

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



please ask for Martha Clampitt
direct line 0300 300 4032
date 20 February 2014

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 5 March 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 5 February 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/13/04201/Full</p> <p>Address : Land off High Street and Lodge Road, Cranfield</p> <p>The erection of 20 dwellings for residential purposes along with garage, sewers, roads and all ancillary details.</p> <p>Applicant : Charles Church Development Ltd</p>	11 - 30
7	<p>Planning Application No. CB/13/04425/Full</p> <p>Address : Land Adjacent 82 and 84 Station Road, Ridgmont</p> <p>Change of use of existing car park to area for the storage of cars.</p> <p>Applicant : Mr M Boyce</p>	31 - 44
8	<p>Planning Application No. CB/14/00389/REG3</p> <p>Address : Priory House, Monks Walk, Chicksands, Shefford.</p> <p>Extension to office car park for 146 car parking spaces.</p> <p>Applicant : Central Bedfordshire Council</p>	45 - 54
9	<p>Planning Application No. CB/13/03494/Full</p> <p>Address : Land South of Potton Road, Biggleswade.</p> <p>Erection of new mixed use local centre to include 51 residential units, approximately 1156sqm (net) of floor space for a mixture of uses (A1, A2, A3, B1 & D1) a 60 bed (C2) care home, central square kiosk, community building and associated infrastructure.</p> <p>Applicant : Martin Grant Homes & Taylor Wimpey Homes</p>	55 - 72

10 **Planning Application No. CB/13/04451/Full** 73 - 84

Address : Crossways Park, Hitchin Road, Arlesey.

Alterations to access road incorporating changes to road layout and incorporation of new footpath to Hitchin Road from development approved under planning permission CB/10/02584/REN and CB/11/02358/RM.

Applicant : UK Construction

11 **Planning Application No. CB/14/00077/Full** 85 - 114

Address : 2 High Street, Stotfold

Resubmission of approved Planning Application CB/13/00892 – New Detached dwelling.

Applicant : Mr McNeill

12 **Site Inspection Appointment(s)**

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 2 April 2014 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

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

Meeting: Development Management Committee
Date: 5th March 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 March 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, awaiting confirmed Court date.
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. New owners to submit revised planning application.
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 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
6	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 to be obtained, await joint site visit.
7	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
8	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/FULL submitted 13/12/13 to retain mobile home, await outcome.
9	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 of building materials.	06-Sep-13	06-Oct-13	06-Dec-13	Appeal received 27/9/13			Await outcome of appeal - Inquiry
10	CB/ENC/12/0079	Woodstock Cottage, 44 High Street, Flitton, MK44 5DY	Listed Building Urgent Works Notice - works to Listed Building	04-Feb-14	11-Feb-14					Discussions with owner to undertake work.

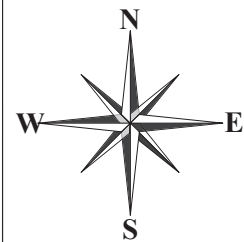
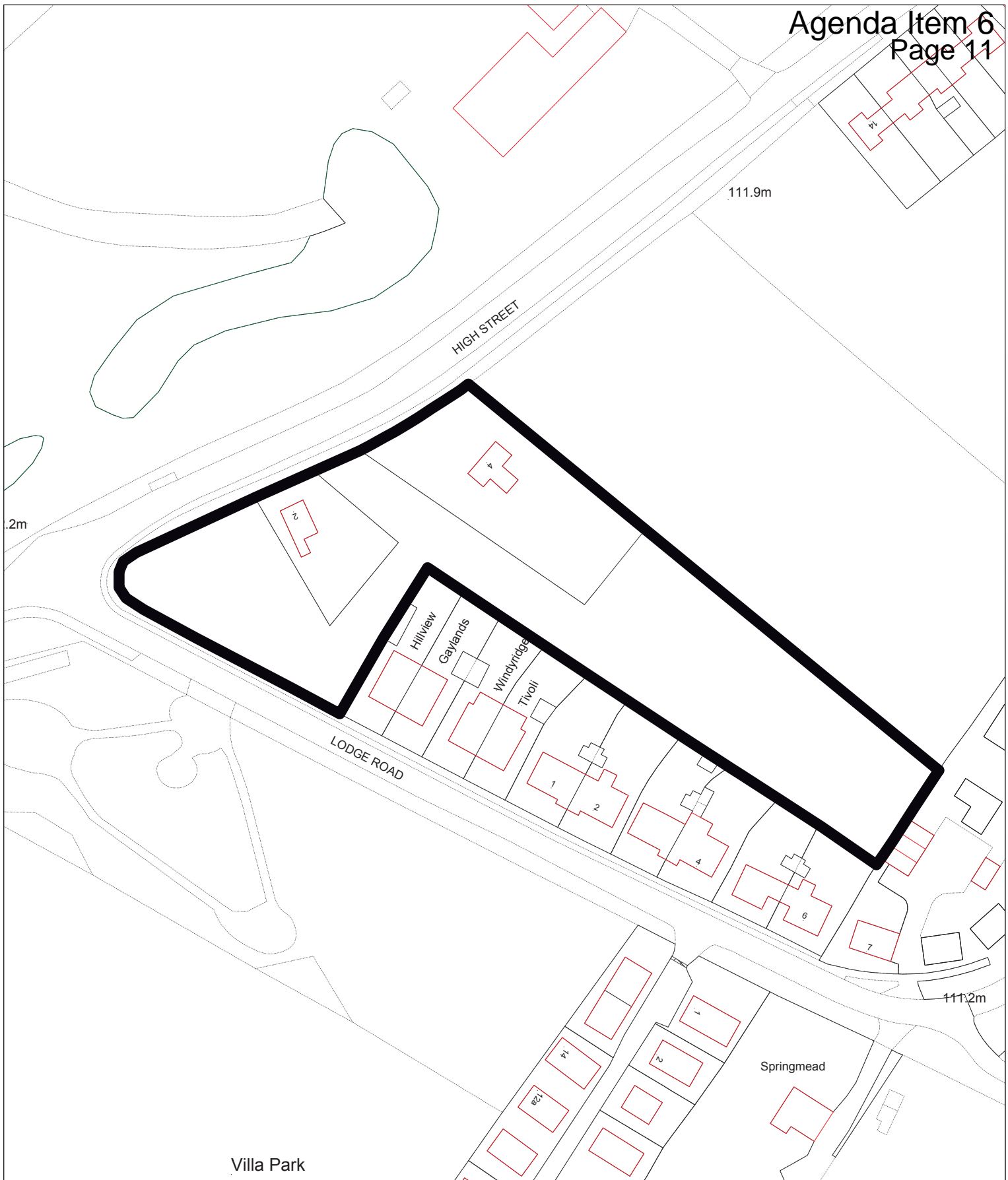
Planning Enforcement formal action (DM Committee 5th March 2014)

	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 adjourned to May 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			In abeyance	In abeyance to end June 2014 pending discussions re submission of application for acceptable development.
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				Joint site visit to take place
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/13/0011	8 High Street, Biggleswade, SG18 0JL	Unauthorised advertisement in Conservation Area						Not complied	Planning application submitted, await revised Court date
20	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. Unauthorised development being removed w/e 23/2/14
21	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

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

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
22	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
23	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	Check land reinstated by 31/3/14
24	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
25	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
26	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.
27	CB/ENC/13/0412	Land at 19a High Street South, Dunstable. LU6 3RZ	Enforcement Notice Change of use offices to bedsits	20-Jan-14	20-Feb-14	20-Aug-14				Check compliance 20/8/14
28	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
29	CB/ENC/14/0006	Land at Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade. SG18 9DP	Enforcement Notice - Breach of condition 6 planning permission MB/05/01478/FULL, and condition 6 planning permission CB/13/01378/VOC	27-Jan-14	24-Feb-14	24-Mar-14				Check compliance 24/3/14

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Date: 13:February:2014

Grid Ref: 494824, 241675

Application Number
CB/13/04201/FULL

Scale: 1:1250

Land off High Street & Lodge Road, Cranfield, Beds. MK43 0BG

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Item No. 6

APPLICATION NUMBER	CB/13/04201/FULL
LOCATION	Land off High Street and Lodge Road, Cranfield, Bedford, MK43 0BG
PROPOSAL	The erection of 20 dwellings for residential purposes along with garages, sewers, roads and all ancillary details.
PARISH	Cranfield
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Gammell
DATE REGISTERED	12 December 2013
EXPIRY DATE	13 March 2014
APPLICANT	Charles Church Development Ltd
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from core strategy policy HA8
RECOMMENDED DECISION	Full Application - Approve

Summary of Recommendation:

The development is considered acceptable as it accords with national and local planning policy documents. The site was allocated for residential development within the Central Bedfordshire Core Strategy and Development Management Policies. The design and layout at the site would be good and the amount and quality of play space would be acceptable. No significant harm would be caused to living conditions of adjacent neighbouring properties. It is considered that a single vehicular access would be an acceptable solution for site access, in addition parking would be provided in accordance with the Council's standards. The development is suitably in accordance with policies HA8, CS2, CS7, DM3, DM4 of Central Bedfordshire Core Strategy and Development Management Policy Document, in addition to this it is considered this would result in a sustainable form of development in accordance with the National Planning Policy Framework.

Site Location:

The site comprises an area of some 0.69 ha, and is located to the corner of Lodge Road and High Street in Cranfield. The site currently has two derelict dwellings set well back from the road, and the land forms a long "L-Shape", encompassing the corner of Lodge Road, which is the southern gate way to Cranfield.

To the North and east of the site are agricultural fields, where the approved scheme for 370 houses known as "Home Farm" is being developed, there are 10 dwellings to the south fronting onto Lodge Road.

Vehicular access is taken from two private drives onto Lodge Road, three private drives onto High Street and the main access serving fifteen dwellings off High Street. The High Street is one of the main vehicular routes through Cranfield, and Lodge Road, is a smaller country lane, which is the access to sporadic residential development on the eastern edge of Cranfield.

The Application:

Planning permission is sought for the erection of 20 dwellings made up of the following:

- Market Housing (14 units)

4 x 2- bedroom houses

1 x 3-bedroom houses

9 x 4-bedroom houses

- Affordable housing (6 units) (30%)

4 x 1-bedroom flats

2 x 2-bedroom houses

Relevant Policies:

National Policy

National Planning Policy Framework (2012)

Local Policy

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS4	Linking Communities – Accessibility and Transport
CS5	Providing Homes
CS7	Affordable Housing
CS9	Providing Jobs
CS13	Climate Change
CS14	High Quality Development
CS17	Green Infrastructure
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix
DM14	Landscape and Woodland
DM15	Biodiversity
DM17	Accessible Green spaces

Site Allocations (North) Development Plan Document (2011) -HA8

Planning Obligations Supplementary Planning Document (2009)

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

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

Relevant Planning History:

Application: Planning **Number:** MB/94/00648/FA
Validated: 18/05/1994 **Type:** DO NOT USE - Full Application
Status: Decided **Date:** 30/06/1994
Summary: Full Conditional Approval **Decision:** Full Conditional Approval
Description: FULL: ERECTION OF CONSERVATORY TO REAR AND DETACHED GARAGE.

Application: Planning **Number:** MB/91/00197/FA
Validated: 05/02/1991 **Type:** Listed Building
Status: Decided **Date:** 16/04/1991
Summary: Permitted Development **Decision:** Permitted Development
Description: FULL: CHANGE OF USE FROM DOMESTIC GARAGE TO DENTURE AND ORTHODONTIC WORKSHOP

Application: Planning **Number:** MB/81/0747A/FA
Validated: 06/05/1985 **Type:** DO NOT USE - Full Application
Status: Decided **Date:** 01/07/1985
Summary: Full Conditional Approval **Decision:** Full Conditional
Description: FULL: ALTERATION TO FORM ADDITIONAL ROOM IN ROOF

Application: Planning **Number:** MB/81/00747/FA
Validated: 01/10/1981 **Type:** DO NOT USE - Full Application
Status: Decided **Date:** 26/11/1981
Summary: Full Conditional Approval **Decision:** Full Conditional
Description: FULL: GROUND FLOOR REAR EXTENSION

Application: Planning **Number:** MB/75/1493A/FA
Validated: 06/05/1976 **Type:** Listed Building
Status: Decided **Date:** 01/07/1976
Summary: Full Conditional **Decision:** Full Conditional
Description: FULL: ALTERATIONS AND NEW FIRST FLOOR

Application: Planning **Number:** MB/75/01493/FA
Validated: 18/11/1975 **Type:** Listed Building
Status: Decided **Date:** 13/01/1976
Summary: Refused **Decision:** Refuse
Description: FULL: ALTERATIONS AND NEW FIRST FLOOR

Consultation responses:

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

Cranfield Parish Council No comments received

Neighbours Three letters of concern/comment/objection have been received:

6 Lodge Road

1). If not already in place in the design, I would ask that the side windows to the dwelling on plot 20 (especially the upstairs landing window) be constructed with obscure glass to stop direct overlooking into the rear windows/gardens of 5 and 6 Lodge Road.

2). I request that there be fixed and solid, vertical privacy screens to the southerly sides of the upstairs windows on the social block of houses (plots 15-20), so as to restrict views into the rear part of the dwelling being constructed at 6 Lodge Road. This would be views into the master bedroom, the kitchen, the dining room and hallway/stairs/landing. According to the Planning Layout plan for the proposal, the social block of houses is angled towards the rear of 6 Lodge Road. This would mean anyone standing near to any of the six upstairs rear windows could easily see into the majority of the dwelling at 6 Lodge Road, which would lead to a concerning lack of privacy. The closest window looks to be only around 15-20 metres from the rear windows of 6 Lodge Road and only a few metres from the rear boundary of 6 Lodge Road. The Planning Layout plan is not up to date with the envelope of the dwelling that is being built at 6 Lodge Road, which had planning approval prior to this submission, so when this matter is looked into, please take this into account.

3). I would like to be consulted on the treatment of the rear boundary between plot 20 and 6 Lodge Road.

Hillview, Lodge Road

I would like to be consulted on the treatment of the side boundary between plot 1 on the proposal and Hill View, Lodge Road, as this boundary currently consists of different wall and fence types of varying heights and in one place only fence posts marking the boundary line.

Tivoli, Lodge Road

1. Wish to preserve village status
2. Cranfield has many attractive buildings, often on small and awkward plots, the design of the proposal is unimaginative and the houses are too big.
3. Concern over gaining access to the rear of the properties on Lodge Road.
4. Insufficient play space.
5. Unsuitable landscaping.
6. Lack of a public green.
7. Fear of living on a traffic Island, bounded by the new access road and Lodge Road.

Consultee responses:

Waste	No comment received
Play Officer	No comments received
Housing Development Officer	No objection
Highways	<p>As you will be aware from pre application involvement there is no fundamental highways objection to this proposal. The on-site layout as shown is acceptable and access arrangements appropriate both on High Street and Lodge Road and have been submitted in accordance with pre-app discussions with the applicants.</p>
Public Protection	<p>Given that Cranfield Airport is near to the location of the proposed development I am concerned regarding potential internal and external noise levels. Therefore I would recommend that the following condition be attached to any grant of permission -</p> <p>"Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure that internal noise levels from external air traffic noise sources shall not exceed 35dB LAeq, 07.00-23.00 in any habitable room or 30 dB LAeq, 23.00-07.00 and 45 dB LAm_{ax} 23.00-07.00 inside any bedroom and that external noise levels from air traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority".</p>
Trees and landscaping	<p>The site is relatively flat and at present is mainly rough grassland, areas of hardstanding and old buildings. There are a number of hedges on the site and around the perimeter, and few trees of any significance.</p> <p>To the north east of the site there is adjoining land that has a planning permission granted for a further housing development and additional development to the south east of the site.</p>

This area of Cranfield does not have a great deal of existing landscaping and few mature trees but the proposal would appear to be intending to remove quite a large amount of the hedgeline to the west and north boundaries to allow for access mainly to individual properties. The Design and Access Statement does refer to these hedgelines and their importance. It would seem possible to change the access for Plots 1 to 5 to come from the main access to the site rather than giving these plots individual access points from the High Street and Lodge Road which would substantially reduce the need to remove such a large percentage of these hedgelines.

There seems in this layout to have little in the way of landscaping or tree planting in the highway area and there is no indicated amenity area that could include any planting.

Rear garden areas of Plots 15 to 20 appear to show the removal of an existing mature hedgeline to be replaced with new tree planting. I would sooner see the existing hedgeline trimmed back and retained as a hedge and an existing boundary rather than removed. The existing hedgeline is a continuation of an extensive hedge and tree belt that divides what will be two housing estates in the future and as such acts as an important wildlife corridor between two areas.

Ecology

Further details required to fully assess.

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. Layout and appearance
3. Impact upon existing neighbours and future living conditions
4. Traffic and parking
5. Other considerations
6. s106 and affordable housing
7. Conclusions

Considerations:

1. Principle of the development

This site is allocated by Policy HA8 (Land at Lodge Road and High Street) of the Site Allocations Development Plan Document which states:

Land at High Street/Lodge Road, Cranfield, as identified on the Proposals Map, is allocated for residential development providing a minimum of 25 dwellings.

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

- Protection of hedgerows and provision of a woodland edge in keeping with the Forest of Marston Vale.

This application is made for 20 houses, which means that it does not fully comply with the allocation, which is for a “minimum for 25”, the applicant undertook pre-application advice where they expressed an interest in a lower figure than 25, the advice was that due to the irregular shape of the site, it might be beneficial to the layout and quality of design to allow fewer dwellings on this site.

2. Layout and appearance

Layout

The general layout is considered acceptable; the site is a relatively low density (30dph). The site has been designed with a main vehicular spine, which would back the existing and proposed dwellings which front Lodge Road, it is considered this is acceptable, the intention being that the proposed dwellings would be a significant distance from the existing properties. It was also considered acceptable for some of the dwellings to address the streetscene and front both Lodge Road and High Street. Although it is accepted this would mean loss of some of the existing hedge on the frontage, it is considered that it is preferable to front the existing roads to create an active street frontage, and the majority of the hedge can be maintained.

The majority of the site includes on plot detached garages, although this does give the appearance of a higher density than the dwelling density is, it is considered that the garages are required to comply with parking standards, and they also give additional storage and flexibility for future residents. Although there are a relatively high number of garages on this site, they are predominantly set back, to allow parking in front of them. It is considered that they would not appear prominent within the street scene.

Rear gardens would meet the Council’s standards in terms of size and layout. All rear gardens would be approximately 10m deep, and no private garden would be less than 50sqm. Larger houses would mostly be served by larger gardens, approximately 100sqm. Due to the layout of the road, the distance between the front to back distances between the existing and proposed houses (Lodge Road) would range between 30 metres (Plot 8 – Gaylands), and 26 metres (Plot 14 – 4 Lodge Road), there is a side to back distance of approximately 12 metres between Plot 20 and number 6 Lodge Road, it is considered that it would be necessary for the 1st floor side facing window to be obscure glazed to protect the private amenity space of this property. The application has been amended so as to site the rear garage on Plots 8 and 9 closer to the rear boundary. This would restrict views into their garden from plot 39 at Home Farm (not constructed) which is sited to the north. The layout plan has been amended to site plots 8 and 9 further towards the road frontage. There would be a minimum distance of 10 metres from the frontage of these plots to the rear garden

boundary of Gaylands and Tivoli, Lodge Road. This amendment would provide sufficient distance between Plot 39 on the Home Farm development and the rear of plots 8 and 9 of this proposed scheme.

Design

The Design and Access Statement explains the approach that has been taken in the design of the proposed buildings. The village of Cranfield, has a mixture of architectural styles, it is a linear development comprised largely of brick built two storey properties. Some of the most attractive properties within this locality are simple cottage styles, largely red brick and white render; simple chimney pots are relatively common. The predominant style on Lodge Road is semi detached 1.5 storey chalet bungalows.

It is considered that the design approach taken would be acceptable, the dwellings are between 7-8.5 metres in height, which is typical of local housing styles; a number of plots have been designed with dormer windows set into the eaves, to echo the style of the properties on Lodge Road. It is considered that the housing design would be largely symmetrical which should result in visually pleasing street scenes.

3. Impact upon existing neighbours and future living conditions

Typical back to back distances across the site are in excess of the 21 metre guidance standard.

All the proposed properties are two stories, typical of Cranfield. It is considered that the distances between properties would be sufficient to ensure no undue harm to residential amenity.

Overall it is considered that the development has been well designed to respond to adjoining buildings and no significant harm would be caused to living conditions at neighbouring properties. The existing and proposed residential amenity has been considered in terms of impact upon light, privacy, the causing of an overbearing impact, and impact upon outlook.

Three objections have been received:

6 Lodge Road

1). If not already in place in the design, I would ask that the side windows to the dwelling on plot 20 (especially the upstairs landing window) be constructed with obscure glass to stop direct overlooking into the rear windows/gardens of 5 and 6 Lodge Road.

2). I request that there be fixed and solid, vertical privacy screens to the southerly sides of the upstairs windows on the social block of houses (plots 15-20), so as to restrict views into the rear part of the dwelling being constructed at 6 Lodge Road. This would be views into the master bedroom, the kitchen, the dining room and hallway/stairs/landing. According to the Planning Layout plan for the proposal, the social block of houses is angled towards the rear of 6 Lodge Road. This would mean anyone standing near to any of the six upstairs

rear windows could easily see into the majority of the dwelling at 6 Lodge Road which would lead to a concerning lack of privacy. The closest window looks to be only around 15-20 metres from the rear windows of 6 Lodge Road and only a few metres from the rear boundary of 6 Lodge Road. The Planning Layout plan is not up to date with the envelope of the dwelling that is being built at 6 Lodge Road, which had planning approval prior to this submission, so when this matter is looked into, please take this into account.

3). I would like to be consulted on the treatment of the rear boundary between plot 20 and 6 Lodge Road.

It is considered appropriate to condition that the south facing 1st floor window on plot 20 is to be obscure glazed, this is a landing window, and therefore the residential amenity of future occupiers would not be significantly impacted upon by this condition. There is no standard privacy distance between a side and rear elevation, it is considered that this distance is acceptable. It is judged that the angle of the block 15-20 would face the new properties on the Home Farm development, and these rear windows would not give rise to significant views of either number 5 or 6 Lodge Road. With regard to the boundary treatment, this would be a 1.8 metre high close board fence.

Hillview, Lodge Road

I would like to be consulted on the treatment of the side boundary between plot 1 on the proposal and Hill View, Lodge Road, as this boundary currently consists of different wall and fence types of varying heights and in one place only fence posts marking the boundary line.

The boundary treatment would be a close board timber fence some 1.8 metre in height, between the side elevations of the proposed and existing dwelling.

Tivoli, Lodge Road

1. Wish to preserve village status

The housing has been allocated within the Core Strategy, and is therefore in principle acceptable. It is considered that Cranfield would still be considered a village, however this is designated as a minor service centre within the Central Bedfordshire Core Strategy.

2. Cranfield has many attractive buildings, often on small and awkward plots, the design of the proposal is unimaginative and the houses are too big.

Cranfield does benefit from a number of attractive small properties within the centre of the village, however it is considered that it would be unreasonable to require a developer to emanate this style of property on a new housing estate. This site does contain 6 two bedroom dwellings, as well as 4 one bedroom flats, and it is considered that there is a mix of detached, and semi detached properties. It is judged that to require the buildings on the site to be significantly smaller, would increase the density, and could potentially have an impact upon the provision available for car parking and garden area.

3. Concern over gaining access to the rear of the properties on Lodge Road.

Suitable boundary treatment would be required to the rear of Lodge Road properties, it is considered that it is likely that the rear of these properties would be safer than the current situation as they would benefit from natural surveillance from the frontages of new properties.

4. Insufficient play space.

The number of properties is 20, each one with private amenity space, it is considered that a play area is not required for a development of this size, and that suitable play areas are accessible within walking distance.

5. Unsuitable landscaping.

Further landscaping details would be required to ensure a suitable level of landscaping on this site.

6. Lack of a public green.

This development is for 20 houses, it is considered that the intention would be that it would integrate fully into Cranfield, and therefore the creation of a public green would not be appropriate.

7. Fear of living on a traffic Island, bounded by the new access road and Lodge Road.

It is judged that the natural surveillance from the new properties would result in a safer rear access than the current situation, it is considered that the new access road would not be very busy, being a cul-de-sac, there is also a small buffer green between the road and the rear of the properties.

4. Traffic and parking

Works to the highway and access arrangements

It is considered that an extension of the footpath on Lodge Road would be required.

Parking at the site

Parking at the site would be provided in line with the Council's current parking standards. In addition to parking spaces that meet the standards, 10 of the market rate units would be provided with garages. The garages meet the Council's recent standards (3.2 x 7m internally).

5. Other considerations

Ecology

There are two derelict dwellings on the site, which are covered in a significant amount of Ivy, it is possible that bats are roosting within these properties, an Ecological Survey was submitted with the application, which highlighted that other reports were done, but not ready to be submitted. These have been required from the applicant and an update on this will be on the late sheet.

Trees

The landscape officer highlighted concern at the access for 5 plots being through the existing hedgerow, it is considered that it is more appropriate for dwellings to address the frontage of Lodge Road/High Street than to all be accessed of the same spine road and have the backs of the houses onto the existing streetscene. It is considered that a significant level of hedgerow frontage would be retained, and this edge of village would remain rural. The landscape officer was not satisfied with the details supplied and has suggested amendments. It is considered appropriate to request full landscape details and impose a condition to ensure inclusion of as much of the existing landscape features as possible, including the hedge to the rear of plots 15-20.

Human Rights Issues

The proposal would raise no known Human Rights Issues.

Equality Act 2010

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

6. S106 and affordable housing

30% (6 units) of the dwelling on site would be affordable and they would be a mix of one and two bedroom units. Whilst lower than the Council's policy suggests (7 units would be provided if 35% was proposed), it is considered that 30% is in accordance with Policy 34 of the emerging Development Strategy. The tenure mix as proposed is:

37% Shared Ownership (2 units)

63% Affordable Rent (4 units)

Contributions would be made to mitigate the impact of the development on existing local infrastructure in line with the Council's Supplementary Planning Guidance. The financial contributions currently sought total £245,967.86.

There is not currently a signed Section 106, and the final figures have not been agreed. Any update on this matter shall be made on the late sheet.

7. Conclusions

The principle of residential development at this site is established as acceptable by the site allocation policy. The site is not the complete allocation of a minimum of 25 dwellings but it is considered that the application meets the requirement for housing in this location. The design and layout of the site would be acceptable. No significant harm would be caused to living conditions of adjacent neighbouring properties. It is considered that the access arrangements would be considered safe, in addition parking would be provided in accordance with the Council's standards. There would be no other planning impacts and the impact of the development on existing local infrastructure would be properly mitigated. Affordable Housing would be provided at an acceptable level.

Recommendation:

That the issue of planning permission be delegated to the Head of Development Management on the expiry of the consultation period (subject to no new objections being raised which have not already been considered), the satisfactory completion of a suitable Section 106 agreement and the following conditions:

RECOMMENDED CONDITIONS / REASONS

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

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

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

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

- 3 **No development shall commence at the site before details and samples of materials to be used in the construction of the dwelling houses, garages and external surfaces of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

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

- 4 **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 a satisfactory standard of landscaping. (Policies 43 and 58, DSCB)

- 5 **No development shall commence at the site before a construction and environmental management plan has been submitted to and approved in writing by the Local Planning Authority which shall detail methods that all developers, contractors and subcontractors will employ and shall include:**

- **Details of traffic routes and points of access and egress to be used for the construction process,**
- **Measures of controlling dust created by the development**
- **Measures to be used to reduce the impact of noise arising from the noise generating activities on site in accordance with best practice set out in BS:5228:2009 'Noise and vibration control on construction and open sites.**
- **The siting and appearance of the works compounds**
- **Wheel cleaning facilities for construction traffic.**
- **The hours of work**

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

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

- 6 **No development shall begin on site until, the applicant has submitted in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure that internal noise levels from external air traffic noise sources shall not exceed 35dB LAeq, 07.00-23.00 in any habitable room or 30 dB LAeq, 23.00-07.00 and 45 dB LAmax 23.00-07.00 inside any bedroom and that external noise levels from air traffic noise sources shall not exceed 55 dB LAeq, (16hr) in outdoor amenity areas of any residential dwellings. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the**

Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.

Reason: To protect human health

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

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

- 8 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 9 Prior to first occupation of any dwelling hereby permitted the existing footway along the entire highway frontage of the site shall be widened and constructed to accord with the dimension and standard of the recently constructed footway along Lodge Road approaching the site from the East.

Reason: To ensure the provision of an appropriate pedestrian facility in the interests of highway safety and convenience.

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

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

- 11 **No development shall commence until a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented for each individual dwelling before that dwelling is first occupied 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.

- 12 Before the vehicle accesses onto Lodge Road are first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

- 13 The first floor window in the south facing elevation of the dwelling shown on plan number 16965-1001F as Plot 20 of the development hereby permitted shall be of fixed type and shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties.
(Policy 43, DSCB)

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16965/1000, 6965/101B, 6965/111C, 6965/104A, 6965/106C, 6965/108C, 6965/110C, 6965/114C, 6965/122C, 6965/121B, 6965/113B, 6965/109B, 6965/107C, 6965/105C, 6965/103B, 6965/100A, 6965/102C, 6965/115A, 6965/123C, 6965/116B, 6965/118D, 6965/119D, 6965/124D, 16965/1001F.

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. Advice Note 1/. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

AN2/. 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 off site improvements to the footway. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

AN3/. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any

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

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

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

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.

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86.3m

New Wood Farm

Pond

Pond

Pond

90.9m

STATION ROAD

82

80

72

70

68

9

15

3

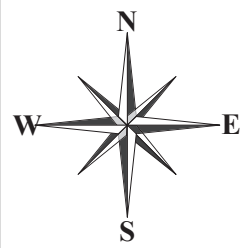
4

2

Wrens
Nest

Caymans
Cottage

Cas



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Date: 13:February:2014

Grid Ref: 497240, 236418

Application No.
CB/13/04425/FULL

Scale: 1:1250

Land adj. to 82 & 84 Station Road, Ridgmont, Beds. MK43 0UJ

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Item No. 7

APPLICATION NUMBER	CB/13/04425/FULL
LOCATION	Land Adjacent 82 and 84 Station Road, Ridgmont, Bedford, MK43 0UJ
PROPOSAL	Change of use of existing car park to area for the storage of cars.
PARISH	Ridgmont
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Lisa Newlands
DATE REGISTERED	14 January 2014
EXPIRY DATE	11 March 2014
APPLICANT	Mr M Boyce
AGENT	Landscape
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Bastable for the following reasons: <ul style="list-style-type: none">• Loss of amenity• Adverse effect on the amenity of neighbours• Inconsiderate parking on the highway• Disregard of the conditions attached to the temporary planning consent

RECOMMENDED DECISION **Full Application - Granted**

Summary of Recommendation:

The development is considered acceptable as it accords with national and local planning policy documents. The site was previously a redundant car park, with temporary planning permission granted for the storage of vehicles. It is considered that although the site is within the countryside it is located on the edge of the village of Ridgmont and relates well to the built up area. The principle of development is therefore considered acceptable. Whilst the applicant is seeking permanent permission for the use, it is considered that given issues regarding the operation of the site a further temporary consent for three years would be appropriate. The development is suitably in accordance with policies CS11, DM3, and DM4 of Central Bedfordshire Core Strategy and Development Management Policy Document, in addition to this it is considered to be in accordance with the National Planning Policy Framework.

Site Location:

The site is located on the eastern side of Station Road to the south of the village of Ridgmont. The site is outside of any settlement envelope and for the purposes of planning is in the open countryside. To the south of the site are residential dwellings, on all other sides is open agricultural land. The site consists of a hard standing of approximately 330 square metres and is bounded by mature hedges.

The Application:

The application seeks consent for the storage of cars on the site following a temporary consent that was approved in June 2011 planning reference CB/11/00297/FULL. The application sets out that the site is used only to store cars awaiting sale. A number of conditions were imposed on the grant of planning permission in 2011. These conditions restrict the times of access, number of cars, activity taking place and the use of the site for storage only.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework 2012

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

CS11 - Rural Economy and Tourism

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development Within and Beyond Settlement Envelopes

Emerging Development Strategy for Central Bedfordshire

Policy 10 - Rural Economy and Tourism

Policy 38 - Within and Beyond Settlement Envelopes

Policy 43 - High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Planning History

CB/13/03823/VOC	Variation of condition: CB/11/0297/FULL Change of use of existing car park to area for storage of cars (Retrospective). Variation to condition 1 to revoke or extend the time limit indefinitely. Not Proceeded With
CB/11/03381/VOC	Variation of Condition: App CB/11/00297/Full dated 27/06/2011- Change of use of existing car park to area for storage of cars. Condition 7: No vehicles other than private motor cars shall be stored on the site to include one car transporter. Granted 15th November 2011
CB/11/00297/FULL	Change of use of existing car park to area for storage of cars (Retrospective) Granted 3 years temporary consent. 27th June 2011
CB/10/03475/FULL	Erection of 3 bedroom detached house and garage. Change of use from commercial car park to residential. Refused 8/11/10

**Representations:
(Parish & Neighbours)**

Ridgmont Parish
Council
Neighbours

No comments received. Any comments received will be updated on the late sheet.

1 letter of objection has been received from a planning agent on behalf of 7 residents.

The objections to the current application are:

- continued breaches of current planning conditions including - more than 20 cars continually being stored on the site; cars overflowing on to the highway and the impact on highway safety; members of the public are visiting the site to view cars; activity taking place outside of conditioned hours; cars are being washed, maintained and viewed at the site - not just stored;
- the continued breaches of conditions and lack of enforcement undermines the integrity of the permission with regard to the protection afforded to the neighbouring residents;
- failure to comply is also unsightly and detrimental to the visual amenity as one approaches the village;
- erection of a flagpole/ unauthorised signage draws attention to the site and the commercial entity even when restricted to solely car storage.
- this is the opportunity to assess the temporary permission and how it operates, with the continued breach of conditions and the incremental additions it is considered that planning officers should refuse the application.

Agent's Comments

The agent has responded to the objection letter received, these comments are summarised below:

- The site has a maximum capacity of around 20 cars and given the size of vehicles, the site cannot generally hold more than 20 cars. Regularly the site is either largely empty or only part filled and the instances of on-road parking are few;
- The normal arrival method is by car. The applicant has an arrangement with the company that deliver his cars that they deliver them to the service station at Crawley Crossing fuel depot. A fee for (up to) 24 hr parking at the site is paid and the car transporter operative leaves the car (s) and hands the keys to the receptionist for later collection. The applicant's staff collect cars as and when appropriate. This procedure has been in operation for around 3 years and works well;
- The applicant states that all of his car cleaning and engine washing is undertaken offsite at a hand car wash at Pear Tree Bridge;
- The only vehicle maintenance that occurs on site is attending to flat batteries/ tyres;

- The applicant does not routinely allow visitors on to the site. He has a regular contractor who provides maintenance. The business is not advertised at the site, no website or internet details of the car storage site address as provided and there is no public access to the site or advertising of it.

Consultations/Publicity responses

Highways Development Control The proposal exists with a temporary consent to monitor the use of the site. It has been noted that there have been complaints from the residents in the vicinity that vehicles from the site are parked on the highway while other vehicles are moved within the site, and this causes disturbance to the residents and obstruction of the highway. I suggest that the relevant conditions attached to the previous permission be included if permission is issued and that the site is granted temporary permission again so that it can be monitored inclusive of the following condition:

"Within one month of the date of this permission, a plan shall be submitted to and approved in writing by the Local Planning Authority showing an area of land which will be permanently left clear for the movement of vehicles within the site. The approved scheme shall be implemented and marked out on site within one month of written approval from the Local Planning Authority and remain as such for the life of the temporary consent.

Reason: To provide adequate on site parking and turning free from the public highway.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of Area
3. Impact on Amenities of Nearby Residents
4. Highways and Other Issues

Considerations

1. Principle of Development

Ridgmont does not have a settlement envelope and therefore for the purposes of planning the site is within the countryside. The site is located on the edge of the built up area of the settlement. The site was previously the car park for a small office development on Station Road. The offices were granted planning permission in 2010 (CB/10/01579/FULL) for conversion to office use. This planning permission has been implemented and the car parking area is therefore redundant. Temporary planning permission (retrospective) was granted in June 2011 for the use of the site for the storage of vehicles.

The National Planning Policy Framework (2012) sets out in section 3 that planning policies should support economic growth in rural areas and should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

Core Strategy policy CS11 sets out that the diversification of the rural economy should be supported and that the conversion of redundant properties to commercial, industrial, tourist and recreational uses should be considered in the first instance. The proposal represents the conversion of an otherwise redundant piece of land to a commercial use.

The site also falls within the Green Belt. The National Planning Policy Framework defines inappropriate development within the Green Belt but does not discuss in detail the use of land. It is considered that as the land was previously in use as a car park its continued use for the storage of cars is not inappropriate in Green Belt terms. The National Planning Policy Framework emphasises that Local Authorities should plan positively to enhance the Green Belt and look for opportunities to improve damaged/ derelict land. In this instance it is considered that the application contributes to the recycling of derelict and other urban land. In addition, it is not considered that it would have any greater impact on the openness of the Green Belt than the existing/ previous use.

Overall it is considered that although the site is within the countryside it is located on the edge of the village of Ridgmont and relates well to the built up area. The land is brownfield, previously used as a car park, and had temporary consent granted for three years, at which point the principle of development was considered acceptable and not contrary to Policy.

2. Impact on Character and Appearance of Area

Core Strategy policy DM3 sets out that new development should be appropriate in scale and design to its setting.

The site is surrounded by a mature hedgerow which stands approximately 1.5 metres high. The site also includes some trees. The planting means that apart from through the access, views into the site are not possible from street level. At the time of the previous application it was considered that the site was previously used as a car park and although there would be more cars parked on the site than previously it is not considered that this significantly changes the visual impact of the development. The use of the site for car storage does not have any adverse visual impact on the countryside.

Comments have been received from neighbouring properties in relation to cars being stored on the road intermittently and for longer periods of time due to there being insufficient room on the site to manoeuvre the vehicles and on a number of occasions there being more than 20 cars on the site at any one time. Whilst the delivery and removal of cars from the site can be restricted, the parking of cars within the highway cannot be controlled within the planning regime and would be a matter for the Police if there are any offences under the Highways Act. The supporting evidence submitted with the objection letter is not conclusive evidence that there is a continued breach of condition in relation to the number of vehicles being stored on the site. The agent has stated that the site has a

maximum capacity of 20 vehicles and that regularly the site is either largely empty or only part filled. Since the Enforcement Case was closed in November 2012 there has been no further complaints reported to the Council for investigation in relation to this matter. However, when the site is at maximum capacity there is little or no room to manoeuvre cars within the site, this could lead to intermittent parking of vehicles on the highway. It is therefore considered appropriate to condition a plan to be submitted to the Local Planning Authority, showing an area of land to be left clear within the site for the movement of vehicles. This should be marked out and remain as such for the life of any consent. It is considered that this would enable vehicle movement within the site and minimise any intermittent parking on the highway, in the interest of highway safety.

The site is contained by the hedges on all sides and the scale of the development is therefore limited. The site is currently used for the storage of cars which cannot be seen over the hedgerow. It is considered that if the site were used for the storage of vans, lorries or other larger vehicles that these would be seen. It would therefore be appropriate to restrict the height of vehicles which can be stored on the site in order to protect the visual appearance of the area, the previous consent was varied to include the storage of one car transporter, and it was considered at the time that this was acceptable and would not have a detrimental impact on the character and appearance of the surrounding area.

The character of Station Road is predominately residential however it is not considered that the car storage has a significantly different character to that of the car park. The level of use of the car storage could lead to a significant change in character and therefore the operating hours and level of use should be controlled by conditions. Concern has been raised by local residents regarding a flag pole erected at the site - this was investigated by our enforcement team and it was determined that there was not a breach of planning permission.

The site has been in use as car storage for around three years prior to the previous application and a further two and a half years since the grant of temporary consent. It would not appear that in that time there has been such a level of use that has led to the change in the character of the area.

Overall it is considered that the character and appearance of the area would not be adversely effected providing that the use of the site is controlled by conditions.

3. Impact on Amenities of Nearby Residents

Core Strategy policy DM3 states that the amenities of surrounding residents should be respected.

Local residents have raised concerns over impact on privacy, noise, disturbance, light pollution, operating hours, use of CCTV; risk of crime and continued breach of planning conditions.

The application states that the site is not staffed on a regular basis and no members of the public visit the site. The impact on the privacy of neighbouring residents is therefore limited. The use of the site can be limited by conditions

restricting operating hours and it is not considered that the use would have a significant adverse impact on the privacy of nearby residents. Vehicles have previously been delivered to the site by a car transporter giving views into neighbouring gardens, and this was therefore restricted on the previous grant of planning permission. The applicant submitted a scheme for the delivery of vehicles under the previous planning application. The evidence submitted with the objection letter shows that since October 2012 there does not appear to have been any breach of this condition in relation to the use of a car transporter for delivery. The residents are however, concerned regarding the overspill of cars on to the highway intermittently during removal/ delivery of cars and in some cases for longer periods of time. This has been discussed previously in the section above, however, the parking of cars within the highway cannot be controlled by the Local Planning Authority. If it is considered that there has been an offence under the Highways Act then the matter would need to be dealt with by the Police. In addition, the Enforcement Team have not received any further complaints for investigation in relation to this issue since November 2012.

The movement of cars to and from the site will cause a level of noise and disturbance. It is not however considered that the number of vehicle movements each day would exceed those experienced when the site was in use as a car park. Providing the use of the site is controlled by conditions it is not considered that the level of noise and disturbance experienced by nearby residents would be unacceptable, particularly compared to the previous use as a car park.

The application does refer to external lighting on the site. However, no details have been submitted to assess the impact of these on neighbouring properties. A condition can be added to any planning permission granted requiring the submission of details of the external lighting within one month of the grant of planning permission to assess the impact. If the details are not considered acceptable then the condition will require the lighting to be removed or relocated in accordance with an approved scheme.

The operating hours of the site are set out in the planning application as 9am to 5pm Monday to Saturday. It is considered that operating hours of 9am to 5pm would be acceptable Monday to Friday, however, Saturdays are a time when most people would be at home. It is therefore considered that the use of the site between 9am and 5pm on Saturdays would be unacceptable for anything other than site maintenance. The agent has identified site maintenance as hedge cutting, drain clearing and grass mowing. It is considered appropriate to restrict activity on the site to these aspects between 9am and 5pm on Saturdays. Emergency access to the site would also be necessary at all times. An emergency would be an event such as vandalism or an attempted break-in, no cars would be removed for transport during the emergency access times.

Some objectors are concerned that the use of CCTV on the site would lead to an invasion of their privacy. The application does not include any reference to CCTV. CCTV can be installed without the need for planning permission if it meets certain criteria and therefore would not need to be included in the proposal. It is not considered that the installation of CCTV would significantly adversely impact the privacy of neighbours. The objection letter refers to CCTV being installed for some weeks on the site and subsequently removed.

Concern has been raised regarding the washing of vehicles on the site and this could lead to contamination of a neighbouring pond. The previous consent restricted the use of the site solely to the storage of cars and expressly stated that 'no washing of cars should take place at the site'. This condition will be imposed again on the grant of any planning permission. If there is any substantive evidence that cars are being washed on the site following the grant of planning permission then the matter can be investigated by our Enforcement Team and if there is considered to be a breach of the condition enforcement action taken where necessary.

There appears to have been a complaint previously received in relation to car washing in 2011/12 however, this was investigated and monitored by our Enforcement Team and it was considered that following contact with the applicant and reminder of the condition there was no continued breach of the condition and no further action taken. There are only four noted incidents within the supporting information from the letter of objection - 26/11/11; 10/12/11; 30/04/12 and 14/09/13. Whilst it is appreciated that the supporting information cannot log all the incidents that may occur - it is considered that since April 2012 and in fact November 2012 when the Enforcement Team closed the case there appears to have only been one breach of this condition in September last year.

Further information has been provided in support of the objection in relation to the instances of vehicle maintenance on site - there were five incidents in 2012 and 6 in 2013. In 2013 four of the instances were in November 2013. There are no details as to what vehicle maintenance was being undertaken - the attached photographs show the bonnets up on some of the cars, although there is no date on the photographs provided. Whilst it is considered vehicle maintenance would not be acceptable on the site, some essential vehicle maintenance may be required if the cars are stored for significant time periods - for instance charging the batteries. However, it is considered necessary to impose a condition requiring that no washing, car repairs or other works will be permitted on the site to ensure that the site is properly restricted to the use of car storage.

4. Highways and Other Issues

The existing access to the site continues to be used for access to the land. The Highways Development Control officer was satisfied in the previous application that the access is suitable for cars. The Highways Development Control Officer has raised no further objections to this application, providing the same conditions are imposed from the previous application. They have requested a condition in relation to a scheme for the delivery of vehicles to and from the site be submitted to and approved in writing by the Local Planning Authority. A similar condition was imposed on the previous application and the details were submitted and approved. The condition on this application will therefore require that the delivery to and from the site of vehicles be carried out in strict accordance with the scheme approved.

The Highway Development Control Officer is satisfied that since the opening of the Ridgmont bypass Station Road is relatively lightly trafficked and the use would not have a significant adverse impact on highway safety.

The objection letter received and supporting information submitted by the neighbouring residents relates to what they consider to be continued breaches of planning conditions on the site and the lack of enforcement action. The last

case opened by the Council's Enforcement Team was in November/ December 2011. This case included a number of alleged breaches namely, the installation of security lights, parking of vehicles on the highway, storage of a car transporter on site and the erection of a flag pole. These issues were all investigated by the Enforcement Team and where it was considered there had been a breach of planning control the issues were dealt with through negotiation with the applicant. The case was closed in November 2012 and according to our Enforcement Team there have been no further issues reported. Given the evidence submitted in support of the objection letter, and the previous enforcement case it can be seen that there appear to be some outstanding issues in relation to the operation of the site. The principle of the development is considered acceptable however, there do appear to have been issues in relation to the operation of the site, therefore, it is not considered appropriate to grant permanent permission at this time. However, it is considered appropriate to grant a further three year temporary consent which would enable the situation and impact on highway safety to be reviewed prior to the consideration of a permanent permission.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 This permission is limited to a period expiring on 31 March 2017 when the use shall be discontinued unless before that date the Local Planning Authority has granted permission for its continuation.

Reason: To allow the Local Planning Authority to review the use when the permission expires.

- 2 Within one month from the date of this permission a scheme detailing the method for the delivery and removal of vehicles to and from the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that no car transporters or other vehicles for the delivery of cars shall be used to deliver cars to the site. All delivery and removal of cars to and from the site shall thereafter be carried out in strict accordance with the approved scheme.

Reason: In the interests of highway safety and residential amenity.

- 3 Activity on the site shall only take place between the hours of 9am to 5pm Mondays to Fridays. Activity of Saturdays between 9am and 5pm shall be restricted to site maintenance only involving hedge cutting, drain clearing and grass mowing, and not activity at all on Sundays and Bank Holidays.

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

- 4 No members of the public shall be permitted to visit the site and no sales shall take place from the land hereby permitted, either to traders or customers, nor shall it be used for the collection of goods by retailers or consumers.

Reason: In order to maintain control over the future use of the site in the interests of the general amenities of the area and/or highway safety.

- 5 The site shall be used for the storage of motor vehicles only. No washing, car repairs or other works to vehicles other than charging batteries and changing tyres shall be permitted to take place on the site.

Reason: In the interests of residential amenity.

- 6 No more than 20 motor car vehicles shall be permitted to be stored on the site at any one time.

Reason: To protect the amenities of nearby residents and in the interests of highway safety

- 7 No vehicles other than private motor cars shall be stored on the site.

Reason: In the interests of visual amenity.

- 8 Notwithstanding the information within the application, details of external lighting on site shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this application. If no details are submitted within the required time period the external lighting shall be removed from the site until the required details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties and highway safety.

- 9 Within one month of the date of this permission, a plan shall be submitted to and approved in writing by the Local Planning Authority showing an area of land which will be permanently left clear for the movement of vehicles within the site. The approved scheme shall be implemented and marked out on site within one month of written approval from the Local Planning Authority and remain as such for the life of the temporary consent.

Reason: To provide adequate on site parking and turning free from the public highway.

- 10 This consent relates only to the details shown on plan CBC/001, or to any subsequent appropriately endorsed revised plan.

Reason: To identify the approved plans and to avoid doubt.

Notes to Applicant

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

Planning permission has been 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.

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Item No. 8

APPLICATION NUMBER	CB/14/00389/REG3
LOCATION	Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
PROPOSAL	Extension to office car park for 146 car parking spaces.
PARISH	Campton/Chicksands
WARD	Shefford
WARD COUNCILLORS	Cllrs Birt & Brown
CASE OFFICER	Nikolas Smith
DATE REGISTERED	31 January 2014
EXPIRY DATE	28 March 2014
APPLICANT	Central Bedfordshire Council
AGENT	EC Harris LLP
REASON FOR COMMITTEE TO DETERMINE	This application is before the Committee because the Council is the applicant. At the time that the agenda for the meeting was finalised, it was not known whether any objections to the planning application would be received.
RECOMMENDED DECISION	Full Application - Grant

Site Location:

Priory House is a two-storey tall office building that is occupied by Central Bedfordshire Council. It is to the North of Ampthill Road, from which access to the site is taken off a roundabout. To the Northeast is the Chicksands Ministry of Defence base and to the Northwest and West is residential development. Access to that housing is taken along Monks Walk, which runs along the South of the application site.

Existing car parking to serve the building is located in the southern portion of the site. There are currently 288 car parking spaces and 40 cycle spaces at the site.

Existing surface water drainage is attenuated under the tarmac and is then discharged in to swales, which are now established with rushes. None of the swales link to surface water sewers.

The Application:

Planning permission is sought to extend the car park at the site northwards by 146 spaces. These would be located immediately to the West of the building and would include 21 short stay/visitor bays and two additional bays for disabled drivers/passengers. 13 cycle bays would be provided (which would accommodate up to 26 bicycles) together with a cycle rail (for which details have not yet been provided) along the western edge of the building.

The applicant has set out that employee numbers based at Priory House have increased and will reach a maximum of 696 by the end of March 2014. Up to 65%

(452) are expected to be at Priory House at any one time, because of the Council's flexible working policy. Visitors also use the car park because Priory House is a public building and when large meetings are planned, this can result in as many as 100 additional cars looking to use the car park.

The submitted plans show that the existing bike storage shelter at the front of the existing car park would be removed and replaced with car parking spaces, but this would fall outside of the application, site, which is limited to the new car parking spaces.

Relevant Policies:

National Planning Policy Framework (2012)

Core Strategy and Development Management Policies (2009)

DM3 High Quality Development
DM4 Development Within and Outside of Settlement Envelopes
DM9 Providing a Range of Transport

Appendix F (Parking Strategy) of the Central Bedfordshire Local Transport Plan (2012)

Planning History:

MB/08/01888/FA District Council Regulation 3: Erection of centralised offices for Mid Bedfordshire District Council and ancillary facilities on part of the MOD site at Chicksands, together with access and egress off the A507, provision of associated car parking, landscaping and servicing.

Approved: 9th February 2004

Representations:

Campton and No response at the time of writing
Chicksands Parish
Council

Neighbours No response at the time of writing (site notices were displayed)

Consultee responses:

Internal Drainage Board No response at the time of writing

Environment Agency No response at the time of writing

Building Control No response at the time of writing

Public Protection My only concern would be any potential noise impact from

the pump used to pump water from the final section of the new drainage to the existing ditch in the southwest corner of the Priory House site. Bernie Fraser has confirmed the pump would be sited in a tank about 2m below the ground and would be submersed in water. It would operate on demand and be operated by a float. She said she had heard pumps in foul sewage tanks and the noise above ground is barely perceptible when standing next to the access lid. She said that those pumps have to macerate whereas one for water only would be a simple pump and would be even quieter. She claims that at the distance from houses she cannot see that anyone would hear it from their gardens and would not be disturbed in any way.

That being the case I do not have any further comments to make.

Public Protection
(Contaminated Land)

No response received at the time of writing

Trees and Landscape

No response received at the time of writing

Highways

No response received at the time of writing

Ecology

Having looked at the documents submitted in support of the application information on the future landscaping and impact on existing landscape does not appear to have been adequately addressed. Priory House lies within 200m of 2 County Wildlife Sites recognised for their wetland habitats. It is noted from drawing 2 that the existing swale is retained and the design and access statement refers to 'the majority of the landscaping and the effects of the new work are being designed to improve the existing landscaping and biodiversity within the site.' However such details of improvements do not seem apparent. The existing swale has established itself with a variety of wetland plants and it is likely that a number of animal species are present here.

The D & A notes that natural habitat and small trees are present on the site and yet no allowance for mitigating the loss of this habitat has been provided with the application. The trees are not yet fully established and hence could potentially be moved and incorporated within the expansion. The NPPF calls for a net gain to biodiversity through development and given that the applicant is CBC this is an ideal opportunity to offer an exemplary scheme.

Whilst there is no dispute over the need for the proposal,

methods to create the additional parking and associated habitat enhancement require clarification to ensure no detrimental impact on the ecology of the site.

Landscape Officer No response received at the time of writing

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. Sustainable transport
3. The appearance of the site
4. The impact on neighbours
5. Drainage
6. Other material planning considerations

Considerations:

1. The principle of the development

The site is used for offices and an extended car park to serve the use of the building in that way would be acceptable in principle.

2. Sustainable transport

Whilst the applicant has justified the need for additional car parking spaces, Central Bedfordshire Council is committed to promoting sustainable travel opportunities and reducing reliance on the private motor car. These objectives apply to all new developments in Central Bedfordshire, including at the Council's own sites.

The applicant has submitted a Travel Plan, which sets out in detail, how the Council is approaching its sustainable travel objectives in general, and at Priory House. It sets out that the following policies and measures are already in place:

- 'Flexi-time' and home working policies: allow staff to travel to and from the office at times when congestion on the highways network might be less or to not commute to the office at all on some days.
- Car sharing: is encouraged and car parking bays are allocated for car sharers.
- Cycle purchase scheme and cycle to work scheme: encourage people to use travel methods alternative to the car.
- Corporate marketing: like Bike Week, Walk to Work Week and Liftshare Week help to promote sustainable travel.

In advance of submitted this planning application, the applicant carried out a survey of staff. 255 staff members who were either based or moving to Priory House completed the survey. The results demonstrated that car travel was the dominant mode of transport to and from work (92.2%). A survey of visitors to Priory House was also carried out.

The applicant proposes the following measures to promote the use of sustainable travel options to and from Priory House:

1. Appoint a Travel Plan Co-ordinator
2. Set up a Priory House Travel Plan Steering Group
3. Internally market sustainable travel options
4. Display travel notice boards
5. Induct new staff in sustainable transport best practice
6. Make use of the Council's website and intranet
7. Segregate visitor parking and parking for disabled drivers/passengers
8. Issue parking permits to staff
9. Introduce a parking code of conduct
10. Properly enforce car sharing bays and pool car bays
11. Remove short-stay bays
12. Increase the number of car sharing parking spaces
13. Create a car sharing database
14. Regularly communicate car sharing initiatives
15. Provide a guaranteed journey home to a car sharer in the event of an emergency
16. Provide pool cars
17. Look to increase frequency of bus services that come near to the site
18. Provide a discount for staff using public transport
19. Invest in existing bus stops on Priory Road
20. Provide enough safe cycle storage
21. Form a bicycle user group
22. Publish sustainable travel information to visitors to Priory House

It is the case that the location of Priory House does mean that travel by car is likely to remain the principle travel method to the site but the actions set out above would likely reduce the number of people travelling to the site by car on their own. These measures would ensure that despite the increased car parking provision, which has been justified, the site would continue to respond to the sustainable travel objectives of Central Bedfordshire Council and would be acceptable. A planning condition would control compliance with the Travel Plan.

A planning condition would require the provision of at least 40 bicycle parking spaces (the number that are currently provided) to ensure that the development would not result in less provision that is currently the case.

3. The appearance of the site

An extension to the car park would change the appearance of the site and would result in the loss of some green space and its replacement with hard standing. That visual impact would be mitigated both by the existing commercial character of the site, where additional hard standing would not appear out of context, and

the need for additional car parking that has been set out by the applicant and is explained above.

4. The impact on neighbours

The extension to the office car park would bring activity nearer to existing houses to the North and West and as a result, noise and disturbance caused by activity associated with the use of the car parking would increase for those neighbours. The increase would likely be modest, though, and it would be limited to hours when the office is in use, which is predominately during conventional working hours. The use of additional lighting columns would not likely result in an impact significantly greater for those neighbours than the current situation. The Council's Public Protection Officer is satisfied that the proposed drainage system would not cause harm to living conditions.

5. Drainage

The applicant has set out that porous materials will be used for the extended parking areas, which would allow water to penetrate to voids below. This attenuated water would discharge in to the existing swale at the site which would overflow to new drainage that would be installed. Water would then be pumped to the existing ditch in the South West corner of the site.

In addition, it is proposed to install a further cellular attention tank which would provide additional capacity for an existing swale and cellular soakaway which takes water from the roof of the building. The new attenuation tank would connect in to the pumped main and then in to the ditch.

The applicant has set out that the use of soakaways is not likely to be compatible with this site.

The Internal Drainage Board has been consulted for a view on these drainage proposals and at the time of writing no response has been received. Any response received will be reported in the Late Sheet.

6. Other material planning considerations

Landscape

Limited details have been provided in respect of new landscaping at the site, which would be required to help mitigate the visual impact of the development. A planning condition would require the submission of details).

Ecology

Limited details have been provided in respect of provision for biodiversity at the site, which would be required to comply with the objectives of the National Planning Policy Framework, which seeks a net gain in biodiversity as a result of development. A planning condition would require the submission of details).

Recommendation:

That Planning Permission is granted subject to the following planning 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 development shall be carried out strictly in accordance with the terms of the submitted and approved Travel Plan (prepared by WYG and dated December 2013), unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that the site continues to respond to the Council's sustainable travel objectives.

- 3 Within one month of commencement of the development, a scheme for landscaping, a timetable for its implementation and a programme for its maintenance shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried in accordance with the approved timetable and maintained in accordance with the approved programme.

Reason: To ensure that the appearance of the development is acceptable.

- 4 Within one month of the commencement of the development a scheme for provision of biodiversity improvements for the site and a timetable for its implementation shall have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved.

Reason: To ensure that the site makes suitable provision for biodiversity.

- 5 Notwithstanding the submitted details, within one month of the commencement of development, a scheme for the provision of at least 40 cycle parking spaces within the site together with a timetable for its provision shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall have been implemented in accordance with the details and the timetable.

Reason: To ensure that sufficient cycle parking is provided at the site.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [001C, 002C, 003A, Design and Access Statement (January 2014), Priory House Travel Plan (December 2013)].

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

The Council acted pro-actively through early engagement with the applicant at the pre-

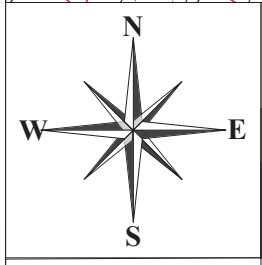
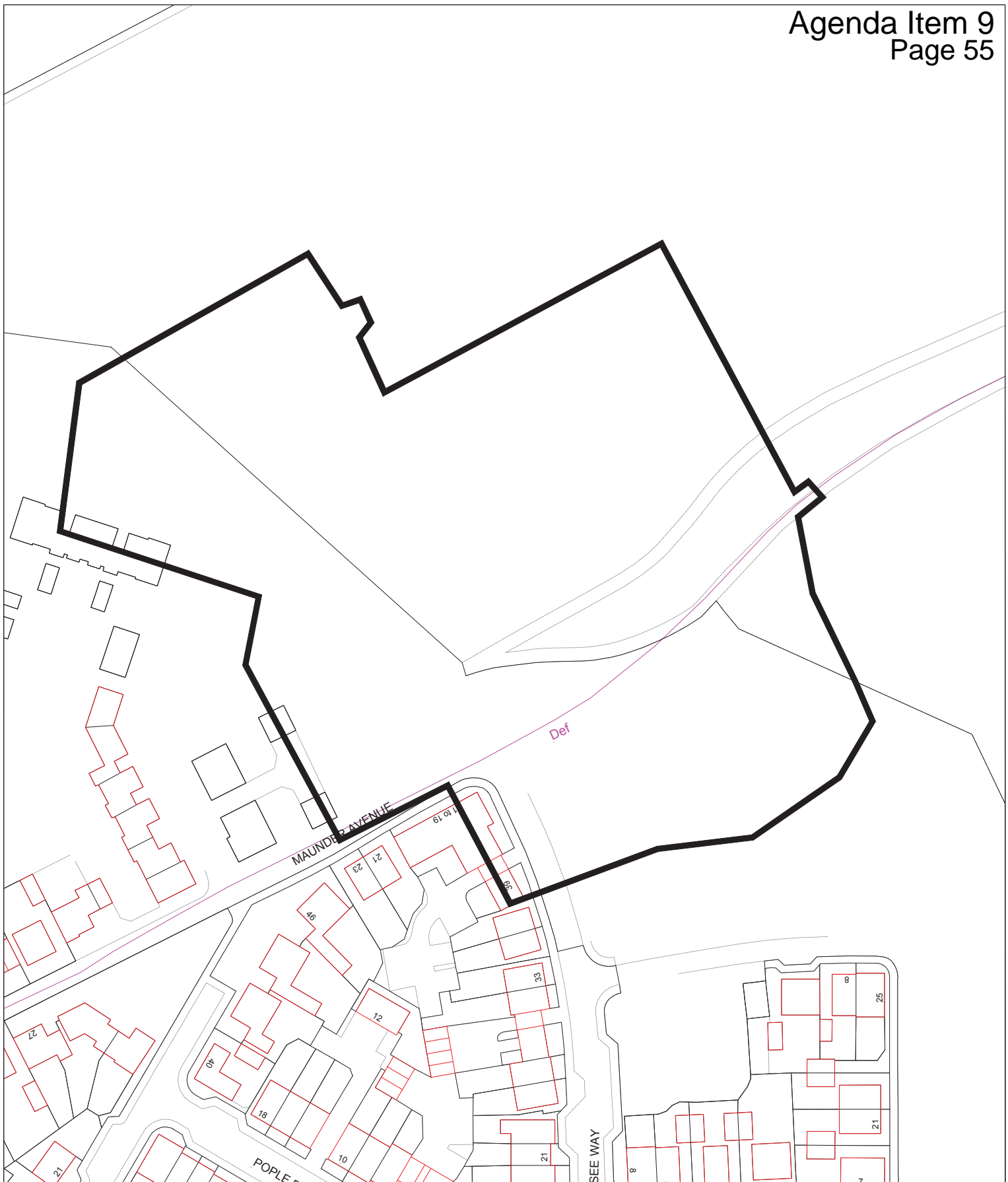
application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure)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

Summary of recommendation:

The principle of the development would be acceptable and no harm would be caused to the appearance of the site or to living conditions at neighbouring properties. Subject to compliance with planning conditions, drainage at the site would be properly handled and the Council's sustainability objectives would not be undermined. The development would be in accordance with the objectives of the National Planning Policy Framework (2012) and the Central Bedfordshire Core Strategy and Development Management Policies (2009).

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 18:February:2014
Map Sheet No

Application No.
CB/13/03494/FULL

Scale: 1:1250

Land South of Potton Road, Biggleswade

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Item No. 9

APPLICATION NUMBER	CB/13/03494/FULL
LOCATION	Land South Of, Potton Road, Biggleswade
PROPOSAL	Erection of new mixed use local centre to include 51 residential units, approximately 1156sqm (net) of floor space for a mixture of uses (A1, A2, A3, B1 & D1) a 60 bed (C2) care home, central square kiosk, community building and associated infrastructure.
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Nikolas Smith
DATE REGISTERED	30 October 2013
EXPIRY DATE	29 January 2014
APPLICANT	Martin Grant Homes & Taylor Wimpey Homes
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	This is a 'major' planning application and the Town Council has objected. Full Application - Granted

Summary of recommendation:

The development would cause no harm to the appearance of the site or the wider development, would cause no harm to living conditions at existing or planned occupiers at neighbouring properties, would provide satisfactory living conditions for future occupiers, would cause no harm to the safe and free flow of traffic and would provide a mix of uses and facilities broadly in line with the Council's expectations for this part of the wider development site. The development would be in general conformity with the King's Reach Biggleswade Design Code (January 2008) and would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009), Design in Central Bedfordshire (a guide for development) and Appendix F (Parking Strategy) of the Central Bedfordshire Local Transport Plan (2012).

Site Location:

King's Reach, or Land East of Biggleswade was allocated for around 2200 homes. Five planning applications have been submitted for development at the site (three of which have been determined), the largest of which was for 'Site 1', where Outline Planning Permission was granted for 1450 houses (together with various infrastructure improvements and community related facilities) in 2006.

Development at the site is subject to a Design Code, which guides the type of buildings and the mix of uses that should be provided across the site. The Code divides the site in to 'areas, or phases'. A number of Reserved Matters applications have been submitted and approved for development at these phases. A s106

agreement also defines the type of development that should be provided at a number of the phases within the site.

Generally speaking, building work is moving northwards. The development includes the Eastern Relief Road, which will link Biggleswade Town Centre to Potton Road, at the North of the site. A Southern section of that road has been built with the remainder to follow.

The Design Code shows that at around the centre of the site, there will be a local centre. That centre would provide for the day to day needs of residents at the site and would be located immediately to the West of a new lower school and children's nursery. The Code shows a central square with development fronting each edge. Reserved Matters consent has been granted for a number of the phases of development around the area reserved for the local centre, and this is described in more detail elsewhere in this report.

The Application:

When Outline Planning Permission was granted for development at this site in 2006, it was for a maximum of 1450 units. The Design Code and the s106 Agreement prescribed in detail the mix and amounts of uses that would be found in the local centre. This development would include residential units in excess the 1450 consented in 2006 and the mix and amounts of uses proposed to make up the local centre would be different to those set out in the Design Code and the s106 Agreement (principally, the Design Code showed a public house that is not proposed, the Design Code did not show a care home and one is proposed and more ground floor space would be given over to residential uses than was envisaged. In addition, the make up of the arrangement of the commercial floor space would be different). The fact that this proposal is different is not, in itself, problematic. It does mean, though, that this development could not benefit from the 2006 Outline Planning Permission and could not have been submitted as an application for the approval of Reserved Matters. It needed to have been submitted as an application for Full Planning Permission and should be assessed on its merits as a stand alone planning application.

This scheme should be assessed against current policy and guidance, and the King's Reach Design Code which is a valuable resource in determining how the local centre should relate to and serve the wider development site has adopted status.

Planning Permission is sought for a mixed-use, local centre, comprising:

- 51 residential units (8 x 1 bedroom, 40 x 2 bedrooms and 3 x 3 bedrooms)
- A 60 bedroom care home
- A Community Building
- Commercial floor space in use classes A1 (retail), A2 (professional services), A3 (restaurant) and B1 (office) with the following breakdown of uses:

Block A

- Unit 1 - B1 (office) 48.2m²
- Unit 2 - B1 (office) 66.9m²
- Unit 11 - B1 (office) 66.8m²

- Unit 12 - B1 (office) 63.8m²

Block C

- Unit 1 - A1 (retail) 372m²
- Unit 2 - A3 (restaurant) 90m²
- Unit 3 - A3 (restaurant) 90m²
- Unit 4 - A1/A2 (retail/professional services) 90m²
- Unit 5 - A1/A2 (retail/professional services) 57m²
- Unit 6 - A1/A2 (retail/professional services) 46m²

- Central Kiosk - A3 (restaurant) 46m²

The development would take the form of four predominately three-storey blocks arranged around a central square. 'Block A would be to the West with a mix of residential and commercial uses at ground floor with residential above, Block B would be to the South, and would be residential at ground, first and second floor levels, Block C would be to the East of the square, with commercial uses at ground floor and residential above. Block D would comprise the care home. The Community Building would be the South of Block C.

Car parking would generally be provided behind the blocks, with informal customer and visitor parking provided around the square. A bus/coach loop would be provided towards the East of the site that would serve the lower school which falls beyond this application site but will be part of the wider development.

Relevant Policies:

National Planning Policy Framework (2012)

Site Allocations Development Plan Document (2011)

Planning Obligations Strategy Supplementary Planning Document (2009)

Core Strategy and Development Management Policies (2009)

DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM7	Development in Town Centres
DM9	Providing a Range of Transport
DM10	Housing Mix

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

Appendix F (Parking Strategy) of the Central Bedfordshire Local Transport Plan (2012)

King's Reach Biggleswade Design Code (January 2008)

Planning History:

MB/03/01205/OUT Residential development of approximately 1450 dwellings, construction of Eastern relief road, Local Centre, primary school, public open space, structural landscaping, infrastructure including surface water balancing facilities and associated works. Demolition of 128 Potton Road to facilitate vehicular access. (All matters reserved except means of access)

Approved: 13 November 2006

CB/13/01827/FULL Erection of new mixed use local centre to include, 55 residential units, 911 sq.m. (net) of retail A1, A2 & A3 floor space, 60 bed (C2) care home, central square kiosk, community building & associated infrastructure.

Withdrawn: 18th September 2013

Representations:

Town Council Members raised concern that the plans had not changed from plans previously considered by Town Council; lack of parking for the proposed school and community hall and density of the site.

Objection for the following reasons:

- Layout
- Density
- Parking Provision

Neighbours A site and press notice were displayed and one objection was received, that set out the following concerns:

This application makes reference to the proposed appearance of the development, such as the road surfaces, including surfaces already laid in other parts of the development. But the plans and mock-ups show a variety of surface, whereas the reality is that much of the estate was simply tarmacked - badly - in a rush to get everything finished, contrary to those plans (so this application contains false information). I fear the same thing will happen here - the finished reality will fall significantly short of the promises being made in this application, and little will be done to enforce it after the fact. So until such time as the developers can show they will actually follow their own plans, or the council actually enforce them, I must object.

Consultee responses:

Minerals and Waste No objection subject to condition

Archaeology	No objection subject to condition
Public Protection	No objection subject to conditions
Public Protection (Contaminated Land)	No objection subject to condition
Rights of Way	No comment
Highways	Comments and conditions to follow
Trees and Landscaping	No objection subject to condition
Ecology	No comment
Disability Discrimination	No response received
Play and Open Space	No response received
Waste	No response received
Police Architectural Liaison Officer	No response received
LDF Team	No response received
Housing Development	No objection subject to AH being provided
Internal Drainage Board	Objection, for the following reason:

The Board is concerned that the master drainage strategy originally agreed in respect of the master development has not been adhered to. Specifically, the provision of important maintenance in respect of a modified section of channel/ floodplain compensation area to the east of the development has not been put in place as was originally agreed. The Board is concerned that without the proper maintenance the drainage strategy may not be effective and therefore may result in increased flood risk to the surrounding area.

NB. It is not considered that this is an objection on material planning grounds that should influence the determination of this planning application.

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. The appearance of the development
3. The quality of accommodation that would be provided

4. Traffic and parking
5. The impact living conditions at existing and future neighbours
6. Other material planning considerations
7. The impact on existing local infrastructure and affordable housing

Considerations:

1. The principle of the development

The principle of a mixed-use development, comprising residential and commercial elements was established as acceptable when Outline Planning Permission was granted for the wider development at this site in 2006. The provision of a range of facilities to meet the day to day needs of the people living at this development is important in securing a successful place. It would lessen the amount of trips being taken by car and create a destination that could become the hub for the community at King's Reach.

Given that the make up of the local centre being proposed is different to that which was given Outline Planning Permission in 2006 and than was envisaged by the Design Code, it is important to assess whether the key changes between the approved and proposed schemes would be acceptable in principle.

Residential Units

This development would result in 51 units being built in excess of the 1450 that were given consent for Site 1 of the allocated wider site. This is a mixed-use, residential led site and the principle of additional units here would be acceptable.

The range and mix of uses

The applicant has explained that there was no interest from the market for the public house that was supposed to be located within the local centre because of its secluded position within the site. Instead, a care home is proposed, which would be a less active use. It would, however, provide jobs and an element of activity and given that a range of other commercial uses are proposed, the care home would not impact on the vitality of the centre to such a degree that could justify the refusal of the planning application. The introduction of a care home use would further broaden the range of people living at the development and would be acceptable in principle.

The distribution of the remaining commercial floor space would be different to that proposed but a range of units of different sizes and use classes are proposed. An 'anchor' store would likely serve the majority of local needs.

The amount of range of non-residential uses would not be as great as was envisaged when consent was granted in 2006 but the commercial climate is different now than it was then. This proposal would provide an active and useful local centre that is likely to come forward.

The principle of the proposed development would be acceptable. How the scheme would relate to other relevant policies and guidelines is described below.

2. The appearance of the development

The development would be well laid out, arranged in blocks around a central square that would act as an active, shared community space. The quality of hard and soft landscaping and the introduction of good quality public art at the central square would be critical in securing the success of the space and both are the subject of recommended planning conditions.

The buildings would be nicely designed, with an interesting pallet of materials, including render, brick and cladding. The quality of those materials would, again, be very important and would be the subject of a planning condition.

Variety in ridge heights and roof types would help to punctuate the buildings and the use of fenestration would create a visual rhythm. The local centre would have a design character independent of some of the existing residential development around it which would help to define it as important, and shared space within the wider development.

The buildings would be large (mostly three stories) and the character of this area would be different to the residential areas around it but the Design Code does set out that this part of the site should be the tallest and the highest density.

3. The quality of accommodation that would be provided

All but three of the residential units would be flats and would not have private garden spaces (the three, three-bedroom houses in the centre of Block A would have small rear gardens of between 45 and 50m²). They would, though, be very near to a number of formal and informal areas of open space within the wider development site. Flats would be of a generally good, rational layout with good access to sunlight, daylight and outlook (a small number of units would be poorly stacked and a condition would seek to address that). The central square and kiosk with the landscaping and public art that would be secured should act as a positive environment within which to live.

The close proximity of residential and commercial uses would require careful management and a series of planning conditions would seek to ensure that noise and smells associated with that relationship were not unduly problematic, but the environment at this part of the site would naturally be different than that at other, lower density areas of the wider development.

Residential units would be sufficiently far away from one another and existing houses and flats around this site to be acceptably private. Cycle and refuse storage would be designed in to the development.

Overall, and subject to planning conditions, the quality of the accommodation proposed would be good.

4. Traffic and parking

The roads within the site would be safe and would for the most part constitute a shared surface (materials would be controlled by planning condition). Deliveries

for the commercial units, a bus stop and a bus loop would all be accommodated. The applicant has submitted bus, car and refuse truck tracking details.

Car parking would be provided in accordance with the Council's current standards, rather than those set out in the Design Code, which were significantly lower than is now the case.

Parking areas would be provided for each block behind and would be in line with the Council's standard of one space per bedroom, with one visitor space for every four units. Some visitor and retail parking provision would be in flexible spaces around the square, to respond to the fact that there are pressures on different types of parking at different times of the day and week.

24 spaces would be provided for shoppers visiting the retail units to the rear of Block C. Shoppers could also use the flexible spaces around the square.

20 spaces would be provided for the care home and 13 spaces would be provided for the Community Building (although, in practice, these could also be used flexibly at peak times for other uses at the centre).

It is clear that a small number of the spaces provided would be less likely to be convenient to use than others (particularly some to the rear of Block A) but when looking at the development overall, it would be well provided for and maximising opportunities for flexible visitor and shopper parking would help to create an active and vibrant local centre.

In order that the parking spaces around the square were properly flexible and useful, they would need to be properly managed. A planning condition would require details of a management plan for parking in the central area of the site.

Some additional highways and parking conditions will be report in the late sheet.

5. The impact living conditions at existing and future neighbours

Reserved Matters Consent has been issued for residential development to the South and to the West of this site. Because the Design Code is so prescriptive, occupiers or future occupiers there would have been able to ascertain the type of the development that was likely to be built at this site (the Code prescribed relatively high density, two and three-storey buildings).

To the South, consent has been issued for development at Area 32. Neighbours there would look northwards, across a road towards the South elevation of the Community Building, which would be two-storeys tall, parking serving Block B and the rear of the Block. The nearest three-storey element of Block B to the southern boundary of the application site would be over 25m away.

To the Southwest and West, consent has been issued for residential development at Areas 29, 30, 34 and 36. Units there would look from the rear, eastwards towards the rear of Block A and the parking area serving it. No first floor, West facing windows are proposed in the wings of that Block, and the main rear wall of the building (where there would be first and second floor West facing windows) would be at least 20m (and generally significantly more) from the site

boundary and at least 21m from the nearest building. A consented, three-storey block nearest to the western boundary of the site would have habitable room windows facing eastwards, but these would be small, secondary openings serving lounge/dining rooms which are also served by a much larger, main window. Consented houses to the South of that block would have rear gardens that would be at least 32m away from proposed West facing first and second floor windows.

Consented housing to the Southwest of the proposed care home would be separated from it by a road and whilst at three-storeys, the care home might appear somewhat dominating when viewed from front facing windows at the nearest consented houses, given that there would be a distance of around 16m, that the relationship would be front to front, where less quality outlook or privacy would normally be expected and that the Design Code does reference some three-storey development in this area, that relationship should not justify the refusal of the planning application.

Development to the North and East has yet to be consented but will likely come forward. At that stage, the relationship between it and this development can be assessed and managed.

Noise and disturbance issues associated with the range of uses proposed would be controlled by planning conditions but the activity associated with the use of rear parking areas is likely to impact on people living at and around the site.

Overall, the relationship between consented and proposed development at the site in terms of outlook, light, visual impact and privacy would be acceptable.

6. Other material planning considerations

Archaeology

A planning condition would ensure that no harm was caused to archaeological assets at the site.

Land Quality

A planning condition would ensure that there were no contamination risks associated with the development of the land.

Drainage

The wider development site is the subject of a drainage strategy that was agreed with Planning Permission was issued in 2006. The IDB has objected to this application, not because of the submitted drainage details, but because of concerns relating to on going management of the drainage system at the site. This cannot influence the determination of this planning application and is a matter between the developer and the IDB. For the avoidance of doubt, a planning condition would secure drainage details.

Public Art

This part of the wider site offers a valuable opportunity to provide public art in a common, well used space. A planning condition would secure public art provision.

Renewable Energy

A planning condition would secure details of how low and zero carbon technologies would be used to help deliver the energy needs of the development.

Waste and Recycling

Details of waste and recycling and site waste would be secured by planning condition.

s106 matters

Because this development would have a different composition to that envisaged when Planning Permission was granted for the wider development site in 2006, some terms of the corresponding s106 would need to be varied and consent would not be issued before those variations had been secured. This would ensure that this permission was not being issued in conflict with an exiting legal agreement.

7. The impact on existing local infrastructure and affordable housing

Viability challenges at the wider site have mean that affordable housing provision is currently at 10% (with a robust review mechanism to catch future upturns). Because this development would result in residential development in excess of the 1450 units consented in 2006, 35% of the units at this site would be affordable (a tenure and unit mix would be agreed and secured through the s106 agreement) and contributions would be obtained in line with the Council's Planning Obligations Supplementary Planning document (2009).

Recommendation: That the planning permission is approved, subject to the completion of a s106 agreement reflecting the terms set out above, the variation of the s106 agreement relating to the wider development site and to the following planning 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 **Notwithstanding the details shown on the submitted plans and drawings, no development shall commence at the site before details of the following materials have been submitted to and approved in writing by the Local Planning Authority:**

- **Bricks**

- Render
- Cladding
- Roof tiles
- Fenestration (including cills)
- Balconies
- Rainwater goods

The development shall be carried out as approved.

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

- 3 **No development shall commence at the site before a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: To record and advance understanding of the archaeological resource which will be unavoidably affected as a consequence of the development.

- 4 **No development shall commence at the site before full details of the method of odour abatement and all odour abatement equipment to be used including predicted noise levels of equipment in operation have been submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the uses hereby permitted commencing and shall be retained permanently thereafter, unless otherwise agreed beforehand in writing by the Local Planning Authority.**

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

- 5 The equipment approved pursuant to condition 4, together with any external plant, machinery and/or equipment installed or operated in connection with this development, shall be so enclosed, operated and/or attenuated so that the noise arising from it does not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured according to BS 4142: 1997, at the boundary of any neighbouring residential dwelling. The uses hereby approved shall not commence before details that clearly demonstrate that noise from the external plant, machinery and/or equipment achieves the required noise standard have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system and other externally plant on the premises.

- 6 The cycle parking provision shown on the approved drawings shall be provided in advance of the occupation of any relevant unit and in full in

advance of the occupation of the last residential unit at the site and shall be retained and maintained permanently thereafter unless otherwise agreed beforehand in writing by the Local Planning Authority.

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

- 7 No deliveries shall take place to commercial premises at the site outside of the hours of 0800 and 1800 Monday to Saturday and no deliveries shall take place outside of the hours of 1000 and 1600 on Sundays or Bank Holidays unless otherwise agreed beforehand in writing with the Local Planning Authority.

Reason: To protect the amenity of the future occupiers of the residential properties.

- 8 **No development shall commence at the site before a scheme of noise attenuation measures which to ensure that the internal noise levels from external road traffic noise sources shall not exceed 35 LAeq 07:00 – 23:00 in any habitable room or 30dB LAeq 23:00 - 07:00 inside any bedroom and 45dB LAmax 23:00 - 07:00 inside any bedroom has been submitted to and approved in writing by the Local Planning Authority. The effectiveness of any works that form part of the scheme approved by the Local Planning Authority shall be demonstrated through validation noise monitoring and the results shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied unless an alternative period is approved in writing by the authority.**

Reason: To ensure that living conditions for future occupiers would be acceptable.

- 9 **Notwithstanding the submitted plans and drawings, no development shall commence at the site before revised plans showing Plots 14, 15, 16 and 17 in Block A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that stacking is designed to minimise to disturbance between neighbouring units.

- 10 **No development shall commence at the site before a scheme for the ventilation of the main hall within the approved Community Building, to include the provision of air conditioning and fixed shut windows, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details before the Community Building is first occupied and thereafter maintained in accordance with the approved details.**

Reason: To protect the amenity of neighbouring residents.

- 11 **No development shall commence at the site before details of an**

acoustic lobby to the external exit doors of the Community Building have been submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented before the Community Building is first occupied and therefore maintained in accordance with the approved details.

Reason: To protect the amenity of neighbouring residents.

- 12 No development shall commence at the site before details of a scheme for controlling noise levels from music events at the Community Building by using a limiting device have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to at all times.

Reason: To protect the amenity of neighbouring residents.

- 13 No development shall commence at the site before a scheme for sound insulation of the Community Building and a noise management and control plan have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to reduce emissions of noise arising from the building's use that might affect local residents. The approved scheme shall be fully implemented in advance of the first occupation of the Community Building. The works and scheme shall thereafter be maintained in accordance with the approved details. On completion of the works forming part of the scheme no alterations to the structure, roof, doors, windows, external facades of the building or any noise control measures forming part of the scheme shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

- 14 No development shall commence at the site before the following has been submitted to and approved in writing by the Local Planning Authority:

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

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

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

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation

sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

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

Reason: To protect human health and the environment.

- 15 Notwithstanding the submitted details, no development shall commence at the site before a hard and soft landscaping scheme for the site, including boundary treatment and street lighting, a timetable for its implementation and a Management Plan have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved and in accordance with the timetable and the Management Plan.

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

- 16 No development shall commence at the site before details of a system to manage foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Internal Drainage Board. The details shall be carried out as approved in advance of the occupation of a residential unit at the site.

Reason: To ensure that drainage provision at the site is acceptable.

- 17 No development shall commence at the site before details showing the storage and collection of residential and non-residential waste and recycling has been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved before any building at the site is occupied.

Reason: To ensure that waste and recycling is properly stored and collected at the site.

- 18 No development shall commence at the site before a Waste Audit showing that waste will be minimised as far as possible and will be managed in an appropriate manner in accordance with a Waste Hierarchy. The development shall be carried out in accordance with the approved Audit.

Reason: To ensure that waste for the site is properly managed.

- 19 Notwithstanding the submitted details, no development shall commence at the site before a scheme for the provision of public art together with a timetable for its provision at the site have been

submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved in accordance with the approved timetable.

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

- 20 **No development shall commence at the site before details of how the development would achieve at least 10% of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation. The development shall be carried out as approved.**

Reason: To ensure that the development is achieving the Council's sustainability objectives.

- 21 **No development shall commence at the site before a scheme for the management of car parking around the central square has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved in advance of the occupation of the first residential or commercial unit at the site.**

Reason: To ensure that car parking provision at the site is properly managed.

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Design and Access Statement (October 2013), Supporting Statement (revised, May 2013), Transportation Technical Note, Drainage Technical Note (May 2013), Summary of Known Archaeological Remains Within the Immediate Vicinity of the Area of the Footprint (June 2013), 16563/106, 16563/111C, 16563/112B, 16563/113B, 16563/114B, 16563/115B, 16563/116A, 16563/117, 16563/118, 16563/1009B, 16563/1011A, 16563/1012, 16563/1013, 16563/1014, 16563/1015, 17156/201B, 17156/202B, 17156/203B, 17156/204C, 697-100A, 697-(1)-200A, 697-(2)200A, 697-(1)300, 697-(2)300 and 697-(3)200].

Reason: For the avoidance of doubt.

Notes to Applicant:

1. The applicant is advised that equipment installed pursuant to condition 4 should be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation and equipment should be effectively operated for so long as a commercial food use continues.
2. The applicant is advised that guidance on the design of the kitchen extract ventilation system can be found in the DEFRA Guidance Entitled 'Control of Odours and Noise from Commercial Kitchen Exhaust Systems'
The applicant is also advised that the provision of hot food and drink after 23.00 hours are licensable activities under the provisions of the licensing Act

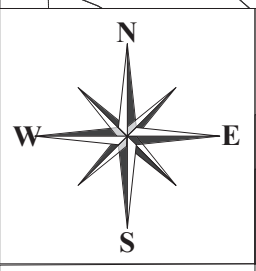
2003, and an appropriate premises license will be required. The applicant is advised to contact our Licensing Team for further information on licensing matters.

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

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 18:February:2014
Map Sheet No

Application no.
CB/13/04451/FULL

Scale: 1:1250

Crossways Park, Hitchin Road, Arlesey, SG15 6SG

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Item No. 10

APPLICATION NUMBER	CB/13/04451/FULL
LOCATION	Crossways Park, Hitchin Road, Arlesey, SG15 6SG
PROPOSAL	Alterations to access road incorporating changes to road layout and incorporation of new footpath to Hitchin Road from development approved under planning permission CB/10/02584/REN and CB/11/02358/RM.
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Mark Spragg
DATE REGISTERED	06 January 2014
EXPIRY DATE	03 March 2014
APPLICANT	UK Construction
AGENT	Reynolds Associates
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Dalgarno due to concerns from local residents and the occupiers of the remaining business units.
RECOMMENDED DECISION	Full Application - Recommended for approval

Summary of Recommendation

The proposed realigned access road and new footway would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties or on highway safety. The proposal is in conformity with Policy DM3 and CS14 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:

The application site comprises the access road from Hitchin Road serving Portland Industrial Estate.

To the east of the site are residential properties, numbers 66-136 Hitchin Road, many of which have pedestrian and vehicular entrances onto the access road. To the west are the industrial workshops forming the remainder of Portland Industrial Estate. To the south of the access road are the partly demolished former industrial buildings which comprises the land to which an extant consent for 43 dwellings exists (06/00272/OUT), which was renewed under planing permission 10/02585/REN.

The access road currently has no continuous pedestrian footway from the site of the extant approved residential development to Hitchin Road.

The Application:

This application seeks permission to alter the access serving the industrial estate and the approved residential development.

The requirement to provide a footway along the access road arose from the original 2006 appeal decision, where the housing development was approved subject to a footway being provided along the industrial road as an alternative to the existing access between No's 136 and 138 Hitchin Road. In his decision letter the Inspector commented:

"The illustrative layout provides a pedestrian cut through to Hitchin Road but this would not be an attractive route to those living in the northern section of the new development wishing to reach the village facilities which almost all lie to the north. The industrial access road would be a more direct route but it does not have a footway and this could result in the new occupiers facing a hostile pedestrian environment or being more likely to use their cars. The appellants have offered to provide a footway and the Bedfordshire County Council as Highway Authority considers this necessary. I agree and this could be provided through a condition".

A reserved matters application was approved in 2011 (11/02358/RM) which provided details of a new footway along the access road.

The only changes between the 2011 approved details which remain extant and the details shown in this application are:

- the southernmost part of the access road moved up to 2.8m away from the rear boundaries of 90-118 Hitchin Road to respond to rights of access issues.
- provision of an increased area of landscaping on the corner opposite the rear of 100 Hitchin Road and retention of part of the landscaping bay previously shown to be partially replaced by a footpath, opposite the rear of No.120
 - a reduction to the landscaped area on the south east corner of the industrial unit 2.
- loss of 4 parking spaces within the existing layby to the side of unit 2.
- greater clarity provided showing the demarcated footway where it crosses in front of units 1a to 1d with dropped kerbs ensuring that vehicular access to those units is maintained.

Members will recall that at the Development Management Committee (7 October 2012) an application to remove condition 15 of planning permission 10/02584/REN was refused. The application sought consent to allow the approved development without providing the required new footway to Hitchin Road. The reason for not providing the footway was because an acceptable width of footway could not be provided at the corner immediately to the rear of 66 Hitchin Road, as this was land not under the ownership of the applicant. Instead, the application proposed the resurfacing of and improvements to the track between No's 136 and 138 Hitchin Road, proposing that it serve as the pedestrian access to Hitchin Road and Arlesey, with the industrial access road remaining unchanged.

The above application was refused at committee for the following reason:

"Without the provision of a new footpath along the industrial access road, which

would for future occupiers of the approved residential development represent the "desire line" to Arlesey town centre and to all its local facilities, the route would be a hostile and unsafe pedestrian environment. The only other alternative route is not considered appropriate on its own due to its limitations in width and the potential conflict with vehicles, and also because it would not discourage people from wishing to take the "desire line" to the town centre and local facilities. The residential development approved by planning permission CB/10/02584/REN would not be acceptable without the provision of a new footway and as such the proposed removal of condition 15 of that permission is not acceptable, being contrary to policies DM3 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies".

The applicant has now acquired a small section of land at the rear of 66 Hitchin Road which enables the provision of a wider footway where there is an existing pinch point.

In support of this application the applicants have explained the reasoning behind the requirement to realign the access road.

1. *"Titles to the rear of properties along Hitchin Road are subject to a Right-of-Way over them since 28/11/1895*
2. *The existing Private Road was constructed by the current owners The Daniels Group in 1974 which benefits the right of access for both the Commercial Units and the majority of rear gardens/garages to properties along Hitchin Road*
3. *Circa 10 years ago The Daniels Group lodged with the Land Registry a Defect Title application appertaining to the rear garden boundaries of plots 106 and 108 that protrude in to the private access road, unfortunately the correct title boundaries were not updated by the registry*
4. *This issue was raised by our end-user Raglan Housing Association and Indemnity Insurance was sought to cover any possible future issues. Unfortunately insurers would not insure as there being too much of a 'Grey Area.*
5. *The only solution to satisfy the Housing Association Solicitor was to redesign the Road around the defective title boundaries to plots 106 and 108, this was also deemed necessary to alleviate any possible future issues arising from Mortgagees in connection with the number of Shared Ownership properties to be sold on the consented scheme of 43 units by Raglan Housing Association.*
6. *The redesigned road has been agreed by Highways and the revised road layout forms the current planning application."*

"We are somewhat surprised that this minor road amendment servicing a consented residential scheme of 43 units designated for Affordable Housing has been called to committee but trust this procedure will not jeopardise a much needed, grant supported housing association development that must commence on-site as soon as possible to meet critical hand-over dates set by the Housing Associations funding arm the Homes and Communities Agency".

RELEVANT POLICIES:

**National Planning Policy Framework
(para 69)**

Central Bedfordshire Core Strategy and Development Management Policies (2009)

DM3 (High Quality Development)
CS14 (High Quality Development)

Supplementary Planning Guidance

Design Guide for Central Bedfordshire (Jan 2010)

- A guide for Development (para 6.31-6.33, 6.4.3)
- DS1 New Residential Development (para 6.04)
- DS7 Movement, streets and places (para 6.02.1- 6.02.3)

Planning History

MB/06/00272/OUT	Demolition of Industrial units and erection of 43 dwellings (all matters reserved except means of access) Refused 26th May 2006. Subsequent appeal allowed on 18th September 2007
CB/10/02584/REN	Demolition of Industrial units and erection of 43 dwellings (all matters reserved except means of access). Approved.
CB/11/02358/RM	Demolition of Industrial units and erection of 43 dwellings. Approved.
CB/12/01412/VOC	Removal of Condition 15 of planning permission CB/10/02584/RM. Refused.

**Representations:
(Parish & Neighbours)**

Arlesey Town Council	Strongly object to the application. The comments of the Town Council are summarised as follows: <ul style="list-style-type: none">- Width of the footpath is insufficient.- The wall on the bend is a blind spot for road users.- The footpath would go across commercial parking spaces.- Insufficient parking spaces for existing businesses and residents.- Possible flooding issues.
Neighbours	15 letters of objection have been received, from the occupants of properties on Hitchin Road. The comments are summarised as follows: <ul style="list-style-type: none">- The pathway would be crossed by users of the commercial premises.- The corner of the access road would be unsafe.

- Loss of parking for existing residents.

1 letter from the occupant of No. 68 Hitchin Road raising no objection, subject to there being no restrictions to reversing from that property.

Consultations/Publicity responses

Highways

This application proposes improvements to an existing private road to provide a footway leading to a new residential development site granted approval at Public Inquiry. The submission is in response to a condition imposed by the Inspector at the time and is a variation of a scheme that was found to be acceptable in a highway context. The proposal introduces a change to the alignment of the road at the southern end to avoid third party land and now confirms that the applicant has obtained control over a small parcel of land at the northern end of the access road to enable a continuous footway to be provided as required by a condition imposed by the Planning Inspectorate.

In these circumstances I have no justifiable reason to object to the current submission. The revised alignment is not a material change on the previously approved scheme and indeed may have a positive impact in respect of lowering vehicle speeds. The width of the footway, at 1.8m, has not changed and although slightly narrower than the 2.0m width suggested for adoptable roads in Manual for Streets, provides an appropriate width to safely accommodate the needs of pedestrians including wheelchair users.

In these circumstances, given the planning history of the site and the fact that the land and roadway is, and will remain in private ownership which the highway authority have no jurisdiction over I can only suggest that, if planning approval is to be considered, a condition be included requiring the footway and roadworks, including signs and road markings be constructed in accordance with the details shown on the submitted plan UKC00514 – 201 – Revision P2 to be undertaken and in place before first occupation of any residential dwelling approved previously .

Tree Officer

This area at present has only limited landscaping in what is a fairly bleak setting, but the existing landscaping is starting to mature and develop to provide some suitable screening effect. Planting consists mainly of early mature Birch and the usual Cotoneaster, Laurel etc providing

some evergreen screening effect.

The plans seem to indicate that a new brick planting area will be provided on the east side of the existing factory for which we will require planting details. The environment that they will be in is likely to be fairly harsh and low maintenance levels would be expected. As such hardy planting will be required with a predominance of evergreen/semi evergreen species.

Brick planter to the south end of the site is proposed for extension. I would suggest that in doing so the existing planter should be retained as is and an additional brick planter possibly at a lower level is built on the sides. This will ensure no disturbance of existing planting.

Highways Agency

No objection

Determining Issues

The main considerations of the application are;

1. Impact on the character and appearance of the area and neighbouring amenity.
2. Highway and pedestrian safety

Considerations

1. Impact on the character and appearance of the area and neighbouring amenity

The access road and its environment is not particularly attractive at present, though the existence of landscaping does nevertheless help to soften its appearance.

The proposed layout would be very similar to the extant footway layout. Whilst it would result in a some loss of landscaping alongside the south west side of the access road this would be compensated by the opportunity for new landscaping alongside unit 2b. As such it is not considered that the proposed layout would be materially different to that which has been approved or result in detrimental harm to the existing streetscene. The Tree Officer has raised no objections to the proposal and has recommended that a detailed scheme of landscaping be provided to ensure that appropriate mitigating landscaping is provided.

The realigned access road would move further way from some of the properties on Hitchin Road and as such it is not considered that the proposal would result in any adverse impact on the existing residential occupiers, with rear accesses remaining unaffected.

2. Highway and pedestrian issues

The previously refused application provided for no footpath along the access road which it was considered would have resulted in a "hostile and unsafe pedestrian environment".

Now that the applicants have gained control of the parcel of land at the north corner of the access road to the rear of No.66 they are able to provide a 1.8m at that point. The width of the footway has not changed from the extant scheme and although slightly narrower than the 2.0m width suggested for adoptable roads in Manual for Streets, it nevertheless provides an appropriate width to safely accommodate the needs of pedestrians including wheelchair users.

The detailed construction plan 201 P2 indicates the lowered kerb in front of units 1a to 1d which would allow for access to those units across the footway. The footway at this point would be in the same position as approved in the extant consent, though this proposal provides a greater degree of detail and clarity regarding the actual construction and detail of the extent of the vehicular crossover.

Whilst the realignment of the access road would result in the loss of a layby to the side of unit 2b it is not considered that this serves as a necessary function for the remaining industrial units which have their own parking in front of their units.

This proposal would provide a direct pedestrian route into Arlesey, in line with that deemed necessary by the Inspector in allowing the original appeal, and identical, apart from the slight realignment of the road, to that for which approval already exists.

The Highways Officer considers that the realignment of the roadway may have a positive impact in respect of lowering vehicle speeds.

The pedestrian route between No's 136 and 138 would also still provide an alternative route to Arlesey and also a direct route to the bus stops on Hitchin Road.

On the basis of the above the Highways Officer supports the proposal and it is considered that the proposed footway and access road layout as proposed is acceptable in terms of vehicular and pedestrian safety.

Other matters

Comments have been made by the Parish Council in respect of flooding issues. The site is however not within the flood plain and any additional hardstanding provided would be minimal.

Recommendation

That Planning Permission be approved for the following reasons:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 **No development shall begin before a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping.

- 3 The new road layout and footway hereby approved shall replace that approved under condition 2 of the reserved matters approval CB/11/02358/RM (pursuant to planning permission CB/10/02584/REN).

Reason: For the sake of clarity.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [10574/L10/D, L12D, 201P2].

Reason: For the avoidance of doubt.

Notes to Applicant

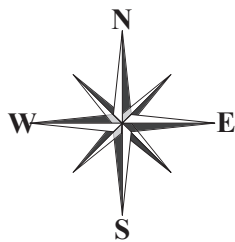
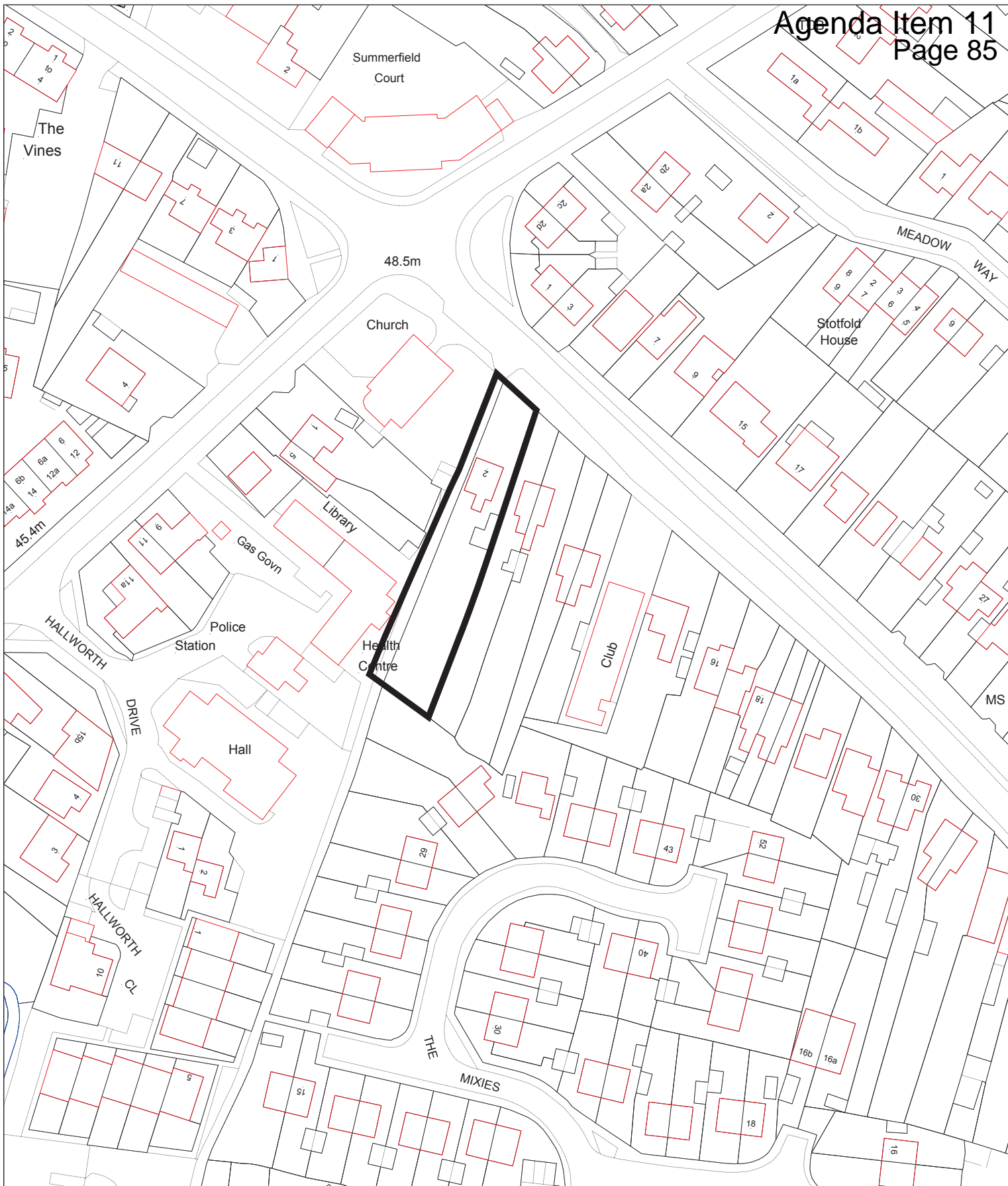
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

This application has been recommended for approval. 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: 18:February:2014

Map Sheet No

Application No.
CB/14/00077/FULL

Scale: 1:1250

2 High Street, Stotfold, Hitchin, SG5 4LL

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Item No. 11

APPLICATION NUMBER	CB/14/00077/FULL
LOCATION	2 High Street, Stotfold, Hitchin, SG5 4LL
PROPOSAL	Resubmission of approved Planning Application CB/13/00892 - New detached dwelling
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	17 January 2014
EXPIRY DATE	14 March 2014
APPLICANT	Mr McNeill
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in. Cllr Saunders - overdevelopment, impact on streetscene.
RECOMMENDED DECISION	Full Application - Approval recommended

Summary of Recommendation

The proposed bungalow would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in 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 Document: Design in Central Bedfordshire, a Guide for Development, 2010.

Site Location:

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

The surrounding area comprises a church and civic/public buildings to the west, separated from the site by a public footpath that extends from High Street to the south of the application site. To the east and south of the site is existing residential development.

The Application:

Planning permission is sought for a detached two bedroom bungalow to be sited at the southern end of the site. Access to the bungalow would be from the High Street using an existing crossover and would run alongside the existing dwelling. Two parking spaces would be provided for the new dwelling along with a turning area.

This application follows a number of previous planning applications for a bungalow to the rear of No. 2. The difference between this and the previous applications is explained below.

RELEVANT POLICIES:

National

National Planning Policy Framework 2012

Central Bedfordshire Core Strategy and Development Management Policies (2009)

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

Supplementary Planning Guidance

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

Planning Obligations Strategy (2009)

Planning History

CB/00892/Full 10/07/13	Detached dwelling. Revision to CB/13/00466. Granted
CB/12/04085/Full	Two storey rear extension to No. 2. Granted. 27/11/12
CB/12/00466/Full	Erection of one detached dwelling. Refused 09/02/12 ALLOWED ON APPEAL 10/09/12
CB/11/03668/LDCP	Lawful Development Certificate - Erection of garage, office and playroom with alteration to existing access to provide a longer access and hard standing area to front of proposed garage building. Granted 25/11/2011
CB/10/03477/FULL	Full: Detached dwelling to the rear garden of existing house. Refused 12/11/2010 Appeal dismissed 07/03/2011

**Representations:
(Parish & Neighbours)**

Stotfold Town
Council:

Stotfold Town Council objects to this application on the following grounds:

Although this is put forward as a re-submission of the application already approved under CB/13/00892 there are considerable changes to the style, shape and also position

of the proposed building between one and the other. The changes are substantial and therefore constitute a new, rather than resubmitted, application.

In the Design & Access Statement dated 9 Jan 2014 under Section 3 – Proposal:

In 3.9 the applicant states “the design and orientation of the dwelling has had to be changed because of the reduced width available to keep it within the current fence.”

This is not strictly true – Earlier Application CB/12/00466 was approved on appeal and was for a “conventional” style bungalow on the plot, within the boundary fence.

That application was superseded by Application CB/13/00892 where an enlarged bungalow moved further to the West was shown and was of the same “conventional” style as the previous approved application. The initial site layout plan submitted with App. CB/13/00892 was drawing ref. 1563/12/3, which showed the enlarged bungalow sited within the existing boundary fence.

Before the application was submitted to the Development Committee this site layout plan was replaced by revised drawing ref. 1563/12/3B. On this the bungalow remained the same size and design but was moved further to the west of the plot by around 1.6 metres so as to extend beyond the property fence and fully over the footpath. It was due to this amendment that the dispute by Stotfold Town Council over ownership of the footpath land referred to in 3.7 / 3.8 came about and remains to be resolved after the RICS Neighbour Dispute Team give their opinion on the legal boundary line of the property which will also confirm the definitive line of the footpath.

By reference to these previous applications / drawings submitted it can be demonstrated that there was no urgent requirement to change either the design or orientation of the building since drawing 1563/12/3 shows that the enlarged “conventional” bungalow already fitted adequately in virtually the same position.

We consider that the revised style of building design, although single rather than two storey, reverts back to the style already rejected as unsuitable for the site by CBC under application CB/10/03477/FULL and should be rejected for the same reasons.

In 3.3 the applicant states, “The starting point for this application is the lawful development certificate that was granted on 25th November 2011 under application CB/11/03668/LDCP.”

In fact there had been a previous submission by the same

applicant in 2010 for a detached dwelling on the same plot of land under ref. CB/10/03477/FULL.

This application was refused by Central Bedfordshire Council as contrary to several points of Policy DM3, including the design, which was similar in style to the latest bungalow proposal. A subsequent Appeal by the applicant failed, to be followed by application CB/11/03668.

Policy DM3 states; All proposals for new development, including extensions will:

Be appropriate in scale and design to their setting.

Contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.

Respect the amenity of surrounding properties.

Provide adequate areas for parking and servicing.

We consider that the proposed dwelling, by virtue of its design, is not in keeping with other residential dwellings in the vicinity. The design comparison (Appraisal 4.2) is being made with reference to the neighbouring 1960's Simpson Centre, which houses Stotfold Town Council offices and the Town Library and could be classed as of 'commercial' design, this is the only single pitch roof building in the area. The existing house and its neighbours along the High Street to the east or in The Mixies to the south would be a more suitable reference.

The proposal would have a detrimental effect on the character and appearance of the surrounding area. It will cause significant harmful effects on the living conditions and amenity of adjacent dwellings, particularly No.4 High Street, with particular regard to outlook, privacy, noise and disturbance.

Although the application appears to comply with current CBC parking standards, as an off-road, back-land development with relatively poor access there is no apparent provision for visitor parking on site.

We express our concerns regarding disposal of sewerage and general drainage from the site. Due to the surrounding topography with the High Street main drains and neighbouring properties being much above the development site it will not be possible to rely on gravity disposal systems. Has this been sufficiently considered and addressed as part of the overall design?

Although not strictly a planning consideration we must reiterate our comments made on some previous applications that the applicants site drawings submitted with the application are, in our opinion, showing misleading information regarding the property boundary to its western

side and therefore land ownership details. Refer to Design & Access Statement document sections; 3.6 to 3.8 for some clarification.

We must suggest that the CBC Rights of Way Officer be consulted on this application.

Neighbours: Two objection letters received from No's 4 High Street, 173 Hallworth Drive.

Summary of objections

- Previous planning permission should be invalidated as it includes land outside the applicants control and Certificate A was signed.
- Cumulative impact of rear extension to No. 2 and the proposed bungalow should be considered. Together they will create a cramped impresssion.
- Overdevelopment of site due to the amount of people potentially living at the site resulting in loss of amenity due to noise, disturbance and vehicle movements.
- Lack of amenity space to serve new dwelling and existing, which would be a 5 bedroom house if the extension is built
- Design reflects the Simpson Centre, this design was dismissed at appeal by the Inspector.
- Design is out of character
- It would appear as a community building
- additional traffic using junction onto busy High Street.

In response to bullet point 1, the red line of the application site included all land within the applicant's ownership which extends over and slightly beyond the existing footpath. Land Registry title plans confirmed the extent of the applicants ownership. The correct certificates were completed and the application is considered to be valid.

Site Notice Displayed 27/01/14

Consultations/Publicity responses

CBC Highways In view of the history of this site I confirm that the highway authority have no grounds to oppose the development and recommend that conditions be attached if planning approval is to be considered.

No objection subject to conditions.

CBC Footpath: No comments received at time of writing report.

Determining Issues

The main considerations of the application are;

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

Considerations

1. Planning History

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

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

A further application was then submitted for the erection of a two bedroom bungalow with access, turning area and parking. The proposed bungalow would be largely the same size and in the same location as the building approved under the LDC application. Prior to its determination an appeal was submitted. During the appeal the Council submitted evidence to the Planning Inspectorate stating that the proposal would result in a cramped form of development with little amenity space, which would be harmful to the character and appearance of the area. The appeal was allowed and the appeal decision and approved plans and Insepctors decision letter are appended to this report.

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

The Inspector also noted that while the bungalow would be most apparent from the public footpath to the west where it would stand close to the boundary, the height of the building (4m), above the existing tall close boarded fence would not be dissimilar to the ancillary building, and would not be visually incongruous. The Inspector went on to say *"Moreover, due to the height of the fence, direct views into the site from the footpath would not be possible. For these reasons any differences in use between the two buildings would not be obviously apparent and the appearance and height of the appeal building would not be uncharacteristic or otherwise harmful."*

Application CB/13/00892 was in essence similar to the scheme granted on appeal and was approved by the Development Management Committee on 10

July 2013. In this proposal the design of the roof was altered, although it remained of the same height; the width of the dwelling was increased in size by just over 1m and in terms of siting, the proposed bungalow would remain up against the western boundary, adjacent to the public footpath. However the application proposed the realignment of the public footpath alongside the site and the repositioning of the boundary fence allowing the bungalow to have space around the building. There have been ongoing issues with the legal line of the public footpath adjacent to the side boundary of No.2 and disputes over the land owned by the applicant. The land appears to be owned by the applicant and it was agreed that the footpath could be realigned as part of application CB/13/00892. However following discussions with the Town Council, the Rights of Way Officer decided that the footpath should remain in its existing position, therefore application CB/13/00892 could not be implemented. The RICS Neighbour Dispute Service has now been engaged to give a ruling on the location of the legal line of the footpath and the site boundary. The approved plans for application CB/13/00892 are appended to this committee report.

This current proposal is still for a two bedroom detached dwelling however the design and orientation of the dwelling has changed. Access will remain as previously approved along with turning area and parking for two vehicles.

In terms of design, the bungalow now takes the form of a modern building with mono pitch roofs and sections of flat roof. The ridge height remains at 4m as per the previous approvals. In terms of footprint, at approximately 114 sq m the current proposal is larger than previous schemes which occupied an area of just under 100 sq m. The current application would be sited closer to the boundary with No. 4 (approximately 1.8m from the boundary): the previously approved scheme would be approximately 2.2m from the boundary.

2. Principle of development

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

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

3. Impact upon character and appearance of the area

As previously discussed, the proposal is similar to the earlier schemes that have been approved by Committee and allowed on appeal. The current scheme proposes changes to the roofline and the inclusion of an area of flat roof. The overall height of the building remains at 4m which is the same as the bungalow previously approved.

The design of the dwelling would appear as a modern, mono pitched roof building with lower section of flat roof to the front. While the house design may

not be of a traditional appearance, a contemporary approach to design is not inappropriate particularly as the site does not lie within a designated Conservation Area. The two storey dwelling, dismissed at appeal, was also of a contemporary design. Paragraph 5 of the appeal decision notes that the two storey building would appear as an intrusive structure that would harm the street scene, the Inspector also said "*its design would be acceptable in the context of the varied designs of the surrounding buildings, including the Simpson Centre*".

The view of the Inspector is a material consideration in the determination of this application and as the building similar in scale and height, its visual impact is not considered to be significantly different to previously approved schemes. While the design of the building may not be traditional, Paragraph 60 of the NPPF advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes or impose requirements to conform to certain development forms or styles.

Given the siting and height of the proposed dwelling, only the roof would be visible from above the fence line adjacent to the public footpath, therefore the building is not considered to result in harm to the character and appearance of the area. The proposal is therefore considered acceptable in terms of its impact on the character of the area in accordance with Policy DM3.

5. Impact upon the amenities of adjoining properties

The proposal is a single storey building and would not result in any loss of privacy to the neighbouring occupants.

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

The current proposal proposes minor changes to the approved design in terms of additional windows, however as the dwelling is to be single storey and located to the rear part of the existing gardens, it would not result in a loss of amenity to the neighbouring property. The inclusion of high level windows in the mono pitch roofline would face the rear elevation of the neighbouring properties in the High Street. Given their height they are not considered to result in any adverse overlooking however the land towards the rear of the gardens slopes downwards No. 4 would be on a higher level than the bungalow and any fencing would not be high enough to act as a screen. In order to avoid any loss of privacy to the neighbouring property and the future occupiers of the dwelling they can be fitted with opaque glass as a condition if permission is granted.

Concern has been raised regarding the increase in vehicle movements to and from the proposed bungalow. With regard to noise and disturbance, when dealing with the appeal for the two storey dwelling, the Inspector stated that the manoeuvring of vehicles would cause a significant increase in noise and disturbance in an area expected to be a quieter part of the property. This was

based on the proximity of the vehicle turning area to the boundary with no. 4 and its raised patio area. However the size of the dwelling was reduced to a two bedroom bungalow where vehicle movements are considered to be less than a family sized dwelling. The previous planning approvals were for a two bedroom bungalow and were considered to be acceptable in this respect.

The rear boundary of the site is shared with 33 The Mixies. The proposal would not result in a harmful impact upon the property to the rear given the design of the proposed dwelling and the distance from the rear elevation of this neighbouring dwelling.

All other neighbouring properties are sufficiently separated from the site so as not to experience any undue loss of amenity.

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

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

6. Highway safety and access

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

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

7. Other Issues

The application qualifies for contributions in accordance with the adopted Planning Obligations Strategy. A Draft Unilateral Undertaking has been submitted. Once a signed version is received the Undertaking is acceptable.

Human Rights/Equalities Act

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

Rear extension to No. 2 High Street.

Planning permission has been granted for a two storey extension to the rear of No.2. Given the size of the garden, even if the extension and the bungalow were constructed, there would be adequate space between the properties (25m) and sufficient amenity space for No.2 (approximately 104 sq m). Both of these figures comply with guidance contained with the Supplementary Planning Guidance: Design in Central Bedfordshire where it is noted that there should be 21m back to back distance between properties to avoid overlooking issues and

100sqm of garden space for a family sized property. The cumulative impact on the proposed dwelling and the two storey extension to No.2 is considered to be acceptable.

Conclusions

The proposed bungalow would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in 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 Document: Design in Central Bedfordshire, a Guide for Development, 2010.

Recommendation

That planning permission be granted subject to the completion of the Unilateral Undertaking and subject to conditions.

RECOMMENDED CONDITIONS / REASONS

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

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

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

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

- 3 **No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme as approved shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the**

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

- 5 No development shall take place until details of the junction of the modified vehicular access with the highway have been submitted to and approved in writing by the local planning authority and the dwelling hereby approved shall not be occupied until the junction has been constructed in accordance with the approved details.

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

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

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

- 7 No development shall take place until a scheme detailing access provision to and from the site for construction traffic and provision for one-site parking for construction workers, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the local planning authority. The scheme shall be operated throughout the period of construction work.

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

Document 2009.

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

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

- 9 The dwelling hereby permitted shall not be occupied until the vehicular access shown on plan no. 201314/101 B has been constructed and surfaced for a distance of 8 metres into the site, measured from the highway boundary; and all on-site vehicular areas have been surfaced, all in accordance with details to be submitted to and approved in writing by the local planning authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 10 The turning space for vehicles illustrated on the approved plan no. 201314/101 B shall be constructed before the dwelling hereby permitted is occupied and thereafter retained for that use.

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

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

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

- 12 Prior to the first occupation of the building hereby permitted the high level windows in the front elevation of the building (Elevation A on plan 201313/103 A) shall be fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be retained thereafter. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, 201314/101 B, 201313/103 A, 201314/102 B

Reason: For the avoidance of doubt.

Notes to Applicant

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

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

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


Appeal Decision and approved plans for application CB/12/00466

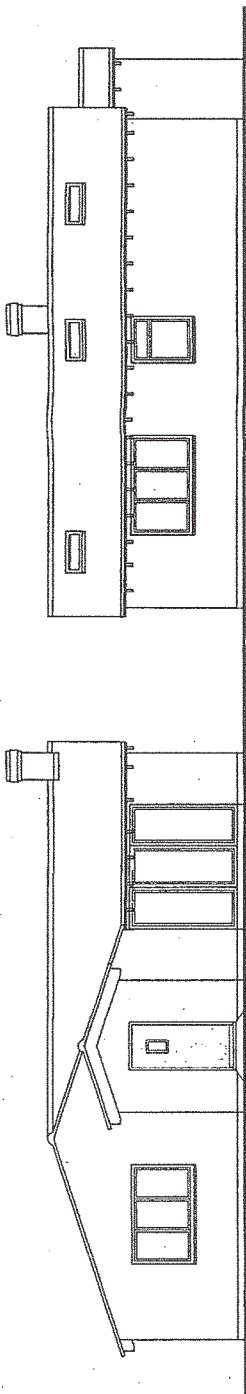
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Approved plans and elevations for application CB/13/00892

14 MAR 2013

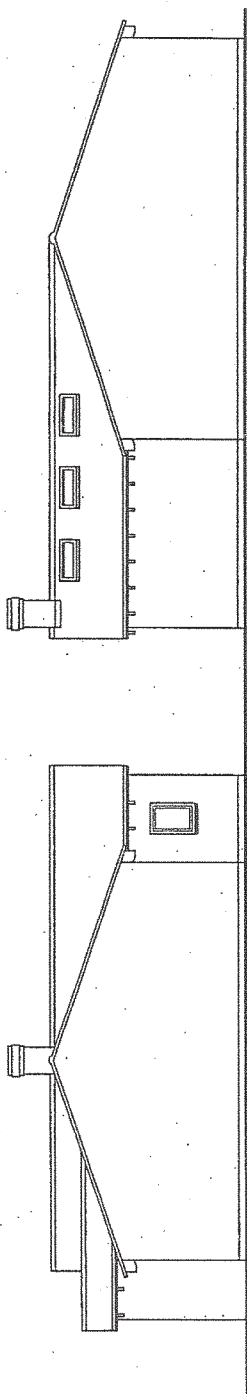
13-00892

Title	Amendments to previous permission for erection of one detached dwelling
Site	Land to the rear of No.2 High Street Stouff, Hitchin, SG5 4LL
Date	January 2013
Scale	1:100 @ A3
Dwg No.	1563 / 12 / 4
 N: 01234 340455 F: 01234 340453 E: Plans@aragonland.co.uk W: www.aragonland.co.uk LAND AND PLANNING LTD	



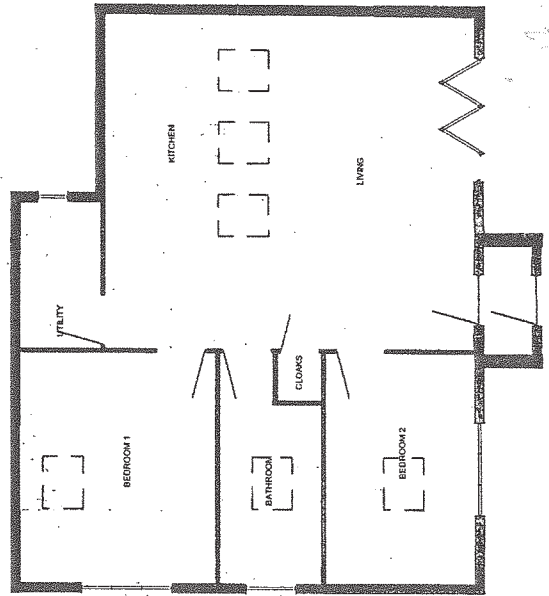
Front elevation

Side elevation



Side elevation

Rear elevation



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Appeal Decision and approved plans for application CB/12/00466



Appeal Decision

Site visit made on 6 August 2012

by **John Bell-Williamson MA MRTPI**

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

Decision date: 10 September 2012

Appeal Ref: APP/P0240/A/12/2174107
2 High Street, Stotfold, Hitchin SG5 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David McNeill against Central Bedfordshire Council.
 - The application Ref CB/12/00466/FULL is dated 2 February 2012.
 - The development proposed is erection of one detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of one detached dwelling at 2 High Street, Stotfold, Hitchin SG5 4LL. The permission is granted in accordance with the terms of the application, Ref CB/12/00466/FULL, dated 2 February 2012, subject to the conditions included in the Schedule at Annex A.

Preliminary Matters

2. The Council indicates that in this case planning permission would be refused because the development by reason of its size and siting and lack of rear amenity space would result in a cramped form of development that would be harmful to the character and appearance of the surrounding area.
3. In coming to a view on this proposal, I have had regard to the recently issued National Planning Policy Framework, on which both parties have been consulted. Despite the fact that the Central Bedfordshire Core Strategy and Development Management Policies document (the Core Strategy) was adopted in November 2009, the relevant policy relied upon in this case is not at odds with the new Framework. Therefore, whilst the policies in the Framework have been considered, in light of the facts in this case, they do not alter my overall conclusion.
4. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main Issue

5. The main issue is the effect on the character and appearance of the appeal site and surrounding area.
-

Reasons

6. The appeal property is a two storey detached house set back from the High Street and with a long rear garden. Uses in the surrounding area are varied and include residential, shops, commercial and other buildings. This is reflected in the immediately neighbouring uses to the appeal property, with a pair of semi-detached houses on one side and a public footpath, with beyond that a large church building, on the other.
7. The proposal involves development in a private residential garden. In accordance with Annex 2 to the National Planning Policy Framework, such land is now excluded from the definition of previously-developed land. However, neither the new Framework nor local policies that have been drawn to my attention preclude development on such sites. In essence, these policies require that new housing should not harm the character and appearance of an area. Furthermore, in this case the Council takes the view that the principle of development in this location is not unacceptable.
8. Two recent decisions are relevant in this case. One is an appeal decision¹ concerning a two storey dwelling in the rear garden of the appeal property. The other is the Council's granting of a Lawful Development Certificate (LDC) for erection of a building of broadly the same size and in the same location as the appeal proposal, for use as a garage, office and playroom with access and hardstanding. In this case, I have no evidence or other reasons to suggest that the building the subject of the LDC may not be built were the appeal to fail.
9. The proposed dwelling would be visible in views from the High Street between Nos 2 and 4. While in the previous appeal it was found that the proposed house would be an intrusive structure, in that case a larger, two storey building was involved compared to the single storey dwelling in this case. Furthermore, given the existence of the LDC, it is possible that a structure of similar size and appearance could be erected in broadly the same location. While the appeal proposal would be in a separate use rather than an ancillary building, it would not have a materially different visual effect to the appeal proposal, which due to its size and height would not be intrusive or harmful.
10. The Council contends that the difference in appearance and use between the current proposal and the ancillary building would be most apparent from the public footpath to the west. However, a tall, close-boarded fence runs the full length of the rear garden boundary of No 2 with the public footpath. While both the appeal and ancillary building would stand close to this boundary, in both cases the height of the building above the fence would be similar and not visually incongruous. Moreover, due to the height of the fence, direct views into the site from the footpath would not be possible. For these reasons, any differences in use between the two buildings would not be obviously apparent and the appearance and height of the appeal building would not be uncharacteristic or otherwise harmful.
11. With regard to the position of the proposed house, while it would be a relatively short distance from the rear and eastern boundaries of the appeal site, given

¹ APP/P0240/A/10/2142428 dated 7 March 2011.

that a small two-bedroom, single storey house is proposed, I do not consider that its appearance would be cramped or incongruous or, while acknowledging the greater intensity of use that would arise compared to an ancillary building, that this positioning would adversely affect its reasonable use as a dwelling house. Furthermore, the Council has not contested the appellant's assertion that sufficient amenity space would be provided in total to meet the relevant standards.

12. For all these reasons, I conclude that the proposal would not have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. As such, there is no conflict with Policy DM3 of the Core Strategy, which sets out criteria against which all development proposals will be assessed, including requiring development to be appropriate in scale and design to its setting.

Other Matters

13. The appellant has submitted a Unilateral Undertaking to secure contributions towards a range of infrastructure and service requirements sought by the Council.
14. The Council refers to its *Planning Obligations* Supplementary Planning Document, which supports Policy CS2 of the Core Strategy and sets out the basis for seeking and calculating contributions from new development. In each case, the need for provision of the relevant services and facilities is set out in relation to the district and, where relevant, to Stotfold; and that new development should provide equitably towards provision of these. Therefore, there is a demonstrable need for the additional facilities and requirements sought, which arises from the development, and the contributions sought towards these are calculated on an equitable basis in relation to new development and, therefore, are reasonable and proportionate.
15. For these reasons, I conclude that the statutory tests in Regulation 122 of the CIL Regulations and the policy requirements now included in the National Planning Policy Framework (paragraph 204) have been met with regard to the Unilateral Undertaking and, accordingly, I have taken it into account in reaching a decision in this case.
16. I have had regard to the issues raised by the occupants of neighbouring properties. In the previous appeal, the Inspector found that there would be a loss of privacy from overlooking of the garden of No 4 High Street from the first floor window of the proposed two-storey house. In this case, there would not be a similarly harmful effect because the proposed dwelling is single storey. Furthermore, as the Council indicates, any concerns in this regard could be addressed through a condition requiring a higher boundary fence than currently exists. I do not consider that the straightforward design of the proposed building or the amount of car parking would be uncharacteristic or harmful in its setting.
17. While I acknowledge concerns about the potential noise and disturbance from use of the access drive, which was a basis for refusal of the previous proposal, I am particularly mindful of the points made by the Council in this regard. The current and previous proposals are not directly comparable as in this case the turning area is twice as far away as in the earlier appeal from the patio area of

No 4. Moreover, while the access road is adjacent to the boundary with No 4, the relationship is the same as the permitted ancillary building. While the use in this case is for a separate dwelling, given its small scale I consider that the level of use and movements generated would not be comparable to the larger house proposed previously and would not therefore be unacceptably harmful to neighbours' living conditions. For these reasons, while I have had full regard to these matters, they have not led me to reach a different overall conclusion.

Conditions

18. Of the Council's suggested conditions, I have imposed the standard time condition and, to avoid doubt and in the interests of good planning, one which requires development to be carried out in accordance with the approved plans.
19. I agree that a condition requiring approval of materials for external surfaces is necessary in the interests of the appearance of the new property and surrounding area. Furthermore, despite the limited scale of the development, it is important that appropriate landscaping is approved and implemented for its visual integration into the site and surrounding area. I have combined the Council's suggested conditions on this matter. Similarly, approval of the appearance of any means of enclosure is necessary in the interests of the appearance of the site and surrounds; and I agree as indicated above that a higher boundary fence with No 4 is necessary.
20. Conditions requiring approval and implementation of the access arrangements, on-site surfaces and positioning of gates are necessary in the interests of highway safety, although I have combined these where appropriate. The appellant refers to a previous appeal decision² in support of his contention that a turning space is not needed in a development of this limited size. While both this case and the one referred to involve single dwellings, I am not familiar with the access details related to the earlier case and cannot, therefore, compare them directly. In this case, a vehicle visiting the new dwelling in circumstances where all the parking spaces relating to the new dwelling and No 2 were occupied, would need to reverse down the drive onto the High Street to leave the site. This would have implications for highway safety and for this reason I consider that the condition requiring the turning space is necessary and I have added to it that it should be retained for that use.
21. I agree that the refuse and recycling storage facilities should be approved and, additionally, in place before occupation of the dwelling, in the interests of amenity and public health. Conditions requiring approval of construction traffic access and parking are needed in the interests of highway safety, and approval of the levels of the new dwelling in relation to other properties is necessary to ensure a satisfactory relationship between the existing and new properties.

Conclusion

22. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

John Bell-Williamson INSPECTOR

² APP/P0240/A/10/2130949 dated 17 November 2010.

Annex A









Schedule – conditions

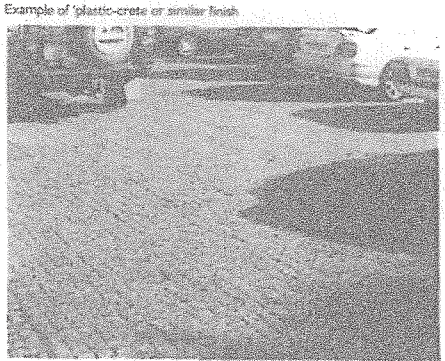
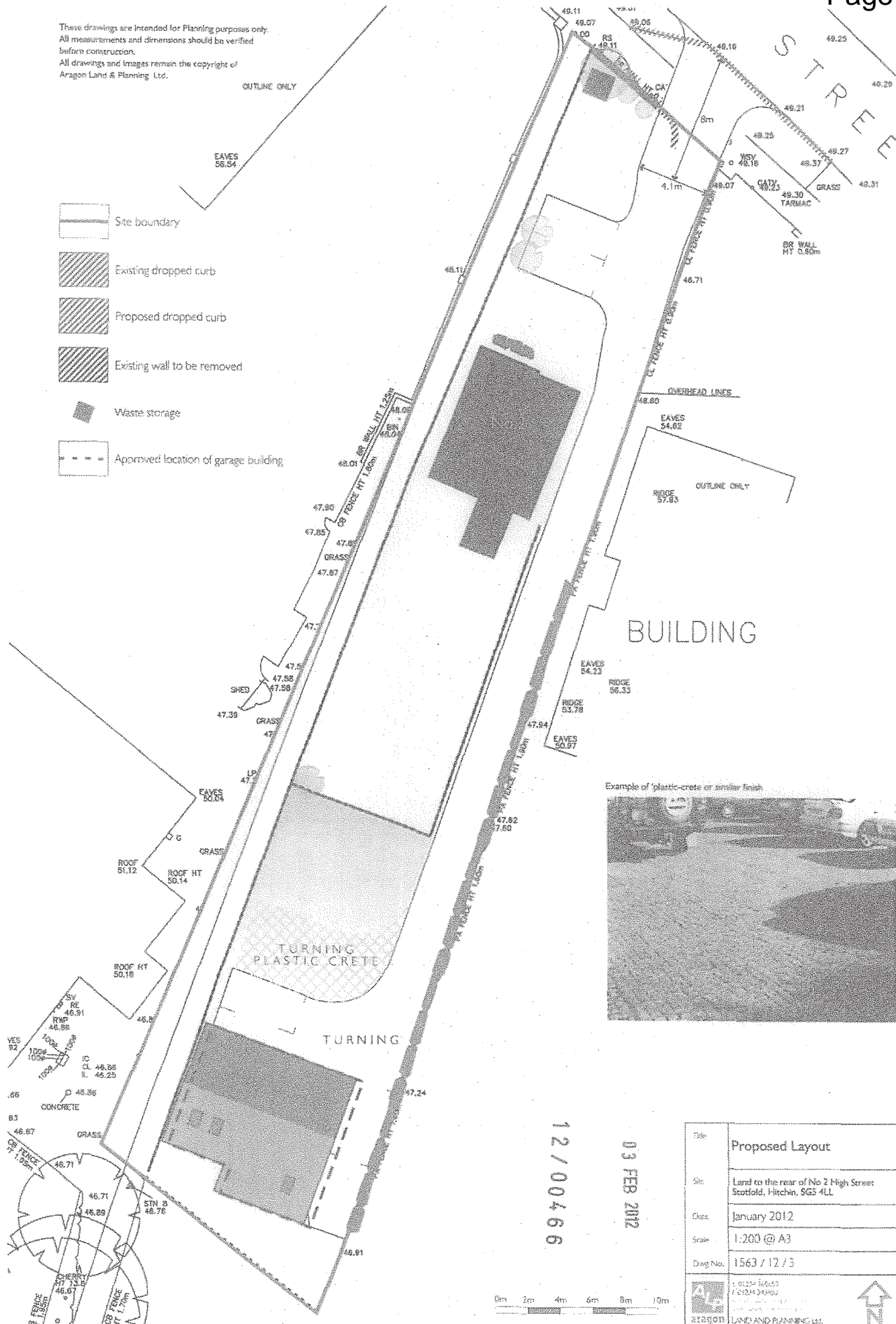
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1563/11/1, 1563/11/2, 1563/12/3 and 1563/12/4.
- 3) No development shall take place 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. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme as approved shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development shall take place until details of the position, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the local planning authority. This shall include a boundary fence to a minimum height of 1.8 metres along the boundary with No 4 High Street. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of the junction of the modified vehicular access with the highway have been submitted to and approved in writing by the local planning authority and the dwelling hereby approved shall not be occupied until the junction has been constructed in accordance with the approved details.
- 7) Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the nearest edge of the carriageway of the adjoining highway.
- 8) The dwelling hereby permitted shall not be occupied until the vehicular access shown on plan no. 1563/12/3 has been constructed and surfaced for a distance of 8 metres into the site, measured from the highway boundary; and all on-site vehicular areas have been surfaced, all in accordance with details to be submitted to and approved in writing by the local planning authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 9) The turning space for vehicles illustrated on the approved plan no. 1563/12/3 shall be constructed before the dwelling hereby permitted is occupied and thereafter retained for that use.

Appeal Decision APP/P0240/A/12/2174107

- 10) The dwelling hereby permitted shall not be occupied until details of the bin storage and collection point have been submitted to and approved in writing by the local planning authority, and provided in accordance with the approved details.
- 11) No development shall take place until a scheme detailing access provision to and from the site for construction traffic and provision for on-site parking for construction workers, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the local planning authority. The scheme shall be operated throughout the period of construction work.
- 12) No development shall take place until details of the final ground and slab levels of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the local planning authority. Development shall take place in accordance with the approved details.

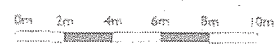
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-  OUTLINE ONLY
-  EAVES 58.84
-  Site boundary
-  Existing dropped curb
-  Proposed dropped curb
-  Existing wall to be removed
-  Waste storage
-  Approved location of garage building



12/00466

03 FEB 2012

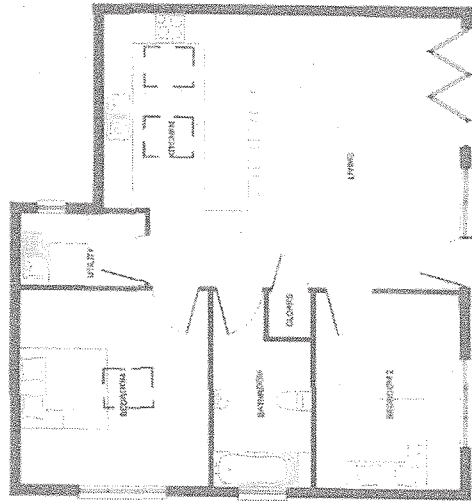
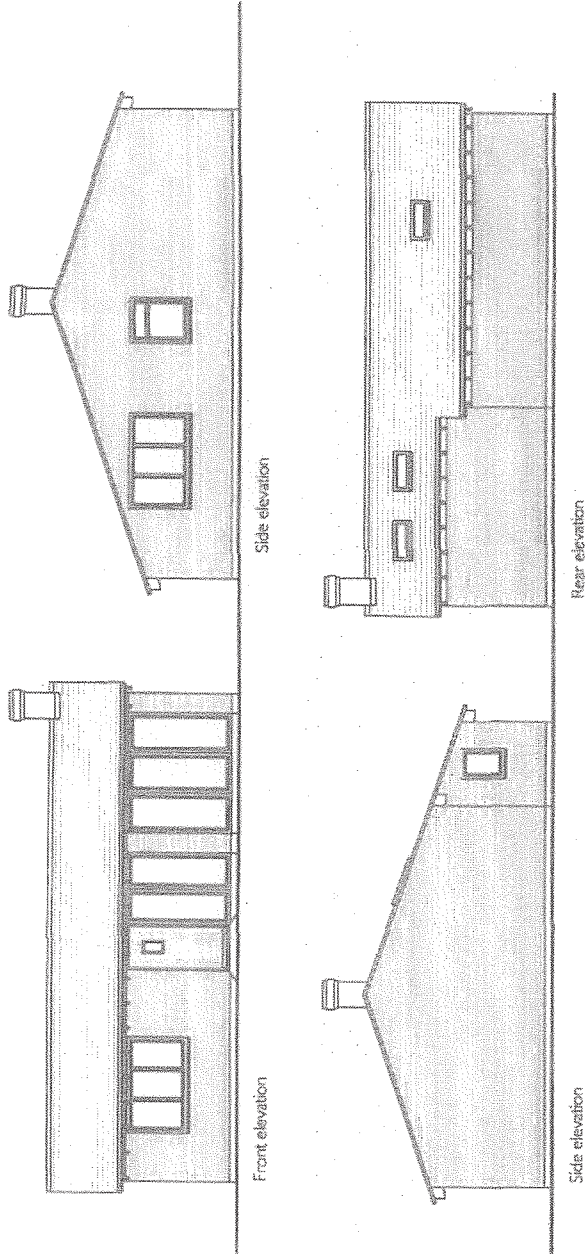


Title	Proposed Layout
Site	Land to the rear of No 2 High Street Scotfold, Hitchin, SG5 4LL
Date	January 2012
Scale	1:200 @ A3
Dwg No.	1563 / 12 / 3
 01234 12345 01234 56789 01234 56789 01234 56789 ARAGON LAND AND PLANNING LTD	




03 FEB 2012

12/00466



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Title	Proposed garage conversion
Site	Land to the rear of No 2 High Street, Sterfield, Hitchin, SG5 4LL
Date	January 2012
Scale	1:100 @ A3
Dwg No.	1563 / 12 / 4
 015254 5000 015254 2485 24, Church Lane, Hitchin, SG5 4LL HERTS, UK	
APPROVED LAND AND PLANNING LTD	