and wellbeing and protecting the vulnerable.
- Better infrastructure – improved roads, broadband reach and transport.
- Great universal services – bins, leisure and libraries.

Financial:

1. If an order is made and subsequently confirmed all Council administration costs, advertising costs and the costs for any works associated with processing this application will be met by the applicants who are also the landowners. If an order is not made, the costs of administration incurred so far will be borne by the Council. If an order is made and opposed, any administration related to forwarding the case to the Secretary of State and any ensuing public hearing or inquiry will also be borne by the Council.

2. Aside from the application, the works needed to open up the footpath would include the installation of two kissing gates, along with vegetation clearance work, waymarking and the construction of a new flight of steps and possibly a short walkway to provide access up the bank from Old Kiln Lane. The total costs of works are estimated at a maximum of £1000 and could be met from the existing Rights of Way budget 452604.

Legal:

3. The Council, as the Highway Authority, can make a public path extinguishment order to stop up a public right of way if it considers it expedient to do so on the grounds that the path is not needed for public use and is unlikely to be used in the future.
4. If a public path extinguishment order is made and opposed, the Council cannot confirm the order but must forward it to the Secretary of State for Environment, Food and Rural Affairs who appoints an independent Inspector to assess the order. The order can be confirmed, modified or not confirmed. Orders can be dealt with by an exchange of correspondence (known as “written representations”) or by a public local hearing or inquiry.

Risk Management:

5. I am satisfied that this report and the recommendation made do not have any risk implications for the Council.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. Central Bedfordshire Council has a statutory duty to assert and protect the rights of the public to use all highways – including public footpaths and bridleways. Although there is currently no statutory right for members of the public to apply to change the public rights of way network, the Council does offer this service as a discretionary function. How an application is processed is governed by the Council’s Applications Policy on Public Path Orders, Definitive Map Modification Orders, and Town & Country Planning Act 1990 Orders. All applications must meet the legislative tests set down within the relevant section of the Highways Act 1980 (“the 1980 Act”) and comply with Defra guidance and case law. The refusal to approve the application for a public path extinguishment order complies with the tests of Section 118 of the 1980 Act which is the primary legislation in this case.

Public Health

8. Not applicable

Community Safety:

9. Not Applicable.

Sustainability:

10. Public rights of way form important links through and between communities and settlements. Their protection and enhancement is recognised as an important policy for the Council.

Procurement:

11. Not applicable.

RECOMMENDATION:

The Committee is asked to:

- 1. Consider the report and refuse the application to make a public path extinguishment order under Section 118 of the Highways Act 1980 on the grounds that Footpath No. A4 is needed for public use and would be used if it was opened up and made available for public use.**

Introduction

12. Three separate landowners, Messrs. Hemmings, Parrish and Jones applied to Central Bedfordshire Council on 31 March 2012 to extinguish the section of Clophill Footpath No. A4 running northwards from Old Kiln Lane on the grounds that it is not needed for public use.
13. The current route of Clophill Footpath No. A4 crosses through two paddocks, (owned by Mr. Hemmings and Mr. Parrish; section A-B on the plan at appendix A) and runs across an arable field (owned by Mr. Jones; section B-C). The footpath is a dead-end path which terminates at a ditch; it has no connections with any other permanent rights of way. However, it does connect with a permissive footpath created under Natural England's Environmental Stewardship Permissive Access Scheme. This permissive path connects with Clophill Bridleway No. 9 (see Appendix B). The permissive path agreement runs until 31st October 2019 but is unlikely to be renewed after that date.
14. The Council has no record of Clophill Footpath No. A4 ever being open or available for public use. It is currently obstructed by a bank, two fences and three hedge lines before terminating at a further hedge line and drain. However, it has always been shown on the Definitive Map - which is the Council's legal record for public rights of way, since it was first published in 1964.
15. Research into the history of the footpath has shown that it has always been recorded as a dead-end route. The footpath was first recorded as a public footpath on the 1808 Parliamentary Inclosure Award for Clophill. Much later the path was recorded in the 1952 Parish Survey and on the 1953 Draft Map of Public Rights of Way as part of the preparatory work prior to the publication of the 1964 Definitive Map.
16. Aerial photos taken in October 1968 show no visible path. Whilst the path may have been used as a public right of way in the 19th Century, it would appear not to have been used to any great extent in the last 50 or so years. The footpath appears to have only ever led to the ditch at point C which may have been a point of importance 200 years ago but has no relevant function today.

17. On 13 June 2013 the Council was served Notice under Section 130A of the 1980 Act requiring it to remove the several obstructions situated over the line of Clophill Footpath No. A4. The Council has until 13 July 2013 to acknowledge that the footpath is a highway and to state what action it intends to take, if any, to abate the obstructions. If the Council has taken no action by 13 August 2013 to abate the obstructions, the person who has served the Notice on the Council can serve a second Notice on it indicating that they will apply to the Magistrates' Court for an order requiring the Council to remove the obstructions.
18. Based upon the recommendation of this report, the Countryside Access Team intends to confirm to the complainant that enforcement action will be taken to open up the footpath if the Development Management Committee resolves to refuse the application to make an extinguishment order. The Removal of Obstructions from Highways (Notices etc.) (England) Regulations 2004 SI 2004 No. 370 stipulates that the complainant's identity should remain confidential and hence it is not disclosed in this public report.

Description of existing route affected by the application

19. The route of Clophill Footpath No. A4 to be stopped up extends from Old Kiln Lane (point A) up a bank and then in a north easterly direction for approximately 96 metres across a paddock to a fence line and then continues for 41 metres to a sparse hedge line before continuing north easterly for approximately 167 metres across a second paddock to a hedge line at point B. The footpath then continues in a north easterly direction across an arable field for approximately 124 metres until it reaches a hedge and ditch at point C.

Legal and Policy Considerations

20. Central Bedfordshire Council has the power under Section 118 of the Highways Act 1980 to stop up a footpath, bridleway or restricted byway where it appears that it is expedient that the path or way should be stopped up on the grounds that it is not needed for public use. The Council also needs to have regard to whether the path or way would be likely to be used in the future if it were not stopped up. In doing so, the Council has to disregard any temporary circumstances preventing current use of the path.
21. The applicants claim that the section of Clophill Footpath No. A4 between points A-B-C is not needed for public use as the footpath is a dead-end, terminating as it does at a ditch at point C. Furthermore they consider that the nearby Bridleway No. 9 can be used as an alternative route to take walkers from Old Kiln Lane (point A) northwards towards Haynes Church End.
22. The Council has to disregard any temporary circumstances affecting Footpath No. A4 when considering whether it is not needed for public use. Were the footpath open and available to be used by the public, it is likely that it would be used by the public to connect with the permissive footpath which connects Footpath No. A4 to Bridleway No. 9, and provides onwards travel towards Haynes Church End. It is likely that this use would continue, if no order was made, until the permissive path reached the end of its agreement term on 31 October 2019.

23. The Council also has to have regard to the effect that the extinguishment would have on the land over which the footpath passes and the land served by the path. The land over which the footpath passes is part paddock and part arable field. The extinguishment of the footpath would help with the management of the land whereas retaining the path and opening up the route would require no more than the owners are currently obliged to do. The extinguishment of the footpath would, however, sever a desired link between Clophill and Haynes Church End.
24. In considering whether to make orders under the 1980 Act the Council has a duty to consider any material provisions contained within its Rights of Way Improvement Plan. The proposal does not conflict with the aims of the plan. The 1980 Act also imposes a duty on the Council to have regard to the needs of agriculture and forestry, and the desirability of conserving flora, fauna and geological and physiographical features when determining whether to make and confirm creation, extinguishment and diversion orders. The extinguishment of the section of Footpath No. A4 between points A-B-C would improve the husbandry of the land which is currently set either to paddock or arable. The retention of the footpath would require two or three hedges to have gaps made in them which would have a minor detrimental effect on the flora in the immediate area.
25. The Council's Applications Policy was approved in July 2012 and requires footpaths to be open until extinguished by order. However, as this policy post-dates the current application this requirement has not been enforced.

Consultations

26. Consultations were carried out with the Parish Council, the local Councillors, local residents, the local Ramblers representative and the statutory undertakers (utilities).
27. Clophill Parish Council objected to the proposed extinguishment in a letter, dated 20 June 2012. It stated that "...Footpath No. A4 as shown is not a dead end. Since Nov 2009 there has been a permissive path linking the northern end of Path A4 with Bridleway BW9 as part of the landowners Stewardship Agreement lasting 10 years... ..The problem with the suggested alternative, Bridleway BW9, is that it is heavily used by horse riders so the surface is churned up and often not suitable for pedestrians... ..We also support the aspirations of the Green Infrastructure Plan that the gap between the northern end of Footpath A4 should be formally joined to Bridleway BW9..."
28. The Greensand Trust was not consulted but had heard about the proposal. It stated in an unsolicited e-mail, received 30 May 2012, that it objected to the application on the grounds that the path is not a dead end route. This is because it connects with the permissive footpath created as part of the DEFRA [Natural England] Stewardship Scheme. The Trust stated that the footpath is only unused because of the three obstructions (hedges and fences) along its length. If made available, the Trust believes the route would be used as part of a circular walk using Bridleway No. 9.

29. Mr. Michael Brooks, a local Clophill resident, objected to the proposal in an unsolicited e-mail, received on 4 June 2012. He objects on the grounds that the current permissive path would enable users, if given the opportunity, to walk along Footpath No. A4 and onto bridleway No.9. Mr. Brooks states that this route would be a circular walk, something Clophill is short of and would also provide walkers with a useful link to the Council's promoted Greensand Ridge Walk. Mr. Brooks also stated that the footpath has been obstructed for 25 years and this is why the footpath has not been used, although he has attempted to walk the obstructed route at least once during this time. Mr. Brooks refers to the Clophill Green Infrastructure plan where the permissive path at point C is identified as a project to create a permanent footpath link between Footpath No. A4 and Bridleway No. 9.
30. Mr. David Myers is a local footpaths volunteer and is a member of the People Places and Partnerships ("P3") group in Clophill. He responded on 8 June 2012 to state that he strongly objects to the proposal and that the footpath has been obstructed for many years; something he has mentioned to the former Bedfordshire County Council and more recently Central Bedfordshire Council. Mr. Myers considers that Bridleway No. 9 is not an adequate alternative for the existing Footpath No. A4 due to the bridleway regularly getting churned up by horses. Mr. Myers is keen to extend the range of circular walks in the village and considers that this footpath would make a good circular walk. He has also suggested that the footpath could be diverted by taking the footpath to the eastern edge of the grass meadows instead of being extinguished.
31. Mr. Bob Tarron, Chairman of the Ramblers' Bedfordshire Footpaths Committee, responded on 8 June 2012. He stated that the Ramblers object to the proposal. He asks that the obstructions along the footpath are removed to allow it to be walked by the public. Mr. Tarron states that "...Clophill Footpath No. A4 is the obvious route for walkers leaving the village on their way to Haynes and should be kept open and in good condition, the detour along [Old] Kiln Lane and Bridleway No. 9 is a less pleasant and unsatisfactory alternative which should be avoided...".
32. Mr. Peter Patmore, the Ramblers Secretary for Clophill, responded on 10 July 2012. He stated that the Ramblers object to the proposal to extinguish Clophill Footpath No. A4 and reiterated Mr. Tarron's comments above.

Comments on objections

33. It is very clear from the consultations held that the Ramblers, Parish Council and Clophill residents feel very strongly about keeping this footpath on the Definitive Map and would like it opened up and made available for public use.
34. If the footpath was opened up walkers using Footpath No. A4 would have until 31 October 2019 to access Bridleway No. 9 via the permissive footpath. This route can be used as part of a circular route or as onwards travel to Haynes (see Appendix C). However it must be remembered after October 2019 no through route will exist. Mr. Jones has stated that he has no intention to create a permanent footpath along the missing link and the permissive path agreement is unlikely to be renewed after 2019.

Landowner consent

35. The three affected landowners (Messrs. Parrish, Hemmings and Jones) are fully supportive of the proposal and have agreed to defray any compensation costs. If an order is made the landowners will be responsible for covering all costs involved, including officer time and advertising costs. If an order is not made the full costs of the Council's administration to date will be borne by itself.

Conclusions

36. The tests of the Highways Act 1980 which need to be considered are whether the footpath is needed for public use and whether it would be used if it were not stopped up. The clear response from the consultees is that this footpath is needed for public use and furthermore it should be opened up as soon as possible so users can take advantage of the current permissive path over Mr. Jones' land which links into Bridleway No. 9.
37. It is very difficult to determine whether a path is needed for public use when it is closed to the public. Once the obstructions have been removed, and users are able to safely walk the footpath, use can be electronically monitored to determine if it is in fact needed for public use.
38. The landowners may wish to resubmit their application in the future if the permissive footpath agreement is withdrawn or reaches the end of its term, and the Footpath No. A4 becomes a dead-end route. However, until that time members of the public have the expectation that the public footpath should be open and available for their use and should connect to the adjoining permissive path and nearby bridleway.

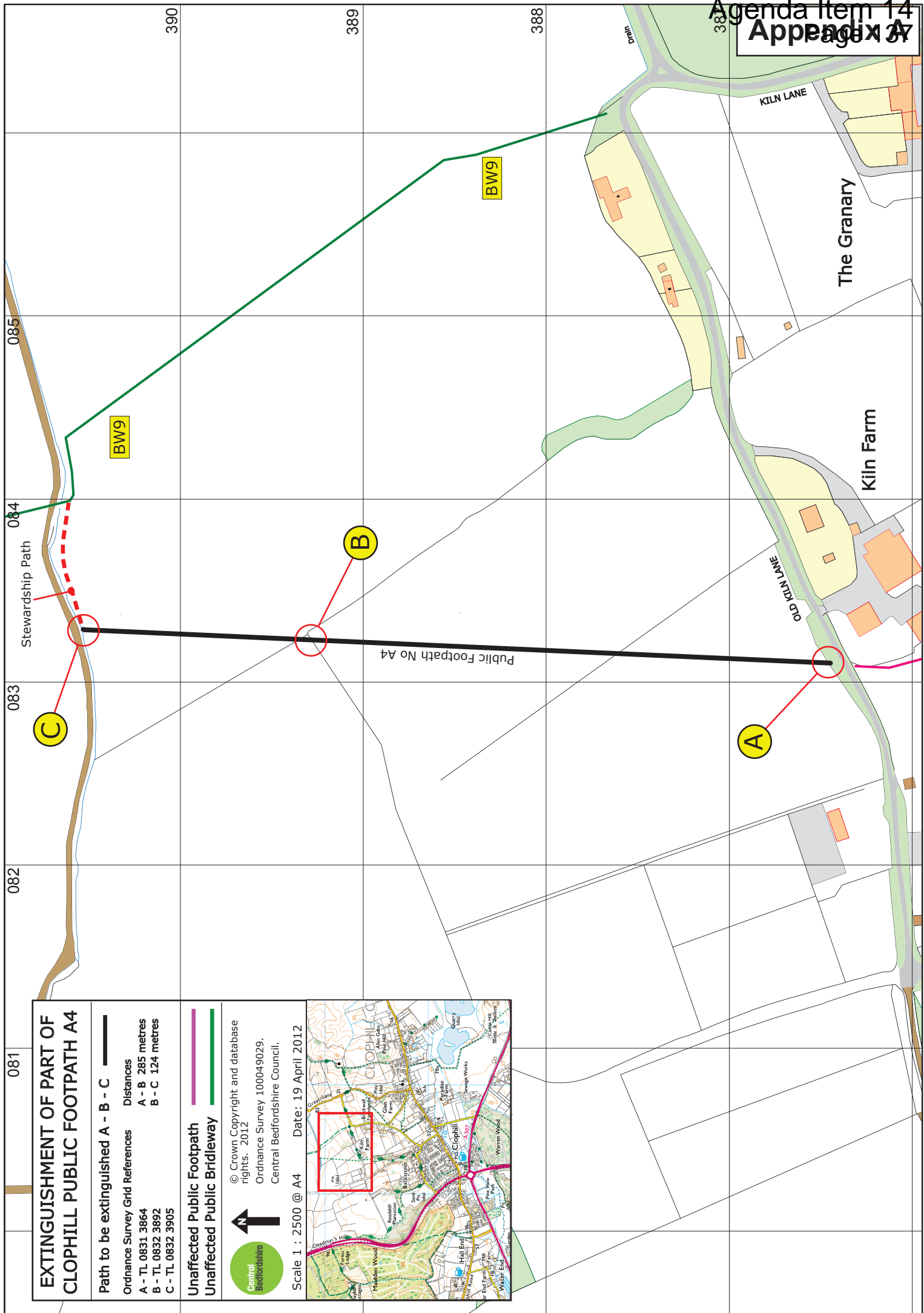
Appendices:

Appendix A – Plan showing proposed extinction

Appendix B – Plan showing permissive access under Natural England's Stewardship Scheme

Appendix C – Plan showing wider public access network

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EXTINGUISHMENT OF PART OF CLOPHILL PUBLIC FOOTPATH A4

Path to be extinguished A - B - C ———

Ordnance Survey Grid References
 A - TL 0831 3864
 B - TL 0832 3892
 C - TL 0832 3905

Unaffected Public Footpath ———

Unaffected Public Bridleway ———

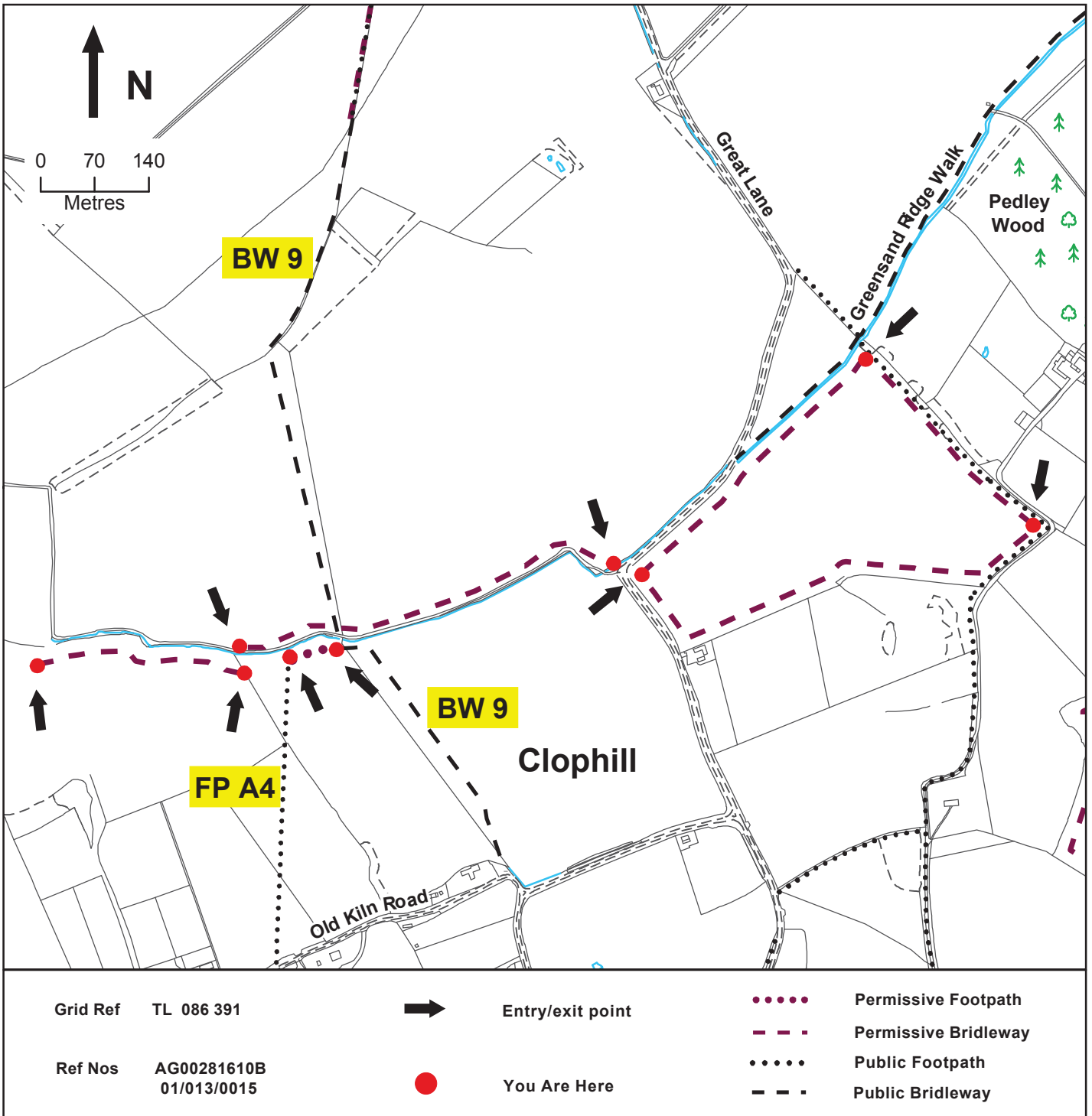
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 Central Bedfordshire Council.

Scale 1 : 2500 @ A4 Date: 19 April 2012



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The short section of permissive footpath connects two exiting public rights of way, providing a longer walk. This area also provides an extended length of bridleway which can also be used to link up with the Public Right of Way; Greensand Ridge Walk. The surrounding farmland is being managed for the benefit of wildlife, via the creation of grassy strips and management of the surrounding hedgerows and ditches.



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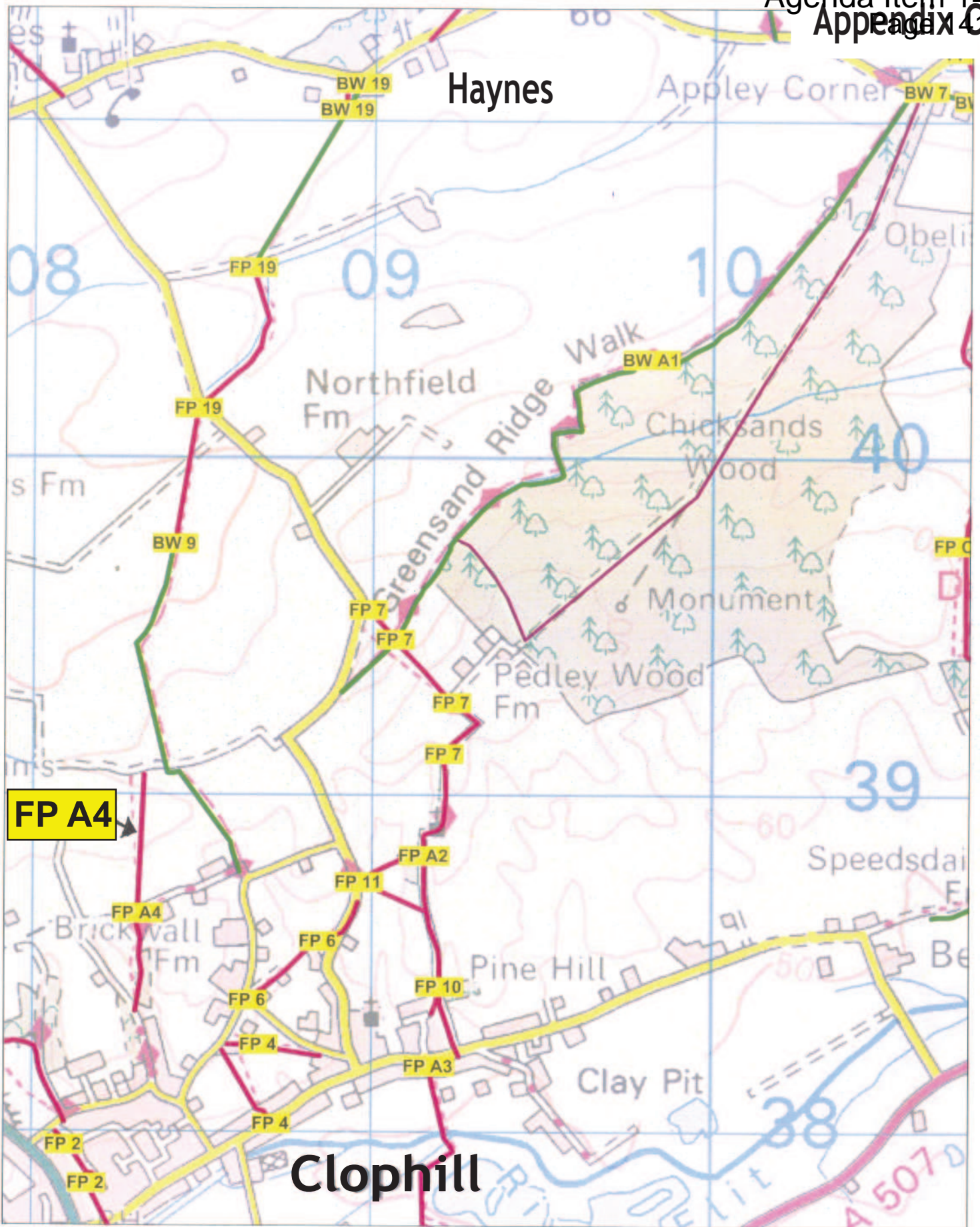


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Date: 06 June 2013
1:15000

Connectivity of Clophill Footpath No. A4



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