

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



please ask for Helen Bell
direct line 0300 300 4040
date 23 January 2014

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 5 February 2014 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, Mrs B Coleman, I Dalgarno, K Janes, Ms C Maudlin, T Nicols,
I Shingler, B J Spurr and J N Young

[Named Substitutes:

L Birt, Cllr K M Collins, Mrs R J Drinkwater, C C Gomm, Mrs D B Gurney,
R W Johnstone, D Jones, J Murray, B Saunders and N Warren]

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 8 January 2014.

(previously circulated)

4. **Members' Interests**

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

REPORT

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

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

Planning and Related Applications

To consider the planning applications contained in the following schedules:

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

Item	Subject	Page Nos.
6	<p>Planning Application No. CB/13/03597/OUT</p> <p>Address : Land at Frenchs Avenue, Dunstable</p> <p>Outline: Demolition of existing buildings and redevelopment to provide up to 23,500 sq.m (GEA) of C3 (Residential) floor space (including flexibility for upto 100 sq.m (GEA) of A1/A3 (retail floor space) with associated vehicular access and landscaping enhancements.</p> <p>Applicant : Mr R Hardie</p>	11 - 56
7	<p>Planning Application No. CB/13/04368/FULL</p> <p>Address : Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard</p> <p>Change of use of land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/4383/FULL) and a residential caravan site for one Gypsy / Traveller family. The site to contain one static caravan, one touring caravan on the existing hard standing.</p> <p>Applicant : Mr Nolan</p>	57 - 78
8	<p>Planning Application No. CB/13/04086/FULL</p> <p>Address : 1 White House Court, Hockliffe Street, Leighton Buzzard</p> <p>Change of use from B1 office to D1 nursery.</p> <p>Applicant : Aristotots Leighton Buzzard</p>	79 - 98

Meeting: Development Management Committee
Date: 5th February 2014
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 5th February 2014)

	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	Still no compliance, now now back with legal to take prosecution action.
2	CB/ENC/10/0140	Land at 6 The Belfry, Luton. LU2 7GA	Enforcement Notices - change of use of land from amenity land to use as garden.	13-Sep-12	11-Oct-12	08-Nov-12	Appeal withdrawn			Land sold, discussions to seek compliance by new owners.
3	CB/ENC/10/0172	Land at 10-12 High Street, Shefford. SG17 5DG	Enforcement Notice - construction of an unauthorised wooden extension	19-Jun-13	19-Jul-13	19-Aug-13				Works have commenced but not completed, awaiting completion for full compliance
4	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	Appeal submitted 11/7/13			Appeal held in abeyance pending outcome of estate
5	CB/ENC/11/0267	Land at White Gables Farm, Blunham Road, Charlton, Moggerhanger MK44 3RA	Enforcement Notice 2 - Use of land for storage/parking of haulage vehicles	29-Apr-13	29-May-13	29-Jun-13	Appeal dismissed 14/11/13	14-Dec-13	Complied	Appeal dismissed, Notice upheld. Monitor site
6	CB/ENC/11/0267	Land and grain store building at White Gables Farm, Blunham Road, Moggerhanger. MK44 3RA	Enforcement Notice 4 - change of use of land and grain store building to storage of materials and vehicles for haulage business	20-Nov-13	20-Dec-13	20-Jan-14	Appeal received			Await outcome of appeal
7	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	Costs of direct action being obtained
8	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal received 1/10/13			Await outcome of appeal
9	CB/ENC/11/0613	Land at Taylors Nursery, Taylors Road, Stotfold, Hitchin. SG5 4AQ	Enforcement Notice - change of use of the land for siting of a mobile home for residential purposes.	14-Nov-13	14-Dec-13	14-Jan-14 & 13-Apr-14				No compliance as yet. Planning application CB/13/04323/FUL submitted 13/12/13 to retain mobile home, await outcome.
10	CB/ENC/11/0627	Land at Road Farm, How End, Houghton Conquest. MK45 3JS	Enforcement Notice - change of use of the land for the storage of building materials.	06-Sep-13	06-Oct-13	06-Dec-13	Appeal received 27/9/13			Await outcome of appeal

Planning Enforcement formal action (DM Committee 5th February 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
11	CB/ENC/12/0098	Land at 22-28 Station Road, Arlesey	S215 Notice - Untidy land storage of motor vehicles	15-May-13	15-May-13	12-Jun-13			Not complied	To Court January 2014 - prosecuted and fined
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 - Hearing Jan 2014
13	CB/ENC/12/0330	Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ	Enforcement Notice - raising and levelling of the land by the importation of waste material	08-Aug-12	10-Sep-12	10-Nov-12	Appeal dismissed 19/7/13	19-Sep-13	Part level reduced, not fully complied	Appeal dismissed, further action to be taken
14	CB/ENC/12/0436	Flitwick Mill, Greenfield Road, Flitwick, MK45 5BE	Enforcement Notice - fence	10-Sep-13	10-Oct-13	10-Dec-13			Not complied	Further to be taken
15	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		01-Apr-14	Partial compliance	Compliance extended for re-seeding
16	CB/ENC/12/0521	Land at Random, Private Road, Barton Le Clay, Bedford MK45 4LE	Enforcement Notice - erection of a dwelling.	16-Aug-13	16-Sep-13	16-Nov-13	Appeal received 17/9/13			Await outcome of appeal
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 hard standing.	17-Jan-13	14-Feb-13	14-Mar-13				Further action to be taken subject to Legal.
18	CB/ENC/12/0635	Land at 12 Camberton Road, Linslade, Leighton Buzzard LU7 2UP	Enforcement Notice - change of use of amenity land to residential garden.	11-Sep-13	11-Oct-13	11-Nov-13 11-Dec-13		Feb-2014	Partial compliance, fence removed	Extension to time agreed
19	CB/ENC/12/0641	Land at Motorcycle Track South of Billington Road, Stanbridge.	Breach of Condition Notice, Condition 3 planning permission SB/TP/95/0176. Training and practice taking place outside 1st April to 30th September	02-Jan-13	02-Jan-13	30-Jan-13	N/A		Now complying	Evidence to Legal 16/10/13 for further action. Variation of Condition application refused
20	CB/ENC/13/0011	8 High Street, Biggleswade, SG18 0JL	Unauthorised advertisement in Conservation Area							Court date set for 10/2/14

Planning Enforcement formal action (DM Committee 5th February 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
21	CB/ENC/13/0061	Land at 12-14 High Street South, Dunstable. LU6 3HA	Enforcement Notice - Roller-shutters and box housing	09-Dec-13	10-Jan-14	10-Mar-14				Check compliance 10/3/14
22	CB/ENC/13/0083	Land Adjacent to Magpie Farm, Hill Lane, Upper Cladecote	Enforcement Notice - failure to comply with Condition 5 planning permission MB/08/02009/FULL for gypsy/traveller site	27-Jun-13	27-Jul-13	27-Aug-13	Appeal submitted 26/7/13			Await outcome of appeal - Hearing 29-Jan-14
23	CB/ENC/13/0120	Land at Bridge Street, Leighton Buzzard LU7 1AH	Enforcement Notice - Roller shutters and box housing	09-Jan-14	14-Feb-14	14-May-14				Check compliance 14-May-14
24	CB/ENC/13/0167	Land at 39 Chiltern Road, Dunstable	S215 Notice - untidy Land	12-Nov-13	13-Dec-13	13-Jan-14			Partial compliance 13/1/14	Further action to be taken subject to Legal.
25	CB/ENC/13/0273	Land to rear and adjacent to Harling House, Harling Road, Eaton Bray, Dunstable. LU6 1QY	Enforcement Notice - change of use of land to use for a car sales business and for siting of caravans in connection with car sales business.	12-Sep-13	10-Oct-13	10-Nov-13			Complied - removed vehicles	Reinstate land by 31/3/14
26	CB/ENC/13/0276	Land at Motorcycle Track south of Billington Road, Stanbridge.	Breach of Condition Notice - Condition 4 operating hours	12-Sep-13	12-Sep-13	10-Oct-13				Planning application CB/13/02819/VOC to vary conditions refused. Evidence to Legal for further action
27	CB/ENC/13/0349	Land at Fordfield Road, Milbrook	Without planning permission, the material change of use of the Land from agricultural to a use for parking and storage of Motor- Vehicles	09-Dec-13	10-Jan-14	17-Jan-14	Appeal submitted 6/1/14			Await outcome of appeal
28	CB/ENC/13/0367	Land at and adjoining Speed The Plough, Barton Road, Pulloxhill,	Enforcement Notice - change of use of the land for parking, sale and storage of motor vehicles.	04-Sep-13	05-Oct-13	05-Dec-13		Feb-14		Compliance - extended to Feb 2014. Revised planning application CB/13/04232/FULL
29	CB/ENC/13/0367	Land at and adjoining Speed The Plough, Barton Road, Pulloxhill,	Enforcement Notice - erection of fence.	04-Sep-13	05-Oct-13	05-Nov-13			Partial compliance	Monitor for full compliance
30	CB/ENC/13/0403	Land at 1 & 1a Vicarage Hill, Flitwick, MK45 1HZ	Breach of condition Notice - Condition 4 of CB/11/02118/FULL, hours of opening	12-Nov-13	12-Nov-13	12-Dec-13			Not complied	Further action to be taken subject to Legal.

Planning Enforcement formal action (DM Committee 5th February 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
31	CB/ENC/13/0413	Land at the rear of 37 Church Street, Clifton, Shefford SG17 5ET	Enforcement Notice - summer house, terrace, pond and swimming pool.	09-Dec-13	10-Jan-14	10-Mar-14	Appeal submitted			Await outcome of appeal
32	CB/ENC/13/0465	1 Cricketers Road, Arlesey, SG15 6SP	S215 Notice - untidy land	21-Oct-13	22-Nov-13	22-Dec-13			Partial compliance	Monitor for full compliance

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Item No. 6

APPLICATION NUMBER	CB/13/03597/OUT
LOCATION	Land at Frenchs Avenue, Dunstable, LU6 1BJ
PROPOSAL	Outline : Demolition of existing buildings and redevelopment to provide up to 23,500 sq.m (GEA) of C3 (Residential) floor space (including flexibility for upto 100 sq.m (GEA) of A1/A3 (retail floor space) with associated vehicular access and landscaping enhancements.
PARISH	Dunstable
WARD	Dunstable Northfields
WARD COUNCILLORS	Cllrs Murray & Mrs Coleman
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	17 October 2013
EXPIRY DATE	06 February 2014
APPLICANT	Mr Robert Hardie
AGENT	Deloitte Real Estate
REASON FOR COMMITTEE TO DETERMINE	Ward Councillor considers the proposal to be significant in size and will have a material effect on the immediate vicinity
RECOMMENDED DECISION	Outline Application - Approval

Reasons for Recommendation

The proposal will deliver a sustainable form of primarily residential development with the flexibility for up to 100m² (gross) of A1/A3 retail floorspace, together with associated access, landscaping 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, South Bedfordshire Local Plan Review (2004), Bedfordshire and Luton Minerals and Waste Local Plan Policies (2005), Planning Obligations (South) SPD, Design in Central Bedfordshire: A Guide to Development (2010) and Central Bedfordshire Local Transport Plan: Appendix F - Parking Strategy.

Site Location:

The 7.9ha. site comprises of a disused factory building (maximum height 9.8m) on the north-western edge of Dunstable, which has boundaries to existing residential estates and other factories, and also includes the greater part of Suncote Pit County Wildlife Site (CWS) to the north-west which is beyond the built-up area. The factory site is in Dunstable-Northfields Ward and the CWS in Houghton Hall Ward. It is approached by the broad French's Avenue, a 'no through road' from the A5 High Street North, which serves as sole access to a large housing area as well as the commercial premises.

Parcel A (4.7ha.) is a former factory and distribution premises, mainly of Thomas de la Rue printers and Agfa Gevaert, which occupied the single broadly rectangular 27,250m² building together with the servicing forecourt and rear car park. Parcel B (3.2ha.) behind the car park is natural grassland largely colonised by extensive patchy or dense scrub, especially on the margins (designated CWS). Parcel B is also within the South Bedfordshire Green Belt. The last tenant has vacated the 'Agfa' part but most of the complex has now been empty for well over a year and is secured apart from the front servicing apron which is fully accessible from the public highway. Informal pedestrian access has been made to the CWS land from breaches in its perimeter fence.

The site has a 140.0m frontage to the north-west side of French's Avenue, beyond the last house and Jehovah's Witness Kingdom Hall. Suncote Avenue, the closest road in a large residential area of mainly semi-detached houses, runs parallel to the north-east boundary; Suncote Close tucks in behind the factory such that the site car park is pushed further to the west. Residential development continues to abut the north-east boundary of the site as it becomes the CWS. On the other side French's Avenue turns 90 degrees to the north-west and marks most of the south-west boundary of the site on its way towards the Tidy Tip. The CWS land, however, is separated from the Tidy Tip by a margin and the CWS continues further west beyond the site boundary where it is then owned by CBC. The remainder of the site (CWS) abuts fields to the north-west although the corner of another CWS (Barley Brow) abuts the site to the north.

The site faces across French's Avenue to the south-east towards Peppercorn Way residential estate. The whole south-west boundary faces across the road to a development of commercial units understood to be in light industrial and storage use and a vehicle reclamation business.

Parcel A has been cut into the natural slope which rises slightly to the north-west (although surrounding houses and commercial uses rise with the slope). A maximum rise off-site of 3.0m occurs along part of the return leg of French's Avenue and into the CWS. Parcel B resumes the natural slope which, beyond the boundary, falls sharply to the Ouzel valley and the A505 Leighton Buzzard bypass. The right-angle bend in French's Avenue marks the point at which foot and cycle links are made with the National Cycle Network, Sewell Greenway and Creasey Park recreational facility.

The whole boundary to the site (except the frontage) is marked by a 2.0m chain link fence and residents have in places added structures and planted near the boundary. The occupiers of the site had at one time planted a row of trees just into the site adjacent to the residential properties and some of these are in good condition and contribute to the screen; others have been topped or are suppressed.

The Application:

This application has been called to committee by the Ward Councillor on the grounds that it is too large to be dealt with by officers under delegated powers, it is significant in size and will have a material effect on the immediate vicinity.

This is an application for outline planning permission with all matters reserved except access. Following a Screening Opinion issued by this Council the application

is accompanied by an Environmental Statement and thus is for EIA Development.

It is proposed to demolish the buildings on the site and to develop Parcel A for residential purposes up to a maximum of 23,500m² gross floorspace, including the flexibility for up to 100m² (gross) of A1/A3 retail floorspace, with associated access and landscaping. Parcel B would be offered as Green Infrastructure with public access. An indicative layout has been prepared for 223 dwellings but the application does not set this as an upper limit. The fact that this appears as an upper limit in parts of the submission, such as para. 7.17 of the Planning Statement, suggests that the proposal has been partly appraised on this basis.

The Design and Access Statement provides a two-part strategy for the proposed development.

The Residential Strategy (Parcel A)

A parameter plan is submitted which divides Parcel A into 3 areas:

- Zone 1, running parallel with the return leg of Frenchs Avenue - this would provide residential buildings up to 14.5m high, 15m wide and 70m long,
- Zone 2, the central part of the site but abutting Suncote Avenue/Close - this would provide residential buildings up to 12m high, 15m wide and 70m long, and
- Zone 3, most of the frontage with Frenchs Avenue facing Peppercorn Way - this would provide buildings for residential with flexibility for up to 100m² retail, (A1/A3) up to 14.5m high, 15m wide and 40m long.

The zones are thus primarily distinguished by the scale of building which is proposed within them. Although the maximum floorspace is set at 23,500m², the maximum footprint is set at 11,000m² which suggests that the average building would be 2 storey with some accommodation in the roof, although this is generalised and reality will mix 2 storey with taller buildings likely to be up to 4 storeys. The application form proposes up to 508 parking spaces with a further 10 - 15 spaces for visitors on Frenchs Avenue.

Running through the centre of the site from Frenchs Avenue to the CWS, but superimposed on the other zones, is an area within which would be located the primary vehicular and pedestrian route, play areas, communal amenity and Sustainable Urban Drainage Systems (SUDS). Vehicular and pedestrian access would be made at the point where this meets Frenchs Avenue. A simpler way of looking at this is to imagine a boulevard running through the residential estate from Frenchs Avenue to the far end by the CWS, which would be busy with open space, play facilities, landscaping, access and servicing. There would be 2 additional pedestrian / cycle accesses to Frenchs Avenue, either side of the main access, one of which would double up as an emergency access.

The Landscape Strategy (Parcels A and B)

Another parameter plan repeats the overlapping 'zone' in Parcel A, allocates the CWS (Parcel B) as an area subject to ecological management and strategic non-vehicular access improvements, and identifies retained trees on the boundaries of Parcel A. The applicant points out that other trees may be retained but subject to details of layout in due course. The principal pedestrian connection through the site

is shown to run through the overlapping 'zone' from Frenchs Avenue to the CWS.

Indicative layout

This is part of the Design and Access Statement process and is in diagrammatic form. Nevertheless it shows one way the applicant could develop the site, achieving 223 dwellings. There would be a series of perimeter blocks (buildings in a rectangle and facing outwards so that private areas are secluded) including facades addressing both legs of Frenchs Avenue. Terraces of houses would back onto the Suncote residential area. The central axis would have variable width and feature 'open spaces' of different sizes and as much as 50.0m wide. The layout also extends to how residential development could roll out to the commercial units opposite and to the Tidy Tip, should this land become available and planning permission be forthcoming. The return leg of Frenchs Avenue would be retained as an axis in this scenario with further perimeter blocks to the south.

The applicant envisages the development of the site over 3 years from 2015.

Submitted documents

- Plans: including Development Parameter plan, Landscape Parameter plan, Proposed accesses, Indicative layout(s).
- Planning statement, including Evidence case for loss of employment use.
- Design and Access Statement
- Statement of Community involvement
- Code for Sustainable Homes pre-assessment
- Pre-development Tree survey
- Transport Assessment
- Environmental Statement and Appendices (main chapters: Socio-economic issues, Traffic & Transportation, Air quality, Noise and vibration, Landscape and visual, Ecology and conservation, Archaeology and built heritage, Ground conditions, Water resources drainage and flood risk)
- Environmental Statement Non-technical summary
- Energy report (ES App.4.1)

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

1. Building a strong, competitive economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
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

References to planning conditions, obligations and infrastructure contributions.

South Bedfordshire Local Plan Review 2004 Policies

SD1 Keynote Policy
BE8 Design Considerations
T10 Parking - New Development
H2 Fall-In Sites
H3 Local Housing Needs
H4 Affordable Housing
E2 Development - Outside Main Emp Areas
R10 Play Area Standards
R11 New Urban Open Space
R14 Informal Recreational Facilities

Having regard to the NPPF and the age of the local plan, prior to 2004, due weight is given to the relevant policies according to this degree of consistency with the framework. It is considered that the above policies are broadly consistent and significant weight should be attached to them with the exception of policies T10, H3, H4, E2, R10 and R15.

Bedfordshire and Luton Minerals and Waste Local Plan 2005 Policies

M4 Protection of mineral resources / Mineral Consultation Areas
W5 Management of wastes at source: Waste Audits
W6 Management of wastes at source: Provision of facilities with new development
W22 Safeguarding of waste management sites.

Development Strategy for Central Bedfordshire (Pre-submission version Jan.2013)

Policy 1 Presumption in favour of sustainable development
Policy 3 Green Belt
Policy 6 Employment land
Policy 7 Employment sites and uses
Policy 8 Change of use from employment land
Policy 19 Planning obligations and CIL
Policy 20 Next generation broadband
Policy 21 Social and community infrastructure
Policy 22 Leisure and open space provision
Policy 23 Public rights of way
Policy 24 Accessibility and connectivity
Policy 25 Capacity of the network
Policy 26 Travel plans
Policy 27 Car parking
Policy 28 Transport assessments and travel plans
Policy 29 Housing provision
Policy 30 Housing mix
Policy 31 Supporting an ageing population
Policy 32 Lifetime homes
Policy 34 Affordable housing
Policy 36 Development in the Green Belt
Policy 43 High quality development
Policy 44 Protection from environmental pollution

- Policy 45 The historic environment
- Policy 46 Renewable and low carbon energy development
- Policy 47 Resource efficiency
- Policy 48 Adaptation
- Policy 49 Mitigation of flood risk
- Policy 50 Development in the countryside
- Policy 56 Green Infrastructure
- Policy 57 Biodiversity and geodiversity
- Policy 58 Landscape
- Policy 59 Woodlands, trees and hedgerows.

Having regard to the NPPF, 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 has yet to be submitted to the Secretary of State.

The Minerals and Waste Local Plan: Strategic Sites and Policies 2012

- WCP2 Strategic waste management sites
- WCP7 Including waste management in new built developments.

The Minerals and Waste Local Plan is at an advanced stage of preparation and may be accorded significant weight.

Suncote Pit CWS

Supplementary Planning Guidance

- Design in Central Bedfordshire - Guide for development
- Central Bedfordshire Local Transport Plan: App.F, Parking Strategy
- CBC Planning Obligations SPD (South)
- Managing waste in new developments SPD

Planning History

Original permission unclear but understood to be 1970s. Minor permissions SB/745/1117, SB/79/1179, SB/79/1179a, SB/90/1021, SB/03/0261, SB/04/0908 and SB/05/0046 (plant); SB/75/0372, SB/80/1618, SB/91/0943, SB/90/0778 and SB/92/0422 (extensions); SB/91/0943 (car park).

CB/13/03597/OUT Planning Performance Agreement for current development proposal.

CB/13/01933/SCN and 01934/SCO Screening Opinion for current development proposal - EIA Development - and Scoping Opinion.

Commercial units opposite:

- LRD/73/398 Permission - erection of warehouse units
- SB/84/0184 Unit 1 - Use as light industrial (personal permission)
- SB/84/0688 Unit 1 - Continuation of use as light industrial with offices without complying with personal permission condition

SB/98/0881
SB/91/0309

Unit 1 - Extension to factory
Unit 4 - Change of use part to factory and retail shop

**Representations:
(Parish & Neighbours)**

Neighbours Suncote Avenue nos.9 (22/10/13), 11 (30/11/13), 29 (25/10/13), 85 (4/11/13); Suncote Close nos. 9 (6/11/13), 14 (9/11/13), 16 (21/10/13)

Joint letter from Suncote Avenue nos. 33, 35; Suncote Close nos. 9, 10, 11, 12 14, 15, 16, 19 (6/11/13)

No. of objections outright: 1

No. of those concerned: 2

No. of support/no major objections, with concerns: 14

No. of support outright: 0

Support:

- new housing (1)
- the possibility of a new convenience store (1)

Concerns:

- being overlooked and privacy (1)
- traffic noise (1)
- traffic flow in Suncote Avenue (1)
- traffic flow in French's Avenue and junction with A5; it is easier to walk into Dunstable than to take a car (14)
- the land is needed for industrial use (1)
- modern residential schemes are cheap and ugly and developers make a large profit (1)
- amount of affordable housing which could have a negative impact on neighbourhood, and where would it be positioned? (11)
- what are timescales? (1)
- Residents on the other side of Suncote Avenue and in Peppercorn Way have not received letters (10).

Issues to take into account:

- fence between gardens and buildings must be replaced (before demolition) as it is in a state of disrepair and has not been maintained (14)
- unclear which trees are to be removed (1)
- remove trees r/o nos. 33, 35 Suncote Avenue and 11 Suncote Close (3)
- some form of planting required r/o nos. 10, 12, 14, 15, 16, 19 Suncote Close (8)
- high fencing or a small landscape area to provide significant gap behind houses (1)
- risk of inundation by rats which must be addressed (11)
- danger of asbestos which should be removed during the

- winter months (11)
- no construction outside 0800 - 1800 M-F hours, but not BHs (1)
- dirt / dust impacting existing houses (1)
- asks (for condition) that residents are consulted on reserved matters (11)
- 3 storey flats should not be placed near existing properties due to lack of privacy, and a more suitable place would be facing the road up to the recycling facility or 'at the front of the development on French's Avenue' where they should be 2 storey (12)
- Yellow lines on French's Avenue to help with safety of pedestrians using the road and allow clearer view emerging from Suncote Avenue (11)
- When publicity letter was corrected to read 'C3' and not 'A3', what does this mean? (10).

Consultations/Publicity responses

Councillor Murray
(Dunstable Northfields
Ward) (6/11/13)

- The local residents were quite happy for flats to be situated on French's Avenue, but only if they are two storey. This is in order to preserve the street scene which consists on that side of two storey houses. If the flats are to be three or three and a half storeys, they should be placed along the boundary on the west side, next to the road leading to the recycling facility, or, if not, then in the middle of the site. The residents don't want to be overlooked.
- The retail outlet is a good idea, just right for the area. That part of Dunstable is poorly served. You know how far away the nearest shop is.
- Residents are concerned about the extra traffic impact. You will remember that this was a material consideration with the Maidenbower application. Each site on its own is not much of a problem as far as traffic impact is concerned, but together you have a problem.
- The residents require the boundary trees felled and a secure fence, which is acceptable to both sides, to be installed.
- Asbestos is a worry and they seek reassurance that they will be safe during the demolition of the buildings and at all times. This is an extremely serious business and the reassurances have to be watertight.
- Overall, I cannot find sufficient material reasons to object to the application.

Strategic Planning
(5/11/13)

Overall the proposal is supported in principle. The loss of employment land is consistent with the Development Strategy and the development would contribute to meeting the identified need of CB and Luton. This is in the context of the August 2012 updated Strategic Housing Market

Assessment which identified a significant level of both market and affordable housing need to 2031 for CB and Luton (bearing in mind the Duty to Cooperate). Since that date updated demographic information from the ONS has strongly indicated that local need is likely to substantially increase. A further updated SHMA in November 2013 is expected to reflect this. The 30% affordable housing is of particular importance and should factor strongly, especially in view of Luton's need. Welcomes intention to deliver high speed broadband (DS Policy 20) and appropriate social and community infrastructure (21).

Archaeology (2/12/13)

The extensive archaeological landscape setting provides the context for this otherwise uninvestigated site. The context includes Maiden Bower as well as the ritual and funerary landscape extending outwards in the locality together with other settlements. The site is within the setting of the Maiden Bower Scheduled Monument and considered to be within the setting of other SMS: Totternhoe Castle, Five Knolls, Warren Mounds, Warren Knoll Tilsworth and Tilsworth Manor. There may be more evidence of archaeology on the site than claimed by the ES. Accepts that mitigation should be a staged programme of investigation and evaluation followed by excavation as necessary. Recommends condition.

Regarding the setting of Maiden Bower the officer is not convinced that the impact of 17m high buildings would be 'negligible' and sufficient evidence has not been presented to support this conclusion. Agrees with Landscape Officer that additional information would be very helpful in assessing the impact of the proposal on the setting of the designated heritage assets. Will reserve final comments until this is to hand.

(16/01/14)

Further to the original comments on this application (2nd December 2013), the officer has now had the opportunity to look at the additional information submitted in respect to the views from Maiden Bower towards the proposed development site in Winter and cross sections. He has also noted that the maximum building height has been reduced from 17m to 14.5m.

The development site is more visible from Maiden Bower in winter when the vegetation has died back. The reduction in maximum building height will mean that the development will be much less visible from Maiden Bower and less intrusive in views across the site to the Monument from the east. Even buildings with a maximum height of 14.5m will be visible on northern and western boundaries of the site. This will impact on the setting of the Maiden Bower designated heritage asset and have an

effect on the significance of the heritage asset. However, this impact will not amount to substantial harm (NPPF 132 and 133) and conform to the description of the impact as being moderate to minor adverse in the Environmental Statement. Therefore, no objection is raised to this application on the grounds of its impact on the setting to the designated heritage assets of Maiden Bower and the other Scheduled Monuments detailed in the original comments.

It would be possible to mitigate the residual impact of the development on the setting of the designated heritage assets by restricting the height of the buildings to 12m on the northern and western boundaries of the site and by making provision in the Landscape Parameters Plan for mature trees to be strategically located on the site boundaries and within the "central zone" to provide landscape mitigation. Please could these requirements be included in any planning consent granted in respect of this development.

Ecologist (7/11/13)

Agrees with CBC GI and Landscape comments and support for future management of the CWS in conjunction with CBC and Wildlife Trust through a restoration management plan. Lighting of the tree corridor between Parcels A and B could result in detriment to Bat commuting. Any glazed upper part to the acoustic fence between Parcels A and B should take into account risk of light spillage. Requests condition for reptile survey.

Natural England
(1/11/13)

Comments:

- Would not damage or destroy the features of the statutory nature conservation sites (SSSIs) - no objection,
- Unlikely to affect Bats - no objection,
- The LA should ensure that it understands the impacts on the CWS,
- Consider securing measures to enhance biodiversity [NPPF 118],
- Consider opportunities to enhance local character and distinctiveness, using resources sustainably, bringing benefits to the community such as through greenspace provision and access to and contact with nature.

Green Infrastructure
(1/11/13)

- The green spine has the potential to be a valuable, multifunctional green space but will need exceptionally high quality and thought to ensure that the play and SUDS will be complementary. It would be unfortunate if the SUDS have to be fenced off and made inaccessible.
- Focusing on the use of SUDS in flood risk is welcomed but should cover whole water management train

including swales. The contaminated land assessment is less positive in maximising SUDS.

- A management plan for the CWS should be developed especially with CBC ecologist, countryside team and Wildlife Trust. The plan should enhance appropriate access to and around the site and improve its ecological value. It should be clarified that highway style routes do not enter the reserve and that vehicles are not drawn towards it; the Design and Access Statement takes the main access street very close.
- Design of dwellings adjacent to the green spine and the CWS should be carefully considered and should not back onto these spaces.
- The line of trees between Parcel A and the CWS and bounding the site should be incorporated into public open spaces where possible rather than in private gardens, especially if the trees are identified as important.

Countryside Officer
(27/11/13)

Supports the comments on GI, Ecology and Landscape. The design and Access Statement supports the need to improve the overall CWS (Parcel B) but this needs to be tied into the CBC part (to be called Parcel C?) to ensure that any management/maintenance/development plan covers all the open space of the CWS regardless of ownerships.

Tree and Landscape
officer (25/11/13)

Probably because of complaints, some boundary trees have been lopped which considerably reduces their amenity. Their low status makes them inappropriate for retention. The future layout may not need such screening belts in favour of a more effective landscape scheme using cultivars at a more appropriate spacing. Therefore site layout and landscaping would need to be carefully coordinated at a more advanced stage, including which trees are to be retained.

Landscape Officer
(5/11/13)

Asked for further information to assist in assessing impact:

- Photo views in winter / limited foliage from vp2 (Tislworth), vps 3a, 3b, 3c, 3d (Maiden Bower),
- Indication of 3 and 4 storey roof heights illustrated based on photoviews 3d, 4 and 6 (the SAMs)
- Long sections illustrating 2, 3 and 4 storey building heights from northern boundary of Suncote CWS to Brewers Hill School, and from within Maiden Bower to Suncote Avenue.

The concept of a multi-functional green corridor is exciting but adequate space and high quality design are essential. The layout and landscaping of the frontage to French's Avenue should complement this linear node.

Detailed management plan(s) for the CWS sites are necessary to avoid deterioration of the sites with public access.

Treatment of boundaries needs to give adequate space for retained trees and shrub planting.

Orientation should avoid backs of development blocks facing onto public open space and the CWS and lighting must be treated with great sensitivity.

(15/01/14)

Having considered the views and sections along with the revised / reduced maximum heights of development of between 12m - 14.5m there are no objections to the proposed development in principle but, referring to Key Viewpoint 3c, 3d and viewpoint 6, I have the following concerns:

Higher development along the western site boundary / parallel to the Frenchs Avenue return will break skylines / increase visual impact of development especially when viewed from the west / Maiden Bower and with increased visual intrusion during winter months.

Screening of development especially from more sensitive viewpoints, including views from Maiden Bower / the Bower setting and elevated views from Five Knolls, Chilterns AONB, is highly dependent on existing planting structures primarily off site and outside the control of the applicant / future developer.

Therefore it is requested that if the application is approved:

- Development height be restricted to 12m along the western and northern site boundaries to reduce visual impact of development on Maiden Bower and CWS / rural edge to northern scarp.
- Landscape Parameters Plan includes allocation of adequate space to enable planting of larger tree species to the site boundaries and within the 'central zone' to provide landscape mitigation on site and tree canopies to filter views of roof lines / roof tops and integrate development site within adjoining CWS / rural edge.

Wildlife Trust (7/11/13)

Makes suggestions to ensure that the development does not have a negative influence on other designated wildlife sites and adequately delivers long-term enhancements to this CWS.

- The designation was made for its mosaic of chalk grassland and scrub habitats but the scrub is invasive as it has not been managed; the proposal provides a

good opportunity to introduce better management (Policy 57 DS) which should include provision for ongoing stable management. The CWS forms part of a wider biodiversity network the preservation and enhancement of which is a priority in the NPPF.

- A S106 contribution is a vital component of the development to fulfill Policy 57; this must not be missed and should be given its own section. The sum should be delivered at an early stage in view of visitor pressure.
- Wildlife Trust is currently working with CBC to improve that part of the CWS which it owns. The WT is keen to take this land into account as well to strengthen the biodiversity network.
- Public access features should be designed to enable residents to sustainably enjoy the wildlife and open space and not to damage the wildlife interest:
 - gateway features to the CWS should robustly prevent motorbike access,
 - location of paths to be agreed with WT/CBC to avoid most sensitive areas,
 - accepts that no contribution is proposed for wildlife sites further west but paths should not link with Sewell Cutting CWS.

Environment Agency
(8/11/13)

Planning permission may be granted provided conditions are attached which control surface water drainage and groundworks.

Anglian Water
(11/11/13)

Asks for informative on AW assets close to or crossing the site. Dunstable STW has the capacity to handle foul water flows but does not accept the surface water strategy. Conditions are recommended on foul and surface water matters. Asks for informatives on trade effluent matters concerning the retail element.

PP - Contaminated
Land (29/10/13)

Recommends condition to secure further documentation on contamination and remediation in due course.

Public Protection
(12/11/13)

No objections to planning permission being granted subject to the imposition of conditions requiring preparation and operation of a Construction Environmental Management Plan, approval of a noise protection scheme, and limiting noise produced by the A1 unit.

Highways Agency
(27/11/13)

Considers that there would not be a severe impact on the A5 and recognises that the number of trips generated would not be significantly different from the present user. Directs that a condition be imposed to implement a travel plan to reduce peak hour trips.

Highways Officer

Comments on the TA:

- (2/12/13)
- The queue length records do not align with the morning peak
 - Commercial development on Boscombe Road should be addressed
 - Trip rates use survey hours rather than traditional peak hours
 - Data is missing for assessment of junctions
 - A further analysis should be undertaken in the AM peak 0800 - 0900 when residential trip rates are highest.

No comments are made on the indicative internal layout as this is not in enough detail.

Comments from Sustainable Transport team are fully supported.

- (16/01/14)
- Following a response from the applicant and further consultation, the Highways Officer raises no objections subject to relevant conditions being attached to any permission granted.

- Sustainable Transport
(1/11/13, 10/1/14)
- The Sustainable Transport Access Strategy has been examined. A full Residential Travel Plan should be provided within the Reserved Matters Application and should include clarification on the monitoring period - 5 years from full occupation. Cycle parking should be to CBC standards and works under S278 to make French's Avenue more friendly to pedestrians.

The site is a considerable distance from a frequent bus route, notwithstanding the busway about 1.5km away. There is a local infrequent subsidised bus route but this subsidy is shortly to end. It also has potential to use the adjacent cycle and pedestrian infrastructure although this still needs some investment in standards and to fill missing links.

Therefore the following need to be considered with their related developer contributions:

- Traffic calming of French's Avenue including vehicle activated signs
- Public transport - service 74
- Walking and cycling improvements
- Footway widening and continuity of the network
- Crossing of High Street North to link with busway corridor walk and cycle route.

- Housing Development
Officer (22/10/13)
- Affordable housing at 30% required, of mixed tenures at 71% Affordable Rent and 29% Intermediate Tenure as per the SHMA. These should be pepper-potted to promote social cohesion and tenure blindness. All should meet CfSH 3 and meet HCA standards.

School Places (28/10/13)	Requires contribution towards Early Years and Secondary provision.
Leisure Services (1/11/13)	<p>Comments:</p> <ul style="list-style-type: none">• Formal open space (sports playing pitches) - the decision not to include this is welcomed.• Informal open space - welcomes use of CWS as well as 250m² to create a central green, which also provides space for children's play.• Play strategy - proposed LAP and LEAP is welcomed. An off-site contribution towards play for over 10s will be directed to the improvement of existing local play areas.• Public realm - the central OS should ensure that it functions as a central focus for the development and that the play areas are an integral part of that.; they should be protected from vehicular and cycle traffic.• Proposed planting - planting and play areas should run together and not be separated by a fence; fencing and planting should incorporate the play areas, making the best use of the informal OS.• Smooth continuous surfacing should be provided for LAP.• The incorporation of SUDS is welcomed providing the design adds visually to the OS and considers the play area users in safety terms.• The principles of inclusivity should be embedded in the play area design. <p>Sets out developer contributions required in lieu of other forms of provision.</p>
BEaR Project (30/10/13)	There is not yet an agreed timetable for relocation of the Tidy Tip and, once decommissioned, the site will be managed by the internal assets team. Therefore the developer will need to consider the full impact of the recycling centre.
Minerals and Waste (30/10/13)	<p>Objects on grounds that a waste audit has not been provided:</p> <ul style="list-style-type: none">• MWLP Policy W5 (Waste Audits) - the applicant has not anticipated the volumes of waste during demolition and construction and has not explained clearly what steps will be taken to ensure the maximum amount will be incorporated within the development. No information has been provided on segregation of waste.• Policy W6 (Management of waste at source) - No information given on appropriate waste sorting, recovery and recycling facility.

Waste Services
(6/11/13, 12/11/13)

- Is satisfied that the applicant has taken account of potential noise from the Household Waste Recycling Centre nearby.
- Bins would need to be presented on the highway boundary and communal collection points may be necessary. Communal buildings will require purpose built bin stores for 1100ltr bins.
- Full tracking details will be required for vehicle access and turning heads in culs de sac; yellow lines preventing parking are required by condition; other comments on road design are provided.
- Because access to the nearby HWRC is unsafe for pedestrians, a bring bank site should be provided, supplied with containers.
- Because of the A1 unit, litter bins should be provided. Dog bins should also be provided.
- Asks to be included in S106 negotiations.

Sustainability and
Climate Change
(5/11/13 and 14/1/14)

Disappointed with Code 3 rather than Code 4. Would like to see 10% carbon reduction above BRs and water standard of 80 litres per person/day with 105 litres achieved on site as per emerging DS Policy 47. However, recognises that these policies are as yet only emerging. These figures are nevertheless unlikely to be more expensive to achieve. With a relatively high density scheme, is concerned that there would be enough space between buildings to plant trees to provide shading.

Arts Development
(6/11/13)

There is almost no mention of public art in the submissions, but there is a great opportunity to integrate public art into the development. For example, the adjacent CWS elements and chalk quarrying / mining, and the historic printing industry could be related and echoed across the scheme. A Public Art Plan should be produced before commencement of development to include:

- nature and purpose of the interventions with aims and benefits,
- preferred locations (buildings and spaces),
- a Brief explaining how artists are to be involved with potential recruitment and timescales,
- process for community liaison and engagement,
- how Public Art programme priorities relate to the phasing,
- ownership, maintenance and decommissioning scheme,
- statement of responsibility for future care and maintenance.

This could be added as part of the Design Code. The range of opportunities is considerable, from elements to buildings, paving, glasswork, landscaping, lighting, street furniture and signage to information within the CWS.

Police (Business Support) (12/11/13)

In Central Bedfordshire, Bedfordshire Police use the Unilateral Undertaking to secure contributions to infrastructure improvements that are contributed to by the additional development. Where development gives rise to increased demand for policing it is reasonable to seek contributions from developers to mitigate this impact. Contributions are aggregated into a ring-fenced pool which goes towards specific expenditure in the area that developments are undertaken, in this case Dunstable and Houghton Regis. One investment which will reduce costs is infrastructure and ICT such as upgrades, integrated command and control, multi-function devices and airwave communications. Because government funding is based on population, new development is not initially taken into account when grants are set. UU contributions mitigate the gap created and thus contribute to community safety.

Determining Issues

The main considerations of the application are;

1. Introduction and Summary of policy
2. Loss of employment land
3. Ground and water conditions, Open space and Green Infrastructure
4. Design and Access
5. Building for Life 12
6. Infrastructure, planning obligations and viability
7. Summary of neighbours' concerns
8. Conclusions and EIA statement
9. Proposed conditions and S106 Heads of Terms

Considerations

Human Rights issues

Any potential interference with Human Rights is considered proportionate and strikes a fair balance with the public interest for which a compelling case has been made.

Equality Act 2010

The indicative layout takes into account people's diversity and minimises unnecessary barriers and exclusions so as to provide an environment that can be used by everyone, regardless of age, gender and ability.

1. Introduction and Summary of policy

This application is subject to a Planning Performance Agreement (CB/13/01764/PPA) which has included extensive pre-application engagement with both officers and members. The Statement of Community Involvement indicates that the applicant has also contacted residents, businesses, organisations and the Local Strategic Partnership, displayed posters and created a website. A public exhibition and drop-in sessions took place and all responses were considered, in line with government requirements and

expectation in its localism agenda. Key issues which arose, and which will be addressed below, are traffic, shops, infrastructure and trees. The process conforms with the CBC Statement of Community Involvement 2012 as well as other good practice statements.

The CWS part of the site (Parcel B) is within the Green Belt. There is no designation in the Development Plan affecting the remainder of the site. In particular it is not a 'Main Employment Area'.

(a) Keynote Policy

According to Policy SD1 of the South Bedfordshire Local Plan Review 2004 (SBLPR) preference will be given to proposals on sites within the first four categories of its Development Strategy. First among these is "Previously developed sites and vacant land within urban areas." Policy 1 of the current version of the emerging Development Strategy in Central Bedfordshire (DS) takes the approach of a presumption in favour of sustainable development and, where there are no policies relevant to the application or relevant policies are out of date, permission will be granted unless material considerations indicate otherwise. Account will be taken of whether there is a significant and demonstrable positive balance of impacts, assessed against the National Planning Policy Framework (NPPF), and whether NPPF policies say development should be restricted.

(b) Employment land

The site is not a Main Employment Area in the SBLPR but is clearly an employment site. Saved Local Plan Policy E2 states that proposals for redevelopment of existing employment land (outside Main Employment Areas) away from B1, B2 or B8 uses will be permitted where:

- (i) they would not unacceptably reduce the supply, variety or quality of available industrial and commercial land and property in the district, and*
- (ii) they would contribute towards meeting the employment needs of the district, or widening the range of employment opportunities, and/or*
- (iii) they would make a positive and necessary contribution towards urban regeneration and the supply of land for housing or other essential uses, and*
- (iv) they would not unacceptably prejudice, or be prejudiced by, existing or proposed uses of adjoining land, particularly through disturbance, and*
- (v) traffic generated would not cause unacceptable disturbance in residential or other sensitive areas.*

DS Policy 6 continues the theme of employment land provision and Policy 8 additionally requires that losses should be supported by detailed evidence that (in this case):

- The site is not currently utilised for employment generating uses,*
- There is no viable prospect of the site delivering an employment generating use,*
- A change of use will not detrimentally impact upon the supply pipeline for B1, B2 and B8 uses within the locality.*

Employment land is further addressed in Section 2 below.

(c) Housing and built environment

The NPPF is very positive towards economic development but recognises that housing needs should be met as part of this process. Indeed, it is well known that the Secretary of State places great weight on the availability of housing land in his appeal decisions. DS Policy 29 sets out succinctly the need for housing land although this policy is being reviewed. If this site is released for housing it may be seen as a 'fall-in' site under SBLPR Policy H2 (subject to further testing).

DS Policy 30 updates SBLPR Policy H3 in setting out housing mix, and Policies 34 and H4 respectively on affordable housing, which sits at 30% provision. Although Building for Life 12 has been adopted by this Council as an assessment tool for housing design standards (see below), Lifetime Homes has a dedicated DS policy attached to it (32), which is related to Policy 31 in that accommodation needs for older people need to be taken into account. Until Policy 32 has been through the examination process the strict percentages will not be applied but recognition of the desirability of applying some factor will be expected.

DS Policy 43 updates SBLPR BE8 and includes art in the public realm which is currently being seen as a strategy for inclusion in the Design and Access Statement rather than simply the handing over of a cheque. A number of aspects of this policy apply to other subject areas such as access. Policy 44 applies insofar as the impacts of the proposed retail unit relate to existing and proposed housing. There are no policies directed at the provision of small amounts of retail space within new residential developments.

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances [para.47]. Although not through a policy as such, the DS states that it is not considered appropriate to set out in the plan a prescriptive series of densities as this will depend on the location [para.11.33]. This approach is maintained in a draft revision to the Design Guide, currently being reviewed after consultation. High quality design will be required to ensure development contributes positively to the local area.

Housing provision is further addressed in Section 4 below.

(d) Natural environment and open space

Beyond the site to the north-west lies the Suncote Pit CWS which links without an intervening fence to the CBC part of the same reserve, to the west. DS Policy 57 seeks a net gain in biodiversity. While this is possible within Parcel A through more open space and sustainable drainage, consideration will also be given to the impact of the development on the CWS and opportunities which arise. Development of the site will also be considered in respect of the nearby presence of Maiden Bower SM (DS Policy 45). The development will have immediate impacts on the requirement for open space and Green Infrastructure (SBLPR Policy R11 and DS Policies 22, 23, 56 and 59) although SBLPR Policies R10 and R15 are largely irrelevant or out of date. Despite the height and extent of neighbouring development it will be necessary to assess the visual

impact from surrounding countryside (DS Policy 50).

Flood risk is covered in DS Policy 49 but relates to sustainability policies below. Consideration will be given to Mineral Protection Areas (Minerals and Waste Local Plan - MWLP) at Policy M4.

Open space and Green Infrastructure is further addressed in Section 3 and Landscape at Section 4 below.

(e) Access

The net impact of the development (after taking into account the 'loss' of industrial traffic) on French's Avenue and the wider network is examined under DS Policies 25, 26 and 28. Indeed, the location of the site itself would be considered under Policy 24 and car parking provision under Policy 27. In this respect the CBC Parking Strategy permits some flexibility.

It is recognised that in certain exceptional circumstances it may be appropriate to allow reduced residential parking standards where parking demand is likely to be lower (eg because of the availability of high quality local sustainable transport facilities) and where any tendency for potential parking overspill onto nearby streets is or can be controlled. Where this is the case the Council will use and/or require transport assessments, residential travel plans and other 'key' measures to help reduce the need for, and/or usage of, residential parking spaces [pars.3.5.2].

SBLPR Policy T10 is now largely out of date.

DS Policy 43 refers, inter alia, to the promotion of shared space and 20mph speed management.

Access is further addressed in Section 4 below.

(f) Sustainability and waste

Locational requirements (for example, reducing risk of visual or noise impacts, or choosing a site near transport provision) play a part in sustainability but DS Policy 46 is also aimed at applications for 'renewables'. Policy 47 develops the focus on the renewables qualities within the development. Although a policy in the East of England Plan sought 10% reduction in CO2 emissions, this needed to be tested at local level in the joint Core Strategy, which was withdrawn before the policy was examined. The somewhat complex nature of DS Policy 47 should undergo formal examination before it can be made a requirement of new development. Accordingly, it will be sufficient for the time being for new development to comply with the prevailing Building Regulations (Code 3 / 4). Support for this stance lies in par.222 of the August 2013 government Housing Standards Review consultation:

"... the government's conclusion is that the Code [for Sustainable Homes] has been successful in doing its job in terms of pointing the way forward. In light of this, the government does not now see a need for levels or separate carbon and energy targets in the Code - carbon and energy targets should be set in Building

Regulations as we move towards zero carbon homes.”

Detailed planning would address matters in DS Policy 48.

Management of wastes at source and on occupation is treated in saved MWLP Policies W5 and W6, which are proposed to be replaced by the Minerals and Waste Core Strategy Plan for Submission at draft Policy WCP7. Reference is made to policies (W22 and WCP2 respectively) which set the picture for the Tidy Tip relocating in due course to Thorn. In the meantime, regard should be had to its continuing operation at its present site.

Sustainability and waste are further addressed in Section 4 below.

(g) Other infrastructure

The CBC Planning Obligations calculator (SPD) has been applied to this application. Provision for developer contributions towards the social and community costs of development, formerly Policy 15 of the now defunct Structure Plan, are now Policies 19 and 21 of the DS, although they anticipate CIL in their wording. The NPPF adds national legitimacy to such mitigation of costs which cannot be satisfied on site, at paragraph 177, provided they are directly related to the development in scale and kind [204].

Reflecting the increasing importance attached by the government to next generation technology, DS Policy 20 expects provision of a basic fibre optic network.

Infrastructure provision will be further addressed in Sections 4 and 5 below.

(h) Green Belt

Whereas Parcel A is outside the Green Belt, the CWS land owned by the applicant lies within it. DS Policy 3 locates the Green Belt and Policy 36 sets out the restrictions which are limited to consideration alongside any development which may take place through conditions (in particular, facilities for outdoor recreation and green infrastructure).

Green Belt will be further addressed in Section 3 below.

2. Loss of employment land

The Local Plan would support the loss of employment space outside a Main Employment Area provided this would not in itself be needed to maintain a suitable supply of employment land. Of course, the test now needs to take into account the employment situation in the whole of the CBC area although this will have its local dimension. The proposal would be well placed to satisfy the third criterion of Policy E2, of urban regeneration and the supply of land for housing, especially in view of the government's known position in the NPPF. The tests of disturbance and traffic are considered elsewhere in this report. The DS now imposes two new tests: that the site is not currently 'used' and that there is no viable prospect of it being so used. The premises are not now occupied.

The applicant has understandably drawn attention to the NPPF exhortation to "*normally approve planning applications for change to residential use...from commercial buildings (currently in the B class uses) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*" [par.51] The context of that quote is in fact re-use of buildings (such as those enabled by the recent increase in 'permitted development rights') rather than the land on which they stand, but the principle is similar and relevant - to boost significantly the supply of housing [47]. The population and housing projection aspects of the emerging DS are currently being addressed and it is likely that the supply of housing land will need to increase. Therefore, it is very significant that this site could provide a substantial number of dwellings, subject to being within the character of its setting. Further weight to this approach is provided by the NPPF which advocates granting permission where the Development Plan is out of date and where adverse impacts do not clearly outweigh the benefits [14]. Finally, its employment use apart, the site is suitably located to be infill development under SBLPR Policy H2.

The applicant cites a technical report commissioned by CBC in 2012 which predicts strong growth in office, research and warehousing (logistics) but falls in industry. There was more than sufficient land in the Council's area to meet this demand. The site was ranked 26/29 in attractiveness which also places it at a strong disadvantage. Particularly negative scores were on access and market interest. These points were picked up in the 'exit interview' with De la Rue who highlighted the congestion and delays in accessing the national road network from north Dunstable, the difficulty in operating 24 hour access next to residential (in an increasingly residential street), and the fundamental problems with the height and specification of the building. Even if the site was redeveloped, better sites are available locally and this would discourage pre-lets, which are in any case slow.

The Council commissioned a property report in 2013 which focussed on this site. It found that Dunstable had a very large representation of B2/B8 stock, that office use had reduced potential locally but there were other flexible opportunities for employment. If this unit were refurbished it agreed that alternative, better sites may compete for interest; it highlighted the residential neighbours and access as disadvantages. Developing part of the site for housing would in fact exacerbate the problem of being constrained by sensitive uses. But there was scope for alternative employment uses such as care homes and live-work / hybrid units. The latter was put to the applicants during earlier stages in discussions but has not been incorporated. Care home operators are selective in their choice of sites and there is already one site in Dunstable which has outline permission for a care home but which is still vacant and another site which is allocated in a Brief. These are prominently located on a main road and would be more attractive to operators. The applicant considered specialist care facilities to be unviable on this site.

Summarising the position, it is recognised that the site has a number of disadvantages which make the existing use less than competitive in a very cautious market, especially considering the availability of modern, spacious sites and units locally. Indeed, in Dunstable it is clear that the new Prologis site in Boscombe Road is better placed to access the M1 now and especially after the

Woodside Link is constructed and it could be developed without impacting its residential neighbours. The CBC report stated that the site could 'improve' in terms of accessibility with the A5-M1 link and Woodside Link but these are still some years away and it would be difficult to justify leaving the site until then. There could be scope for live-work / hybrid units or a care home but the applicant has not followed up these options.

It is disappointing that, apart from the flexible provision of a shop, other employment opportunities have not been taken further, although it has to be admitted that work / hybrid units are slow to take off elsewhere in the country. The applicant has relied on the black-and-white issue of all employment versus all residential and, while we consider that this underplays the scope for work opportunities, national policy and the relatively early stage of the Development Strategy makes resistance on this basis unrealistic.

3. Ground and water conditions, Open space and Green Infrastructure

This section considers the existing natural resource in the CWS and Parcel A, including contamination, ecology, and the requirements of new residential development for open space. The future of the CWS, both within the site and on the adjacent CBC land, will be addressed. Landscape will be considered in the next section as part of the design approach.

The ES provides an approach towards dealing with likely contamination on the site arising from its previous uses and uses of nearby land. This approach is accepted although a condition will be needed to take the investigation to the next stage. Both surface and foul drainage from Parcel A is presently to public sewers. As will be seen below, it is proposed to use swales, as a conveyance route, and ponds for open areas in Parcel A.

Ecology

Natural England confirms that there should be no adverse effects to local SSSIs .

The only area of ecological interest on Parcel A is the perimeter tree belt on the east and north boundaries and occasional small trees and shrubs on the west boundary. It appears that some of the trees pre-date the factory but many were planted or are self set. The best of these have been identified for retention although the applicant makes clear that this is a minimum retention rate and others may well be kept if detailed design permits. Many trees are suppressed or have been topped.

Parcel B on the other hand appears to have been regraded (part is former filled pit) and curving banks fall to the car park. This land has regenerated naturally to neutral grassland, species rich chalk grassland and scrub with young trees. The area is crossed by numerous paths and is well used by locals. The grassland has earned it the CWS status. Apart from usual precautions during construction, the provision of features to support invertebrates and birds are welcomed as would be eliminating light spill affecting foraging and commuting Bats.

Generally, the opportunity to 'invest' in the ecological resource is welcome but there must be a comprehensive management plan drawn up between parties who

would be involved in the future. This should include the CBC part of the CWS. The Wildlife Trust importantly points out that the plan should be suitably resourced financially (S106) and the paths and access should be carefully designed to prevent damage.

Close to the site there are several recreational spaces and facilities including Sewell Cutting Greenway, Creasey Park open space and French's Avenue open space. Parcel B of the site is proposed to count towards the open space requirements as informal open space. A further 250m² would be provided in Parcel A. Because the development would not be able to provide the 2,555m² playspace, the infrastructure calculator would address this through the S106.

Open space provision

A general provision of different categories of open space has been discussed with officers and the Open Spaces Officer welcomes the resulting provision. This would be a balance of onsite provision (LAP, LEAP, informal open space and use of the CWS as accessible additional open space) but assumes financial contributions towards off-site provision (NEEP, formal sports provision and indoor). The CWS works would involve a further contribution towards its future management.

Green Belt

Parcel B of the site is also located within the designated South Bedfordshire Green Belt and both national and local policies exist to protect it from inappropriate development. The scheme retains this element of the site as a CWS with informal open space therefore not introducing any type of built development within it. It is considered that the proposal would allow the openness and permanence in the long term.

4. Design and Access

Constraints

The site has few natural constraints (including the presence of the CWS) although it is close to occupied neighbouring properties in a variety of uses which will in turn influence its development. Whereas the great majority of the houses to the north-east have reasonably long gardens, that development is a constant 2-storey in height and local character would be harmed if the new scheme was overbearing on this boundary. With the width of French's Avenue this issue would unlikely arise with Peppercorn Way. The CWS, while not unduly sensitive in itself, would be vulnerable to excessive use and misuse, especially if greater access was permitted than at present. Nevertheless, it is the aim of this Council that the land, and CBC land adjacent, are made available for increased enjoyment as green infrastructure.

The return leg of French's Avenue accommodates commercial units overlooking the site as well as serving reclamation facilities (including the Tidy Tip). The presence of both activities has made it necessary to submit a Noise Assessment, even though it is possible, in the medium term, that the commercial units may in turn be redeveloped for residential purposes.

Concept

The concept of a green spine through the site is welcomed although detailing should ensure that the vehicles are not drawn to the very edge of the CWS. Similarly, the balance between play, recreation and SUDS within the spine should be carefully managed. These areas should be overlooked by housing and the better trees in the perimeter belt are shown to be retained in a perimeter landscaping zone on the parameter plan. This would allow flexibility, as the Tree and Landscape Officer points out, in case it is decided at reserved matters stage that there is no reason to have a full tree screen on the boundary. The comments from the Ward Councillor that residents want the trees to go is noted and will be further considered at reserved matters stage.

The Design and Access Statement develops the approach towards an indicative layout using elements which it considers would be appropriate whatever layout is finally chosen. It draws extensively from *Design in Central Bedfordshire*. Using the green spine as the axis for street layouts enables a more efficient plot distribution than curved layouts. The proposed density, which is only moderate (47dph), can thus be achieved without appearing cramped. In comparison, the density of other recently completed residential schemes in the general locality are Sandringham Drive, Houghton Regis 56dph, Trico site (masterplan) (to the east) between 45 and 90dph and Peppercorn Way (opposite) 68dph. Recognising common practice, house frontages are shown with parking on full-width 'driveways', but with green dividers, and with refuse and cycle storage facilities.

The indicative layout of 223 dwellings is based on a scheme of accommodation ranging from 1-bed flats to 4-bed houses with flats comprising about 20% of the total and is based on research into local housing demand. It also proposes 70% Lifetime Homes¹, in line with DS Policy 32. However, the applicant concluded it would not be viable to include specialist care for older people. The house types were worked up so as to arrive at a maximum height of building. Whereas standard 2 storey houses 5m deep could be built at 7m height, deeper blocks could reach 12m (with potential for a third floor in the roof). Four floors could be achieved within the 14.5m height. Indicative plot plans show parking to the front, behind which would be a 2.5m deep landscaped strip containing a bin/bike store. Rear gardens would meet the 50m² minimum in the CBC Design Guide. The layout proposes the lowest buildings adjacent to the Suncote estate and the highest facing the two legs of French's Avenue. The parameter plan is based on this scheme.

The CWS would be made more accessible from the housing area, having a network of footpaths away from more sensitive areas, gated accesses, interpretation facilities, a programme of site management including scrub reduction, and dog bins.

The Public Art Plan recommended by the Arts Development Officer would be a useful way of creating a distinctive place with potential impacts on building design, surfaces, street furniture, information boards and planting. This is to form part of the Application for Reserved Matters.

Affordable Housing

It is particularly important to recognise that sites such as this are expected to contribute to the supply of affordable housing in both Central Bedfordshire and Luton, which is the joint area covered by the Strategic Housing Market Assessment. This co-operation is required by the NPPF. With the level of need for affordable housing across the area, it is particularly important that affordable housing is delivered on this site at the policy rate. However, as will be made clear in Section 6 below, the full rate will not be achievable.

The site within the landscape

Although Parcel A is in an urban setting, this part of Dunstable is nevertheless on a plateau which falls away to the north and west. Therefore the buildings on the adjacent commercial area can be prominent when viewed from adjacent countryside. From above Tilsworth the buildings and Brewers Hill School are the only real evidence of an urban area beneath the Chilterns. But from Maiden Bower and the west the commercial buildings are most striking (together with the adjacent Hillcroft estate) whereas the buildings on the site and Suncote estate are almost hidden. At night the commercial buildings conceal the street and house lights of the area behind and this view is therefore almost in darkness. Within French's Avenue itself the buildings on the site itself are of very modest scale and fit well in the streetscape although the large set back gives them added prominence.

The applicant has already revised downwards the heights of the proposed buildings and cross sections and illustrative views indicate that the tallest buildings would not exceed the height of the commercial buildings on the adjacent site. This means that, for as long as they remain, they would provide a real screen to much of the development from the closest countryside. Even after their removal, enhanced landscaping on their boundary should provide a good visual filter to any roll-out of residential development. From above Tilsworth the site would be seen across the CWS and probably only one storey and roof of the highest buildings would be clearly seen over the shrubs, and at 2 miles; this is not considered significant. From Totternhoe Castle a small area of taller buildings would be seen to the side of the adjacent commercial buildings but they would be no taller than these buildings. Finally, from Five Knolls, the setting of the development in the urban area would experience a benefit in the removal of industrial sheds.

In the urban context maintaining local character is more important than avoiding buildings of different height. The Ward councillors and residents have made comments about where the taller buildings would be unacceptable. There appears to be a consensus that taller buildings would be acceptable along the western edge, which is proposed, but that they should not face the main frontage of French's Avenue. The parameter plans do indeed reflect the view that taller buildings are appropriate to the west and that the rest of the site (except the frontage) should be lower storey heights. However, it is a considered view of the applicant that the width of French's Avenue justifies slightly taller buildings than the 2-storey inter-war housing further down. This would not prejudice Peppercorn Way (which already has a 3-storey block on the frontage) because of the considerable width of the street. But neither should it prejudice the amenities of existing residents of Suncote Avenue as the step-up in height would be effected

beyond the Kingdom Hall building. A well-designed street elevation would allay concerns that taller buildings have to look institutional. We consider that it would be difficult to counter this view on evidence and it would be unfortunate if the early delivery of this site was prejudiced by this short length of development.

The Archaeologist is satisfied that a scheme of archaeological investigation should be required by condition and has no objection to this application on the grounds of its impact on the setting to the designated heritage assets of Maiden Bower and the other Scheduled Monuments.

Conclusions on general design

The applicant has produced a reasonable indicative layout which is realistic enough to form the basis of a quantum of development. This quantum is accepted and the site has opportunities to deliver a range of designs although they will not have the spacious rear gardens of older housing off French's Avenue; these densities are unrealistic for volume builders in today's world as well as fewer residents preferring generous gardens. The parameter plan for the building height zones is considered reasonable and avoids significant visual harm to the local countryside as well as not being discordant with the character of French's Avenue. The scheme provides for low rise houses backing onto Suncote Avenue such that the back-to-back distance between houses would be in the region of 45m. On the other hand, the taller buildings are proposed to overlook the external highways.

¹ The applicant has subsequently stated that 70% Lifetime Homes would make the scheme unviable.

Environmental factors

The new dwellings facing French's Avenue and part of the return frontage to the CWS would need special windows to protect them from potential noise from the remaining commercial units. To provide a robust mitigation should activity in the commercial neighbours intensify, Fig.10.2 of the ES indicates that a 2.4m acoustic barrier would also be desirable alongside the return leg of French's Avenue, which would increase to 4m nearest the Tidy Tip and recycling businesses (although the top section could be in transparent material). These fences would also protect open amenity areas. Of course, such noise levels may not occur and would in any case reduce should the Tidy Tip and other businesses cease trading by the time the nearest dwellings are occupied.

During construction there would be a risk of air pollution through traffic and dust which would be controlled in well understood ways through the CEMP condition recommended by CBC Public Protection. Further to concerns expressed by Ward councillors, the applicant has advised that a sum of £2.15m has been included for asbestos removal and demolition of the existing structures on the site.

Access to external highways

This application includes provision of a main access in the French's Avenue frontage together with pedestrian / cycle links either side but nearer the corners of the site. No such links are proposed to Suncote Avenue / Close because that development has no gaps which could be used and there is no reason to provide

a link to the return leg of French's Avenue. There would of course be a link within the site to the combined CWS.

The existing highway situation was surveyed and the view taken that the impact of the new development (based on 225 units) should be compared with the use of the site as a factory. Thus, it was found that there would be fewer movements at peak time in the morning but more in the afternoon (and more over the day). But HGVs could be as little as one tenth of the factory generation. Figures were then estimated for 2018, when the scheme came online. The Highways Agency agrees with this methodology and accepts the proposal provided a Travel Plan is conditioned.

High Street North was also found to be capable of taking increased traffic flows but the key issue here was the performance of the junctions. The 2013 survey found typical queues of 24 vehicles tailing back from the Houghton Road junction towards French's Avenue in the morning peak. Indeed, it was stated that queues are typical of strategically important routes that pass through urban areas. A special analysis was done in view of the fact that French's Avenue traffic experiences difficulties in joining the southbound traffic on the A5; this found that most vehicles managed to pass through on green in a 1 minute cycle and this problem was usually experienced only in the peak periods.

The 2018 traffic estimate leaving French's Avenue in the morning peak rose 9% over the 2013 figure and 60% in the evening peak but these were still low absolute figures and well within the capacity of the road. In 2018 the A5-M1 and Woodside Link roads are expected to be operating. Traffic modelling took into account the worst case scenario of Houghton Regis North development rolling out without these roads. The French's Avenue junction performed satisfactorily in the peaks in 2018 and 2023 for traffic leaving French's Avenue. On the other hand, Houghton Road junction becomes overloaded in both 2018 and 2023. The applicant can provide no mitigation for this situation. But the likelihood of that development rolling out without the roads which were intended to serve it is very low and that this situation with the junction would be similarly most unlikely. Modelling then compared this situation with the 2018 and 2023 traffic assuming the roads were built. French's Avenue junction in fact improves over the 2013 performance as does Houghton Road junction southbound.

In view of para. 32 of the NPPF, which states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe, there would be no justification to reject this proposal on highway grounds.

French's Avenue is still relatively wide and is absent of a turning area. These matters will need addressing and can be done so either by way of condition and on obligation within the Section 106 Agreement. Notwithstanding this, a separate application will be made to stop up the land in the forecourt of the factory which is part of the highway and served a bus turn.

Internal highways

The indicative layout follows the principle of legibility so that route finding would be easy. However, all roads would be designed for a speed of 15 - 20mph. The

topography means that a step-free shared-surface layout could be achieved. The absence of other points of access to the site than opposite Peppercorn Way means that there would be a security within the scheme.

A total of 533 parking spaces were designed into the indicative layout (508 + 10 to 15 spaces within highways) to be open as to ensure maximum utilisation. It is based on the new parking strategy standards and the text:

"If developers wish to implement a lower standard and can demonstrate that it is robust for a particular location / set of circumstances...then this would be considered a departure from policy and would need the approval of the Council's Planning Committee. Where any planned parking provision is below the parking standards, any potential for on-street parking overspill from residential dwellings will be weighed in relation to the potential harm to environmental amenity and road safety."

Although 3 and 4-bed houses would have slightly fewer spaces judged against the LTP Annex F parking strategy, the provision would in fact sit well within the standards proposed in the draft revised CBC Design Guide which takes into account not only dwelling size but whether it is attached to others. Furthermore, it is proposed not to use garages which can often be lost to car use.

This is an outline application and there is no reason to say that a parking arrangement which is found to be satisfactory cannot be designed for a scheme with the proposed floorspace. Of course, much discussion will be necessary at reserved matters stage to assess the provision and how it would operate in practice.

A Travel Plan is proposed. Until the end of 2013 the site was served by bus service 74 which operated between 2 and 3 services a day (mainly in the morning and early afternoon) between Dunstable town centre and Houghton Regis (and beyond). The applicant, applying the modal split figures from the census, concludes that a proportion of new residents would be prepared to walk typically 600m to the bus stops on High Street North or even to Portland Ride guided busway stop over 1 mile distant (even though the nearest stop for a 'guided bus' is Beecroft estate, half that distance away). It is probable that the proportion of people prepared to use the bus will fall away beyond the 300 - 400m generally accepted as a suitable walking distance. On the other hand, there is a good emerging cycle network and pedestrian links to most urban destinations and the countryside avoid the A5 altogether; the exception of All Saints School requires using the footway and crossing the A5 at the Houghton Road junction. Discussions have been held with Members on the several recommended initiatives put forward by the Sustainable Transport Officer. In view of the fact that the situation could well change by the time the development is occupied it is recommended that the precise destinations for developer contributions are confirmed nearer that time. Whatever is selected would mitigate any disadvantage due to the distance from public transport at present.

Sustainability

The development would take place over 3 years with phase 1 starting in 2015 (demolition) and other phases following that, depending on sales. Completion

should be 2018 and various time-sensitive assessments are made on this basis. A Construction Environmental Management Plan (CEMP) would be produced through a condition together with a requirement for compliance. Building materials would be reused where appropriate or removed preferably for recycling.

The scheme would comply with Code for Sustainable Homes Code 3 by building fabric specifications above Building Regulations standards, reduced air permeability, specification of efficient heating, and energy efficient lighting. It has been found that the most appropriate technology to address energy demands is photovoltaic panels, which would achieve Code 3 and 10% renewables based on the indicative housing mix. The comments of the Sustainability Officer are noted in relation to standards relating to the DS but it is still too early to require by condition such policy standards until they have been examined through the usual process.

Due to the contamination of the ground most soil recovered during excavations would need to be disposed of offsite.

CBC Waste services has asked for a Bring Bank which is reasonable in the circumstances and can be achieved by condition. Other matters raised are more for detailed design and will be addressed by the planning officer in pre-application negotiations. An informative may alert the applicant of this.

5. Building for Life 12

The application was accompanied by a BfL12 assessment. This has been examined and the resulting position is as follows.

Criterion 1 (Connections) - Historically there has been only one means of access to the site and this frontage is proposed to accommodate the means of access for the new development. Whereas the pedestrian route would link with the CWS it is important that there is no other link to the CWS so that it does not become a through route. - Amber+.

Criterion 2 (Facilities and services) - Somewhat distant from main centres although these are within reach by cycle or foot/bus. Developer contributions would improve these sustainable links. New retail unit welcome. Good access to open space, countryside and schools. - Amber+.

Criterion 3 (Public transport) - Somewhat distant from frequent bus routes with edge of site 600m from nearest such stop. There is an occasional service into the estate. But developer contributions towards improvements to links, especially to Busway service C, and possibly to a local service would help. - Amber-.

Criterion 4 (Meeting local housing requirements) - Indicative layout shows a good range of dwelling size and affordable housing is proposed in accordance with CBC requirements (although necessarily at a slightly reduced rate). - Green.

Criterion 5 (Character) - The limited access to the site enables it to have its own character and community. Yet it takes design cues from the local residential area, even though it is relatively undistinguished, and the retail unit would provide a

focus for the greater community. - Green.

Criterion 6 (Working with the site and its context) - Care has been taken to avoid views into the site from the countryside yet it takes as full an advantage of the CWS as is reasonable, in view of its sensitivity. Trees on the perimeter would be retained until a more detailed layout is produced. - Green.

Criterion 7 (Creating well defined streets and spaces) - Indicative layout shows particular care to provide quality streetscapes using open spaces and having frontaging buildings. - Green.

Criterion 8 (Easy to find your way around) - Indicative layout shows regular layout with views outwards towards reference points. - Green.

Criterion 9 (Streets for all) - The Design and Access Statement proposes shared surfaces and devices to maintain a 20mph speed maximum. Main street spine includes play spaces and minor streets would be safe for mixed use. - Green.

Criterion 10 (Car parking) - Parking provision uses Design Guide standard rather than current CBC standard and justifies this by the policy flexibility in the latter document as well as national policy. However, the draft of the Design Guide allows its own flexibility and furthermore the scheme proposes that no garages are used, thus increasing the efficiency of the provision. - Amber+.

Criterion 11 (Public and private spaces) - Play facilities on site for younger children but viability limitations mean that there is restricted funding for off site facilities. CWS would be opened up and maintained. Good access to countryside. - Amber+.

Criterion 12 (External storage and amenity space) - The Design and Access Statement indicates that garden and storage space would be an important part of the scheme. Amber+.

The scheme thus provides an acceptable score. The main drawback is the relative distance from some facilities encouraging car use but this site is already developed. Amber+ scores mean that a green score could not be obtained for reasons beyond the scope of this application (for example, the fact that the evidence would be in details which are not available until the reserved matters application).

6. Infrastructure, planning obligations and viability

The ES has assessed impacts from the development on various subject areas. Open space has been considered in Section 3 above.

Healthcare: The ES considers that there would be limited impact on healthcare facilities as all surgeries and dental surgeries are accepting new patients, although the situation when cumulative impacts (with other local development) are considered is less straightforward. However, in the pre-application stage, after a number of parties were consulted, the 'applicant' was advised that no healthcare contribution would be required.

Education: During the transition phase of local education reorganisation, and taking into account cumulative developments, there would be a shortfall of places in some areas. The applicant would make a mitigating contribution through the S106.

Crime: The indicative layout produced through the Design and Access Statement incorporates features which would reduce potential crime.

The Planning Obligations calculator finds that contributions are due for education, sustainable transport, leisure, community, waste management and emergency services. However, the applicant has submitted a confidential viability assessment which has been scrutinised. As a result, it was accepted that the development could not fund the infrastructure contributions if affordable housing was sought at the full rate. Two meetings were held with key councillors (Vice chairman, Portfolio holder and Ward councillors) so that priorities could be targeted. However, in view of the uncertainty as to when development will have reached the stage when payments become due, it is proposed that the precise amount to each destination be set nearer the time when local conditions can be taken into account. Therefore the table below shows the range of destinations with the sums arrived at after the consultation. The full sum reached in the infrastructure calculator for the category (before adjustment for viability) is given in brackets for comparison (£):

Education	Early and upper school	588,158 [1,099,785]
Sustainable transport	Measures to promote sustainable travel from the site which may include, but is not limited to, improvement to cycle and pedestrian routes, traffic calming and public transport	337,405 [502,405]
Leisure	CWS (essential),	121,396 [121,396]
	Future adoption of play space (essential),	100,000* [100,000*]
	Outdoor/indoor sports and centres (Dunstable Leisure Centre/Splash park)	159,445 [395,596]
Community	Bookstock for Dunstable library	12,934 [12,934]
	Libraries (upgrade) and community facilities	0 [144,058]
Waste management	Kerbside,	23,415 [23,415]
	Bring bank	7,247

		[7,247]
Emergency services	Police	0 [46,161]
TOTAL FUNDS		1,350,000 [2,452,997]
Affordable housing	At a rate of 20% within which 30% affordable rent and 70% intermediate tenure.	

*This figure will of course not be payable if the play areas onsite are not adopted by CBC or a Town Council. If the play areas are adopted, the sum will be required through the S106 adoption schedule.

The sums total £1,350,000 and the applicant has indicated that this would enable a viable development. The 70% Lifetime Homes envisaged would be reduced to 10%, which is considered reasonable in view of the fact that the emerging Development Strategy Policy 31 has not yet been through examination.

7. Summary of neighbours' concerns

- During demolition, a CEMP would regulate work patterns and mitigations. This would especially consider noise levels, 'dust' and vibration. About 8 vehicle movements per day (4 vehicles) would remove material from the site; the same number would occur for the building phases based on a 5.5 day working week. The CEMP would include a dedicated point of contact with the developers. Working hours are expected to be 0800 to 1800 (Sat 1300) and no noisy activities on site Sums and BHs; work within buildings may take place outside these hours.
- Demolition concerns - Notice is required to be served on the Local Authority under the Building Act before demolition takes place, and provision is made for removal of asbestos (see above under 'environmental factors'). It would be expected that the presence of rats would be brought to the attention of the rodent control officer.
- Highways matters - A Travel Plan will be required as part of the Application for Reserved Matters to encourage other modes of sustainable transport. The Highways Officer has recommended conditions to cover traffic matters on Frenchs Avenue and within the development itself.
- Trees on the boundary - It is unclear exactly which trees residents want to keep but there appears to be an opinion that many are not wanted. Pre-application discussions will advise consultation with residents in this respect although there should be a presumption that the better trees (identified in this application by the applicant) should be retained subject to appropriate health works. The replacement of rear fences will also be a matter for the reserved matters although a general condition would be imposed at this stage.
- Height of buildings - Higher buildings will be kept well away from existing houses, as requested, but it would not be justifiable to prevent buildings of modest height fronting French's Avenue.
- Low quality development - The above report makes clear that a quality development will be expected on this site and the developer will only be able to justify reduced infrastructure contributions after transparent analysis of the

- viability of development shows that the scheme would otherwise be unviable.
- On administration matters, some 300 properties were sent a letter including all properties in Peppercorn Way. In addition, seven site notices were posted as far away as the junction of French's Avenue with the A5, to ensure as many people who live off French's Avenue could learn of the application. The first letter to be sent incorrectly identified the new houses as 'Class A3', which was then rectified to read 'C3'.
 - Other matters, such as affordable housing and loss of industry have been considered in detail elsewhere in this report.

8. Conclusions and EIA statement.

French's Avenue has become an increasingly residential street as former commercial premises have in turn been redeveloped. We accept that the location is no longer easy to market for new tenants, especially as the site abuts a residential area, and, in view of the need to provide new housing, accept the suitability of the site for such purposes. This will also enable the delivery of much-needed affordable housing and the management of an adjacent County Wildlife Site, partly owned by this Council.

As the application is in outline, most of the details remain to be settled. However, access is agreed at this stage and the change in character of the traffic using the site should not materially impact the performance of the junction onto the A5. Although the risk of commercial noise affecting houses in Suncote Avenue and Close would all but disappear, the scheme has been carefully conditioned to provide a respectful scale of development nearest that boundary. Unusually the application does not propose a maximum number of units but a maximum floorspace / footprint. Because the Design and Access Statement is detailed and explains the indicative layout, it is considered that the proposed floorspace / footprint is a realistic figure. Indeed, as with a case specifying a number of units, the reserved matters will be judged on their merits and only acceptable designs would be approved.

Regard has also been had to a future release of the remaining commercial land and the indicative layout rolls out to include these sites.

There is an inevitable visual impact on the nearby countryside but this is greatly mitigated by retaining the adjacent commercial units. Even if they were to be demolished, the proposed height of the dwelling units would not exceed that of the commercial buildings, thus keeping impact limited. Indeed, new landscaping opportunities would present themselves in that event. The visual impacts of the scheme on the setting of Maiden Bower Scheduled Monument are considered acceptable.

Although not a determining issue, flood risk and contamination are found to be satisfactorily dealt with.

The Environmental Statement (ES) has been assessed and found to be generally well performed with no important tasks left incomplete. It had regard to the cumulative effects of the proposal. These take into account other local proposals such as Woodside Link, Prologis Boscombe Road, Houghton Regis North 1 urban extension, Tilia Park development Houghton Road and the development of

the Trico site. It has also considered alternative locations, uses and designs. In the first regard it recognises the brownfield nature of the site and the limited alternative greenfield sites not already committed in 'acceptable' Green Belt locations. In the second regard, it has considered the alternatives for this site which this report has set out in Section 2 above. In the third regard it has fully analysed the responses of consultation and evolved a design solution, an indicative layout and parameter plans. Impacts on relevant subject areas have been assessed and options which produce adverse impacts have been discounted. The appraisal of this application has taken fully into account the ES and it is concluded that any significant environmental impacts would be satisfactorily mitigated within the proposal or proposed conditions.

9. Proposed Conditions and S106 Heads of Terms

Conditions have been grouped according to subject matter. Those influencing the form of the reserved matters include a requirement for a Design Statement which would develop further the Design and Access Statement and explain the form of the final scheme. The parameter plans for building heights and general layout are tied in.

Whereas the form of the management scheme for the CWS is too complex for a condition, conditions are proposed for reptile surveys and archaeological investigation on the site.

Drainage and contamination remediation are covered by conditions proposed by the Environment Agency, CBC and Anglian Water.

Other conditions are proposed for cycle provision, provision of a 'bring site', a travel plan and, as requested by the Ward councillor and residents, boundary fencing. The applicant has agreed to a condition that the scheme shall be to Code 3 (fabric) and provide 10% Lifetime Homes.

Important Informatives include the reference to the Public Art Protocol and submission of a tree survey.

The Heads of terms for the S106 Agreement cover the following:

- Affordable housing (see Section 6 above)
- Infrastructure contributions. A single sum will be sought for 'education, sustainable transport, leisure / open space / green infrastructure, community facilities and estate management'. The total £1.35million will be divided up at the first trigger point in accordance with conditions then prevailing provided that the figure reached in the full assessment is not exceeded in any one case - see Section 6 above)
- Management of the County Wildlife Site
- Adoption of the on-site open space and provision for management of the open space should no public body adopt it
- A site wide parking restriction to stop on street parking during construction.

Recommendation

It is recommended that subject to the satisfactory completion of a Section 106 Legal Agreement requiring contributions towards those matters set out in the report and

provided no new issues are raised then **APPROVE** planning permission subject to the conditions detailed below. However, if there are any minor changes or adjustments to the conditions considered necessary by the Head of Development Management then it is requested that these changes be delegated to the Head of Development Management or a Planning Manager.

RECOMMENDED CONDITIONS

- 1 Approval of the details of the appearance, landscaping, layout and scale of the development, (herein called ‘the reserved matters’) shall be obtained in writing from the Local Planning Authority before development is commenced. 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 The reserved matters submission shall be accompanied by a Design Statement developing the concepts set out in the Design and Access Statement so as to provide a basis and foundation for the reserved matters scheme as proposed. Such statement shall indicate facing materials, surfaces and internal boundary treatments and shall show how public art has been integrated into the scheme.**

Reason: To ensure that the design of the scheme is of a high quality in itself.

- 3 Application for approval of the reserved matters, 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.

- 4 No more than 23,500 sq m (GEA) of C3 (Residential) floor space (including flexibility for up to 100 sq m (GEA) of A1/A3 (Retail) floorspace of the Town and Country (Use Classes) Order 1987 (as amended) shall be constructed on the site pursuant to this planning permission in accordance with the Development Parameter Plan No. A-P-001 Rev 01 submitted as part of planning application reference CB/13/03597/OUT validated on 17 October 2013.**

Reason: For the avoidance of doubt and Policy 60 of the emerging Development Strategy for Central Bedfordshire Pre-Submission.

- 5 No development shall take place until a scheme, based on an up-to-date reptile survey, to inform the future management of the site and protection measures, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in full in accordance with a timetable agreed in writing by the Local Planning Authority.**

Reason: To enable proper consideration of the impact of the development on the contribution of reptile interests to the amenity of the area.

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

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to secure the protection and management of archaeological remains which may be preserved in situ within the development site.

- 7 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.**

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

- 8 **No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved.**

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

- 9 **Infiltration systems for surface water drainage shall only be used where approved in writing by the Local Planning Authority and where it has been demonstrated to the Local Planning Authority's satisfaction that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.**

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

- 10 **No development shall take place until a drainage plan/map for the disposal of both foul and surface water 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 from potential pollutants associated with current and previous land uses in

line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

11

No development shall commence until a Construction Environmental Management Plan (CEMP) for the site has been submitted to and approved in writing by the Local Planning Authority and which shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on the site. The CEMP shall include:

- 1. Details on communications, standard construction hours for noisy works, access routes, equipment, the siting and appearance of any works compound, wheel washing facilities, hoardings, maintenance and details of any piling;**
- 2. Measures to be used to control and suppress dust;**
- 3. Measures to be employed to minimise the impact of noise and vibration arising from noise and vibration generating activities carried out on site in accordance with best practice set out in BS5228:2009 "Code of Practice for noise and vibration control on construction and open sites".**

The development hereby approved shall only be undertaken in accordance with the agreed CEMP.

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

12

No development shall commence until a detailed scheme for protecting the proposed dwellings and amenity areas from noise from the adjacent industrial area has been submitted to and approved by the Local Planning Authority. Any works and measures which form the approved scheme shall be completed and shown to be effective before any permitted dwelling is occupied unless an alternative period for completion is agreed by the Local Planning Authority.

Reason: To ensure that the amenities of occupiers are not prejudiced by excessive noise from the adjacent industrial area.

13

Noise resulting from the use of the plant, machinery or equipment in association with any A1 or A3 use shall not exceed a level of 5 dBA below the existing background level (or 10 dBA below if there is a tonal quality) when measured in accordance with BS 4142:1997, at a point one metre external to the nearest noise sensitive building.

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

14

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

1. **Supplementary Intrusive Site Investigation reports further documenting the contamination conditions of the site as recommended in Section 10.0 of the October 2013 'Ground Conditions Baseline Survey'. These reports must include further ground gas and groundwater investigations and additional infiltration studies to support any proposed mitigation of contamination on sustainable drainage measures, in accordance with methodologies for such investigations and studies that have been agreed in writing by the Environment Agency.**
2. **Where shown to be necessary by point a) above, a detailed Phase 3 scheme for remedial works and measures to be taken to mitigate any risks to human health, and the wider environment.**
3. **Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any permitted building is occupied unless an alternative period is approved in writing by the Authority. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

Where any topsoils are to be moved or traded then the requirements of the British Standard for Topsoil, BS 3882:2007 shall be adhered to.

Reason: To protect human health and the environment.

- 15 **No development 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 (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site;**
2. **The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM;**
3. **Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary;**
4. **No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.**

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval of that strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

- 17 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 from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3). (Environment Agency condition).

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

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

- 19 **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of dwellings and/or commercial units 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.

- 20 Before the occupation of the 101st dwelling on the site, or such other stage as may be agreed by the Local Planning Authority, a surfaced 'bring point' for the collection of recyclable materials shall be provided in a position to be indicated on the 'reserved matter' layout plan, to include anchor points for containers.

Reason: To ensure an appropriate scale of facility for recycling for the development.

- 21 All dwellings on the site as shown in plan number 1950 A-P-001 rev 01 shall be required to reach achievement for Code for Sustainable Homes Level 3 (Fabric Only) and deliver 10% to Lifetime Homes Standards.

Reason: To ensure the future energy efficiency for the site and to provide homes for all.

- 22 **No development shall take place until details of the junction between the proposed estate road and the highway have been approved in writing by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

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

- 23 **No development shall take place until a scheme introducing traffic calming and promoting parking along Frenchs Avenue have been approved in writing by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.**

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

- 24 **No development shall take place until details of a turning area within the confines of the public highway have been approved in writing by the Local Planning Authority and no building shall be occupied until that turning area has been constructed in accordance with the approved details.**

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

- 25 **Prior to the first residential occupation of the development hereby permitted a scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed only in accordance with the approved scheme in accordance with a timescale agreed in writing with the Local Planning Authority.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Site Plan No. 1950 A-P-004 rev. 00, Development Parameter Plan No. 1950 A-P-001 rev. 01, Landscape Parameter Plan No. 1950 A-P-002 rev.00, Proposed Site Access No. 130210-04.

Reason: For the avoidance of doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that in order to comply with Condition 22 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.
3. The applicant needs to provide the following control measures within their application for reserved matters:

Collection Points

All individual dwellings will need to be able to present their bins for collection on the highway boundary, it may be necessary for communal collection points to be utilised. All bins will need to be returned to within the rear of the property boundary, in order to achieve this ease of ability for the residents will be required.

Communal dwellings are provided with a communal waste collection in the form of 1100litre bins, purpose built bin stores will need to be built in order to facilitate the storage of said bins. the bin store will need to be of sufficient size in order to accommodate the communal bins and allow for ease of use for both the residents and our collection crews when emptying. Bin stores must be no more that 10 metres from the middle of the closest highway as there will be a requirement for our collection crew to retrieve said bins and then return them to the storage location.

Vehicle access

The council will need to see full tracking for all access roads, any non through roads will need to have a sufficient turning head in order to allow collection vehicles the ability to access and exit all roads without the need to reverse for any greater distance than 5 metres.

With regards to communal collection points vehicle access would only be possible if roads leading up to waste collection points are completely free of parked cars in both directions, we therefore request that a condition should

be made to lay double yellow lines on main access roads in the development, not only giving the collection crews space for manoeuvrability but also making visibility clearer. On street visitor parking will only be possible if access roads are sufficient width and allow for the manoeuvrability for collection vehicles, tracking will need to be provided with the application.

All roads on the estate should be created so that the vehicle is able to manoeuvre with ease and service all properties.

- Rounding off of corners is required for smooth transition of vehicle movements around the whole estate in order to service it efficiently, **all** corners should be tracked.
- The vehicle chassis should be allocated for an 6 x 4 32 ton non rear steer on the tracking. Vehicle tracking supplied needs to ensure no vehicles sweep over kerbs.

The Council will not be responsible for collecting any side or bulky waste, or bins that go missing or are stolen due to these collection points. If collection points are to be the only means of residents presenting their bins for emptying they must be as close to the kerbside as possible and large enough for at least two 240 litre bins from each property on collection day.

Mini recycling site (bring bank) - no provision has been made within this application. For the quantity of properties an area should be provided and an allocation of containers supplied. This should be addressed in future correspondence with the developer of the site. Although the HWRC is in close proximity, in order to prevent possible hazards with residents walking into the HWRC a bring bank will be required

It is noted that this application is for a mixed development, with highways, streets and public areas. Therefore consideration must be given for placement of waste receptacles for loose waste material i.e. litter. Central Bedfordshire Council has specific types and sizes of waste receptacles for litter and dog waste related items. These **MUST** conform to our recommendations for receptacle, in order for future maintenance of these items to be financially viable, if or when fully adopted by the Council.

In regards to the placement of waste receptacles for highways and lay-bys, and so that they meet our criteria and ensure they are in the best areas for need, emptying/cleansing schedules, please contact the Environmental Services department. Prior agreement from the Council is required for location of waste receptacles to ensure that no issues arise for future maintenance and servicing. A cost may be charged for the provision of emptying said bins.

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 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. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

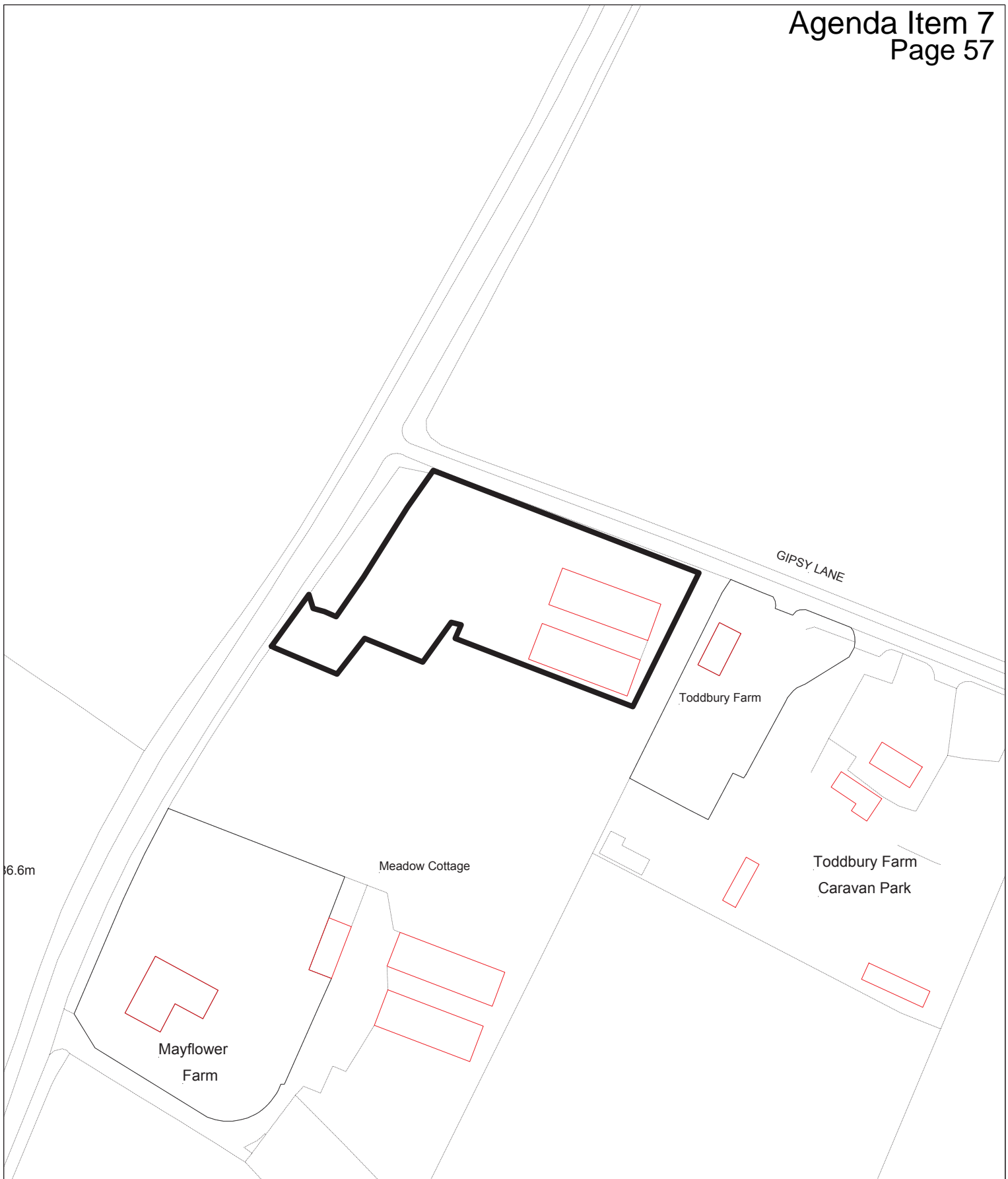
6. The layout for the Application for Reserved Matters shall demonstrate that the applicant has considered the Council's current Design Guide and the Protocol on Public Art.
7. Site layout and landscaping needs to be carefully co-ordinated at the Reserved Matters stage and supported through a BS 5837:2012 tree survey. This will allow the applicant to make an informed choice when considering which trees to retain, to incorporate their respective constraints and also to provide for sufficient space for new and effective tree and shrub planting.

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

DECISION

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	Date: 20:January:2014	
	Grid Ref: 493429; 221816	

Scale: 1:1250	Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP
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Item No. 7

APPLICATION NUMBER	CB/13/04368/FULL
LOCATION	Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP
PROPOSAL	Change of use of land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/4383/Full) and a residential caravan site for one Gypsy/Traveller family. The site to contain one static caravan, one touring caravan on the existing hard standing.
PARISH	Billington
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Mrs Mustoe
CASE OFFICER	Vicki Davies
DATE REGISTERED	17 December 2013
EXPIRY DATE	11 February 2014
APPLICANT	Mr Nolan
AGENT	BFSGC
REASON FOR COMMITTEE TO DETERMINE	Call-in by Cllr Mrs Mustoe for the following reasons: - industrial site to be used for residential purposes - the reason given that the extra pitch to be used for security purposes does not hold up as it is part of Toddbury Farm - this site is not on the official sites to be extended in the Central Bedfordshire Gypsy and Traveller Local Plan - to allow more pitches in the villages of Billington, Central Bedfordshire Council will have reneged on their promises
RECOMMENDED DECISION	Full Application - Approval

Reasons for Recommendation

The principle of the business use of the site has previously been established and there is an extant consent which could be implemented. With regard to the residential use of the site, the application site is within the Green Belt and therefore very special circumstances need to be demonstrated to justify the development. The proposal would result in harm by reason of inappropriateness, however other harm by reason of adverse effect on openness and visual amenity are minimal due to the scale and nature of the development and the fall-back position of the business use. It is considered that the personal circumstances of the proposed occupier, along with the security benefits of the occupation, the continuing requirement for pitches to address the backlog and ongoing need met, in part, by windfall sites are such to, on balance, outweigh the limited harm to the Green Belt. Overall it is considered that there are very special circumstances which outweigh the limited harm to the Green Belt and that subject to conditions the proposal would be

acceptable and is therefore in accordance with policy BE8 of the South Bedfordshire Local Plan Review, policies 8, 33, 36, 43, 50 & 52 of the emerging Development Strategy for Central Bedfordshire, policies GT5, GT7 and GT8 of the Gypsy and Traveller Local Plan and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

Site Location:

The site is located on the eastern side of Slapton Lane approximately 1km south of Little Billington. The site is within the Green Belt and open countryside. The site is located to the west of existing Gypsy sites known as Greenacres and Toddbury Farm. Toddbury Farm is located closest to Slapton Lane.

The Application:

Planning permission is sought for the change of use of the land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/04383/FULL) and a residential caravan site for one Gypsy/Traveller family. The residential pitch would contain one static caravan, one touring caravan on existing hard standing.

In determining the previous planning application for the business use of the site, it was judged that the land constituted an extension to the existing Toddbury Farm site. It must therefore follow that this application is also considered as an extension to the existing site.

The plans show that the touring caravan would be located in the north eastern corner of the site with the static located centrally close to the north eastern boundary of the site.

RELEVANT POLICIES

National Planning Policy

National Planning Policy Framework
Section 3 - Supporting a prosperous rural economy
Section 9 - Protecting Green Belt Land

Planning Policy for Traveller Sites

South Bedfordshire Local Plan Review

Policies:

SD1 (Sustainable Keynote Policy),
BE8 (Design and Environmental Considerations),
T10 (Car Parking),
H5 (Providing Affordable Housing in Rural Areas), and
H15 (Siting of Mobile Homes in the Green Belt).

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant

policies in existing plans according to their degree of consistency with the framework. It is considered that the above policies are broadly consistent with the Framework and significant weight should be attached to them with the exception of policy T10 to which less weight should be attached.

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

Policies:

- 1 - Presumption in Favour of Sustainable Development
- 3 - Green Belt
- 8 - Changes of use
- 33 - Gypsy and Traveller and Travelling Showpeople Provision
- 36 - Development in the Green Belt
- 43 - High Quality Development
- 50 - Development in the Countryside
- 52 - Re-use of buildings in the Countryside

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 2014.

Gypsy and Traveller Plan - Pre Submission May 2013

- GT5 - Assessing planning applications for Gypsy and Traveller sites
- GT7 - Assessing planning applications for the expansion of existing Gypsy and Traveller and travelling showpeoples sites
- GT8 - Provision of Space/Facilities for Business Use on Permanent Gypsy and Traveller Sites

Supplementary Planning Guidance

Central Bedfordshire Design Guide 2010
Local Transport Plan Parking Standards Appendix F.

Relevant Planning History

- | | |
|------------------|--|
| SB/TP/91/0856 | Use of land as a Gypsy caravan site for one family. Refused 12/10/91. Appeal upheld for five year temporary consent granted 27/01/97 for a maximum of 5 caravans. |
| SB/TP/98/0088 | Continued use as a Gypsy caravan site. Refused 24/06/98. Appeal upheld 1/07/99 and consent granted with 4 conditions relating to a maximum of 8 caravans but with no named occupier condition. |
| SB/TP/00/00627 | Change of use of redundant barns to B1 use. (Allowed at Appeal, March 2001). |
| CB/10/01951/FULL | Extension of existing residential Gypsy caravan site to provide 8 additional pitches, increase the number of caravans |

from 8 to 30, laying of hardstanding and provision of new access road. Approved 17/1/12.

CB/12/1577/VOC Variation of condition 3 of planning permission CB/10/01951/FULL - Addition of 1 named resident Bridget Maloney. Approved 25/7/12.

CB/12/01528/FULL New access. Approved 7/8/12.

CB/12/04383/FULL Change of use of barns to mobile home/vehicle repairs and sales. Approved 28/3/13.

**Representations:
(Parish & Neighbours)**

Billington Parish Council Billington Parish Council wishes to register its strong objection to this new Application.

When the application was made for this land to be changed into an industrial site, we expressed our concerns that this would soon become another residential site. Our objections to the change were over-ruled; but it is now clear that our suspicions were correct.

This new site cannot be defended as an extension of an existing site, nor on the grounds of an increase in size of existing families. Furthermore, it cannot be defended on the grounds of security, as it is adjacent to Toddbury Farm.

This site is not one of the proposed 'official sites' in the CBC Proposed Plan.

Although CBC have used the Government's requirement to provide official sites for an agreed number of travellers as an excuse to go back on their commitment to Billington not to increase the number of travellers in the parish, to allow a new site would be seen as a further betrayal of the trust we have sought to build up with CBC over the years.

We strongly endorse the additional objections which have been submitted by Slapton Parish Council.

Slapton Parish Council Firstly, we do not feel that this is an extension of Toddbury Farm but in effect an application for a brand new site.

In addition, the application contains numerous discrepancies. It is very difficult to determine from the plan drawings what is actually proposed -- BP01 (referenced in the application) and BP02 both appear to be (contradictory) proposals, but no mention of "alternatives" was to be found. There are numerous, unlabelled blocks in the plans, whose use may have some key relevance.

We also observe that, overall, not all the existing residences are represented on the plan.

We should like to know whether the gate to the road is an error, or whether the plan is now to introduce yet another entrance (contrary to statements in the application), or to move the recently-created existing one. With regard to the latter, has that actually been granted planning permission?.

We assume that the change of use for "caravan repairs, etc" has been approved and that business use of the site is now accepted. We think that further residential expansion in close proximity of this is neither allowable nor desirable, as this will encourage further noise (another alleged generator for their electricity, perhaps) and an increase in unsuitable vehicle movements, which will affect both Slapton and Billington. We also query whether the answers relating to sanitation proposals would bear close scrutiny.

The applicants appear to want to "tarmac" (crushed stone is probably no more porous, when it comes to dealing with surface water), over a field without doing anything to deal with the surface water. The space created by this would appear to be capable of supporting many more vehicles and caravans than are shown. We suspect that having caravans allegedly associated with the business is a crude means of obfuscating the true number of occupied caravans on the site. We should be grateful for your comments on this observation.

We should like evidence of the veracity of the responses to the other ticked boxes. The statements about disposal of waste, for example, do not appear to be entirely plausible.

Finally, we object to the timing of this application. The notification letter is dated 19 December 2013 and a very short deadline is given for comment, 9 January 2014. This is unrealistic over the Christmas period and, we suspect, intentional rather than coincidental.

In short we object to this application and look forward to receiving the further information requested above.

Eaton Bray Parish
Council

No comment.

Neighbours

No responses received.

Consultations/Publicity responses

Highways Officer

Considering the use the application site has as a whole I am not overly concerned with the proposal. However, once the living accommodation has been allocated the appropriate space for amenity and the appropriate

parking spaces I question the feasibility of the remaining area to be able to function as a repair yard. This may lead to parking on the public highway and in particular the verges and I question how this may adversely affect the Highway.

Environment Agency

Consider that planning permission could be granted for the proposed development as submitted if a planning condition requiring details of foul and surface water disposal to be submitted and approved prior to the commencement of the development and the scheme implemented as approved.

The Environment Agency state that they were satisfied with drawing SD-02 that was submitted as part of the discharge of condition for foul and surface water drainage for permission CB/12/04383/FULL, however they still require the results of a percolation test in area of the package treatment plant's soakaway. They will also require an updated plan showing how the caravans would be connected to the system before being in a position to recommend the discharge of the condition.

Officer note: The results of a percolation test have been submitted and are currently with the Environment Agency for comment.

Environmental Health Officer

The Environment Agency should be consulted with regard to the suitability of the proposed drainage system. Comments regarding the need to know how the caravans would be connected to the drainage system and whether this would be gravity fed or pumped.

The proposed workshops must be a non-combustible structure as they run very close to the main access road of the residential site and could potentially block access to the site in the event of a fire.

Officer note: Planning permission has previously been granted for the re-use of the workshops. The buildings are of a brick built construction and would not be rebuilt.

Tree & Landscape Officer

A planting scheme detailing a 2m wide perimeter strip was agreed as part of the previous planning permission and will need to be secured by condition in relation to this development.

The officer provides details of the type, mixture and planting approach.

Considerations

1. **Policy Background including Gypsy and Traveller Pitch Provision**
2. **Principle of Development**
3. **Harm to Openness & Visual Impact**
4. **Very Special Circumstances**
5. **Assessment against emerging policy GT7**
6. **Assessment against emerging policy GT5**
7. **Parish Council Comments**
8. **Temporary Consent**
9. **Conclusion**

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

Policy Background

The site lies outside of any built up area within the open countryside where there is a general presumption against the granting of planning permission for new development. The new "Planning Policy for Traveller Sites" guidance sets out that Local Authorities should strictly limit new Traveller site development in open countryside that is away from existing settlements.

"Planning Policy for Traveller Sites" is specifically designed to provide guidance on determining Gypsy applications and to ensure fair and equal treatment for Travellers, in a way that facilitates that traditional and nomadic way of life for Travellers while respecting the interests of the settled community. The document also defines Gypsies and Travellers, the definition remains the same as that in the replaced Circular 1/2006.

The new policy document requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites. Sites should be specific deliverable sites sufficient to provide 5 years worth of sites against the authorities locally set targets.

Paragraph 25 of the Planning Policy for Traveller Sites sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent.

Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and was subject to public consultation following approval at full Council on 18th April 2013. The Plan has not been submitted to the Secretary of State yet as amendments are being made to the document.

In preparation of the Gypsy and Traveller Local Plan the Council had a new Gypsy, Traveller and Showperson Accommodation Assessment undertaken, dated January 2014. This Assessment highlights that there are a small number of unauthorised pitches, temporary consents, concealed households and people

on waiting lists for the Council-run sites which are considered to represent the backlog of need within the area. The Council site at Timberlands is being refurbished and will provide 6 pitches once reopened in 2014, these count as supply along with any unimplemented planning permissions. The resultant need between 2014 and 2019 is calculated as 35 Gypsy and Traveller pitches for the backlog of need. 19 pitches need to be added to this figure as a result of family formation calculated at 2%. The total need is therefore 54 Gypsy and Traveller pitches for the period 2014-2019.

The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update as:

Number of pitches in Central Bedfordshire in 2014 - 247

Pitch need from 2014 to 2019 (to meet backlog) - 35

Growth between 2014-2019 (2%) - 19

Growth between 2020-2024 (2%) - 30

Growth between 2025-2029 (2%) - 33

Growth between 2030-2031 (2%) - 14

Total need to 2031 - 131 pitches

The Sustainable Communities Overview and Scrutiny Committee resolved to recommend to Executive on 14th January 2014 that the GTAA is endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.

Gypsy and Traveller Pitch Trajectory

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

This document will however be amended to reflect the different pitch numbers as set out in the GTAA January 2014. 66 pitches will be allocated which would meet the need for in excess of 5 years.

The Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply. However it should be recognised that pitches for the 5 year supply should be deliverable, which some of the allocated sites are not currently. Delivery of sites is a continuous rolling requirement and therefore until the pitches identified on the allocated sites are granted planning permission and delivered the ongoing need for pitches continues to exist. Planning applications such as this therefore could provide useful windfall pitches.

Applications for allocated sites

Planning permission has been granted for an extension to an existing private site at Site 92, Land East of Watling Street and South of Dunstable for 8 pitches and work has commenced on site preparation. This site was identified and allocated in the Gypsy and Traveller Local Plan and will provide a total of 9 pitches. Consent has also been granted for permanent permission on an

existing temporary site at Site 116, 1 Old Acres, Barton Road, Pulloxhill, which is also identified and allocated in the Plan. This site has provided a further 8 pitches. In addition there is an application for the variation of conditions on the existing consent for the Greenvale site which is adjacent to Site 92, which, if granted, would allow for the infilling of the site to deliver a further 1 pitch allocated in the Plan and 1 windfall pitch.

At the time of writing planning permission has been granted for 16 pitches on allocated sites, with an application for a further allocated pitch awaiting determination.

Applications for windfall sites

The Council has at this point in time a small number of undetermined planning applications in addition to this one which could also contribute to the provision of windfall pitches.

CB/13/04393/FULL – The Evergreens, Dunstable Road, Tilsworth – 1 additional pitch.

CB/13/03661/FULL – Twin Acres, Hitchin Road, Arlesey - Change of use of the site to allow for the siting of 14 mobile homes & one amenity building with associated car parking & access.

CB/13/04390/FULL – Land to the east of The Rye, Great Billington - Change of use of land to mixed use for keeping of horses (existing) and as a residential caravan site for two Gypsy families, each with two caravans, including construction of access road, laying of hardstanding and erection of two amenity buildings. 2 new pitches.

CB/13/03219/FULL - Valley View, Hemel Hempstead Road, Dagnall - Permission is sought for one additional Static Caravan and two additional touring caravans for one Romani Gypsy family, with parking for two motor vehicles and associated hardstanding for use of the immediate family.

CB/14/00078/FULL – Preachers Place, Chapel End Road, Houghton Conquest – Siting of 2 additional mobile homes. 2 additional pitches.

2. Principle of Development

Business Use

Planning permission was first granted for the business use of the barns in 2001 at Appeal, but not implemented. Subsequently, planning permission was granted in 2013 for the re-use of the existing barns on the site and the associated land as a caravan repair and sales business. There is therefore a consented business use on the site which although has not yet been commenced is capable of being implemented (subject to approval of details reserved by condition). Therefore the detailed issues in relation to this part of the proposal have not been reconsidered.

National advice contained in the National Planning Policy Framework (NPPF) at Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the partial re-development of previously developed sites whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 states that other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction
- engineering operations
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

The proposed change of use of the barns is therefore not considered to be in conflict with the general thrust of national Green Belt policy, although the use of the site as a whole will need to be assessed against the need to preserve the openness of the Green Belt.

Residential Use

The site is within the Green Belt and the proposal conflicts with the policy set out in section 9 of the National Planning Policy Framework (NPPF) and the reasons for including land within the Green Belt set out in paragraph 88.

"Planning Policy for Traveller Sites" clearly states in Policy E, which relates to plan making, that Traveller sites (temporary or permanent) in the Green Belt are inappropriate. Policy E continues to state that if a local planning authority wishes to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific, identified need for a Traveller site, it should do so only through the plan-making process and not in response to a planning application.

The proposal is therefore by definition harmful to the Green Belt by reason of inappropriateness. Very Special Circumstances will therefore need to be demonstrated to overcome the harm to the Green Belt by inappropriateness.

3. Harm to Openness & Visual Impact

Consideration also needs to be given to any other harm which would arise as a result of the developments both the business and residential use. A B1 business use on the site was allowed on appeal in 2001. In determining the appeal the Inspector concluded that the imposition of conditions regarding landscaping and surfacing would mitigate the potential harm to the openness of the Green Belt and that there was no requirement to demonstrate very special circumstances to overcome this harm. Although this application would add a

residential element to the site it would be subject to similar control over landscaping and protection of openness. It is therefore not considered that the proposed development would cause any harm by reason of loss of openness.

Harm could also arise by reason of visual harm. It is considered that there is sufficient landscaping around the site to mitigate any harm by reason of visual intrusion in addition a landscaping scheme will be secured by condition to reinforce the existing screening. The visual impact of standing vehicles on the site was dealt with in the 2000 Appeal Decision when the Inspector concluded that any business use, even stabling would attract vehicles to the site which is inevitable with any use. In the same Appeal Decision, it was recognised that the use of landscaping conditions would be adequate to mitigate the impact of the operation upon the visual amenity of the Green Belt.

The current proposal would result in the permanent siting of a static caravan and a touring caravan which would be almost indistinguishable from the temporary siting of such a caravan for the purposes of sale or repair. It therefore remains the case that it is considered that the character and appearance of the Green Belt and open countryside would, subject to the imposition of suitable conditions, be preserved in the future. It is therefore not considered that the proposal would result in harm by reason of visual impact.

4. Very Special Circumstances

As discussed above very special circumstances need to be demonstrated to clearly outweigh the harm to the Green Belt by reason of inappropriateness in relation to the residential use on the site.

Planning permission was granted in 2013 for the re-use of the existing barns on the site and the associated land as a caravan repair and sales business. There is therefore a consented business use on the site which although it has not yet been commenced is capable of being implemented (subject to approval of details reserved by condition).

The impact of the proposed residential Gypsy and Traveller pitch therefore needs to be considered in the context of the extant permission for the business use of the site.

The GTAA, as set out in section 1, identifies that the Council has a backlog of need which has not been met. This proposal could deliver 1 pitch against the backlog figure. The Ministerial Statement of 1st July 2013 clearly sets out however that the single issue of need should not be considered a very special circumstance sufficient to outweigh the harm to the Green Belt.

The proposed occupier of the new residential pitch, Mr Nolan, would be the brother-in-law of the site owner. He is in poor health and currently does not have a place to live. He is homeless and doubles-up on pitches, moving around a lot. Mr Nolan would act as the caretaker for the business as well as helping with other aspects of the work. His presence would act as security for the site especially when other members of the family are away travelling. The proposed occupier would also help care for his parents who live on the site.

A health report has been prepared and demonstrates that Mr Nolan would benefit from having a stable, permanent base to live to enable a consistent health care plan to be maintained.

It is considered that the personal circumstances of the proposed occupier of the site along with the security benefits of the occupation; the fall-back position of the business use of the site; the minimal impact in terms of openness and visual amenity and the overall general need for pitches, together on balance, clearly outweigh the harm to the Green Belt by reason of inappropriateness.

5. Assessment against emerging policy GT7

The emerging Gypsy and Traveller Local Plan approved by Full Council on 18th April 2013 for public consultation prior to submission to the Secretary of State contains policy GT7 which is a policy used for assessing planning applications for the expansion of existing Gypsy and Traveller and Travelling Showpeople Sites.

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

It is considered that the proposal to site a pitch on the land for business use is in line with the principal of sub-division of existing sites. The built development of the additional pitch would be within the red line of the permission for the business site and would therefore be considered as the infilling of an existing site.

The need for the accommodation proposed is set out in section 2 above regarding the personal circumstances of the occupiers. The additional pitch would accommodate one static caravan and one touring caravan. The Government's Good Practice Guidance and experience of other sites within Central Bedfordshire reflects that normally a pitch for a family would include a static caravan, a touring caravan, parking, storage and possibly an amenity block.

Policy GT7 requires expansion of sites to be achieved through subdivision or infilling of existing pitches where possible. This proposal complies with the policy as it would not lead to any extension of the site into the open countryside beyond the existing authorised site, only an intensification of an area previously consented for business use.

This proposal complies with the policy as it would not lead to any extension of the site, only an intensification of the existing authorised site. The supporting text to policy GT7 also requires that the application be considered against policy GT5, this assessment is dealt with below in section 5.

6. Assessment against policy GT5

The emerging Gypsy and Traveller Local Plan was approved by Full Council on

18th April 2013 and was subject to public consultation. The Plan contains policy GT5 which is a criteria-based policy for assessing planning applications. Each part of the policy is addressed in turn below.

- Justification of local need for the scale and nature of development proposed.
The issue of need has been dealt with above however in brief the Council's GTAA highlights a backlog of 35 pitches, which is a need which needs to be met. This application would provide 1 pitch towards meeting the identified need.

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

- Satisfactory and safe vehicular access.

The Highways Development Control Officer has no objection to the proposal but does question whether the proposed development would result in the business site being too restricted to be workable and would therefore result in parking on the highway and in particular on the verge. The plans for the planning application for the business use showed how two static caravans could be accommodated within the site for the purposes of repair. This proposal would effectively result in the use of one of the static caravans shown on the plan being lived in with the siting of a touring caravan elsewhere on the site.

It is not considered that the residential pitch would adversely impact on the use of the land for the business use to such an extent that parking on the highway would take place. If there were circumstances in which parking on the site was limited or restricted the access to the site is wide enough to allow for parking and other vehicles to pass.

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

Whilst there is no defined size for a Gypsy and Traveller pitch the submitted plans show that the pitch would be of sufficient size to accommodate up to two caravans and the associated parking and turning space would be within the wider business use site.

- Landscaping

The application shows the provision of a 2m wide planting strip. It is considered

that the impact of the proposal on the character and appearance of the area would be minimised by this approach.

- Sensitive boundary treatment

The perimeters of the wider site are bounded in parts by existing hedgerows which would be reinforced by a proposed 2m wide planting strip in addition 1.8m high wooden close boarded fencing has been used to define the boundaries of the business site as a whole. The plans do not suggest that the residential pitch would be subject to separate boundary treatment.

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

The closest occupiers to the application site would be the occupants of the existing Gypsy and Traveller site and those on the neighbouring Gypsy and Traveller sites of The Stables and Greenacres on Gypsy Lane. It is not considered that the amenities of these residents would be harmed due to the distance between the caravans and the existing and proposed landscaping and boundary treatment. There are a small number of dwellings in the vicinity however the distance between the houses and the site and boundary treatment and planting would protect their amenity.

Consideration should also be given to the impact the business use would have on the proposed occupiers of the new residential pitch. The business use is currently restricted by condition to operational hours of 8am to 6pm Monday to Friday and 8am to 2pm on Saturdays, Sundays and Bank Holidays which would protect the amenities of residents. This condition would be added to any permission granted.

- Pollution from light and noise sources should be minimised

No details of external lighting on the site are provided, however it is considered that this can be controlled by condition. The proposal could result in some level of noise from the business activities however it is considered that the restriction on the operational hours would adequately control the impact of noise. It is acknowledged that there may be a little more noise from a Gypsy and Traveller site compared to a bricks and mortar dwelling due to the level of outdoor living, nevertheless it is not considered that a normal level of noise would be unacceptable.

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

The majority of children on the existing site attend local schools. The most varied selection of shops would be found in Leighton Buzzard which is considered to be within a reasonable travelling distance either by private car or public transport. Other community and health facilities would also be accessed within Leighton Buzzard or other smaller nearby villages.

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

The original business use permission was subject to a condition requiring the submission of details of foul and surface water disposal. Details have been submitted to meet the requirements of the condition which shows the site being drained to the existing septic tank on the main residential part of the site. In

addition the Environment Agency have stated that they have no objection to the application but request a condition similar to that on the current business use consent.

7. Parish Council Comments

Billington Parish Council

The Parish Council comment that when the planning application for business use of the site was made they expressed concerns that it would soon become another residential site and their objections to the site were over-ruled. The Council can only consider planning applications which are before it and cannot refuse applications on the basis that there may be another planning application for the site in the future. The future potential for seeking consent for the use of the site for a Gypsy and Traveller pitch cannot be a reason to refuse a planning application.

They also state that the site cannot be defended as an extension of the existing site, nor on the grounds of an increase in size of existing families. The application site was considered as an extension to the existing site when the use of the land for a business use was considered and this approach will be taken with this application. The site is immediately adjacent to the main residential part of the Toddbury Farm site and is accessed using the same entrance. The Parish Council does not expand on why the application cannot be supported by information that there has been an increase in the size of existing families.

It is also stated that the application cannot be defended on the grounds of security as it is adjacent to Toddbury Farm. There are no views between the main residential part of the Toddbury Farm site and the application site and vice versa due to the wooden close boarded fence. The provision of a residential pitch on the site would provide a level of security.

The Parish Council comment that the site is not one of the proposed "official sites" in the CBC proposed plan. The emerging Gypsy and Traveller Local Plan only identifies land for the provision of new or significantly extended Gypsy and Traveller sites. The site not being included in the Plan does not prevent the consideration of planning applications.

The Parish Council consider that there was a commitment to Billington not to increase the number of travellers in the Parish. Planning applications have to be considered on their own merits and if the proposal is in compliance with national and local policy planning permission should be granted.

Slapton Parish Council

The Parish Council do not feel that the application is for an extension to Toddbury Farm but a new site. This point has been dealt with above.

The application contains discrepancies on the plans, including not showing all of the existing residencies. It is acknowledged that the original plans were contradictory but this issue has been resolved and the plans corrected. The

location plan shows the extent of Toddbury Farm although the level of detail only shows the outline of the pitches.

The Parish Council question whether the gate onto the road is an error. The red line which denotes the application site does not include the parcel of land between the application site and the road. The gate onto the road is outside of the application site and outside of the control of the applicant. The Parish Council also question if the recently created access has planning permission. Retrospective permission was granted for the access in August 2012.

Comments are made regarding the business use of the site being accepted and that further residential expansion in close proximity of this is neither allowable or desirable, as this will encourage further noise and increase in unsuitable vehicle movements affecting Billington and Slapton. Permission has been granted for the use of the site for the business use. Residential use of part of the site would only be by a family connected with the business use and would be similar to many other examples of live/work premises. The addition of a single pitch would not result in an increase of vehicle movements to such an extent to which they could be considered unacceptable and could result in less movements as there would be a reduction in available spaces for business use. In addition the Highways Development Control Officer has no objection to the proposal.

The Parish Council raise questions about foul and surface water drainage, both of which would be dealt with by condition as per the Environment Agency's request.

The Parish Council suspect that having caravans allegedly associated with the business is a crude means of obfuscating the true number of occupied caravans on the site. If planning permission is granted then it would only be for the static and touring caravans as shown on the drawings. The residential occupation of other caravans on the site would be unauthorised.

Evidence is requested in relation to other questions on the application form, with disposal of waste cited as an example. The application form states that there is an existing bin store on the site which would be used. There is an existing bin store located off the main access to the Toddbury Farm site.

The Parish Council also object to the timing of the application with a very short time given for comments to be made. If the Parish Council needed more time to make comments the case officer would have been willing to accommodate such a request. The Council has a duty to process planning applications when it receives them and there was no intention by the Council to cause difficulty for the Parish Council.

8. Other Issues

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

It is recognised that the refusal of consent would lead to an interference with the intended occupiers rights to a home and private family life. The refusal of consent would also lead to an interference with their property rights. Such

interference must be balanced against the public interest in pursuing the legitimate aims of Article 8 of the European Convention on Human Rights, which include the protection of the environment. In the present case, the analysis above suggests that the likely impact of the development upon the Green Belt, or upon the character and appearance of the countryside, is limited and that the refusal of permission would place a disproportionate burden upon the intended occupiers and would result in a violation of their rights under the Convention.

Consideration should be given to whether a temporary consent would be appropriate. Planning Policy for Traveller Sites sets out that temporary consent should be considered where there is no five year supply of sites, which came into effect on 23 March 2013. The Sustainable Communities Overview and Scrutiny Committee on 14th January 2014 resolved to recommend that the GTAA dated January 2014 be endorsed. The Committee also identified specific sites in order to meet the level of identified need for the first 5 year period.

Notwithstanding the above if Member's are minded to refuse this application consideration should be given to a temporary consent. If a temporary consent were to be granted the impact of the proposed development could be judged over a period of time.

9. Conclusion

The principle of the business use of the site has previously been established and there is an extant consent which could be implemented. With regard to the residential use of the site, the application site is within the Green Belt and therefore very special circumstances need to be demonstrated to justify the development. The proposal would result in harm by reason of inappropriateness, however other harm by reason of adverse effect on openness and visual amenity are minimal due to the scale and nature of the development and the fall-back position of the business use. It is considered that the personal circumstances of the proposed occupier, along with the security benefits of the occupation, the continuing requirement for pitches to address the backlog and ongoing need met, in part, by windfall sites are such to, on balance, outweigh the limited harm to the Green Belt. In addition the proposal is in accordance with policies GT5, GT7 and GT8 of the pre-submission Gypsy and Traveller Local Plan.

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 The business use of the premises hereby permitted shall only be operated by those persons named on the permission hereby granted or on a relevant

planning permission as being permitted to reside on the adjoining Toddbury Farm, Traveller Site.

Reason: The Local Planning Authority considers that the personal circumstances of the applicant and adjoining Traveller site override the planning objections which would normally compel the authority to refuse permission for the development hereby permitted.

(Policy GT8 of the emerging Gypsy and Traveller Local Plan, 2013)

- 3 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 4 The occupation of the residential caravans on the Site hereby permitted shall be limited to the following person and their dependant relatives:

Mr Patrick Nolan

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework and Policy 36 D.S.C.B.

- 5 In the event that the residential caravans shall cease to be occupied by those named in Condition 4 above the residential use hereby permitted shall cease and all residential caravans shall be removed from the Site within 28 days of that date.

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

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

Reasons: To protect and prevent the pollution of controlled waters (particularly the Secondary aquifer and River Ouzel to the south of the site) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan (RBMP) and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 7 No mobile home or vehicle repairs shall be permitted to be undertaken outside the hours of 08:00 to 18:00 on Mondays to Fridays and outside the hours of 08:00 to 14:00 on Saturdays, Sundays, Bank and Public Holidays.

Reason: To protect the amenities of the area.
(Policy BE8 S.B.L.P.R and policy 43 D.S.C.B).

- 8 The business premises shall only be used for vehicle, mobile home and caravan repairs with ancillary sales and no other purpose (including any other purpose falling within Class B2 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2006), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the development in the interests of amenity.
(Policy BE8 S.B.L.P.R and policy 43 D.S.C.B).

- 9 No vehicles, goods, waste or other materials shall be stored, stacked or deposited outside the buildings to a height exceeding 2 metres, excepting where the height of a single vehicle or mobile home is higher.

Reason: To safeguard the amenities of the area and Green Belt.
(Policy BE8, SBLPR and policies 36 and 43 D.S.C.B).

- 10 The uses hereby permitted shall not commence until the parking arrangements for cars, commercial vehicles and mobile homes within the confines of the site shown on drawing no.1446-PL-010 Rev A of planning permission CB/12/04383/FULL, have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the parking shall thereafter be retained for such use.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.
(Policies BE8 & T10 S.B.L.P.R and 27 & 43 D.S.C.B).

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

Reason: To ensure a satisfactory standard of landscaping in this rural,

**Green Belt location.
(Policy BE8, S.B.L.P.R and Policies 36 &43 D.S.C.B).**

- 13 No more than 2 caravans, of which no more than 1 of which shall be mobile homes, shall be located on the pitch and occupied for residential purposes.

Reason: In recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework and policy 36 DSCB.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number CBC/001 & BP-02.

Reason: For the avoidance of doubt.

Notes to Applicant

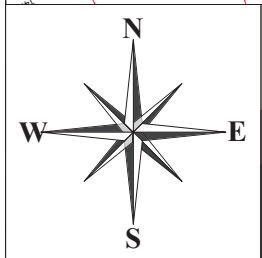
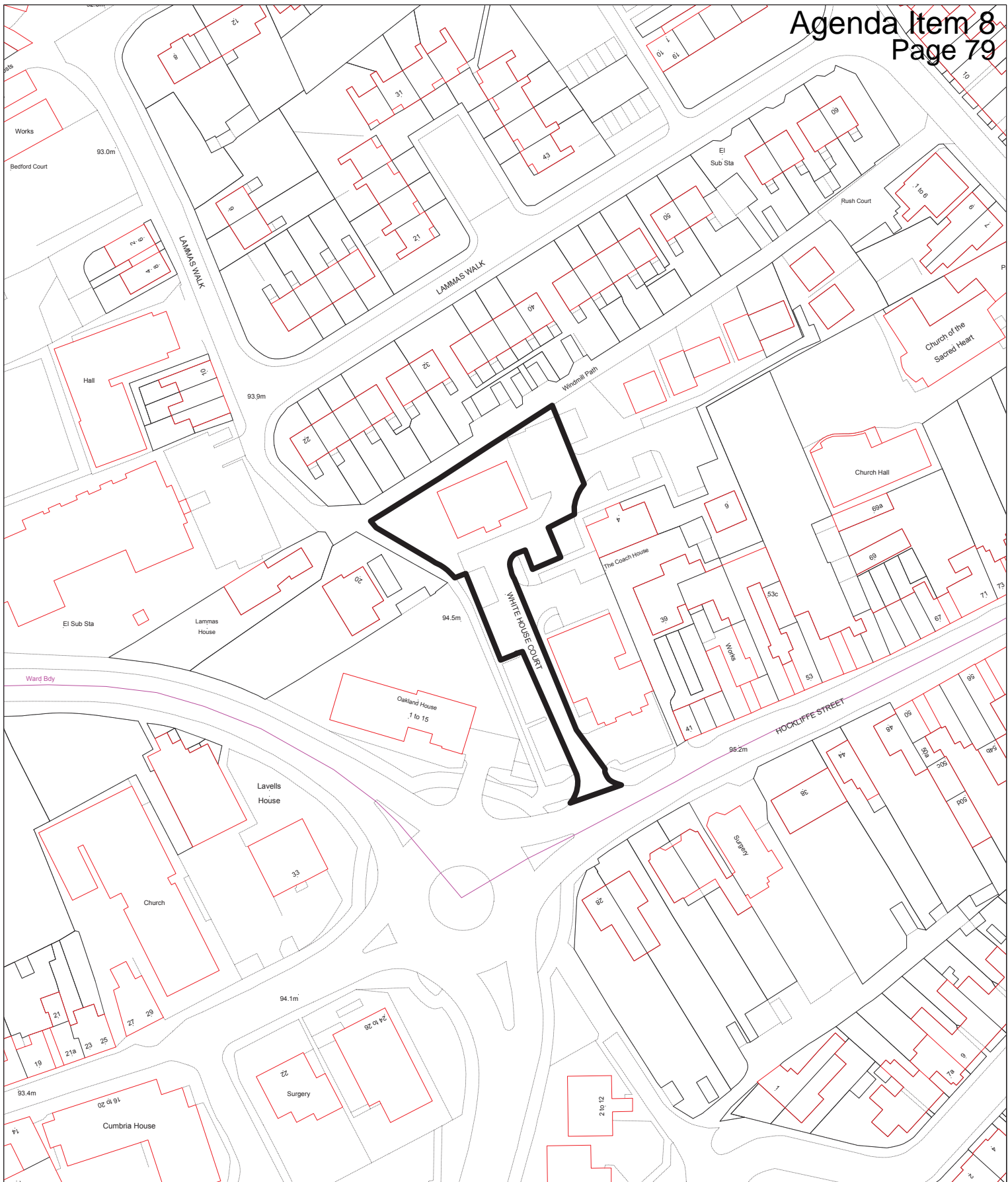
1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. 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 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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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 21:January:2014
Grid Ref: 492379; 225247

Application No.
CB/13/04086/FULL

Scale: 1:1250

1 White House Court, Hockliffe Street, Leighton Buzzard, LU7 1FD

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Item No. 8

APPLICATION NUMBER	CB/13/04086/FULL
LOCATION	1 White House Court, Hockliffe Street, Leighton Buzzard, LU7 1FD
PROPOSAL	Change of use from B1 office to D1 nursery
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Abel Bunu
DATE REGISTERED	02 December 2013
EXPIRY DATE	27 January 2014
APPLICANT	Aristotots Leighton Buzzard
AGENT	PJPC Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr Shadbolt, Ward Member Call in for the following reasons : <ul style="list-style-type: none"> • Parking and • Traffic implications
RECOMMENDED DECISION	Full Application - Approval

Reasons for recommendation

With appropriate conditions, the proposal would, not have a detrimental impact on the residential amenity of neighbouring properties, be acceptable in terms of highway safety, promote sustainable means of transport, widen the educational services available to the town, contribute to the regeneration of the town by bringing back into use a building that currently stands empty thus increasing employment opportunities in the town. The development would therefore conform with the development plan comprising Policies BE8, SD1, E2 and T10 of the South Bedfordshire Local Plan Review, Policies 1, 6, 7, 24, 27 and 43 of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

Site Location:

The application site lies outside the Leighton Buzzard Town Centre and Conservation Area as identified on the Proposals Map of the South Bedfordshire Local Plan Review. The site is occupied by a two storey building which is situated to the rear of the Leighton Buzzard Town Council Offices. With its access directly off Hockliffe Street, the site shares a common access with the Town Council Offices, the White House Court bungalows providing sheltered accommodation for the elderly and the Coach House, an office building next to the site which currently stands empty. To the rear of the site are two storey residential dwellings on Lammas Walk separated from the application site by Windmill Path and a high wall. The applicant states that the building was last used as offices on the 1st March 2012.

The Application:

is for the change of use of the building known as Delafield House from a B1 (office) to a D1 (nursery) use. The applicant states that the nursery would cater for children between the ages of 6 weeks and 5 years of age. The establishment would accommodate up to 55 children between the hours of 7:30 am to 6:30 pm for which there would be a total of 15 staff employed. The proposed nursery would have a total of 15 parking spaces.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on the 27th March 2012 and replaced the previous national planning policy documents, PPGs and PPSs. The following policies are considered relevant to this proposal :

Section 1 : Building a strong, competitive economy
Section 4 : Promoting sustainable transport
Section 7: Requiring good design

South Bedfordshire Local Plan Review Policies

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the framework, with the exception of Policies T10 and E2 and significant weight should be attached to them.

SD1 Keynote Policy
E2 Employment sites out the Main Employment Areas
BE8 Design Considerations
T10 Parking - New Development

Endorsed Core Strategy - South

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

Development Strategy for Central Bedfordshire

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014 and the following policies are considered relevant to the determination of this application:

Policy 1 : Presumption in Favour of Sustainable Development

Policy 6 : Employment Land
Policy 7 : Employment Sites and Uses
Policy 24 :Accessibility and Connectivity
Policy 27 : Car Parking
Policy 43: High Quality Development

Supplementary Planning Guidance

1. Design in Central Bedfordshire, A Guide for Development- Supplement 7 : Adopted 23 July 2010
2. Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes) Design Guide

Planning History

- | | |
|----------------|---|
| 13/02397/PAPC | Pre Application Advice for the change of use from B1 office to D1 nursery. |
| SB/TP/96/00774 | Refused. Change of Use from office to (Class B1) to educational (Class D1). |

Related History

- 1.SB/TP/92/00719 - Permission. Erection of 14 elderly persons dwellings.
- 2.SB/TP/89/00013 - Outline Permission. Erection of elderly persons residential development.

Representations: (Parish & Neighbours)

Leighton-Linslade Town Council	<p>A resident of White House Court spoke on behalf of those residents who were raising objections to application reference CB/13/04086 (1 White House Court, Hockliffe Street). Concerns were raised regarding a previous application refused in October 1996 which set out a clear benchmark for the unacceptability of a D1 use and that nothing had materially changed to warrant a different decision. Another issue raised was that the planning notice was tied to a lamp column and that, disappointingly, individual letters had not been sent to those residents adjacent to the site. It was felt that due to many of these residents being elderly they would not have seen the notice or been able to read and understand the implications.</p>
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A representative acting on behalf of the applicant for the application addressed the Committee in response to some of the objections raised by the residents. It was stated that the applicant had three other nurseries and, therefore, had a lot of experience and wished to convey his awareness of those issues raised and had the following information to

allay those concerns:

- Parking would not be used all the time, unlike in a school, it would be spread across the day.
- The parking provision shown meets planning requirements and there is a designated pick up/ drop off area where there is no requirement to cross traffic.

Discussion took place regarding access from the main road and the speed of cars entering and exiting from White House Court as well as the general increase in traffic.

Members felt that traffic would be entering the site even if it was to remain as offices and therefore was not good enough grounds to raise an objection.

The building has been empty for some time and if brought into use would bring employment to the town.

Concerns were raised regarding whether any trees would be removed. Members were informed that no trees were to be removed only vegetation, being cut back, to allow room for a play area for the children.

RESOLVED to recommend to Central Bedfordshire Council that no objection be made to the application. However the Town Council requested that Central Bedfordshire Council carefully considers the traffic impact statement.

Neighbours

1,6, 7,9, 11,15, 17, 19 & 21, White House Court,38 Corbet Ride, 33 Reeve Close, 71 Townbridge Mill, 15 Kiteleys Green,22 Clay Furlong, 1 The Stile, 2 Pear Tree Lane,16 Aveline Court, 58 Willowbank Walk, 26 Nelson Road, 71 Highfield Road, 40 Hockcliffe Road, 172 Vandyke Road,14 Redwood Glade, 48 Rowley Furrows, 54 Springfield Road, 1 Garden Leys, 81 Stoke Road, 156 Marley Fields,6 Sandhouse Cottages,33 Old Road, Dormers Church Street, Daventry.

Objections

- Not happy to learn about the application through a site notice rather than the courtesy of individual letters sent to each household.
- We would like to remind you that the houses in question are owned by elderly people who may or may not have seen the notice and who may or may not have been able to read and understand the implications.
- Development contrary to Policies E2 of the saved Local Plan and CS9 of the Pre-Submission Core Strategy which introduce a sequential approach to the development of existing employment sites. This requires that development proposals are focussed on B-Class Uses and only allows the 'loss' of such as a last resort where such loss would not unacceptably compromise or reduce the supply, variety or quality of commercial property available in the locality. The evidence submitted in support of the application does not demonstrate that this sequential approach has been followed, or that the loss of the site/building from commercial use would not compromise the supply, variety or quality of commercial property. In the absence of such evidence, the principle of the loss of

the employment use is unacceptable and contrary to Development Plan policy.

- A previous application for an identical use was refused permission in October 1996, reference (SB/96/00774) for two reasons, namely (i) the inadequacy of parking and the resultant consequences for on-street parking and highway safety, and (ii) that noise and disturbance from the use would be of detriment to residential amenity, particularly occupiers of White House Court. In respect of (i), notwithstanding the information submitted with the application, issues of parking were clearly of significant concern to the Council in relation to the D1 use previously proposed and this remains a major issue. There is no new evidence contained in the application that demonstrates these issues have been fully resolved - indeed, there has been no material change in circumstances since the decision that would warrant a different conclusion in this respect.
- Issues in respect of the impact on residential amenity remain of substantial concern.

1 White House Court is situated on a private road leading to a Cul-de-Sac with a private courtyard at the end. The Increase in traffic will cause a huge negative impact on the elderly residential community of White House Court who have lived in a safe, peaceful and secure environment since the owner of the site (Mr Abraham) was permitted to develop it over 20 years ago.

- The office buildings provide a limited threat to the safety of the residents due to the traffic movements throughout the day. A day nursery on the site would lead to an excessive use of the highway facilities and would be inappropriate and unsafe. By our calculations there would be up to 70 traffic movements between 07.30hrs and 09.00hrs (55 drop-offs and 15 staff), and likewise in the evening, as opposed to a maximum of 20 when the office is occupied.
- We do not accept the Applicants version of the transport implications.
- The Transport Statement deals only with issues of parking, and is quite vague about the timing of parking demands. The access on to Hockliffe Street is very close to a roundabout and is a heavily trafficked route that is part of the strategic highway network.
- Right turns into and out of the site are difficult and by virtue of the fact that vehicle movements are likely to be more concentrated at peak hours by comparison with the authorised office use will (i) cause delays on Hockliffe Street that would be of detriment to the free-flow of traffic on the highway network, and (ii) will lead

to traffic backing-up in the site which, given the limited space and parking, would compromise highway and pedestrian safety and exacerbate the concerns regarding noise and disturbance from the intensity of activity on the site.

- The driveway layout allows for only 1 car at a time to turn the corner in front of the entrance. With the coming and going of parents, space will be required for turning which will cause a great deal of congestion at dropping off and picking up times.
- There are insufficient allocated parking spaces for staff and customers. We have spoken with local nursery owners and managers who have confirmed the problems with congestion at pick up and drop-off times and we are aware that at busy times our allocated visitor spaces will be taken up by parents who are in a hurry to fetch and drop-off children.
- It will further compromise right of way access to our private parking for residents, visitors, services vehicles, and most importantly the emergency services.
- Elderly and disabled residents will be at risk when walking to their allocated parking bays as well as to and from town. The narrow pavements on the site in addition to the raised traffic could cause danger to both children and adults. Essentially the site was approved specifically to be a safe and quiet place for the over 60's to live without disturbance from excessive road use on their doorstep.
- Noise levels will be unacceptable with constant cars and delivery vehicles attending nursery also causing increased pollution from increased traffic. Car engines will be left running while parents/guardians drop off younger children to the nursery before heading off to drop older children at school not to mention the general activity at collection and drop-off times, and the use (by children) of the external amenity area. It will not just be the White House Court residents that are affected, but also residential properties surrounding the site more generally.
- The congestion would negatively impact the values of our homes as they would no longer be desired by the elderly – who are in fact the only ones permitted to live here according to the restrictions on the planning permission.
- We have a good knowledge of the existing provision as there is a private nursery only 2 minutes' walk from White House Court, which raises the important issue of whether this part of Leighton Buzzard needs another nursery since it's already so well served.
- Hockliffe Street Baptist Church Pre-School closed last

summer due to lack of children; Honeysuckle Nursery School on Plantation Road has just closed due to lack of children;

- 2 of the 3 day nurseries in the town have spare childcare places (current as of December 2013 - sourced by contacts of the residents who will go on the record to confirm if need be);
- Acorns at Doverly Down Lower School is the direct reason Honeysuckle Nursery has closed. Greenleas School (across 2 sites) has already opened a new facility this Autumn which has had an immediate negative affect on the other surrounding settings.
- There is arguably an over-supply of childcare in the town which undermines the Applicants claim about creating jobs.

Perhaps the Applicant is unaware of the above information and might reconsider when they contemplate the level of investment required to make the office building more suitable internally for childcare. The garden space is extremely limited for the number of children proposed – which we are aware also has a number of Tree Protection Orders in place where the Applicant is suggesting they would clear what area there is.

- The submitted plans do not show the relative position of the bungalows and hence this should be verified on site before a decision is made.
- We see that they make reference to studies of drop off and collections at other nursery's, these studies do nothing to settle our concerns as residents, we know that in reality parents will drop off to their children to get to work for 9am and pick up when they finish at 5.30pm.
- We have already had occasions when service vehicles have not been able to get round to our houses to empty our refuse bins.

The Residents of White House Court

Petition against

Echo the objections above.

Consultations/Publicity responses

Highways Officer

White House Court is an adopted highway maintained at public expense and consists of a block paved carriageway with a single footway along the eastern side of the carriageway. There is a mixture of office development and a small number of residential units served by the access road.

The applicant is aware that the movement of vehicles and pedestrians within the site will be of concern to the highway authority and the local residents and has therefore submitted traffic data to indicate how similar sites operate.

It is suggested in the Planning Statement that there will be 6 spaces for drop off/pick up and 9 spaces for staff, however the Transport Statement refers to 9 parking spaces for drop off/pick up and 6 spaces for staff. The latter is a more realistic figure for which I will explain in greater detail later.

It is clear from the data submitted that not all of the children arrive at a specific time in the morning peak. It is reasonable to say then, that the likelihood of 55 parent/guardian vehicles and 15 staff arriving to the site in the morning peak is remote. Indeed this is also confirmed by the National Standard for Trip Generation Analysis (TRICS), which suggests that there could be 26 trips in the morning peak (13 vehicles). The survey data supplied by the applicant also reflects this.

In terms of the additional traffic the TRICS analysis suggests that the existing B1 use could generate in the region of 42 trips per day, whilst the D1 nursery may generate 110 trips per day. The increase in trip generation will not be detrimental to the capacity of the junction on to Hockliffe Street. I understand that there are some concerns expressed regarding the potential increase in right turning vehicles on to Hockliffe Street. It should be pointed out that if drivers are experiencing any problems turning right out of the site at peak times, then they do have the opportunity of turning left out of the access and utilising the Beaudesert / Hockliffe Road roundabout and heading back towards the town centre. There is also the opportunity of travelling via Beaudesert or Hockliffe Road to permeate towards their destination.

The potential affect of parents or guardians dropping off / picking up and parking their vehicles on-street was an issue which initially caused me some concern. I am now satisfied that with regard to the traffic patterns associated with the proposed development and the duration of stay of such vehicles, it is possible to provide a level of off street parking to cater for the peak demand.

The survey data submitted by the applicant suggests that a maximum number of parking spaces which were in use at any one time was 9 spaces, I therefore consider it reasonable that the applicant dedicate a similar amount

of parking spaces for the dropping off / picking up of children. For the avoidance of doubt the parking spaces to be reserved for pick ups / drop offs are numbers 7 to 15 inclusive, as shown on the applicants site layout plan; this I intend to condition. The remainder of the parking spaces, 6 in total, shall be allocated for staff parking as I consider this element of parking to be more manageable, with staff having the opportunity to take advantage of the sustainable location of the development; this can be included in an approved Travel Plan.

The site is based in a Town Centre location which benefits from public car parks, good access to public transport, cycle facilities and pedestrian routes. The applicant intends to enhance the pedestrian route in to the site by defining the route with two strips of red surfacing and a drop crossing to the frontage of the building. The works will be undertaken on the public highway and I suggest they are implemented under a small works Section 278 agreement, (Highways Act 1980).

The submission and implementation of an approved Travel Plan would also encourage and promote sustainable modes of travel to the facility and provide details of how the parking will be managed. I understand that the Sustainable Transport Section has recommended an appropriate condition for the Travel Plan to be approved prior to occupation.

I would also wish to bring to your attention that a previous planning application for this site submitted in 1996 for an educational establishment, with a maximum of 95 students, was recommended for approval. However it was subsequently refused by the planning committee. The recommendation report points out that the Highway Engineer was satisfied that the anticipated intensity of use would not prejudice highway safety and convenience.

I would not wish to raise any highway objection to the proposed development subject to the following highway conditions.

1. Before development commences, details of a pedestrian route enhancement scheme within White House Court shall be submitted to and approved by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details prior to occupation.

Reason

In the interest of road safety and the convenience of pedestrians.

2. The parking bays shown numbered 7 to 15 inclusive on the approved plan shall be made available at all times for no other purpose except as a “drop off and pick up” zone in association with the nursery. The bays so marked out shall be permanently retained and not used for any other purpose other than with the express written permission from the Local Planning Authority. The bays shall be marked out prior to the occupation of the building in accordance with details to be submitted to and agreed by the Local Planning Authority and thereafter permanently retained as such.

Reason

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

3. Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason

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

Furthermore, I should be grateful if you would arrange for the following Highway Notes to the applicant to be appended to any consent issued by the Council:-

- i. The applicant is advised that in order to comply with Condition 1 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 (small works) of the Highways Act 1980 to ensure the satisfactory completion of the pedestrian route enhancement. Further details can be obtained from the Highways Development Control Group , Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- ii. The applicant is advised that all cycle parking to be

provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".

Sustainable Transport
Officer

Recommends the following condition to promote the use of sustainable means of transport:

Before the building is first brought into use, a School Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- plans for the establishment of a working group involving the School, parents and representatives of the local community
- pupil travel patterns and barriers to sustainable travel
- measures to encourage and promote sustainable travel and transport for journeys to and from school
- an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review
- All measures agreed therein shall be undertaken in accordance with the approved plan.

Approval of the Travel Plan is also conditional upon Steps 1 to 5 being completed on our online management tool 'iOnTravel' prior to the occupation of the development, with the results reviewed on an annual basis and further recommendations for improvements submitted to and approved in writing by the Local Planning Authority.

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

Note: The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford, MK42 9BD

Environmental Health
Officer

I have no major objections to this proposal. Normally there would be concerns regarding noise from the external play areas, however, in this location the play areas are bounded by tall brick walls on the boundary in two directions. However, it is advisable that some documentation is submitted in relation to the management and use of the external areas. This could include structured activities, times of access, equipment etc to provide an indication of the noise levels that may be generated and details of fencing to be employed at the areas indicated on the submitted plans.

Tree and Landscape Officer	No comment.
Archaeologist	The proposed development site is located within the historic core of the Saxon and medieval town of Leighton Buzzard (HER 16871), a heritage asset with archaeological interest as defined by the <i>National Planning Policy Framework (NPPF)</i> . However, the nature of the proposal is such that there will not be any impact on archaeological remains or on the significance of the heritage asset with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.
Building Control	No comments.

Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Impact on residential amenity
3. Impact on access, parking and highway safety
4. Other matters

Considerations

1. Principle of the development

The application site lies outside the Main Employment Area where proposals for development are subject to Policy E2 of the adopted local plan which states that :

Proposals for development, redevelopment or change of use of existing or allocated employment land outside the main employment areas for uses other than B1, B2 and/or B8 will be permitted where:

- they would not unacceptably reduce the supply, variety or quality of available industrial and commercial land and property in the area; and
- they would contribute towards meeting the employment needs of the area, or widening the range of employment opportunities; and/or
- they would make a positive and necessary contribution towards urban regeneration and the supply of land for housing or other essential uses; and
- they would not unacceptably prejudice, or be prejudiced by, existing or proposed uses of adjoining land, particularly through disturbance; and
- traffic generated would not cause unacceptable disturbance in residential or other sensitive areas.
- for where a proposal is a high trip generating land use the site must be well

related to proposed and existing highways, public transport routes and residential areas.

Employment Opportunities

Policy E2 is permissive and reflects a level of flexibility required by the National Planning Policy Framework (NPPF) and Policies 6 and 7 of the emerging Development Strategy for Central Bedfordshire (DSCB) with regards widening the scope for employment generating uses to include non-B Class uses and hence is given significant weight in the determination of this application.

The preamble to Policy 6 of the emerging Development Strategy for Central Bedfordshire (DSCB) states at paragraph 6.21 that,

'Within Central Bedfordshire it is anticipated that 12,150 (45%) of new jobs will be from B-Uses with the remaining 14,850 (55%) being delivered through non B-Uses.'

Paragraph 6.26 goes further to clarify that '--- in order to meet the job targets, the contribution of Non B Class employment generating opportunities must also be considered alongside the delivery of B Class uses.'

The preamble to Policy 7 further reinforces the Council's flexible approach towards non-B Class uses by stating that,

'Whilst the Council would not wish to see current employment land lost to other uses, it is recognised that non B-uses can make a significant contribution to the local economy and to job creation, and that some non B-uses can complement and enhance B-uses. Consideration will be given to non B-use employment generating proposals on existing and allocated employment land against a series of criteria which seek to ascertain that such proposals are suitable for the proposed location and will not detrimentally impact upon the delivery of B-uses or the quantity of land available to deliver B-uses, (paragraph 6.39).'

In this particular case, the proposed development would employ nine full time and 6 part time staff on the site. Since the policy does not set a threshold at which a use can be classed as an 'employment generating use', it is considered that the proposed change of use would not conflict with the broad aims of Policies 6 and 7 of the emerging Development Strategy for Central Bedfordshire. This flexible policy approach is also considered consistent with the NPPF. It is considered that whilst the employment levels are relatively low for the size of the property, the proposed change of use nevertheless makes an acceptable contribution in terms of widening the range of employment opportunities and services in the area.

Contribution towards urban regeneration and supply of essential services

The applicant states that the building has been vacant since the 1st March 2012 and despite marketing efforts for nearly two years to let the building for the permitted office use, there has been no positive response. This statement is corroborated by the estate agent who was responsible for marketing the property and the adjoining Coach House. The estate agent confirms that the demand for office space has significantly diminished since 2008. The proposed change of use would therefore bring back into use, a disused building in

accordance with national advice within the NPPF.

Relationship between the proposed and existing uses

It is noted that the application site is situated close to residential properties. To the east of the site is a group of bungalows occupied by elderly people and to the north are two storey residential properties. Given that the application site is situated within close proximity of these residential properties, the proposed use would potentially result in some noise and general disturbance to the neighbouring property occupiers. However, the outdoor play area would be enclosed by two high brick walls which run along the north and west boundaries of the site and in addition, a fence would be erected in an appropriate position in accordance with details to be agreed with the applicant as part of a planning condition. This condition would also require the applicant to submit further details of the management of the external areas as recommended by the Environmental Health Officer who raises no objections to the application. A condition requiring the marking out of parking spaces and the pick up and drop off point would ensure that adequate provision is made for staff and visitors to the site to ensure adequate mitigation to the disturbance likely to be caused to the users of the existing shared access. The Highways Officer raises no objections to the application subject to the imposition of appropriate conditions.

Trip generation linked to the development

The site lies on the edge of the town centre where transport linkages with a wide range of travel modes are very strong. It is considered appropriate to attach a condition which requires the submission of a Travel Plan as recommended by the Sustainable Transport Officer in order to ensure the use of sustainable means of transport.

Taking all these factors into account, it is considered that the principle of the proposed change of use is acceptable. Furthermore, national advice contained within the NPPF stresses that great weight should be placed on providing educational facilities and Local Planning Authorities should take a proactive and positive approach to ensuring a widened choice for parents and children entering education, (paragraph 72).

2. Impact on residential amenity

As discussed above, it is considered that the development would not result in detrimental harm to residential amenity.

3. Impact on access, parking and highway safety

The Highways Officer's detailed assessment of the proposed development confirms that there would be no resultant prejudice to highway safety subject to appropriate conditions being attached.

4. Other matters

Objections

The objections received have been noted and addressed above in the relevant sections of this report and in particular under the Highways Officer, Sustainable Transport Officer and Environmental Officer's comments.

Consultation procedure

The application was advertised through letters to some of the residential

property occupiers in the White House Court and Lammas Walk and via the Council's website. In addition, two site notices were displayed at the entrance to the site and next to the path leading onto the White House Court in accordance with statutory requirements. It is also noted that the White House Court residents engaged a planning consultant to represent their concerns and jointly, they signed a petition. We are therefore satisfied that the consultation process managed to reach out to the intended audience without prejudice.

Loss of property values

This is not a planning consideration and as such has not been given weight in the determination of the application.

Human Rights issues

The application raises significant human rights issues as reflected by the level of opposition from some of the local residents. However, taking into account the mitigation measures that could be secured by planning conditions, the human rights of the children and parents who stand to benefit from the development and the fact that the development would support national objectives in the NPPF, it is considered that withholding planning permission against this background would severely infringe the human rights of the intended beneficiaries and this is an overriding consideration.

Equality Act 2010

A condition which requires the submission of a pedestrian route enhancement scheme and informative drawing attention to responsibilities under the Act would ensure that the development takes into account the requirement for accessibility by all.

Recommendation

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

RECOMMENDED CONDITIONS

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

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

- 2 **Before development commences, details of a pedestrian route enhancement scheme within White House Court shall be submitted to and approved by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details prior to occupation.**

**Reason: In the interest of road safety and the convenience of pedestrians.
(Policies BE8 S.B.L.P.R and 24 & 27 D.S.C.B).**

- 3 The parking bays shown numbered 7 to 15 inclusive on the approved plan shall be made available at all times for no other purpose other than as a “drop off and pick up” zone in association with the nursery. The bays shall be marked out prior to the occupation of the building and shall be permanently retained and not used for any other purpose other than with the express written permission from the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises.
(Policies BE8 & T10 S.B.L.P.R and 27 & 43 D.S.C.B).

- 4 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
(Policies BE8 S.B.L.P.R and 24 & 43 D.S.C.B).**

- 5 **Before the building is first brought into use, a School Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. The plan shall contain details of:**

- **plans for the establishment of a working group involving the School, parents and representatives of the local community**
- **pupil travel patterns and barriers to sustainable travel**
- **measures to encourage and promote sustainable travel and transport for journeys to and from school**
- **an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review**

All measures agreed therein shall be undertaken in accordance with the approved plan.

Approval of the Travel Plan is also conditional upon the completion of the above steps prior to the occupation of the development, with the results reviewed on an annual basis and further recommendations for improvements submitted to and approved in writing by the Local Planning Authority.

**Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.
(Policies BE8 S.B.L.P.R and 24 & 43 D.S.C.B).**

- 6 **Prior to the commencement of the development, details of the management and use of the external areas to include structured activities, times of access, equipment and fencing, shall be submitted to and approved in writing by the Local Authority. The development shall thereafter be implemented in accordance with those approved details.**

**Reason: In the interests of protecting residential amenity.
(Policies BE8 S.B.L.P.R and 43 D.S.C.B).**

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/01 , 02, Drawing No. 01 and 02.

Reason: For the avoidance of doubt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford, MK42 9BD. Furthermore, in order to comply with Condition 5, the applicant is advised to use the Council's online management tool 'iOnTravel'.
4. The applicant is advised that in order to comply with Condition 2 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 (small works) of the Highways Act 1980 to ensure the satisfactory completion of the pedestrian route enhancement. Further details can be obtained from the Highways Development Control Group , Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".

5. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

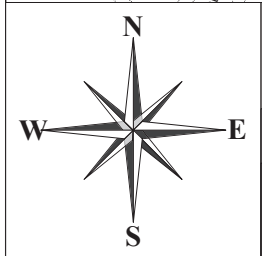
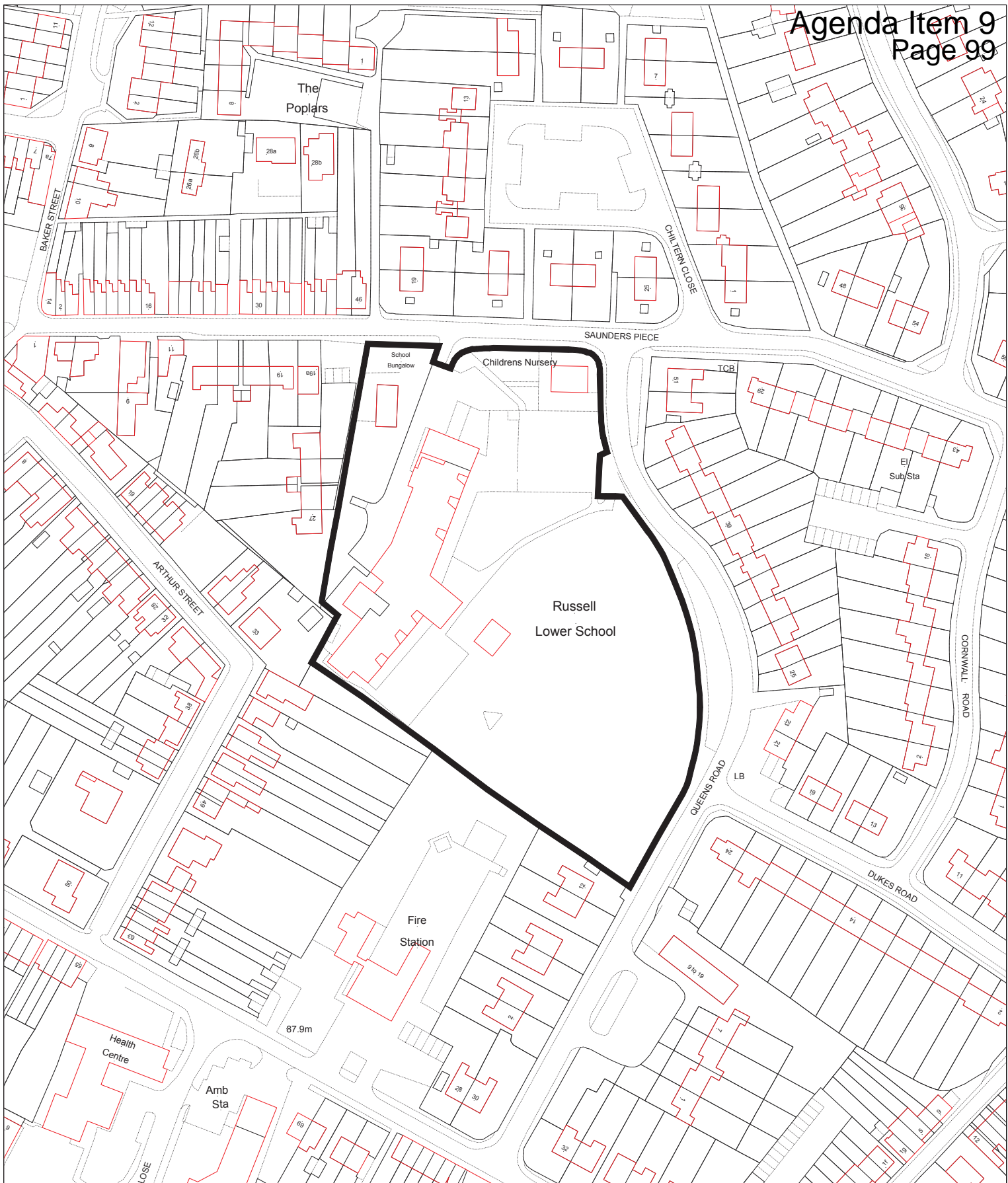
6. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

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

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 21:January:2014
Map Sheet No

Application No:
CB/13/04055/REG3

Scale: 1:1749

Russell Lower School, Queens Road, Ampthill.

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Item No. 9

APPLICATION NUMBER	CB/13/04055/REG3
LOCATION	Russell Lower School, Queens Road, Ampthill, Bedford, MK45 2TD
PROPOSAL	Extensions and alterations to existing school building/site to provide 6no. additional class bases. Also to include the removal of an existing temporary classroom, the creation of additional car parking spaces, revised playground arrangements, a new pedestrian access and works to the fabric of the existing school.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Clrs Duckett, Blair & Smith
CASE OFFICER	Annabel Gammell
DATE REGISTERED	10 December 2013
EXPIRY DATE	04 February 2014
APPLICANT	Children's Services, Central Bedfordshire Council
AGENT	David Turnock Architects
REASON FOR COMMITTEE TO DETERMINE	The application is on a school site, and an objection has been received.
RECOMMENDED DECISION	Regulation 3 - Granted

Reason for Committee to Determine:

The application is on a school site, and an objection has been received.

Summary of recommendation:

The application is recommended for approval, the extensions and alterations to the school site, would be appropriate for the location, and would not significantly impact upon the residential amenity of the adjacent properties. The development is considered acceptable subject to conditions in highway terms. The extensions are required for the capacity requirements of the school site, to ensure the satisfactory running of the education provision in Ampthill and this is considered a sustainable form of development in accordance with the National Planning Policy Framework, and Central Bedfordshire Core Strategy.

Site Location:

The site lies on the south side of Saunders Piece at its junction with Queens Road in the built up area of Ampthill. The site is roughly rectangular in shape and supports a Pre School porta cabin building, to the south of the site is Russell Lower School and its large playing field. The school is utilitarian in appearance, has been extended, and is a mixture of single storey and two storey brick built building, with accents of purple.

The site lies within a residential area and is largely surrounded by residential properties.

The Application:

This application seeks permission under Regulation 3 for extensions and alterations to existing school building to provide 6 no. additional classrooms. Also to include the removal of an existing temporary classroom, the creation of additional car parking spaces, revised playground arrangements, a new pedestrian access and works to the fabric of the existing school.

There would be two main extensions:

One forming 2 classrooms some 10 metres by 20 metres off the north eastern elevation.

One forming a hall extension, 3 classrooms, and offices some 25 metres by 20 metres.

There are also alterations to the main school building to create an additional classroom, additional hall space, Library and ancillary facilities. The project includes alterations to the appearance of the school building, by cladding. There is a new pedestrian access proposed on the southern side of the school playing field.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (March 2012)
Circular 11/95 - The use of Conditions in Planning Permissions

Core Strategy and Development Management Policies (November 2009)

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

Planning History

Application:	Planning	Number:	CB/13/00718/FULL
Validated:	27/02/2013	Type:	Full Application
Status:	Decided	Date:	10/04/2013
Summary:		Decision:	Full Application - Granted
Description:	Retention of one single temporary unit.		

Application:	Planning	Number:	CB/12/04091/REG3
Validated:	26/11/2012	Type:	Regulation 3
Status:	Decided	Date:	16/01/2013
Summary:		Decision:	Full Application - Granted
Description:	Installation of extract and ventilation system to the existing school.		

Application:	Planning	Number:	CB/12/01957/FULL
Validated:	15/06/2012	Type:	Full Application

Status:	Decided	Date:	24/07/2012
Summary:		Decision:	Full Application - Granted
Description:	Erection of timber play hut		
Application:	Planning	Number:	CB/10/02409/FULL
Validated:	08/07/2010	Type:	Full Application
Status:	Decided	Date:	16/09/2010
Summary:		Decision:	Full Application - Granted
Description:	Full: Erection of Children's Centre in existing school playing field. 2 no. canopies for buggy store and outdoor play. New access road to be created from the main road (Queens Road) in which 2 parking bays will be provided and turning circle.		
Application:	Planning	Number:	CB/09/06367/FULL
Validated:	13/11/2009	Type:	Full Application
Status:	Decided	Date:	05/01/2010
Summary:		Decision:	Full Application - Granted
Description:	Full: Retention of Temporary classroom building.		
Application:	Planning	Number:	MB/06/01942/CC
Validated:	20/11/2006	Type:	Regulation 3
Status:		Date:	07/12/2006
Summary:		Decision:	No objection
Description:	County Council: Retention of single temporary class room unit.		
Application:	Planning	Number:	MB/05/01747/CC
Validated:	19/10/2005	Type:	DO NOT USE - County Council Application
Status:		Date:	06/03/2006
Summary:		Decision:	No objection
Description:	County Council: Erection of new fence with gate and repositioning of existing fence.		
Application:	Planning	Number:	MB/05/00396/FULL
Validated:	17/03/2005	Type:	Full Application
Status:	Decided	Date:	13/05/2005
Summary:		Decision:	Full Conditional Approval
Description:	Full: Erection of portacabin for use by Ladybird Pre-school Playgroup		
Application:	Planning	Number:	MB/03/00449/CC
Validated:	11/03/2003	Type:	DO NOT USE - County Council Application
Status:	Decided	Date:	01/05/2003
Summary:		Decision:	No Objection to County Matter
Description:	County Council: Single storey extension to provide two new classrooms.		
Application:	Planning	Number:	MB/99/01107/CC
Validated:	30/07/1999	Type:	DO NOT USE - County Council Application
Status:		Date:	06/09/1999
Summary:		Decision:	No objection
Description:	COUNTY COUNCIL: EXTENSION TO FORM ADDITIONAL CLASSROOM, CLOAKROOM AND W.C.		
Application:	Planning	Number:	MB/96/00544/CC
Validated:	02/05/1996	Type:	Regulation 3
Status:	Decided	Date:	24/05/1996
Summary:	No objection	Decision:	No objection
Description:	COUNTY COUNCIL - REG 3: SITING OF SINGLE TEMPORARY CLASSROOM.		
Application:	Planning	Number:	MB/94/00901/CC

Validated:	06/07/1994	Type:	DO NOT USE - County Council Application
Status:	Decided	Date:	10/08/1994
Summary:	No objection	Decision:	No objection
Description:	COUNTY COUNCIL: WIDEN VEHICULAR ACCESS AND SEGREGATE VEHICULAR AND PEDESTRIAN ACCESS		

Application:	Planning	Number:	MB/84/00235/FA
Validated:	09/03/1984	Type:	DO NOT USE - Full Application
Status:	Decided	Date:	04/05/1984
Summary:	Full Conditional Approval	Decision:	Full Conditional
Description:	FULL: ERECTION OF TIMBER SHED FOR STORAGE OF PLAYGROUP EQUIPMENT		

Application:	Planning	Number:	MB/76/00019/FA
Validated:	15/01/1976	Type:	DO NOT USE - Full Application
Status:	Decided	Date:	11/03/1976
Summary:	Full Conditional Approval	Decision:	Full Conditional
Description:	FULL: CHANGING FACILITIES FOR CHILDREN		

**Representations:
(Parish & Neighbours)**

Amphill Town Council	That the above application be supported. Suggested that the road networks in the surrounding area should be enhanced.
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Neighbours	One letter of objection received and one letter of comment.
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47 Queens Road:

Object to this expansion on the grounds of the already congested road network around the school at drop off and pick up times, I feel that the report showing a 50% return on the traffic survey carried out nearly 3 years ago not representative of the congestion currently suffered by the residents of Queens Rd, The pictures of the parking on the grass are also not representative of the true level of traffic using the verge as a car park, and this is miss-leading of the amount of traffic and problems that already exist, especially on wet days.

Moving the entrance to the other end of the school playing field is not the answer either, as this will increase the danger of an accident with cars entering Queens rd from Dukes rd, the vehicles already park opposite the junction and make vehicles cross to the other side of the road and close to any vehicles coming out of the junction.

I will object to parking restrictions outside of my property as we (as most households) have 2 cars and cannot get them both on my driveway.

One answer could be a restriction to residents only

Additional Comments no address given, it was provided via the Town Council:

I understand that the expansion of Russell School is going ahead which is great news for the community of Ampthill. However, as residents living opposite the school gates we see on a daily basis the chaos that occurs with parents parking everywhere (even across our drive) making it a very dangerous place for children to cross and cars to drive past. Adding an extra 150 children to the mix is going to cause even more traffic and inappropriate unsafe parking. We try to avoid using our drive at certain times of the school day so as not to add to the traffic congestion but feel that this problem has not been addressed by the Council with regards to children's safety.

Please could you advise if there are any plans in place to alleviate this issue and concern.

Publicity

Site notice 18.12.13 - No comments received

Consultations/Publicity responses**Trees and Landscape**

Proposed work is to construct additional classrooms, parking spaces, playground and football pitch. The additional classrooms are all located to the south side of the existing building and are effectively on either existing play areas, field or on the footprint of the temporary classroom. The effect on the majority of the trees of importance should be minimal provided all detail and procedure regarding the appropriate tree protection fencing, ground protection and no dig construction all of which is detailed within Plans 2382.TPP, 2382.AIA and the supplied Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement is followed accurately.

A number of trees are identified for removal including small or poor form Fruit trees and various shrubs that are located on the land that is earmarked for the siting of additional car parking to the west of the site. A medium size poor form Norway Maple close to the new build and a stretch of mixed hedge approximately 15 metres in length to allow a new access path from Queens Road to the school. There would be no objection to the removal of these trees.

However I **do** object to the removal of the two mature Lime trees 2126 and 2125 both categorised as B2 in the tree survey and located at the entrance to the school from Saunders Piece and just outside the Ampthill Conservation Area.

Saunders Piece is characterised by a number of mature Lime trees both in the street and private properties and these two Limes are part of that character. The tree report comments on having to remove basal growth as regular maintenance but this is really minimal work and cost and would generally be carried out once maybe twice a year. These trees have had recent canopy work to reduce and remove any dead wood and no comments have been made regarding any issues of safety of these trees apart from the proximity to the entrance. Driving out from the school entrance does not really highlight any visibility problems. I feel the removal of these trees is detrimental and unnecessary.

The tree survey identifies 1743 a mature Lime tree as having low vigour and minor deadwood in the canopy and being designated category C2. I would suggest that based on a cursory inspection, the comments regarding this tree on the survey and its prominence in the landscape it is not right to be categorised as a C2. BS5837 2012 Trees in relation to Design Demolition and Construction describes Category C2 trees as "Trees present in groups or woodlands but without conferring on them significantly greater landscape value, and/or trees offering low or only temporary/transient landscape benefits". Clearly it is not C2. I would suggest that it is a Category B1 tree. I can see no obvious signs of low vigour and photos of the tree taken in leaf would appear to show a full canopy.

The new access path will pass directly through the root protection area RPA of this tree and it is imperative that the form of path and the procedure that has been detailed in the Tree Survey under Section 9.3.7 is followed accurately and in full detail.

A number of trees are to be removed for the development and it would be beneficial both for this area of Ampthill and also for the school to incorporate some new planting as part of the refurbishment and new development to enhance this site. I would suggest that some form of planting at the new access from Queens Road in the form of shrub planting and a line of four or five native trees alongside this new

path.

Public Protection

Details of new landscaping including species, sizes and densities of planting would be required.

I do not have objections to the proposed development, however I would ask that if during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Highways

I confirm that there is no fundamental highway reason why this proposal should not be considered for planning approval.

The scheme provides for an appropriate level of car-parking for staff and visitors whilst not making any provision for parent parking at drop off or pick up times. The plans for access, parking and turning within the school premises demonstrate an acceptable arrangement and will be managed by the school to ensure the safety of the children is not compromised.

I am aware of and witnessed that parent parking habits at the school gate and whilst I am not condoning the actions and indiscriminate parking of the few which undoubtedly causes stress and anguish to the local residents this is not unlike the situation at every other school gate during pick up and drop off times. I note the school has a robust Travel Plan and is proposing changes to take into account the potential increase in traffic movements and am aware that the Sustainable Transport Team has been consulted. Whilst their comments are awaited I have included a condition relating to the provision of a Travel Plan should the submission not meet all expectations of the Sustainable Transport Team at this stage.

I am aware that there is some debate about the retention of the two lime trees either side of the access onto Saunders Piece. Whilst I appreciate that the trees have been there for some time I have to say that if they were removed visibility for and of vehicles emerging from the access would be increased and hence highway safety improved. Had this proposal been for a new school with an access in this location we would not allow new trees to be planted in this sort of location. I strongly recommend that the trees be removed.

In these circumstances I am content that there is no justifiable highway safety or capacity reason the grant of planning permission should not be considered subject to conditions and advice notes.

Sustainable Transport No comments received - will be expressed on late sheet.

Determining Issues

The main considerations of the application are;

1. Character, context and design of external spaces
2. Residential Amenity
3. Highways Safety
4. Other Considerations

Considerations

1. Character, context and design of external spaces

The proposed extensions and alteration of the school building is considered to be an enhancement in the design of the school building, even though the overall design is not necessarily in keeping with the character of the area, which is predominantly residential. It is judged that having regard to the use of the building, it is appropriate for it to be individually designed. The proposal would include panels in a variety of pink/purple shades.

Currently the school is of relative utilitarian design, it is considered that this would result in a more inspirational learning environment, more appropriate for its use as a Lower School, whilst not harming that character or appearance of the area, it is therefore judged that the design complies with policy DM3 of the Core Strategy and Development Management Policies (2009). It is considered that the development on the school would not be prominent from the Amptill Conservation Area, and would preserve the character.

2. Residential Amenity

The school is within a residential area, it is bounded by Saunders Piece, and Queens Road, the main pedestrian access is from Queens Road, and the vehicular access is from Saunders Piece.

It is considered due to the distance from any residential property the single storey nature of the extensions, and the distance to the boundaries of the school site, it is unlikely that significant harm would be caused by the development in terms of light, outlook, privacy or the causing of an overbearing impact.

One letter of objection was received from a neighbouring resident, objecting to the intensification of the school use, resulting in increased pressure on the road. In addition to the objection and additional letter was received supporting the development, but highlighting the highway safety concern.

The principle concern with respect to the residential amenity of nearby occupiers is the potential for an increase in parking/highway safety, there is a separate section within this report to assess the development in terms of impact upon the public highway.

It is considered compliant with policy DM3 of the Core Strategy and Development Management Policies (2009) and Central Government guidance contained within the National Planning Policy Framework (2012) with respect to neighbouring amenity.

3. Highway Safety

There are no objections received from the Highways officer to the expansion of this school. It will result in an increase in pupils using the school site. It is understandable that residents have concerns regarding pick up and drop off time, however the school is within a sustainable location, which should reduce the dependency on car use, and an updated travel plan would be required to encourage non vehicular modes of transport to the site. It is considered that the access and parking area is suitable for the levels of staff proposed at the school, and that the access off Saunders Piece is not to be used for parent parking/turning.

4. Other Consideration

Human Rights issues

There are no known Human Rights issues.

Equality Act 2010

There are no known issues under the Equality Act.

Trees and Landscaping:

An objection was raised from the Tree Officer to the removal of the trees on the frontage (existing vehicular access). It is considered on balance that although it is unfortunate that the trees are to be removed, these are not protected by a Tree Preservation Order and not within the Conservation Area. If the school wish to remove them, then no express consent to do so would be required. It is considered that it would be appropriate to have replacement planting elsewhere on the site. It is considered that a tree planting condition would be appropriate, detailing the species, size of specimens and locations of the proposed trees.

Impact on playing field:

The location of the proposed extension is on an area currently adjacent to the playing field of the school site, there is an existing temporary unit, and the grassed area is for amenity rather than formal play purposes. Plan number AP0202 shows the pitch laid out for formal sports purposes, it is considered that the proposals would not harm playing field provision.

Recommendation

That Planning Permission granted for the following reasons:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality. (Policy 43, DSCB)

- 3 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping. (Policies 43 and 58, DSCB)

- 4 The proposed development shall be carried out and completed in all respects in accordance with the on-site vehicular 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.

5 **No works to begin on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**

- **Construction vehicle numbers, type, routing;**
- **Traffic management requirements;**
- **Construction and storage compounds (including areas designated for car parking);**
- **Siting and details of wheel washing facilities;**
- **Cleaning of site entrances, site tracks and the adjacent public highway;**
- **Timing of construction activities to avoid school pick up/drop off times;**
- **Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**
- **Post construction reinstatement of any footway following removal of the trees at the Saunders Piece access.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

6 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and manoeuvring of vehicles within the site.

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

7 Prior to the occupation of the proposed extension and alterations an updated Travel Plan for the school site will be required to reflect the proposed redevelopment, anticipated increase in numbers of staff and pupils. This should include:

- An action plan to mitigate the increased traffic flow
- Targets to reduce car use and increase walking and cycling;
- A timetable to monitor, implement any measures identified and review the travel plan.

Reason: In the interest of pupil safety, to reduce congestion and to promote the use of sustainable modes of transport.

8 Prior to the new premises or pedestrian access onto Queens Road being brought into use details of new road markings and associated Traffic regulation Orders together with guard railing as necessary, shall be submitted to and approved by the local Planning Authority.

Reason: To ensure the provision of appropriate facilities to safeguard against parking in the proximity of the new school gate is provided in the

interests of highway safety.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers AK0036, 2382.TPP, 2382.AIA, AP0201, AL0101, AK0033_P01, AS0201, AS0202, AP202,AK0035_P01, AK0034_P01, AS0003_P01, AS0032_P01.

Reason: For the avoidance of doubt.

Notes to Applicant

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

3. Highway Notes

Advice Note1/. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion

of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

AN2/. 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

AN3/. The applicant is advised that no highway surface water drainage system designed as part of the 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 Highways Development Control group, Development Management Division, Central Bedfordshire Council. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council.

AN4/. The applicant is advised that all cycle and scooter parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

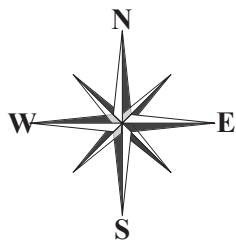
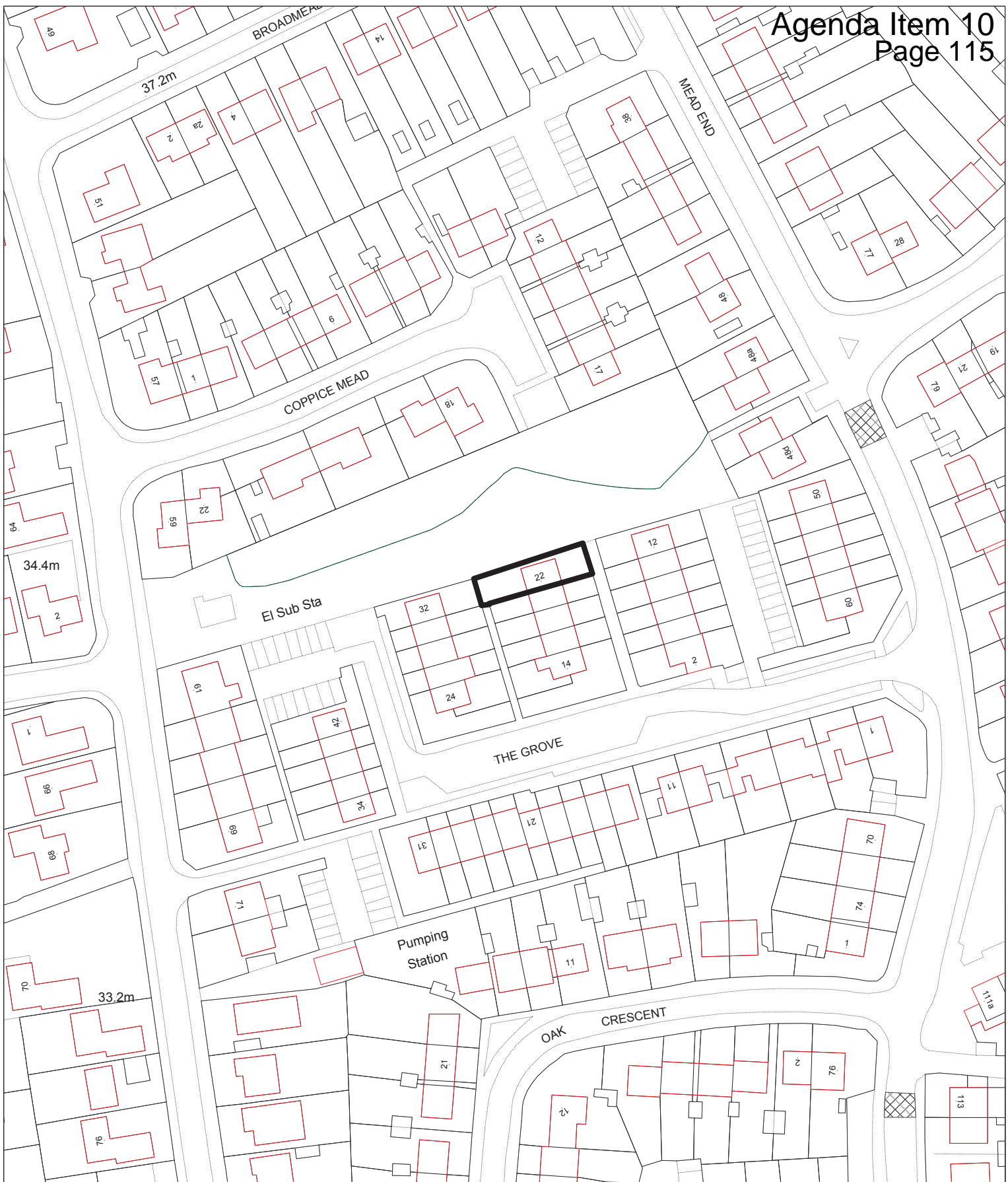
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

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.

DECISION

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Date: 17:January:2014

Map Sheet No

Application No.
CB/13/040209/FULL

Scale: 1:1250

22 The Grove, Biggleswade, SG18 8JW

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Item No. 10

APPLICATION NUMBER	CB/13/04209/FULL
LOCATION	22 The Grove, Biggleswade, SG18 8JW
PROPOSAL	Single storey front and side extension
PARISH	Biggleswade
WARD	Biggleswade South
WARD COUNCILLORS	Cllrs Lawrence & Woodward
CASE OFFICER	Samantha Boyd
DATE REGISTERED	02 December 2013
EXPIRY DATE	27 January 2014
APPLICANT	Ms V Cortell-Ibanez
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Applicant is a member of staff
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties therefore by reason of its size, design and location, the proposal is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012. It is further in conformity with the Supplementary Planning Guide: Design in Central Bedfordshire: A Guide for Development, 2010.

Site Location:

22 The Grove is a late 1960's end of terrace property within the heart of Biggleswade. The property is set away from the public highway accessed via a pedestrian footway that runs between the existing dwellings. The surrounding properties are similar in that they are rows of terraces with access only from the footpaths.

The side boundary of the application site adjoins an area of open space known locally as 'The Spinney'. The area is entirely residential in nature.

The Application:

Planning permission is sought for a single storey front and side extension. The front extension projects approximately 2.6m from the front elevation, extending across the whole width of the property before wrapping around the side wall and extending back by 1.9m where it would join an existing storage shed building. The roof would be of a lean to design 3.6m in height with an eaves height of 2.5m.

The extension would provide an extended lounge and a downstairs bathroom.

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

DM3 High Quality Development

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Planning History

There is no planning history

**Representations:
(Parish & Neighbours)**

Biggleswade Town Council	No objections
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Neighbours Site Notice displayed	No comments received 17/12/13
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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. Impact on neighbours
3. Any other considerations

Considerations

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

The property is the last in a terrace of properties and set well back from The Grove. The proposed extension will therefore not be visible within the main street scene of The Grove. Apart from window styles and differing storm porches, the row of terraces are all similar in character and none have extended to the front. The proposed extension would alter the regular pattern of the terrace, however the extension is modest in scale and as the application site is at the end of the row, the extension would not appear dominant or out of keeping with the existing dwellings.

The proposed extension is considered to be acceptable in terms of the effect on

the character and appearance of the area which accords with Policy DM3 of the Core Strategy.

2. Impact on neighbours

The proposed extension would only affect the adjoining property, No 20 The Grove which is located to the south of the application site. The extension would project along the shared boundary by 2.6m at single storey height.

The neighbouring property has a ground floor window on the front elevation which may suffer some impact from the proposal. However the proposal would not fail the 45 degree test used for assessing light loss, as explained in the Supplementary Planning Guide: A Guide for Development: Residential Extensions and Alterations.

Given the location and scale of the extension no adverse loss of sunlight would occur, nor would the extension be considered as overbearing.

No windows are proposed that would result in overlooking.

The proposed extension is considered to be acceptable in terms of the impact on neighbouring amenity in accordance with Policy DM3 of the Core Strategy.

3. Any other considerations

Human Rights/Equality

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.

There are no further issues to consider relevant to this application.

4. Conclusion

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties therefore by reason of its size, design and location, the proposal is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012. It is further in conformity with the Supplementary Planning Guide: Design in Central Bedfordshire: A Guide for Development, 2010.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

2 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12431/1, 12431/6, 12431/7.

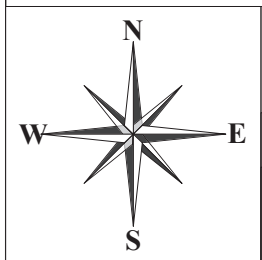
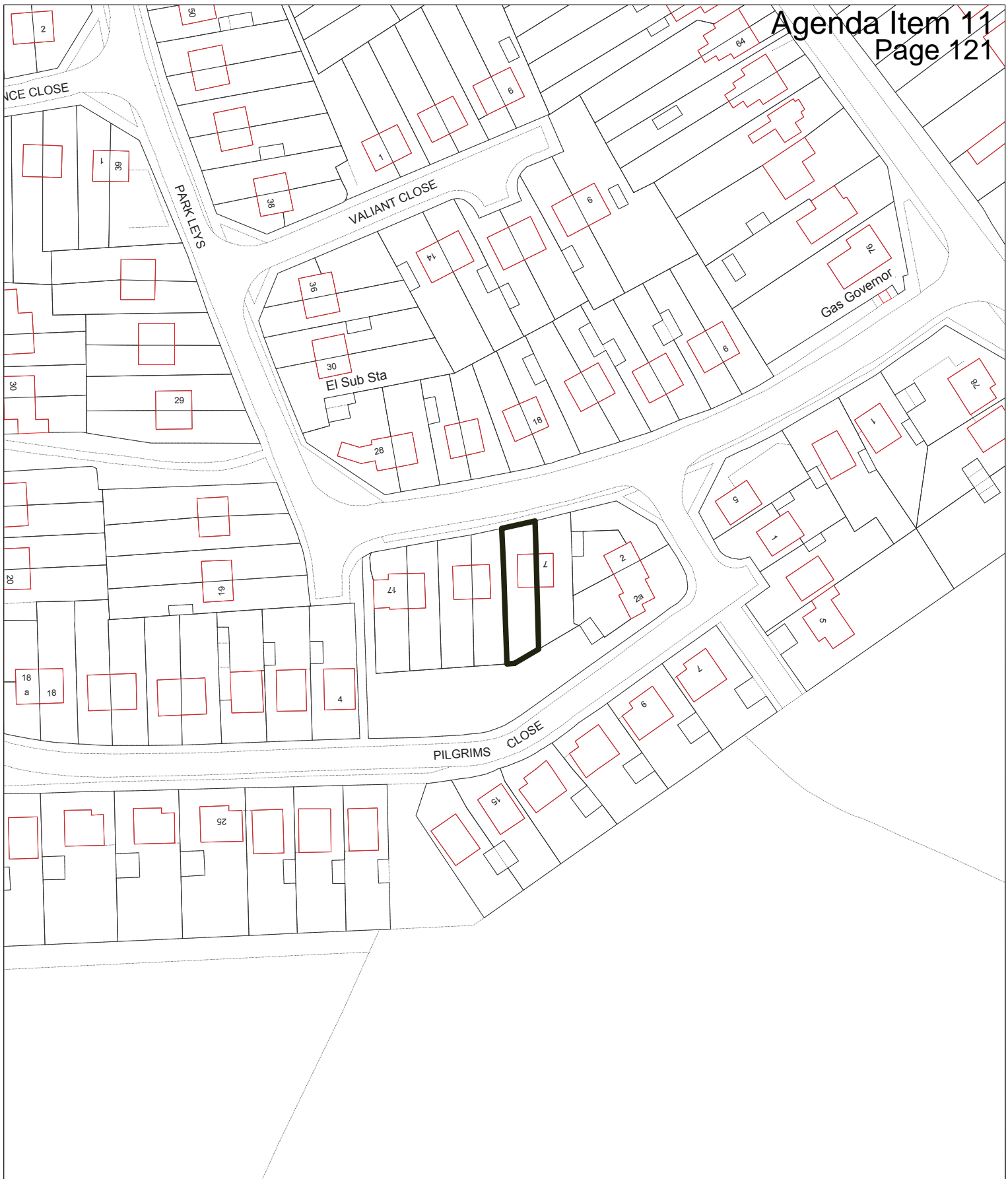
Reason: For the avoidance of doubt.

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

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

DECISION

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Date: 21:January:2014

Grid Ref: 503652, 230072

Application No.
CB/13/03796/FULL

Scale: 1:1250

9 Park Leys, Harlington, Dunstable, Beds. LU5 6LY

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Item No. 12

APPLICATION NUMBER	CB/13/03796/FULL
LOCATION	9 Park Leys, Harlington, Dunstable, LU5 6LY
PROPOSAL	Single storey front & ground & first floor side & rear extensions
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Sarah Fortune
DATE REGISTERED	29 October 2013
EXPIRY DATE	24 December 2013
APPLICANT	Mr A Lawrence & Miss M Ellis
AGENT	R A Hollowood
REASON FOR COMMITTEE TO DETERMINE	Applicant is a member of staff
RECOMMENDED DECISION	Full Application - Granted

Summary of recommendation:

The proposal is for the erection of a single storey front extension and single storey and first floor side and rear extensions. The size, siting and design of these additions are considered to be acceptable in relation to the character of the house and the visual amenities of the street scene generally. There will not be an unduly adverse impact on the amenities of neighbours. The proposal is in conformity with policies CS1, DM3 and DM4 of the Core Strategy and Development Management Planning Document dated 2009 and policies 4, 38, 43 in the emerging Development Strategy for Central Bedfordshire dated 2013.

Site Location:

The site lies on the south side of Park Leys in the built up area of the village of Harlington and comprises of a semi-detached, two bedroomed house with attached single garage that was built over 30 years ago. It lies within a large estate of semi-detached and detached houses.

The adjoining semi-detached house has had the benefit of a two storey side extension and ground floor front addition under planning consent ref: 98/1025 dated 1998.

The Application:

This application is for the erection of a single storey front extension as well as single storey and first floor side and rear extensions. The house has had the benefit of a single storey rear extension which is used as a kitchen. The existing single width garage is to be demolished.

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
DM3 Amenity
DM4 Development within and beyond Settlement Envelopes.

Emerging Development Strategy for Central Bedfordshire dated 2013

Policy 43 High Quality Development
Policy 38 Development within and beyond Settlement Envelopes.
Policy 4 Settlement Hierarchy

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

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

Planning History

MB/80/01447	Garage and single storey rear extension Granted: 13/01/1981
MB/88/01363	Car port. Granted: 14/09/1988

**Representations:
(Parish & Neighbours)**

Harlington Parish Council	No objections
Neighbours App Adv	No observations received.

Consultations/Publicity responses

Highways Officer	No objections to revised plans subject to conditions.
E.H.O.	No comment

Determining Issues

The main considerations of the application are:

1. Size, Siting and Design in relation to the character of the house and the

- visual amenities of the area generally
2. Impact on amenities of neighbours
3. Parking and Other Considerations

Considerations

Human Rights issues

There are no relevant Human Rights Issues

Equality Act 2010

There are no relevant issues under the Equality Act

1. Size, Siting and Design in relation to the character of the house and the visual amenities of the area generally

The house is a relatively modern dwelling in the village of Harlington. Harlington is defined as a Large Village under Policy CS1 in the Core Strategy and Development Management planning Document dated 2009. There are no objections to the principle of extensions to houses in this location in accordance with Policies CS1, DM3 and DM4 within the Core Strategy and Development Management Planning Document dated 2009 and policies 4, 38 and 43 in the emerging Development Strategy for Central Bedfordshire dated 2013 as long as the siting, size and design are in keeping with the house and the visual amenities of the street scene generally and that the proposals comply with the Council's design guide on House Extensions and Alterations dated 2009.

It is proposed to erect a two storey side extension to provide for a garage, utility and cloakrooms on the ground floor with a study, bathroom and en suite above. This is to have a width of 2.9 metres and be built up to the shared boundary with number 11 Park Leys to the west.

Whilst it is generally considered to be inappropriate for two storey additions to be allowed to be built up to their shared boundaries (especially when there are similar styled houses on both sides of the site which may want to have similar two storey side additions) in this case there are already many other similar extensions to similar styled houses which have taken place over many years and therefore the proposal would not be out of keeping with the character of the area. Any potential terracing effect will be ameliorated by both the difference in ground levels between this house and the property to the west and the fact that it is not on the same building line.

A revised plan has been submitted which shows this side addition set down from the main roof and set back from the house frontage so that it reads as being subservient to the main and original house and this complies with the design guide on House Extensions and Alterations.

To the rear of this is to be a part two storey and part first floor rear addition to provide for a kitchen diner on the ground floor with bedroom three above. This is to have a depth of 3.546 metres with the first floor addition - which is to be built partly over the existing ground floor addition - having a width of 4.675 metres.

The single storey lean to pitched roof front extension is to extend out by 7 metres from the forward most projection of the front elevation and is to extend over the whole frontage width of the extended house with the small porch area having only a lean- to roof cover. This addition is to provide for an extension to the garage and sitting room.

Clearly these additions are large in relation to the size of the original two bedroomed house and the house has already had a single storey rear extension.

However, the estate is characterised by large additions to very similar designed houses and in view of this it is felt that it is appropriate to look at the proposals in relation to their context - i.e. an area of many extended houses which have similar sized additions. It is considered that the proposal will not have an adverse impact on the character of the house or the pair of houses or the wider street scene.

The proposals comply with policies in the Core Strategy and Development Management Planning Document, the emerging Development Strategy for Central Bedfordshire dated 2013 and the design guide on House Extensions and Alterations dated 2009.

2. Impact on amenities of neighbours

The neighbours that will be potentially most affected by these extensions are those in the adjoining house at number 7 Park Leys to the east of the application site. There is already a single storey rear addition which has a depth of 4 metres and is built up to the shared boundary with this neighbouring house and the proposals will mean that the two storey element will be at 2.65 metres at its closest to this shared boundary. There will be some loss of outlook and overshadowing to this neighbour as a result of the first floor addition but in view of the fact that number 7 is on the east side of the application property there will only be some loss of direct sunlight later on in the day when the sun approaches a westerly direction.

The single storey front addition is to extend across the width of the front of the house and is to extend out 0.7metres from the original front of the forward most part of the house. This will result in some loss of outlook to number 7 Park Leys and some loss of light into the front facing dining room window but this window already has a mature conifer tree in front of it which already restricts light to this window. Loss of amenity will not be sufficient as to withhold planning permission.

The house to the west - known as number 11 Park Leys - is at a distance of 2.8m from the shared boundary with the application site. This property has had a single storey lean to pitched roof front and this addition is approximately in line with the existing front elevation of the application property. The proposed two storey side extension to the application site and the two storey rear extension are to be built so that they are up to the shared boundary with this neighbour. There are to be only two high level windows in this first floor of this side elevation and these are to serve an en suite and a bathroom so there will be limited potential for overlooking from these. This house next door only has a ground floor door in the side elevation facing the application property. Loss of amenity to this neighbour will be minimal.

3. Parking and Other Considerations

There are two parking spaces on the site at present and one of these is in the attached single garage. The proposals will provide for two parking spaces to the front of the house and one in the new garage. The highways officer is of the opinion that now the revised plans have reduced the depth of the front addition the proposals are acceptable from a highways perspective. The house is accessed from a typical estate road serving a number of similar properties. On-street parking is not prohibited and already occurs along much of its length. Whilst the scheme will effectively be one space short of full compliance with the LTP3 Appendix F standards it is considered that in this area of Harlington, where on street parking is available and can be tolerated without demonstrable harm to the wider highways network, a refusal could not be sustained on grounds of the lack of one parking space. In order that the side by side parking can be achieved in the front garden of the house it will be necessary to extend the dropped kerb and widen the crossover.

In order to provide adequate space for vehicle parking to the front of the garage a condition requiring the installation of an electrically operated roller shutter door is recommended.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 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 Before the development hereby approved is occupied all on site vehicle 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 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 uses of the premises and ensure satisfactory parking of vehicles outside highway limit.

- 4 The development hereby approved shall not be occupied until such time that the existing vehicle access has been widened to allow access to the on-site parking as shown on the approved plan number 131631/4/Proposed.

Reason: To secure a satisfactory access and off-road parking provision appropriate to the development, in the interest of public safety and convenience.

- 5 Notwithstanding the details shown on the submitted plan the garage hereby permitted shall be provided with electronically operated roller shutter or other similar non protruding doors in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that vehicles parked in front of the garage to not adversely affect the safety and inconvenience of road users by overhanging the adjoining public highway.

- 6 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 previously agreed in writing by the Local Planning Authority.

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.

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 131631 (amended 01/2014), 131631/1 and 131631/5

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 Amphill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

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

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

DECISION

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Meeting: Development Management Committee

Date: 5th February 2014

Subject: Development Management Performance Statistics

Report of: Assistant Director of Planning

Summary: The report provides a bi-annual update of Development Management Performance

Advising Officer: Assistant Director of Planning

Contact Officer: Andrew Davie Head of Development Management
(Tel: 0300 300 8307)

Pubic/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is an information report for noting Development Control Performance Statistics

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 a six monthly update of Development Control Performance Statistics at Appendix B

Background

10 There has been improved performance in all three statutory class categories compared with the same Quarter 1 (Apr-Jun) & Quarter 2 (Jul-Sep) periods in 2012. Major applications have increased from 34% to 60%; Minor applications from 71% to 78% and Other applications from 92% to 93%.

11. There has been the introduction of new Legislation in 2013 which has impacted upon performance.

The introduction of Agreements to Extension of Time for applications.

For most, it is expected that applications can be dealt with within the 8, 13 or 16 week statutory period, but for some applications a bespoke timetable is appropriate. This is accepted by government and the provisions of the Growth and Infrastructure Act that brings in the power to designate poor performing authorities, also recognises that where council and applicants agree, the timetable for dealing with major development applications can be extended beyond 13 or 16 weeks so long as the council and the applicant agree. Provided the council is then able to meet the new agreed date, an application will be counted as satisfying the timeliness requirement for major development applications.

There are strong economic development arguments that positive planning –

effective development management - requires councils to have systems that can deliver all of good quality developments with proper consideration of all the relevant material considerations within a timetable for delivering a decision on a planning application.

- 12** Introduction of new Permitted Development rights for Larger home extensions and Prior Approval for Changes of Uses came into force on 30 May 2013.

24 Permitted Development and 9 Prior approval applications registered 30 May to 30 September.

- 13** Planning Performance Agreements and Pre-application advice.

6 new Planning Performance Agreements received in Quarters 1 & 2 of 2013/14.

Charging for householders' pre-application advice commenced in April 2013 – 67 advice requests validated in Quarters 1 & 2 of 2013/14.

- 14** There has been an increase in applications received in Qtr 1 & 2 compared with 2012.

Appendices:

Appendix B – Development Control Performance

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