

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

**This meeting
may be filmed.***



**Central
Bedfordshire**

please ask for Helen Bell
direct line 0300 300 4040
date 4 December 2014

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 17 December 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, R D Berry,
M C Blair, A D Brown, Mrs C F Chapman MBE, Mrs S Clark, K M Collins,
Ms C Maudlin, T Nicols, I Shingler and J N Young

[Named Substitutes:

L Birt, Mrs B Coleman, I Dalgarno, R W Johnstone, D Jones and B J Spurr]

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.**

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AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 19 November 2014.

(circulated separately)

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	9 - 16

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:

<p>Planning & Related Applications - to consider the planning applications contained in the following schedules:</p>

Item	Subject	Page Nos.
6	<p>Planning Application No.CB/14/02013/FULL</p> <p>Address : Land Fronting Potton Road, Biggleswade, SG18 0EJ</p> <p>The erection of 301 dwellings including access from Potton Road, parking and open space provision.</p> <p>Applicant: Bellway Homes Ltd (Northern Home Counties) & Bloor Homes Ltd</p>	17 - 38
7	<p>Planning Application No.CB/14/03520/FULL</p> <p>Address : Site of Former The Gables, Mill Lane, Potton</p> <p>Erection of 14 dwellings for residential development including garages, roads and all ancillary works.</p> <p>Applicant : Mr Fenlon</p>	39 - 62
8	<p>Planning Application No.CB/14/3675/FULL</p> <p>Address: Poppy Hill Farm, Cambridge Road, Langford</p> <p>Siting of temporary mobile home (revised application CB/13/03591/Full)</p> <p>Applicant: Simpson & Sons</p>	63 - 76
9	<p>Planning Application No.CB/14/4099/VOC</p> <p>Address: Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS</p> <p>Variation of Condition: Removal of condition 6 (occupancy) of outline planning permission MB/98/0005/OUT Outline application erection of detached dwelling for use with existing stud farm (all matters reserved).</p> <p>Applicant: Mr D Maudlin</p>	77 - 84

- 10 **Planning Application No.CB/14/04151/FULL** 85 - 96
- Address:** 3 Rosemary Lane, Lower Stondon, Henlow, SG16
6NG
- Proposed 2-Storey Side Extension.
- Applicant:** Mr & Mrs Coombs
-
- 11 **Planning Application No.CB/14/04317/FULL** 97 -
122
- Address:** Riveroaks (formerly Silver Lake Farm), Stanford
Lane, Clifton, Shefford, SG17 5EU
- Change of use and provision of 5 No. pitch
travellers site.
- Applicant:** Mr & Mrs Porter
-
- 12 **Planning Application No.CB/14/03488/FULL** 123 -
146
- Address:** The Dog and Duck, Parkside Drive, Houghton
Regis, Dunstable, LU5 5QN
- Proposed development of 12 x 1 bedroom flats
arranged in 3 blocks of 2 storeys with parking and
all ancillary works
- Applicant:** Mr Patel
-
- 13 **Planning Application No.CB/14/01480/FULL** 147 -
198
- Address:** Land Adjacent Chalgrave Manor, Luton Road,
Toddington
- Installation of Photovoltaic Panels (Circa 92,240
panels), Installation of Inverter Stations, erection of
boundary fencing & CCTV cameras and
connection to the existing electricity grid. Formation
of temporary construction compound
- Applicant:** R Upchurch & Partners

- 14 **Planning Application No.CB/14/04056/FULL** 199 -
224
- Address:** 22-38 Croft Green, Dunstable, LU6 1EG
- Demolition of sheltered housing (bedsit) Nos 22-38
Croft Green and reprovision of sheltered housing
apartments including communal accommodation,
new parking and landscaping design to the Croft
Green Site
- Applicant:** Central Bedfordshire Council
- 15 **Planning Application No.CB/14/03686/FULL** 225 -
246
- Address:** Land at Former Farris Garden Centre, Clophill
Road, Maulden, Bedford, MK45 2AD
- Erection of 12 retirement homes and 5 affordable
retirement homes and new access works.
- Applicant:** Maulden Vale Limited
- 16 **Planning Application No.CB/14/03419/FULL** 247 -
272
- Address:** Land North of Clayhill Farm, Greenfield Road,
Westoning.
- Proposed 21MW solar photovoltaic (PV)
installation.
- Applicant:** Axiom Solar Limited
- 17 **Planning Application No.CB/14/04277/FULL** 273 -
288
- Address:** R/O 1-5 Kingsbury Avenue, Dunstable, LU5 4PU
- Construction of two semi-detached dwellings and
a detached double garage.
- Applicant:** Mr W Christie

18 **Planning Application No.CB/14/03113/FULL**

Address: Land North of Leighton Road, West of Hawthorn,
Leighton Road, Eggington.

Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverter, transformer, pole mounted CCTV cameras and fence.

Applicant: Lightsource SPV 106 Ltd

(To Follow)

19 **Planning Application No.CB/14/04064/FULL**

Address: Land at Millfield Farm, (Phase 2) Millfield Lane,
Caddington

Proposed solar park, incorporating installation of solar PV panels, associated infrastructure and access

Applicant: Emsrayne Ltd

(To Follow)

20 **Site Inspection Appointment(s)**

Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that Site Inspections will be undertaken on Tuesday 13 January 2015.

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Planning Enforcement formal action (DM Committee 17th December 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			Partial compliance	No confirmation that the mobile home has been sold or removed, further site visit to be made
2	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			Virtually complied	Planning permission ref CB/11/00047/Full for brick built structure which is almost complete. Visit to be made to ascertain if the wooden structure has been removed.
3	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.
4	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	Direct action to be taken
5	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 Sept 2013	27-Sep-14	Not complied	Appeal dismissed, compliance period extended. Appeal to High Court against appeal decision dismissed. Site inspection on 29/10/14 confirmed non compliance with Notice. Prosecution case being progressed.
6	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			Not complied	Due to problems with the contractor being able to get on site the mobile home is now scheduled to be removed by 11th December 2014 & a site visit will be made to check if it has been removed.

Planning Enforcement formal action (DM Committee 17th December 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	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	31-Mar-15			Partial compliance	Due to correspondance between the council and the contravenors solicitor giving her intention to carry out and complete the overhaul to the thatch, it has been agreed that due to the time of year, the works be completed by the 31st March 2015. No further action will be taken in the meantime.
8	CB/ENC/12/0098	Land at 22-28 Station Road, Arlesey	Two S215 Notices - Untidy land storage of materials and motor parts	(1) 15-May-13 (2) 4-Sep-14	(1) 15-May-13 (2) 4-Oct-14	(1) 12-Jun-13 (2) 4-Nov-14			Not complied	Prosecution for non compliance successful. Waiting on final decision to enable Direct Action to be taken.
9	CB/ENC/12/0161	Hawthorns, Leighton Road, Eggington, Leighton Buzzard, LU7 9NE	Enforcement Notice, change of use to a mixed use of agriculture and the sale and storage of motor vehicles	7-Jul-14	8-Aug-14	10-Oct-14	Appeal submitted 7/8/14			Await outcome of appeal
10	CB/ENC/12/0174	Land at 15 St Andrews Close, Slip End, Luton, LU1 4DE	Enforcement notice - unauthorised conversion of dwelling house to four separate self-contained units	29-Oct-14	29-Oct-14	28-May-15				Check compliance 28/05/15
11	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 Dec 2014
12	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		Part complied	Problems identifying how much spoil there is remaining on the land. A further site meeting has been requested with the owners to clarify the position.
13	CB/ENC/12/0505	The Pine Corner, 141 High Street North, Dunstable, LU6 1JW	S215 Notice - untidy land	30-Oct-14	30-Nov-14	30-Jan-15				Check compliance 30/01/15

Planning Enforcement formal action (DM Committee 17th December 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
14	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15				Check compliance 15/03/15 and 15/06/15
15	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice - Without planning permission alterations and extensions to create a new dwelling.	16-Aug-13	16-Aug-13	16-Oct-13	Joint Planning & Enforcement Appeal submitted.		Enforcement Appeal quashed.	Enforcement notice appeal considered with planning appeal CB/13/01746 for retrospective permission for the extension works carried out. Notice quashed and planning appeal allowed. CBC successfully challenged reasoning in PINS decision letter. PINS to re-consider the appeals. Await outcome of re-considered appeals.
16	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Check compliance 2/1/15
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			Not complied	Costs of direct action to be obtained, await joint site visit.
18	CB/ENC/13/0276	Land at Motorcycle track, south of, Billington Road, Stanbridge	Breach of Condition Notice - No more than 7 motorcycles shall use the track at anyone time	09-Apr-14	09-Apr-14	09-May-14				Continue monitoring site, planning application to vary conditions received October 2014.
19	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - Change of use from agriculture to a mixed use of agriculture, residential and retail sales and building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeal submitted 14/8/14			Appeals the subject of a joint hearing on 24/02/15. Statements and final comments submitted to PINS

Planning Enforcement formal action (DM Committee 17th December 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
20	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				Planning permission approved on the 28th November 2014- Compliance check of the requirements of the enforcement notice arranged for 28th January 2015.
21	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 dismissed.			Appeal dismissed, compliance period extended to six months. Check compliance 15/01/15.
22	CB/ENC/13/0492	Land at Long Lake Meadow, High Road, Seddington, Sandy, SG19 1NU	Enforcement Notice - change of use of the land to a gypsy and traveller site and unauthorised creation of hardstanding	06-Mar-14	06-Apr-13	06-Jun-14	Appeal split decision	05-Nov-14		Appeal decision - Enforcement Notice varied, and part upheld. Lawful Development Certificate granted on part of land. Non compliance re removal of hardcore areas from field remains. Further site inspection to check full compliance Jan 2015.
23	CB/ENC/13/0596	14 Sutton Avenue, Biggleswade, SG18 0NZ	S215 Notice - untidy front garden	30-Jun-14	29-Jul-14	29-Aug-14			Not complied	Direct action to be taken
24	CB/ENC/14/0006	Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade, SG18 9DP	Breach of Condition Notice - Condition 6 planning permission ref: MB/05/01478/FULL and CB/13/01378/VOC	27-Jan-14	24-Feb-14	24-Mar-14				Appeal hearing held on 28/10/14. Costs application made by the appellant. Await outcome of appeal from PINS.
25	CB/ENC/14/0166	59 Russell Way, Leighton Buzzard, LU7 3NF	Untidy Land - S215	09-May-14	11-Jun-14	11-Aug-14				Legal services instructed to prosecute - awaiting confirmation of court date.
26	CB/ENC/14/0206	24 Cherry Trees, Lower Stondon, Henlow, SG16 6DT	Enforcement Notice - two storey extension	01-Sep-14	02-Oct-14	02-Jan-15				Check compliance 2/1/15

Planning Enforcement formal action (DM Committee 17th December 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
27	CB/ENC/14/0306	Garage at Hinton Walk, Houghton Regis, Dunstable, LU5 5RB (Garage 1)	S215 Notice -untidy land	13-Aug-14	13-Sep-14	13-Oct-14				Council Waste Services unable to assist with clearing the land. Direct action to be taken..
28	CB/ENC/14/0351	105 High Street South, Dunstable, LU6 3SQ	Enforcement Notice - the erection of a second storey rear extension	13-Aug-14	13-Sep-14	13-Dec-14	Appeal received 12/09			Await outcome of appeal
29	CB/ENC/14/0360	Land at Glebeland, Sharpenhoe Road, Streatley, Luton, LU3 3PS	Tree replacement notice - Felling of a sycamore tree	03-Oct-14	03-Nov-14	03-Mar-15				Check compliance 03/03/15
30	CB/ENC/14/0376	6 Denbigh Close, Marston Moretaine, Bedford, MK43 0JY	Enforcement Notice - change of use of the Land from a residential dwelling to a mixed use of office and residential	13-Aug-14	12-Sep-14	12-Dec-14	Appeal received 11/09 joint appeal with Planning			Await outcome of appeal
31	CB/ENC/14/0378	25 High Street, Sandy, SG19 1AG	Enforcement Notice - the installation of roller shutters	13-Aug-14	12-Sep-14	12-Oct-14	Appeal received 11/09 joint appeal with Planning			Await outcome of appeal
32	CB/ENC/14/0381	Garage at Hinton Walk, Houghton Regis, Dunstable, LU5 5RB (Garage 1)	S215 Notice -untidy land	13-Aug-14	13-Sep-14	13-Oct-14				Council Waste Services unable to assist with clearing the land. Direct action to be taken.
33	CB/ENC/14/0414	Land at Asda Store, Church Street, Biggleswade, SG18 0JS	Breach of condition notice - Hours of delivery	10-Oct-14	10-Oct-14	10-Nov-14				Check compliance 10/11/14
34	CB/ENC/14/0505	The Bell Public House, 10 Market Square, Leighton Buzzard, LU7 1EY	S215 Notice -untidy land	07-Nov-14	07-Dec-14	07-Jan-15				Check compliance 07/01/15
35	CB/ENC/14/0539	6 Bedford Road, Moggerhanger, MK44 3RR	Temporary Stop Notice - Materials used affecting the appearance of the dwelling	10-Nov-14	10-Nov-14	08-Dec-14				Check compliance 08/12/14
36	CB/ENC/0539	6 Bedford Road, Moggerhanger, MK44 3RR	Enforcement Notice - Materials used affecting the appearance of the dwelling	10-Nov-14	10-Dec-14	10-Jan-2015 & 10-Feb-2015				Check compliance 10/01/15 10/02/15

Planning Enforcement formal action (DM Committee 17th December 2014)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
37	CB/ENC/14/0550	The Winston Churchill, Church Street, Dunstable, LU5 4RP	Enforcement Notice - non compliance of condition 5 attached to 13/00090/Full - Windows on the first floor shall be of a fixed type and fitted with obscure glass.	24-Nov-14	24-Dec-14	24-Jan-15				Check compliance 24/01/15
38	CB/ENC/14/0550	The Winston Churchill, Church Street, Dunstable, LU5 4RP	Breach of Condition Notice - Breach of condition 3 attached to 13/00090/Full - Extraction of fumes and smells.	24-Nov-14	24-Nov-15	24-Dec-15				Check compliance 24/12/14
39	CB/ENC/14/0552	Land at 28 Royce Close, Dunstable, LU6 2NT	Enforcement Notice - Construction of a raised terrace and fence.	10-Nov-14	10-Dec-14	10-Feb-15				Check compliance 10/02/15

Meeting: Development Management Committee
Date: 17th December 2014
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Regeneration and Business
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:

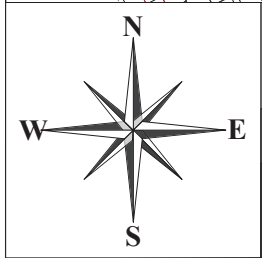
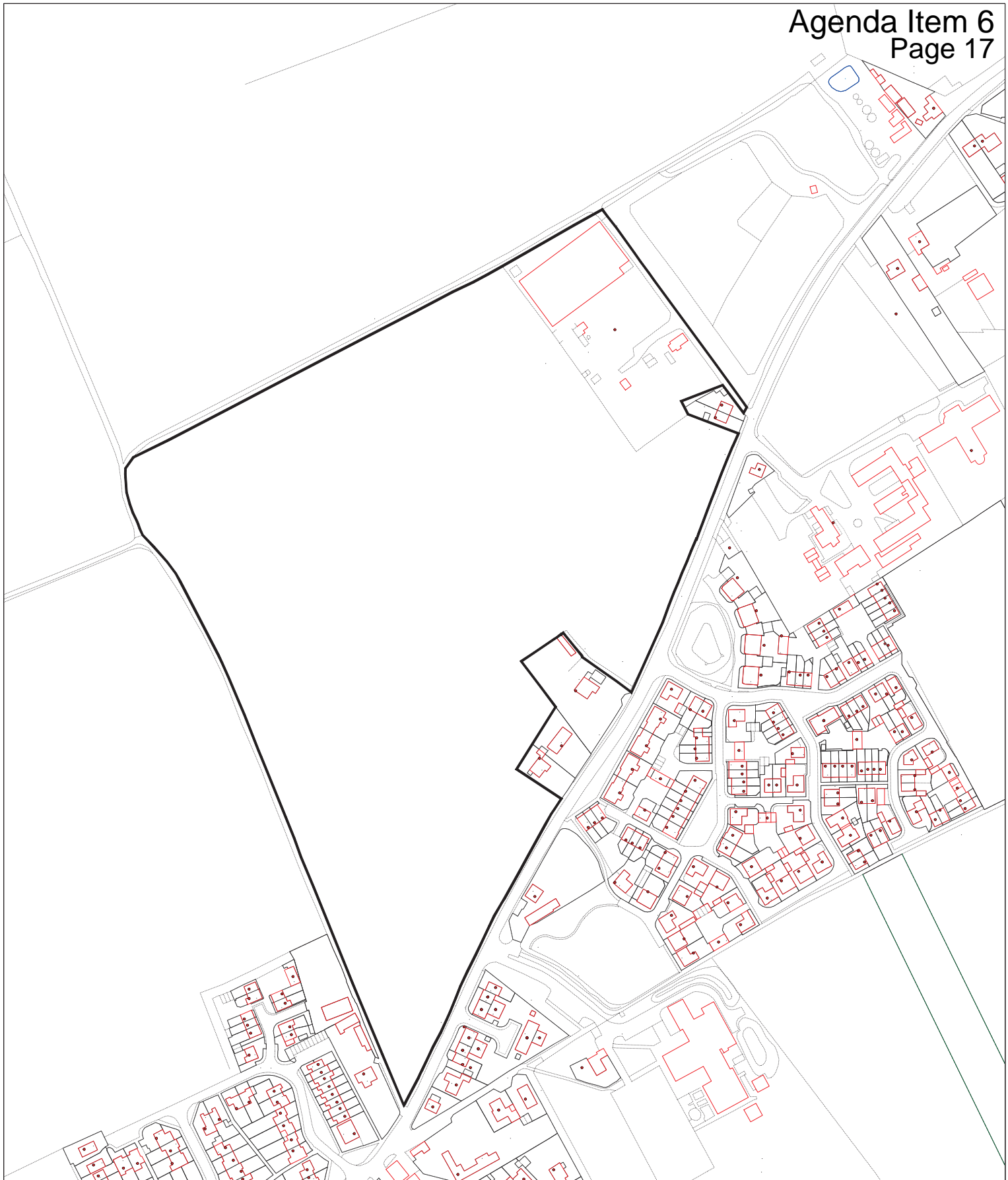
1. **To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**
- 2.

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



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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 02:December:2014
Map Sheet No

Application No.
CB/14/02013/FULL

Scale: 1:3500

Land Fronting Potton Road, Biggleswade, SG18 0EJ

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Item No. 6

APPLICATION NUMBER	CB/14/02013/FULL
LOCATION	Land Fronting Potton Road, Biggleswade, SG18 0EJ
PROPOSAL	The erection of 301 dwellings including access from Potton Road, parking and open space provision.
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Jennie Selley
DATE REGISTERED	16 July 2014
EXPIRY DATE	15 October 2014
APPLICANT	Bellway Homes Ltd (Northern Home Counties) & Bloor Homes Ltd
AGENT	DLA Town Planning Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Departure from the Development Plan
	Full Application - Granted

Site Location:

The application site is located off the western side of Potton Road, on the north-east edge of Biggleswade. The site consists of an 11 hectare site which is trapezium shaped. The site has 2 no. existing gated vehicular access points from Potton Road. It comprises of a derelict plant nursery with the remainder of the land in arable use and further open farmland to the north. There are some mature trees and hedgerows to the northern boundary and south western section of the Potton Road frontage. The western boundary is predominantly open. The site abuts existing residential properties along Potton Road. The site is bounded to the south west and north west by public footpaths with Potton Road to the eastern boundary.

The Application:

This application seeks full permission for the construction of 301 no. dwellings including access from Potton Road, parking and open space provision.

The application is accompanied by a Design and Access Statement in which a strategic framework for the site has been developed from the approved Development Brief. The application is also accompanied by a Planning Report, Planning Report, Arboricultural Method Statement, Landscape Management Plan, Landscape Visual Impact Assessment, Flood Risk Assessment, Noise Assessment, Transport Assessment, Travel Plan, Extended Phase 1 Habitat Survey and Archaeological Evaluation.

The site provides an average net density of 30 dwellings per hectare. A range of house sizes and types are proposed with 35% as affordable tenure types dispersed throughout the scheme. The dwellings will mainly be two storey's in height with two

and a half storey's at key locations. All dwellings will be built to a minimum Code for Sustainable Homes Level 3. The site will have four main character area's - POTTon Road Gateway, The Avenue, The Crescent and Rural Edges and Lanes. The style will be primarily traditional design with focal dwellings having distinctive treatment in terms of materials. proposed materials will include bare red/buff brick, painted brick, render with some contrasting brick on certain dwellings. the roof materials will be plain and slate tiles.

Vehicular access to the site is proposed at two points along Pottton Road. This will provide a primary route through the site from east and west. A hierarchy of roads, including a number of shared surfaces and squares, would branch off the primary road. An improved pedestrian footpath will be provided within the frontage along Pottton Road to retain the existing public footway.

The application proposes 3 play areas comprising of a combined Neighbourhood Equipped Play Area (NEAP) and Local Equipped Play Area (LEAP) and 2 further combined LEAP's and Local Play Areas (LAP). A further smaller green square is proposed within the site. The application site is bound to the west and north by public rights of way and therefore the development has provided routes through to the network to connect with the wider countryside. A SuDS system is proposed incorporating a new attenuation pond in the north east corner of the site.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

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

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

Policy CS2	Developer Contributions
Policy CS3	Healthy and Sustainable Communities
Policy CS5	Providing Homes
Policy CS7	Affordable Housing
Policy CS14	High Quality Development
Policy CS17	Heritage
Policy DM3	High Quality Development
Policy DM10	Housing Mix
Policy DM16	Green Infrastructure

Central Bedfordshire Council's Emerging Development Strategy 2014

Policy 1	Presumption in Favour of Sustainable Development
Policy 2	Growth Strategy
Policy 19	Planning Obligations and Community Infrastructure Levy
Policy 22	Leisure and open space provision
Policy 23	Public Rights of Way

Policy 27	Parking
Policy 29	Housing Provision
Policy 29	Housing Mix
Policy 30	Housing Mix
Policy 31	Supporting an Ageing Population
Policy 34	Affordable Housing
Policy 43	High quality development
Policy 49	Mitigating Flood Risk
Policy 56	Green Infrastructure

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The Development Strategy was submitted to the Secretary of State in October 2014.

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

HA1 – Land west of Potton Road, Biggleswade

Supplementary Planning Guidance

Central Bedfordshire Council's Design Guide 2014

Other Guidance

Potton Road, Biggleswade Development Brief (2014)

Relevant Planning History

None

Representations: (Parish & Neighbours)

Biggleswade Town Council No objections

Neighbours 2 representations have been received from the following properties:

The Avenue
Rowletts View: No. 3

Objections and concerns raised by the above can be summarised as follows:

- Concerns that the avenue described on the new development would be called 'The Avenue' as this street name already exists in Biggleswade;
- Needless destruction of countryside and wildlife habitats;
- Biggleswade is losing its heritage and identity;
- What are the Councils intentions for Biggleswade – retain it as a small quiet local community town surrounded by fields, common land and hedgerows or turn into a big noisy

- large town like Luton?;
- What's to stop anymore fields, open spaces, hedgerows, trees etc. being destroyed.

Consultations/Publicity responses

CBC Archaeology	The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; a programme of community engagement, the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach conditions to any permission granted in respect of this application.
CBC Contaminated Land Officer	Due to the previous use of part of the site as a plant nursery, conditions have been suggested to provide desk study and remediation scheme to deal with any potential contaminated land.
CBC Ecology	It is not considered that the proposal will have an impact on protected species and pleased to see the ornamental planting mix for the site which will benefit bees and butterflies. Wants to see integral nest boxes for birds and bats within built structures. Further badger survey required together with phased escape routes for small mammals.
CBC Highways	No objections subject to relevant conditions being attached to any permission granted including visibility splays, road sections and construction traffic management plan.
CBC Housing Development Officer	Supports this application as it provides for 105 affordable homes which reflect the current policy requirement of 35%. The plans show the units well dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. Expect all units to meet the Code for Sustainable Homes Level 3 and meet all HCA design and quality standards.
CBC Landscape Officer	The scheme has a very rich internal landscape but some changes to the specification are required. The maintenance required will be extensive and required skilled input. At present it is not considered that the boundary screening isadeqaute for a development of this scale
CBC Local Plans	No comments received.
CBC Play & Open Space	Onsite provisions are appropriate with off site requirements for young people, playing pitches and leisure centre expansion to be secured by s106 contributions.
CBC Public Art Officer	Would expect to see a reasonable amount of public art incorporated into a development of this size. A condition is

	recommended to ensure the public art is delivered
CBC Public Protection	No objections in principle to this development. However a condition has been suggested to control hours of working.
CBC Rights of Way	Raised comments with regards to the lack of boundary treatment adjacent to Bridleway No. 9 and the location of boundary treatment along the boundary with Footpath No. 12.
CBC Sustainable Transport Officer	Important the site is promoted as one that is well served by bus, walking and cycling routes. S106 contributions expected to provide for upgrades to the existing bus stops, public transport service improvements and improvements to the existing PROW network.
CBC Tree Officer	No objection following the submission of revised plans
Anglian Water	No objection subject to a planning condition requiring further drainage details.
Environment Agency	No objection subject to a planning condition requiring further drainage details.
Highways Agency	Does not intend to issue a direction.
Internal Drainage Board	Suggests that planning permission should not be granted without conditions requiring that the applicants storm water design and construction proposals are adequate before any development commences.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Layout, Density and Built Form
3. Impact on Amenities of Existing and Future Residents
4. Highways and Sustainable Transport
5. Flood Risk and Drainage
6. Open Space, Landscaping and Ecology
7. Impact on the Adjoining Rights of Way
8. Archaeology
9. Impact on Infrastructure and Services
10. Any Other Considerations

Considerations

1. Principle of Development

The site was allocated for residential development to provide a *minimum* of 330 dwellings under Policy HA1 of the Central Bedfordshire (North) Site Allocations DPD. The principle of residential development for the site has therefore already been established in policy terms.

As the current application proposes 301 dwellings, it has been advertised as a departure from the Development Plan. The lower number of dwellings proposed to those sought by Policy HA4 is considered to be acceptable in view of the Council's new design requirements and parking standards set out in the Design Guide 2014.

2. **Layout, Density and Built Form**

Site Allocations Policy HA1 required production of a Development Brief to guide development and this was completed in May 2014 following public consultation. The Development Brief was approved for Development Management purposes by the CBC Executive Committee. It outlines the aims for the development to deliver and identifies the constraints and opportunities which any planning application must address. The vision for the site is:

'The creation of a carefully designed new neighbourhood in Biggleswade. Providing homes which draw on the architectural character of the town, set within a high quality public realm including landscaped greens, avenues and squares.'

The proposals submitted under this application adequately demonstrate that the vision for the site will be achieved. The proposed dwellings will integrate the development within the local setting and the well located open spaces will create a sense of space and place.

The average net density of 30dph is considered to be appropriate for this site on the edge of the town and would be similar to densities in nearby residential areas. The development would be dispersed with open space in the form of formal play areas, avenue square and greens space. The application provides a range of house sizes and types will be provided to reflect local need and provide a mixed community. The application proposes mainly two storey dwellings, four bungalows and 2.5 storey heights at key locations within the site. These heights would be in keeping with surrounding properties and is considered appropriate for this edge of town site.

3. **Impact on Amenities of Existing and Future Residents**

The site is surrounded by open countryside except for the nos. 157, 177, 179, Sandiacres and Elmside along Potton Road which adjoin the site, the properties facing on the opposite side of Potton Road and residential development to the south-west. Further new dwellings are currently under construction behind no. 157 Potton Road on the opposite side of Bridleway No. 9. to the south-west.

Nos. 177, 179 and Sandiacres are single storey bungalows set fairly close to their rear boundaries. The development has been designed to be sympathetic to these existing properties and therefore it is proposed for the plots behind nos. 177 and 179 to be bungalows with one flat over garage that is set further away from the shared boundary. The proposed development has an acceptable relationship to all other existing properties which will not result in any loss of amenity.

The detailed layout provided demonstrates that the development can provide adequate garden sizes that meet the required back-to-back distances to preserve the amenities of residents. Where there are 2½ storey dwellings, the rear elevations have velux windows proposed to reduce any potential overlooking issue.

4. **Highways and Sustainable Transport**

Highways

The proposal has been the subject of considerable pre and post application

discussion and general agreement in principle. The Highways Officer is content that the scheme is supported by a robust Transport Assessment that gives an accurate assessment of the impacts of the development on the surrounding highway network and taking into account the Eastern Relief Road (ERR) which is scheduled to be open for traffic in March 2015.

The ERR should therefore be open pre-commencement of this development. Due to concerns about the impact of construction and future residential traffic on existing routes through the town, a condition is proposed to prevent commencement of any development prior to April 2015 and proportionate contributions will be made towards the ERR and A1 south roundabout. These contributions are required by DPD policy HA1 and are justified by the figures contained within the Transport Assessment for this development.

In addition the agreed financial contributions toward sustainable transport and town centre traffic management arrangements will provide further mitigation against highway impacts. In the immediate vicinity of the site, the development will also provide for various off-site highway works to include provision of footway improvements, three pedestrian/cycle crossing points on Potton Road, reduction of speeds on Potton Road to 30mph and suitable bus stop/bays. The exact location and detail of the crossings and bus stop facilities have yet to be finalised but can be secured by condition and the other improvements will be secured by S106 Agreement.

With regard to the on-site layout, the estate roads along with the resident and visitor parking provision is compliant with the latest design requirements of the authority and as such provides appropriate highway related infrastructure to ensure the site can be adequately accessed and serviced.

In conclusion, the Highways Officer has recommended the inclusion of conditions and advise notes should the application be approved.

Sustainable Transport

Accessibility

The development site is situated to the north east of Biggleswade on the Potton Road (B1040) approximately 1.9km.s from Biggleswade town centre, 2 km's from the strategic road network (A1).

Biggleswade town centre has a range of local facilities and provides access to a range of food stores and the rail station offering easy access to London and Peterborough. Local schools are also in reasonable proximity including Edward Peake Middle School and Stratton Upper School. The town centre is therefore within easy cycling distance and the schools within walking distance.

The site is also near the new Kings Reach development that upon completion will offer a range of new facilities including community, and sports facilities and a new school.

The site is adjacent to open countryside offering easy access to the rights of way (ROW) network with ROW running along the north (FP13) and south western (BW9) boundaries, these routes also connect to the national cycle network (NCN12) offering connectivity to Sandy across Biggleswade Common.

In order therefore to promote access to all of these local facilities by sustainable modes of transport it is important that the site is promoted as one that is well served by bus walking and cycling routes.

Public Transport

Potton Road currently has an infrequent service, with off peak services only along Stratton way and into the town centre.

The proposals for serving this site with an improved service are linked to the completion of the ERR through the Kings Reach development with a continuation into town via Potton Road. The scheme will provide a contribution to that service to ensure that the development is connected by public transport and in particular to the railway station and town centre facilities throughout the day.

Walking and Cycling

It is proposed that the site will be constructed such that vehicle speeds are low, with direct routes across the site to facilitate walking and cycling with easy access to local walking and cycling routes.

Cycle parking will also be provided within the curtilage of the properties although it is necessary to ensure that this provision is to the standard required by the council cycle parking guidance.

As previously mentioned the site is bounded by public rights of way and access to the ROW network is provided to the north and also at the north western boundary of the site. A contribution to improve FP13 will be made such that the opportunities to connect to the national cycle network are maximised.

There is currently a footway running the length of Potton Road adjacent to the site and for some of its length it is proposed that this will be upgraded, but towards the town it is proposed that the footpath be diverted into the site. The rationale for this is that the footway is deemed substandard and the potential for improvements limited by the mature hedgerow that currently exists.

This existing footway and hedge are currently poorly maintained and GIS plans for the area and the fact that the street furniture is buried in the hedgerow suggest that there is potential for localised improvement. The highway improvements associated with this site along Potton Road include provision for a 30mph speed limit, new crossings and upgraded bus stop. It is likely therefore that street lighting will need to be improved. A more active frontage along Potton Road would also help to keep vehicle speeds low and potentially limit the amount of work required to ensure that speed limits are enforceable.

Three pedestrian crossing points are proposed, the exact position being determined at a later stage. It is likely however that the crossing closest to Edward Peake school will need to be a zebra crossing such that all children from the site have the benefit of a formal pedestrian crossing.

Travel Plan

A travel plan has been submitted as part of this application in accordance with

the councils requirements, amendments have now been made to an early draft and this travel plan is now acceptable and will be secured through a S106 Agreement.

5. **Flood Risk and Drainage**

The site is generally flat and currently comprises of a combination of cropped fields and rough grass land with heavily overgrown glass houses to the north east element. There are no existing surface water features within the site boundary. The Environment Agency was consulted on the submitted Flood Risk Assessment and their position is that the proposed development will be acceptable if a planning condition is included requiring further surface water drainage details.

Anglian Water confirms that there are no assets owned by them within the development site boundary. Anglian Water have provided the following comments regarding wastewater treatment, foul sewerage network and surface water disposal:

Wastewater Treatment

The foul drainage from this development is in the catchment of Biggleswade Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network

Development will lead to an unacceptable risk of flooding downstream and mitigation in the form of the specifically requested connection point (at manhole 7501 at a maximum rate of 6 litres per second) will be required. The drainage strategy for the site should cover the procurement of the improvement works. Anglian Water has requested a condition requiring the drainage strategy covering these issues to be agreed prior to commencement of development.

Surface Water Disposal

This is outside the jurisdiction of Anglian Water and the views of the Environment Agency are more appropriate.

6. **Open Space, Landscaping and Ecology**

The applicants Landscape Strategy identifies a network of open spaces through the development in accordance with the requirements identified by Leisure Services. The development will deliver 3 combined LEAP/LAP play spaces each with the appropriate equipment and layout for the development. Appropriate contributions be secured for the Saxon Pool Leisure Centre extension, countryside recreation and green infrastructure to mitigate the impact of the development.

Following the submission of revised plans, the Landscape Officer is still not satisfied with the level of planting along the boundaries, particularly the north eastern boundary, where the development will create an urban edge to the countryside. The northern boundary is more acceptable, but screening relies in part on existing features beyond the boundary. However, the proposed planting within the SuDS area and the play area will create the filtered edge required.

The site is in a sensitive location close to Biggleswade Common and the Greensand Ridge - it needs greater integration than can be achieved with the

planting proposed. The Landscape Officer has concerns with the amount of development in the site has reduced the space for mitigation. In contrast, the internal planting is extensive and richly detailed although it will result in a more urban style of planting than would have been liked for this rural edge site as the maintenance of this scheme will have high requirements particularly for watering.

In some respects the scheme is "overplanted" which will lead to maintenance issues or not in keeping with landscape character. As such, amendments are recommended to the number of trees and species, native hedge mix, pond shrub mix, planting for the play area's. Full details of these amendments are set out in a Note to Applicant.

The Landscape Officer does not consider the boundary screening to be adequate for a development of this scale. Therefore, a condition shall be attached to any permission granted for a landscape scheme to be submitted incorporating the comments and suggestions set out within this report.

The Council's Ecologist has looked at the documents submitted with the application and noted that it is not considered that the proposals will have an impact on protected species. They are pleased to see the ornamental planting mix for the site includes nectar rich species which will benefit bees and butterflies such as lavender and buddleia.

Whilst the landscaping proposed identifies opportunities for native hedgerows and wildflower areas, including that around the attenuation pond, other opportunities for enhancement have not been explored such as bird and bat boxes within built structures along the rural edges of the development. This will be secured by a condition attached to any planning permission granted.

The ecological appraisal cites the fact that the development area is not connected to nearby CWSs and hence unlikely to provide significant habitat opportunities but this could be (and is to some extent with the new exterior hedges) improved upon. There is limited ecological value in the GI areas within the site though they will benefit invertebrates and some birds increased hedges / SuDS would add further benefit for mammals such as hedgehogs.

Badger activity has been identified during the updated ecological survey and a further evening badger survey will be required to determine the level of use and any mitigation that may be required. This will be secured by a condition attached to any planning permission granted.

7. Impact on Adjoining Rights of Way

Concerns were raised by the Rights of Way Officer with regards to the boundary treatment surrounding the site adjoining the existing Public Rights of Way network. The boundary treatment plan was not clear and seemed to show two types of treatment. The proposal is for a 1.1m high three bar timber fence to be erected along the boundary with Bridleway No. 9 and Footpath No. 12. Revised plans have been submitted to ensure the boundary treatment is clear and this is now considered acceptable.

8. Archaeology

The proposed development site contains a series of cropmark enclosures (HER 15079) and lies within an extensive and complex landscape of archaeological remains dating from the later prehistoric periods onwards. Under the terms of the National Planning Policy Framework (NPPF) these are all heritage assets with archaeological interest and are a material consideration in planning matters.

The Council's Archaeology Officer has been engaging with the applicant with regards to the archaeological sensitivities of this site since 2011 when it was requested that in advance of the submission of a planning application, they undertake a geophysical survey and targeted programme of trial trenching. In October 2014, a limited and partial trial trench evaluation was undertaken at the southern end of the site. Ten trenches were excavated in total and from the officers observations and what was reported by the archaeologists undertaking the fieldwork; only a small number of them contained archaeological features, none of which produced any dating evidence. Therefore the partial archaeological evaluation would seem to suggest that southern end of the site has relatively low archaeological potential.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; a programme of community engagement, the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, the Council's Archaeology Officer has requested a condition be attached to any permission granted in respect of this application for the submission of a detailed 'Written Scheme of Archaeological Investigation' prior to any development or demolition taking place on site.

9. Impact on Infrastructure and Services

The applicants have agreed to appropriate contributions to ensure that the additional impacts arising from the development can be mitigated in accordance with the statutory test set out in CIL Regulations.

The total package to be secured via a Section 106 Agreement would include a contribution of around £3.7million (£12,340 per unit) towards provision of education, sustainable transport, healthcare, leisure, recreational and green infrastructure facilities and the full 35% affordable housing provision (106 dwellings).

The breakdown of financial contributions is as follows:

Education	£2,244,420.00
Sustainable Transport	£479,000.00
Health Facilities	£135,450.00
Indoor Sports & Centres	£110,085.00
Countryside Recreation Space & GI	£116,914.00
Community Facilities	£70,195.00
Waste Management	£14,462.00

Town Centre Improvements	£25,000.00
Contribution to Eastern Relief Road	£445,540.00
Contribution to A1(S) Junction Improvement	£73,274.00
TOTAL	£3,714,340.00

The Leisure, Recreational Open Space and Green Infrastructure contribution will include contributions towards leisure centre enhancements and improvements to the existing GI projects within the 'Biggleswade Green Wheel' that is in close proximity to development site.

The proposed affordable housing 'package' consists of 57% Intermediate and 43% Affordable Rent tenure types. These would comprise a range of 1, 2, 3, 4 bedroom dwellings pepper-potted across the site. The Affordable Rent properties will include 4 no. bungalows. It is noted that the scheme does not meet the current required affordable housing mix, this is due to the mix being agreed before the change.

10. Any Other Considerations

There are no further considerations to this application.

Human Rights

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

The Equalities Act 2010

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

Recommendation

It is recommended that planning permission be resolved to be **GRANTED** subject to the conditions detailed below.

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted 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 take place on site prior to 1 April 2014. The routing of construction traffic shall be in accordance with the approved Construction Traffic Management Plan under condition 5.**

Reason: To allow for the opening of the Biggleswade Eastern Relief Road to traffic and thereby ensure the local highway network has adequate capacity to deal with traffic generated as a result of this development.

(Policy 25, DSCB)

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

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

- 4 **No demolition or development shall take place until a written scheme of archaeological investigation, which reflects the final foundation design, has been submitted to and approved in writing by the Local Planning Authority.**

The written scheme shall include details of the following components:

- **A method statement for the investigation of any archaeological remains present at the site;**
- **An outline strategy for post-excavation assessment, analysis and publication;**
- **A strategy for community engagement.**

The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- **The completion of the archaeological investigation, which shall be monitored by the Local Planning Authority;**
- **The implementation of a programme of community engagement;**
- **The submission within eight months of the completion of the archaeological investigation (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.**
- **The completion within two years of the approval of the Updated Project Design (unless otherwise agreed in advance in writing by the Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; the preparation of the site archive ready for deposition at a store approved by the Local Planning Authority, the completion of an archive report, and the submission of a publication report.”**

Reason: In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably destroyed as a consequence of the development and to make the record of this work publicly available. In accordance with Policy 45 of the emerging Development Strategy for Central Bedfordshire (2014); to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the

archaeological resource which takes place as a result of the development is appropriately mitigated.

- 5 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- proposals for construction traffic routes;
- proposed construction traffic routes in the event the Biggleswade Eastern Relief Road is not open to the public as at 1 April 2014;
- the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs;
- the management of junctions to, and crossing of, the public highway and other public rights of way.

The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.
(Policy 43, DSCB)

- 6 No development shall take place until a scheme detailing provision for:

- On site parking for construction workers
- Material Storage and compound
- Wheel Cleaning arrangements

for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Policy 43, DSCB)

- 7 No development shall take place until the detailed plans and sections of the proposed roads, including gradients, method of surface water disposal and surfacing materials have been 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.
(Policy 43, DSCB)

- 8 No development shall commence until full engineering details of the junction arrangements including visibility splay provision as shown on the approved in principle plan JNY8043-02 Revision B and other off-site highway works to include footway and crossing facilities measures to promote sustainable modes of travel have been submitted to and

approved by the Local Planning Authority. No dwelling shall be occupied until such time as the agreed works have been implemented in accordance with a phasing timescale to be agreed in writing with the Local Planning Authority.

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

(Policy 43, DSCB)

- 9 No development hereby approved shall take place until a Public Art Strategy and delivery timetable has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; artists briefs and commissioning arrangements; strategies for community involvement as appropriate; timescales for implementation of the strategy; and project management and long-term maintenance arrangements. The Public Art Strategy shall then be implemented in full as approved in line with the agreed strategy and project timetable.

Reason: In the interests of promoting local distinctiveness and creating a sense of place.

(Policy 43 DSCB)

- 10 No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

(Policies 43 and 58, DSCB)

- 11 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- a. Detailed drainage calculations demonstrating that the drainage system has been designed not to increase the risk of flooding on or off site.
- b. Detailed drainage plan illustrating the layout of the drainage system and the exceedance flow paths.
- c. Details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site, and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with paragraphs 109, 120 & 121 of the National Planning Policy Framework.

(Policy 49, DSCB)

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

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

(Policies 43 and 44, DSCB)

- 13 **No development shall take place on site until the following has been submitted to and approved in writing by the Local Planning Authority:**

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

Reason: To protect human health and the environment

(Policy 44, DSCB)

- 15 **No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

3. Where shown to be necessary by any Phase 2 Desk Study found to be necessary by Condition XX, a Phase 3 detailed remediation scheme 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.
4. 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.

Reason: To protect human health and the environment
(Policy 44, DSCB)

- 16 The parking shall be laid out in accordance with drawing number 56157-101 G (Site Layout Plan) and maintained thereafter.

Reason: To retain the appropriate level of parking.
(Policy 27 DSCB)

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

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Policy 43 DSCB)

- 18 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 vehicle 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.
(Policy 43 DSCB)

- 19 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.
(Policies 43 and 59, DSCB)**

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 56157-100, 56157-101G, 56157-102B, 56157-103B, 56157-105D, 56157-107B, 56157-110A, 56157-111A, 56157-112A, 56157-113A, 56157-118, 56157-119, 56157-120A, 56157-121B, 56157-122A, 56157-132A, 56157-124A, 56157-125A, 56157-126A, 56157-127A, 56157-128A, 56157-

129A, 56157-130A, 56157-131A, 56157-132A, 56157-133A, 56157-134A, 56157-135A, 56157-136A, 56157-137A, 56157-138A, 56157-139B, 56157-140A, 56157-141A, 56157-142A, 56157-143A, 56157-144, 56157-145B, 56157-146A, 56157-150B, 56157-151B, 56157-152A, 56157-153A, 56157-154A, 56157-155B, 56157-160, 56157-161, 56157-162, 56157-163, 56157-164, 56157-165, 56157-166, 56157-167, 56157-168, 56157-169, 56157-170, 56157-171, 56157-172, 56157-173, 56157-175, 56157-176, 56157-177, 56157-178, 56157-179A, 56157-180, 56157-181, 56157-182, 56157-183, 56157-184, 56157-185, 56157-186, 56157-190, 56157-191A, 56157-192A, 56157-193A, 56157-194A, 56157-195, 56157-196, 56157-197A, 56157-198, 56157-199A, 56157-200A, 56157-201, 56157-202A, 56157-203A, 56157-204A, 56157-205, 097-CMP-01

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. During the construction phase **escape routes** should be provided from any open trenches to prevent small mammals becoming trapped or drowning should they fill with water.

No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

3. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
5. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, Central

Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the estate roads as highways maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
7. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
8. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
9. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE. 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.

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

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

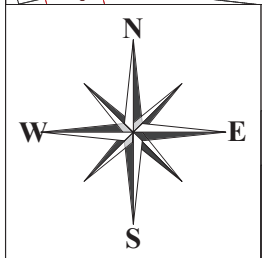
DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 02:December:2014
Map Sheet No

Application No.
CB/14/03520/FULL

Scale: 1:1250

Erection of 14 dwellings for residential development including garages, roads and all ancillary works.

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Item No. 7

APPLICATION NUMBER	CB/14/03520/FULL
LOCATION	Site of Former The Gables, Mill Lane, Potton
PROPOSAL	Erection of 14 dwellings for residential development including garages, roads and all ancillary works.
PARISH	Potton
WARD	Potton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Alex Harrison
DATE REGISTERED	26 September 2014
EXPIRY DATE	26 December 2014
APPLICANT	Mr Fenlon
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE	Town Council objections to a major application.
RECOMMENDED DECISION	Full Application - Approval

Reasons for Granting

It is considered that the redevelopment of the site is acceptable in principle.

Outline planning permission has previously been granted at appeal on this site for 14 dwellings and the Council was unable to defend refusal grounds relating to highway safety. The Parish Council concerns are noted however the proposal is such that the development can be contained within the application site and it is considered to reflect the appeal proposal in terms of scale and amount of development. Additionally, the scheme is considered to present buildings appropriate in their design, scale and mass to the character and context of the surrounding local development. The scheme will not unduly impact upon the residential amenity currently enjoyed by neighbouring properties, nor will it have any significant adverse impact upon highway safety and any potential impacts upon existing local infrastructure will be acceptably mitigated by the securing of S106 contributions.

The proposal is considered acceptable and in accordance with policies CS1, CS2, CS5, CS13, CS14, DM2, DM3 and DM4 of the Core Strategy and Development Management Policies (2009), Central Government guidance contained within the National Planning Policy Framework (2012) and with guidance provided by the Central Bedfordshire Council's Design Guide (2014).

Site Location:

The site is located to the north side of Mill Lane towards the north western edge of

Potton. It previously comprised a bungalow with a range of outbuildings to the rear but the dwelling has been demolished and the site is now overgrown and fenced off. There is an access to a paddock to the north.. The outbuildings remain on site and there are large amounts of rubble on site, presumably from the demolished dwelling. The site has also been subject to past works comprising of the digging and filling of a number of proposed footings, linked to a previous planning approval on the site. The surrounding area comprises residential properties, education facilities, paddock and open countryside.

The Application:

Planning permission is sought for the construction of 14 dwellings on the site with associated landscaping and parking. The scheme would comprise eight, three-bedroom semi detached properties, a terrace of three dwellings made up of one two-bed dwelling and two three-bed dwellings, one three-bed detached house and the final two units take the form of one-bed flats above separate 4-bay car port structures.

Vehicular access will be gained from Mill Lane with the existing access onto the highway improved. Within the site the layout proposes a shared surface approach. Parking provision is mixed between private driveways and allocated communal areas and a number of spaces are provided in car port structures, the plans have been amended since their original submission to amend the parking layout and allocation following Officer concerns. Plots 1 and 2 benefit from a detached single garage. The proposal also gives provision of access to the paddock to the rear of the site which is under third party ownership. The gates and paddock access exists at present and will be repositioned and retained as part of the scheme.

Cycle parking and refuse/recycling storage provision is made within the private areas for each plot. Each dwelling is provided with private amenity space.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (March 2012)

Circular 11/95 - The use of Conditions in Planning Permissions

Circular 05/2005 – Planning Obligations

Core Strategy and Development Management Policies (November 2009)

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS5 Providing Homes

CS6 Delivery and Timing of Housing Provision

CS7 Affordable Housing

CS14 High Quality Development

CS16 Landscape and Woodland

CS17 Green Infrastructure

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development
DM4 Development Within and Beyond Settlement Envelopes
DM10 Housing Mix
DM14 Landscape and Woodland

Central Bedfordshire Council's Emerging Development Strategy 2014

Policy 19	Planning Obligations and Community Infrastructure Levy
Policy 27	Parking
Policy 30	Housing Mix
Policy 34	Affordable Housing
Policy 43	High Quality development

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

- | | |
|-----------------|--|
| CB/12/04072/NMA | Non-material amendment regarding landscaping proposals.
Approved 1/12/2012 |
| CB/10/01454/RM | Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising of the erection of 14no. dwellings with associated access and garages. (pursuant to outline planning approval MB/06/00833/OUT granted at appeal ref. APP/J0215/A/07/2036015 dated 8/01/08) Matters to be considered are access, appearance, layout and scale.
Approved 2/7/2010 |
| CB/09/06388/RM | Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising the erection of 13 no. 3 bedroom dwellings and 1 no. 1 bedroom dwelling (pursuant to outline planning permission 06/00833/OUT). Matters to be considered are access, appearance, layout and scale
Refused 18/2/2010 - Appeal submitted and withdrawn |
| CB/08/01979/RM | Reserved Matters: Residential development following demolition of existing dwelling and outbuildings comprising of the erection of 12 no. 3 bedroom dwellings, 1 no. 2 bedroom dwelling and 1 no. 4 bedroom dwelling (pursuant to outline planning permission 06/00833/OUT). Matters to be considered are access, appearance, layout and scale.
Withdrawn - 8/1/2009 |

CB/06/00833/OUT Outline: Residential development following demolition of existing dwelling and outbuildings (all matters reserved)
Refused 24/7/2006 - Appeal allowed 8/1/2008

**Representations:
(Parish & Neighbours)**

Potton Parish Council Object as it is too near the school.

Neighbours Third party representations have been received from the owner/occupiers of the following addresses in objection to the development:

- 4 Mill Lane
- 10 Mill Lane

- The junction onto Mill Lane will create a safety issue, particularly during school drop-off and pick-up times.
- additional hard surface will add to an existing drainage problem.
- House to the rear of 10 Mill Lane will have an overbearing impact.
- Plots 3 and 4 will overlook 4 Mill Lane. Overlooking is caused by compressing an excessive number of properties on the site.
- Only Plot 3 has the rear garden depth as specified by the Council's new Development Control Guide dated 18 March 2014

Consultations/Publicity responses

Highways The estate road is not compliant with the latest design guidance. A shared surface carriageway must be a minimum width of 8.8m. Within that corridor visitor parking, service, street furniture etc can be accommodated.

Following the receipt of amended plans

My initial comment is that I'm not convinced that they have addressed the issues.

- The shared surface estate road is still non-compliant with the new guide in that the width is only 7.8m not 8.8m. The highway layout is not very imaginative - there are no street trees or furniture such as bollards to define where on-road parking can be achieved.
- The visitor/on road parking needs to be evenly distributed throughout the development.

- The turning area for the refuse vehicle (body overhang) encroaches over private land which is not acceptable.

Local Development Framework Team.

The application is for 14 dwellings on a site within the settlement envelope in the Minor Service Centre of Potton. The site has a previous permission for a similar development. This was approved in 2010 (10/01454/RM). This application is subsequently expired. The application under consideration is similar to the previously approved application in that it has 14 dwellings. The precedent for development has therefore been set for this site.

Policy DM4 of the North Core Strategy And Development Management Policies states that any development in a minor service centre within the settlement boundary should be commensurate with the scale of the settlement. Policy 38 of the emerging Development Strategy also states this. It is considered that the proposal for 14 dwellings is commensurate with the scale of the settlement and thus accords with Policy DM4 and Policy 38. Development on the site should also be in accordance with Policy CS7 of the North Core Strategy and Policy 34 of the emerging Core Strategy; Affordable Housing.

As such we have no objection to the proposal.

Landscape Officer

I do have concerns about the scale of development proposed and the impact on the street frontage of Mill Lane, although I appreciate that the principle of development of the site is already agreed. In terms of landscape mitigation, there are several features of the scheme which I think are inappropriate in terms of character or which would create management problems in the future.

i) Street tree *Acer negundo* "Flamingo" – this has a very ornamental variegated leaf and is a bushy tree more appropriate for a private garden than as a street tree. A green leafed tree is required.

ii) The three hornbeam planted to define the car park spaces : although it would be great to have larger trees on site – I am concerned that these will become too large for the site and are then at risk of being removed. The trees have an important screening role, to mitigate views from no.4 Mill Lane. A smaller tree with a lower crown would achieve more screening.

For both situations, I suggest the use of hawthorn(

including ornamental or red flowering varieties) ,crab apple – although non fruiting for the front garden tree. Field maple could be a useful tree for the car park bays.

i) Hedging – the widespread use of privet! This development is on the rural edge and I would prefer the use of hedge species which provide greater benefit for wildlife. Cotoneaster simonsii or field maple would be good choices, or pyracantha where thorns are not an issue. The likelihood of the privet being maintained at 1.2m is unlikely – it would be better to plant hedges with less maintenance requirements. The purpose of the hedge enclosing the shrub bed near the field gate should be reviewed.

ii) Retention of the existing leylandii – it would be better to replace this hedge as a trimmed leylandii will detract from the development and again is likely to be removed.

iii) Access to the adjacent field – it is important to ensure that this development does not restrict the access of agricultural machinery to the paddock to the rear of the site.

At present I object to the landscape proposals but would be happy to discuss the planting with the Applicant.

Trees and Landscape

Proposal is to demolish existing buildings and redevelop the site for housing. A previous outline application was approved but subsequently reserved matters details were not supplied within time. One of the reserved matters was with regard to landscape detail.

Full landscape detail and specifications have been received and are acceptable. As such I have no objections or further comments.

Sustainability Officer

The proposed development should comply with the development management policies DM1: Renewable Energy and DM2: Resource Efficiency, which has not been acknowledged in the planning application.

The proposed development is over the threshold of the policy DM1 to meet the development's 10% energy demand from renewable sources. Policy DM2 encourages all new development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The proposed development should therefore comply with the new Part L2013 of Building Regulations and deliver 10% of its energy demand from renewable sources.

In terms of water efficiency, the development should achieve 110 litres per person per day (requirement of CfSH Level 3 / 4 plus additional 5 litres per person per day for external water use). I would request that information how the proposed development meets the above policy requirements is submitted. Should a planning permission be granted, the following condition should be attached:

- 10% energy demand of the development to be secured from renewable sources, this to be calculated as built;
- Water efficiency to be delivered to 110 litres per person per day.

I note that a number of dwellings are east-west orientated which can lead to summer overheating if there is no sufficient shading provided. I would like that the risk of overheating is assessed based on temperatures projected for the next 30 years rather than industry standard of last 30 years. The shading can be provided through careful planting of deciduous trees or through inclusion of architectural features such as oversized eaves, external blinds, brise soleil.

In addition to the above planning policies the proposed development should meet the minimum space requirements as set in the Central Bedfordshire Design Guide. The applicants themselves acknowledge that some of the dwellings do not meet the total space required. Looking at the plans it seems that most 3 bedroom dwellings' third bedrooms are unlikely to meet the minimum space standard and are unlikely to be able to accommodate a single bed making these rooms unsuitable for use as a bedroom. I would request that drawings with room dimensions are submitted to verify a compliance with the Council's minimum space standards.

Ecologist

Having read through the Ecological Appraisal I am satisfied that no protected species will be affected by the proposals. The NPPF calls for a net gain for biodiversity to be delivered through development and some enhancements have been suggested. I would wish to build on these through measures detailed in the CBC Design Guide. I would seek to attach a condition to require integral bat / bird bricks are included in the new dwellings 1 per unit. Also I note that 2 car ports are to be provided and would seek to include nesting opportunities for swifts and swallows within these.

Housing Development This application provides for 0 affordable homes which

Officer

are not in accordance with the current affordable housing policy requirement. I would expect to see 35% affordable housing or 5 affordable units. The Strategic Housing Market Assessment (SHMA) indicates a tenure split of 63% affordable rent and 37% intermediate tenures. This would make a requirement of 3 units of affordable rent and 2 units of intermediate tenure from this development. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, I would support this application.

I have reviewed the viability you sent through (attached). The following has been identified from the appraisal:

Total value: £2,626,000
Profit: £209,451 equates to 7.9%

The viability indicates that any inclusion of affordable housing would make the scheme unviable. The scheme with s106 contributions of £80k is making only 7.9% profit which is well below the industry standard. On this basis I would not expect to see affordable housing delivered from this scheme. To ensure that affordable housing does not miss out on contributions, I suggest that an appropriate % of the s106 contributions is allocated towards affordable housing. This contribution will then be used towards future affordable housing provision within Central Bedfordshire.

I would also recommend a review mechanism is considered with this scheme. The submitted viability indicates that the potential s106 contributions could be as much as £116,099.36. With zero affordable housing and lowered s106 contributions, a review mechanism could help to address this.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below:

Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried

out in accordance with the approved details.

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

Advice to Applicant

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SUDs)

We consider any infiltration Sustainable Drainage Systems (SUDs) greater than 2M below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2M clearance between the base of infiltration SuDS and peak seasonal groundwater levels. They must not be constructed in ground affected by contamination. All need to meet the criteria in our Groundwater Protection: Principles and Practice position statements G1 to G13.

Contamination

The site is located above a principal aquifer. However, we do not consider this proposal to be high risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site following the requirements of National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Internal Drainage Board The Board have no comments to make with regard to the above application.

Walking and Cycling Officer This development is in close proximity to Old Bedford Road/ Bridleway 9, which form one section of cycle route we are developing linking Potton with Sandy via the RSPB. If we are minded to approve I would appreciate a S106 contribution toward the costs of constructing the route which will total around £500k. As part of these works we will be surfacing the Bridleway.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Character of the area;
3. Amenity of adjoining properties
4. Highway Safety
5. Section 106 Contributions
6. Other matters

Considerations

1. Principle of development

Paragraph 49 of the National Planning Policy Framework (2012) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. In its local context, the site lies wholly within the settlement envelope for Potton which is classified as a minor service centre in the Core Strategy. Policy DM4 of this document states that the Council will approve, among other things, housing development that is commensurate with the scale of the settlement, taking account of its role as a local service centre.

Notwithstanding the principle of the development having been accepted, careful consideration of the criteria set out in Policy DM3, in particular, the proposal needs to successfully respond to the constraints of the site by making the necessary provisions for car parking, cycle parking and refuse storage. The design of the proposed dwellings must also be sympathetic to their surroundings and there must not be any undue adverse impact upon the amenities of neighbouring and prospective occupiers. These material considerations will be considered within the main body of the report below.

Planning History

The planning history as listed above is considered to form a material consideration. In 2006 an application was submitted on the site seeking outline permission for 14 dwellings with all matters reserved. The application was recommended for permission by Officers and a report drafted to Development Management Committee. The resolution was to refuse the application on the grounds that the development would cause harm to highway safety due to its proximity to the schools south east of the site. The applicant appealed the Council's decision and the Planning Inspector allowed the appeal, granting outline planning permission without any S106 contributions or affordable housing provision. Following the allowed appeal reserved matters were approved for the scheme.

The Inspectorate also awarded full costs to the appellant on the grounds that the Council was unable to produce any relevant evidence to substantiate its decision to refuse. The Inspector acknowledged that the Council's reasons reflected genuine local concerns over highway safety but at the same time pointed out that local opinion is not a reasonable ground for refusal by itself.

The extant permission for the site expired on 8 January 2013. Prior to its expiration attempts were made to begin the implementation of the consent and a number of footings were dug. However, not all of the pre-commencement conditions had not had the requisite details approved and therefore the works carried out did not amount to a lawful commencement of work and the consent

therefore lapsed.

It is considered that the policy framework relating to residential development has not changed significantly to the extent that the appeal decision is no longer relevant. The previous concern on the site resulted in an allowed appeal and the Council having to pay costs. As a result the appeal decision is considered to carry significant weight in balancing the merits of this proposal and the principle of development should, along with the impact on Mill Lane in terms of highway safety and convenience, be considered acceptable as a result.

2. Character of the area

The proposal has been subject to pre-applications dating back to April 2014. These discussions looked at the detail of a revised scheme including viability. The Central Bedfordshire Design Guide was adopted in March 2014 and published in September 2014. In accordance with the guidance set out on the Council's website it is considered that negotiations and discussions on this scheme were progressed to such an extent and detail that the application of the design guide can be carried out with less rigor. Having said that the scheme has attempted to accord with the recommendation of the design guide as much as possible.

The existing character of the area is mixed in terms of scales and forms. Housing varies between detached two storey dwellings to smaller bungalows. Education facilities lie to the southeast of the site. In addressing the frontage to Mill Lane the dwellings have been located so that plots 1 and 2 reflect the building line of adjacent units. The site frontage is balanced with plots 13 and 14 and as there is no prevailing character of dwelling in this area, the street scene of Mill Lane is not considered to be harmed as a result. Within the site the proposal shows a mix of housing sizes and design which is considered to add interest to the proposal.

The development does not meet the minimum depths of gardens as set out in the adopted Design Guide and some do not meet the minimum size for garden areas. Of those that fall short, Plot 6 is short by 0.6 square metres Plot 7 by 2.7 square metres, Plot 11 by 3.1 square metres, Plot 12 by 0.4 square metres and Plot 13 by 2 square metres. The shortfalls on each plot are small and as discussions into this proposal were advanced prior to the adoption of the Design Guide, and having regard to the planning history of the site, it is considered that the sizes as proposed are suitable in this instance. The two flats proposed will also have allocated private gardens. These are one-bed units and the design guide does not have a standard for this size of dwelling. The provision of private garden is considered to be positive.

The Sustainable Growth Officer has requested that the applicant ensures 10% of energy demand is from renewable sources and water efficiency of 110 litres per person per day be achieved. To accord with Core Strategy and Development Management policies DM1 and DM2 a condition has been included requiring 10% of energy demand to come from renewable sources this condition has also been worded to take account of water efficiency.

The scale and form of development are considered to be appropriate and the

proposal creates an improved and sympathetic frontage to Mill Lane. The development could sit comfortable within the grain of this area of Potton and would not result in any harm to the character of the area as a result.

In order to ensure development is acceptable when implemented conditions are proposed requiring prior approval of external materials and hard and soft landscaping. On this basis the proposal is considered to be in accordance with policy DM3 of the Core strategy and Development Management Policies (2009)

3. Amenity of adjoining properties

The occupier of 4 Mill Lane has objected on the grounds of overlooking to that property from the development. The nearest dwellings as proposed are plots 3 and 4, a 3 bed detached dwelling and 1 bed flat-above-car-port respectively. Any impact from ground floor windows can be mitigated through appropriate boundary treatments required by condition. In terms of the first floor window Plot 3 has three windows facing No 4, two of which serve bathrooms. These can be conditioned to be obscurely glazed and non-opening. The third window is a bedroom window and is the opening furthest from 4 Mill Lane itself. In terms of overlooking, the distance to the garden boundary is between 10 metres and 11 metres and this is not considered detrimental to the residents, given the orientation of the view. It is also reflective of the approved layout of the previous application.

The impact from Plot 4 is lesser still. The rear facing opening on this plot are high level windows serving the stairwell/landing area. There are two gable windows with an outlook towards the rear garden of No. 4 but this outlook is to the end of the garden and will not have any direct outlook to the private amenity areas of the garden and dwelling that would substantiate a detrimental impact on the amenity of the neighbouring occupier.

The occupier of 10 Mill Lane has objected on the grounds that Plot 6 would have an overbearing impact. This plot is the same as previously approved and is noted as being a subservient unit in the terrace it is part of, with a half hipped roof. Numbers 6, 8, 10, 12 and 14 Mill Lane are not considered to suffer an unreasonable impact in terms of loss of light, privacy, overlooking or overbearing impact. These properties have a varying rear garden sizes of between 13.5 metres and 18 metres adjoining the site and are considered suitable distances to reduce the impact of the development to their rear boundaries.

The distance between the proposed dwellings fronting Mill Lane and the opposite bungalows is reduced when comparing it with the distance of the previous bungalow but the distance in excess of 15 metres is considered to be acceptable. Similarly the dwellings on Everton Road that back onto the eastern boundary of the site are considered to retain suitable distances from plots 9, 10, 11 and 12 to ensure there would be no harmful impact.

In terms of the homes proposed themselves, the applicant has acknowledged that the internal floor space dimensions do not meet the minimum standards as set out in the design guide. The shortfalls relate to third bedrooms on the three bed houses and the Council's Sustainable Growth Officer requested amended

plans to show dimensions reflecting the recommendations of the guide. However consideration has to be given to the view that negotiations and discussions on this scheme were progressed to such an extent and detail that the application of the design guide can be carried out with less rigor. Enlarged homes would also impact on amenity and character impacts by virtue of enlarging dwelling sizes and reducing garden sizes as a result. There could also be implications regarding amenity and parking impacts on a site which planning history shows development of 14 dwellings is acceptable in principle. On balance, while the internal space dimensions of the adopted design guide should be achieved, the circumstances of this site are such that, on balance, the dwellings as shown are considered to be acceptable.

4. Highway Safety

The existing access is proposed to be upgraded to allow for greater width and visibility, the latter of which will be improved due to removal of existing landscaping as part of the works proposed. A shared surface arrangement is proposed for the main access areas within the site. The width of this does not comply to the standards but is not considered to be unacceptable given that all allocated parking can be provided on areas outside of this shared surface. Off of the main access are private driveways and two communal parking areas serving a number of the proposed units and visitor spaces. Access is also provided to the paddock to the rear and the northern extent of the site sees the access arrangements form a turning head to allow for refuse vehicles to manoeuvre.

In terms of parking the amended layout shows that the minimum standards as set out in the Design Guide have been met for each dwelling. It has also been possible to provide 7 visitor bays within the site with additional opportunities within the shared surface area. It is not possible to provide private parking to each unit on plot but the revised layout has located the allocated parking to each unit as close and conveniently as possible and ensured it is compliant with the Council's space requirements of 2.4m x 5m. . This approach is a reflection of the previous approval although this latest scheme has achieved more parking than the last.

The access arrangements and layout are a reflection of the previously approved scheme and are considered to still be acceptable. The plans show potential visitor spaces being provided on the shared surface area which would reduce the width in these areas. It would still enable a width of 5 metres which would allow for two vehicles to pass however which means that access within the site is not precluded. The Highways Engineer has requested the use of street furniture to define on-road visitor parking and this can be requested by condition.

Parking is provided in a mix of open and car port spaces. Two private garages are proposed. These garages are of a size that is compliant with the design guide. The initial proposal showed visitor spaces provided on Mill Lane itself but these have been removed following Officer concerns.

In terms of cycle parking, space is provided for each plot. Plots 1 and 2 show provision with the garages and the other dwellings have spaces within their curtilage for such facilities. Plot 4 and 5 (flats above car ports) have been given spaces within the car port area which is sufficient.

Objection has been received on the grounds of highways impact from increased vehicles. These concerns are noted however it has been possible to ensure all parking can be provided within the site and the extent of vehicle movements to and from the site is not considered to have a detrimental impact when considering the conclusions of the Planning Inspectorate's previous decision and the implications this has had on the Council in terms of costs.

Taking account of highway safety and parking the scheme is reflective of the previous approval, which is a material consideration, and has been re-addressed to provide parking that is compliant with the design guide. As a result there are no objections on highways grounds.

5. Section 106 Contributions

The previous scheme allowed at appeal was done so without the provision of any S106 monetary contributions or affordable housing. The applicant has had a number of pre-application discussions with Officers regarding contributions. It is considered that the previous decision is a material consideration that should be balanced against current policy. It is considered reasonable to expect the applicant to comply with policies CS2 and CS7 of the Core Strategy with any new scheme on the site. The previous lack of contributions as allowed by the Inspectorate is not considered, in isolation, to outweigh this policy requirement.

The proposal has been subject to viability considerations which have been reviewed both internally and independently. The viability of the scheme is such that no affordable housing provision is proposed on this scheme. The Council's Housing Development Officer has confirmed the scheme as unviable with the provision of affordable housing which was also the conclusion of the independent assessment. Government guidance contained within *Section 106 Affordable Housing Requirements* states:

Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit.

The proposed S106 offers £69,085 which in part could be redirected from some areas monies are not so crucially required and instead be attributed to an affordable housing commuted sum to be used towards affordable housing elsewhere. As affordable housing is at the top of the planning obligation hierarchy, it is recommended that the Council should apportion some of the monies to its provision offset by those areas that are currently less of a priority to the Council.

Of the contributions required it is proposed that monies from the following areas be attributed to an affordable housing commuted sum of £21,621 which would be taken from the following areas:

Healthcare - £18, 255

Libraries - £738

Emergency Services - £2,628

The agreement also includes a trigger mechanism which requires a re-appraisal of viability if development does not commence within 12 months of decision to see if affordable housing can be provided on site as part of the build. This is a reasonable clause to include and it is considered that this proposal contains a unit mix that can be adapted to provide affordable housing if revised viability suggests it is possible.

In addition to this it is apparent that the S106 calculator has underestimated the education contribution required. As proposed the contribution is £2,361, which is larger than requested at pre-application stage. The actual contribution required is higher and as a result it is also proposed to redirect monies to increase the education contribution.

Of the remaining contributions, and under the same rationale considered when looking at the affordable housing contribution, it is considered that the following contribution can be redirected to provide a revised education contribution of £11,112 against a requirement of £41,940.08.

Marston Vale Community Forest - £8,751

Subject to the completion of a S106 agreement of the heads of terms set out above it is considered that any impacts on existing local infrastructure will be acceptably mitigated, bearing in mind the viability of the development, thereby complying with policy CS2 and CS7 of the Core Strategy and Development Management Policies (2009).

4. Ecology

The Council's Ecologist has commented requesting biodiversity enhancements as part of the proposal, namely the provision of bat and bird bricks integrally to each dwelling and nesting opportunities in car ports. The applicant proposes the inclusion of bat boxes on new buildings and also on trees with one box installed on the south facing wall of any new building. Bird boxes are to be installed on mature trees. In addition to this the recommendation of the Ecological Survey proposes wildlife-friendly planting, installation of bird baths and using trellis to encourage climbing plant species. The comments of the Ecologist are noted however it is considered that the ecological mitigation/enhancement proposals as submitted are acceptable and it is not considered appropriate in this instance to require any variation to this.

5. Landscape

Concerns are raised by a Landscape Officer over elements of the proposed scheme. Namely the proposal of an acer tree and hornbeam trees, use of privet hedging and retaining existing leylandii. Alternatives are suggested which are considered to be warranted to serve as an enhancement to the site and remove what are regarded as inappropriate species. As a result it is proposed to include a condition requiring a revised landscaping scheme for approval.

It is also noted that the landscaping scheme only shows one bat box illustrated on the plan which does not accord with the interpretation of the recommendations of the Ecological Assessment. The condition can therefore also require increased bat boxes on the development as per the previously mentioned recommendations.

Recommendation

That, subject to the completion of a S106 agreement, Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted 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 take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

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

- 3 **Notwithstanding the details in the approved plans, no development shall take place until a revised landscaping scheme to include all hard and soft landscaping, increased provision of bat boxes and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

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

- 4 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a scheme for surface

water disposal showing infiltration systems used only where it can be demonstrated that they will not pose a risk to groundwater quality. The works shall then be carried out in accordance with the approved details.

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

- 5 **Prior to the first occupation of the dwelling at plot 3 , the first floor windows in the rear elevation of those plots with the exception of the bedroom window, shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.**

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 6 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification), no works shall be commenced for the extension of the buildings, any material alteration of its external appearance (including additional openings) or the erection of any building or structure within its curtilage until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 No building shall be occupied until the junction of the proposed vehicular accesses with the highway has been constructed in accordance with the approved details.

Reason

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

- 8 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access for plots 2 and 13 and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

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

- 9 Before the access is first brought into use a triangular vision splay shall be provided on the east side of the new access for the development and plot 1 and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

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

- 10 Visibility splays shall be provided at the junction of the access for the development and with Mill Lane and the junction of the access for plot 1 before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

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

- 11 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason

To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits .

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

Reason

To retain off-street parking provision and thereby minimise the potential for

on-street parking which could adversely affect the convenience of road users.

- 13 **No development shall take place until details of the stands/brackets to be used for the cycle parking have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason

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

- 14 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

Reason

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

- 15 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To safeguard the existing trees on the site in the interests of

visual amenity.

- 16 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the first dwelling on site occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Policy 43, DSCB)

- 17 No development shall take place until details of finished external ground levels and ground floor slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details.

Reason. To ensure development integrates successfully into the existing character of the area and in the interests of the impact on neighbouring residential amenity.

- 18 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.

Reason: In the interests of sustainability.

Notes to Applicant

- . 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.
- . The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - August 2006".
- . The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is

advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Chicksands, Shefford, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

Applicant is advised to note that the revised landscaping scheme required by Condition XX of this decision should take account of, but not be limited to, the comments made by the Landscape Officer dated 16 October 2014 and also reflect the recommendations of the Ecological Appraisal as submitted (Ref: VIG19393) with regards to siting multiple bat boxes within the development. Furthermore, hard landscaping details should include street furniture used to define on-road visitor parking spaces.

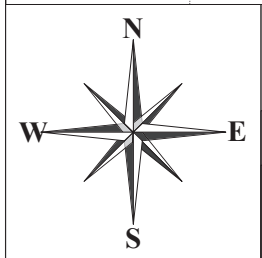
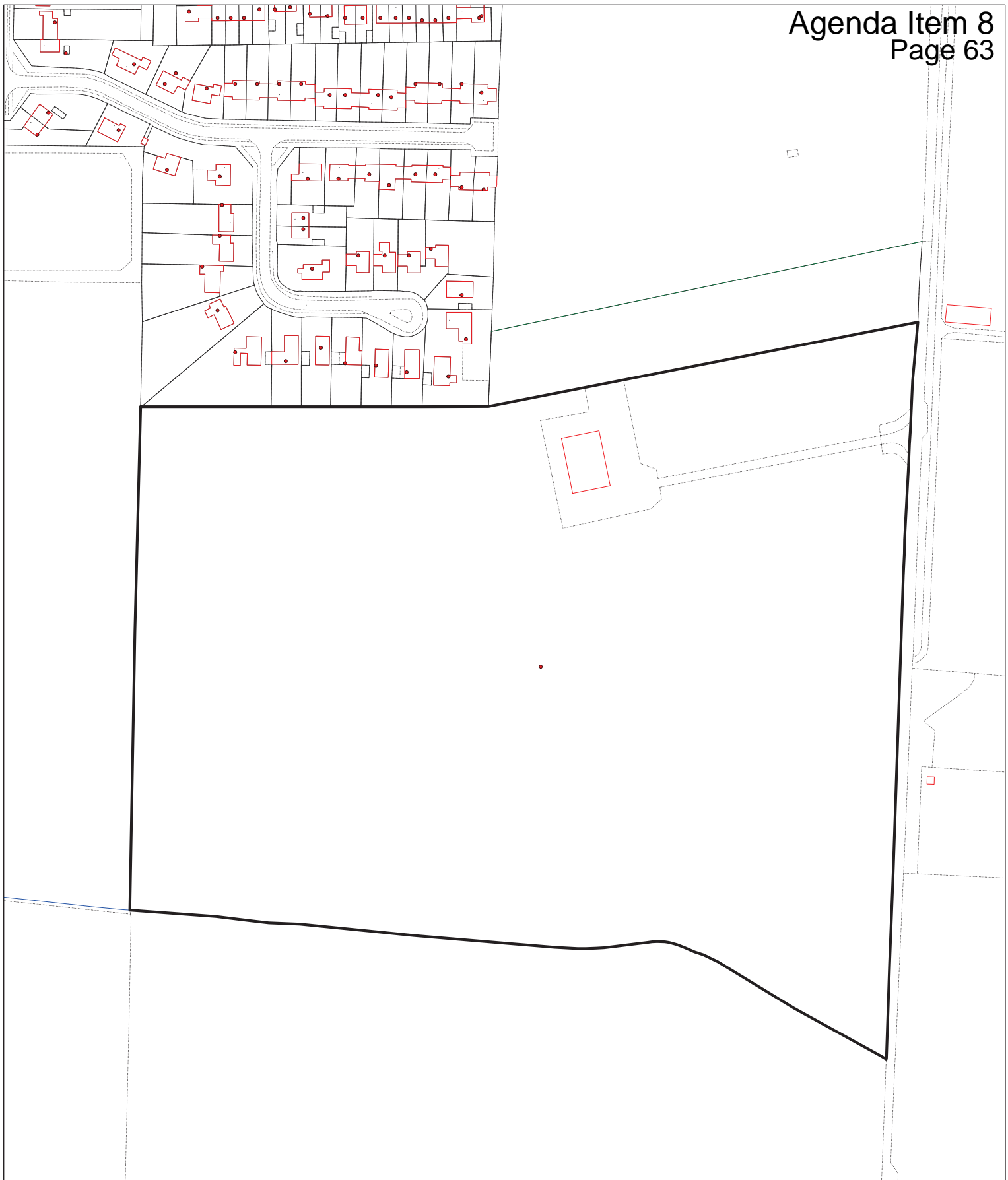
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

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

DECISION

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Date: 02:December:2014

Map Sheet No

Application Number:
CB/14/03675/FULL

Scale: 1:2500

Poppy Hill Farm, Cambridge Road, Langford

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Item No. 8

APPLICATION NUMBER	CB/14/03675/FULL
LOCATION	Poppy Hill Farm, Cambridge Road, Langford
PROPOSAL	Siting of temporary mobile home (revised application CB/13/03591/FULL)
PARISH	Langford
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Lauren Westley
DATE REGISTERED	24 September 2014
EXPIRY DATE	19 November 2014
APPLICANT	Simpson & Sons
AGENT	Robert J Larman Architectural Services
REASON FOR COMMITTEE TO DETERMINE	Called to Committee by Councillors Gill Clarke and Brian Saunders on the basis that the application is in line with policy 54 of the Draft Development Strategy and is required to ensure a profitable and viable enterprise
RECOMMENDED DECISION	Full Application - Refusal

REASON FOR RECOMMENDATION

The site is located outside any settlement envelope and as such lies within the open countryside, wherein there is a general presumption against residential development. Inadequate justification has been put forward as to the essential need for such accommodation to support a rural worker and in any event any functional need for a dwelling on this site could be fulfilled by the existing dwelling on the holding or by an existing dwelling in the adjacent settlement of Langford. As such, the siting of a mobile home for residential accommodation is inappropriate and will have a detrimental impact on the landscape character of the area. The proposal is contrary to the National Planning Policy Framework (para 55) and Policies DM4, CS16 and DM14 of the Central Bedfordshire Core Strategy and policy 54 of the Draft Development Strategy (2014).

SITE LOCATION

The site is located in open countryside on agricultural land farmed by the applicant to the south of Langford. The land is accessed via a concrete access way that leads to other parcels of agricultural land and units. Planning permission has previously been granted for agricultural buildings to store machinery, grain, hay and cattle. These have been constructed. The site is known as Poppy Hill Farm and is adjacent to the Langford Settlement Envelope.

THE APPLICATION

The application seeks full planning permission for the erection of a mobile home for residential purposes, for a temporary three year period. The mobile home will be used by the applicant and his family and allow them to reside on the site and as

such would be an agricultural workers dwelling. There is currently no residential use on the site.

The mobile home would be single storey with a total height of 4m, measuring 20m long and 6.7m deep. The building would be in the style of a log cabin and has been sited to the front of the existing buildings, addressing the access track. The home would have three bedrooms, kitchen/diner, lounge and a farm office.

Parking and access are already available and no changes to the existing arrangements are proposed in relation to this.

RELEVANT POLICIES

National Policies:

National Planning Policy Framework (2012)

Section 3 - Supporting a prosperous rural economy (paragraph 28)

Section 6 - Delivering a wide choice of high quality homes (paragraph 55)

Section 7 - Requiring good design (paragraphs 59-61)

National Planning Practice Guidance (2014)

Rural Housing

Annex A of PPS 7

The NPPF (paragraph 55) states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances, such as “the essential need for a rural worker to live permanently at or near their place of work in the countryside”. However no further guidance on what this might be is provided. Essential need can only be judged on an objective basis, as such it is the Council's approach that the methodology explained in Annex A to PPS7, whilst no longer forms part of ministerial policy, is nevertheless the appropriate way in which this issue should be assessed. It is well-established and well understood guidance for the assessment of agricultural workers dwellings.

Local Policies and Guidance:

Core Strategy and Development Management Policies - North (2009)

CS1 Development Strategy

CS14 High Quality Development

CS16 Landscape and Woodland

DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes

DM14 Landscape and Woodland

Draft Development Strategy (Revised Pre-Submission Version June 2014)

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October 2014. The relevant policies are set out below;

Policy 54 Rural Workers' Dwellings

Supplementary Planning Guidance:

Central Bedfordshire Design Guide (2014)

- 1 Placemaking Principles
- 5 Residential Development

Mid Bedfordshire Landscape Character Assessment (2007)

PLANNING HISTORY

Case Reference	CB/14/00146/FULL
Location	Poppy Hill Farm, Cambridge Road, Langford
Proposal	Erection of two farm buildings as storage/feed building and cattle shed/calving unit.
Decision	Full Application - Granted
Decision Date	18/03/2014

Case Reference	CB/13/03591/FULL
Location	Poppy Hill Farm, Cambridge Road, Langford
Proposal	Siting of Mobile Home on existing farm
Decision	Application Withdrawn
Decision Date	09/12/2013

Case Reference	CB/13/02293/FULL
Location	Poppy Hill Farm, off Cambridge Road, Langford, SG18 9SH
Proposal	Siting of Mobile Home on existing farm
Decision	Application Withdrawn
Decision Date	22/08/2013

Case Reference	CB/12/00818/FULL
Location	Land at Thistle Hill / Poppy Hill off Cambridge Road, Langford, Beds.
Proposal	Erection of 3 farm buildings for storage, hay and cattle.
Decision	Full Application - Granted

Decision Date	18/04/2012
Case Reference	CB/11/03437/FULL
Location	Land at Thistle Hill / Poppy Hill, Off Cambridge Road, Langford, Beds. SG18
Proposal	Erection of conventional portal framed agricultural building to store machinery and grain.
Decision	Full Application - Granted
Decision Date	23/11/2011

**REPRESENTATIONS
(Parish & Neighbours)**

Langford Parish Council Supportive of application and trust Officers will grant approval given the revised set of data which fully explains the need for this proposal.

Neighbours No responses received.

Consultations/Publicity responses

Agricultural Advisor (External) Advise that there is no agricultural support for the proposed temporary agricultural workers dwelling on this part-time unit, as it would be a second dwelling on a holding which has a labour requirement for less than one full-time person and there is no essential need/functional need for either one or two persons to live at or near the holding. In addition there is currently one dwelling on the holding which is occupied by the applicant, and other dwellings in the area, which are on the market for sale, and which are capable of fulfilling any essential/functional needs which currently exist on this unit.

Public Protection Officer (CBC) No objection, subject to conditions.

Private Housing (CBC) Sector Officer Would not require a site license, no further comments.

Tree and Landscape Officer (CBC) No objections.

Site Notice erected 17.10.14

DETERMINING ISSUES

The main considerations of the application are;

1. Principle of development
2. Character, appearance and streetscene
3. Impact on neighbouring amenity

CONSIDERATIONS

1. Principle of development

The application site is located within the open countryside outside any settlement envelope, wherein national policy and guidance as well as adopted local policies provide a strong policy presumption against isolated new housing in the open countryside unless it can be demonstrated that there is an 'essential need' for a rural worker to live permanently at or near their place of work in the countryside (para 55 of NPPF).

The NPPF does not set out any guidance or tests for establishing 'essential need' and as such, Annex A of PPS 7, is still used by Local Planning Authorities and Planning Inspectors for guidance purposes, despite PPS7 being superseded. These tests are set out in more detail below and are largely echoed by policy 54 of the Draft Development Strategy.

Paragraph 12.22 of the preamble to policy 54 states that '*A functional need will have to be established and capable of being sustained over a period of time. If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should, for the first three years, be provided by temporary accommodation such as a caravan. A temporary or permanent dwelling permitted will be restricted to occupancy of the worker on the establishment.*

Policy 54 states that where there is a clearly established, existing functional need for a rural work to live permanently at or near their place of work in the countryside, new permanent dwellings will be permitted provided the proposals comply with the following criteria;

- the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so; and
- the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

The application is accompanied by an Agricultural Appraisal that provides detail on the farming enterprise. This information was assessed by an external advisor, appointed by the Council. As the application is for a temporary dwelling (and not a permanent dwelling) the first test required by the NPPF, emerging policy 54 of the Draft Development Strategy and set out in the guidance of Annex A, is the need to demonstrate a functional/essential need for a dwelling on the site.

i) Functional Need

The applicant's current farming enterprise, Simpson & Sons was established at Poppy Hill Farm approximately 4 years ago and comprises 9.1 hectares (22.5 acres) of land. On this site, the applicant has erected a number of modern buildings, comprising a grain store, storage building for hay and straw, general purpose building, general storage/purpose building, and two cattle buildings. The land at Poppy Hill Farm is used for arable and livestock farming purposes, with the existing stock numbers being 23 suckler cows/heifers with 16 calves at

foot, 2 bulls, 4 ewe lambs, 1 ram, 2 sows (1 with a litter of 7), 5 store/fattening pigs, 160 laying hens, 26 laying ducks and 11 geese.

In addition to Poppy Hill Farm, the applicant's holdings also include;

- 4.6 hectares (11.5 acres) to the north of Edworth Road and east of the trainline - owned by the applicant;
- 48.6 hectares (120 acres) known as Balls Farm, which is East of railway and north-east of the village of Langford - owned by the applicant;
- 31.09 hectares (77 acres) known as Bleak Hall Smallholding, adjoins Balls Farm and the A1 and is a rented on a three year Farm Business Tenancy (29.09.2013 - 28.09.2016) from Central Bedfordshire Council. This holding also includes Bleak Hall Farmhouse, the applicants current residential address, and a number of smaller farm buildings.
- 59 hectares (146 acres) of other land is rented in the area under various short-term or gentlemen's agreements. The Council's Agricultural Advisor considers this land to be insecure, and may not be available to the applicant in the long-term, and as such has disregarded it from calculations as it may not be available to sustain the cost of a dwelling in the long-term.

The applicant considers that the additional 59 hectares of land currently rented should be included in the calculations as the applicant has growing crops in the ground, all of which are planned for and budgeted. Whilst it is accepted that this land is currently available to the applicant, and crops will form part of the 2015 harvest, there is no guarantee that the same land will be available in future years. Tenanted land is not usually considered in calculations (financial or working hours) and in this case an exception has been made for the Council tenancy given the likely stability of tenure that this land has.

Whilst the land at Poppy Hill is used for arable and livestock farming purposes, the remaining holdings are used solely for arable purposes (cropping). All livestock, arable produce and machinery are located at Poppy Hill Farm.

The applicant has stated that a dwelling is required on Poppy Hill Farm due to animal welfare and security risks. The animal welfare issues raised by the applicant are as follows;

- Milk Fever (calcium deficiency in cows);
- Grass Stagers (magnesium deficiency in cows);
- Bad calving
- Calf feeding
- Water supply repairs (cattle need high volumes of water, fittings and fixtures need to be maintained regularly);
- Missing cattle
- Cattle getting out.

Whilst these risks are noted, some of these concerns are restricted to certain times of year (calving) and in all cases only relate to the 23 heifers, 16 calves and 2 bulls that the applicant owns. This remains a relatively small number of livestock and is not considered to justify the provision of a dwelling house at the site. Furthermore, there is no reason why these welfare issues could not be overseen from the existing farmhouse or another dwelling in Langford (discussed further below).

The applicant has also stated that a 24 hours on site presence is required for security as thefts and attempted thefts have occurred on site. Whilst the security concerns of the applicant are noted, they do not in themselves justify a dwelling house in the open countryside.

It is not considered that arable farming on nearby land demonstrates a need for a dwelling house on Poppy Hill Farm.

Furthermore, based on the information provided, the Council's agricultural advisor has calculated, using the standard manday figures, that the existing secure holding with the existing livestock enterprises has a labour requirement for 0.78 of a full time person, with the existing livestock labour requirement (required at Poppy Hill Farm) being 0.24 of the total. Therefore, it is considered that the current labour requirement on Poppy Hill Farm is only part-time.

The applicant considers that the assessment from the agricultural advisor has not taken into account additional agricultural contracting work the applicant undertakes, nor does it consider time spent moving and collecting livestock, and time spent selling to local businesses. However with the exception of collecting livestock, these activities would not occur at Poppy Hill Farm and as such would not increase the labour requirement at this holding or add to any functional need.

Therefore, in terms of assessing functional need, it is not considered that adequate justification for an on-site presence to be provided 24 hours a day at Poppy Hill Farm has been provided. The livestock numbers and the calving season do not justify the need for a dwelling house on the site, nor do the security issues raised the applicant. It is therefore considered that the functional/essential need for a dwelling house on the site has not been met and the proposal is therefore not in accordance with the NPPF, policy 54 of the Draft Development Strategy or Annex A of PPS7.

ii) The functional need could not be fulfilled by another existing dwelling;

Notwithstanding the Council's view that the applicant has not demonstrated a functional need for an agricultural workers dwelling at Poppy Hill Farm, even if the applicant could demonstrate this need, it is considered that any functional or essential need could be met by another existing dwelling.

The applicant currently lives on a Council tenanted holding at Bleak Hall, which is tenanted by the applicant until September 2016. The Council's Property and Assets Team have been contacted in relation to the application who have confirmed the existing tenancy agreement. Advice sought from the Property and Assets Team has indicated that subject to the applicant's good husbandry and payment of rent it is highly likely that the applicant will be offered a further 3 or 5 year term. The Assets Team have also indicated that there are no plans to sell the land or the dwelling. Therefore, Bleak Hall and the holding is considered secure.

The applicant has indicated that should planning permission be granted for a temporary dwelling at Poppy Hill Farm, the dwelling at Bleak Hall would be sub-let as a dwelling (the land would continue to be farmed by the applicant). The

Asset Team have confirmed that this would be permitted under the applicant's tenancy agreement. Should this occur, effectively a second dwelling in the open countryside would be created, and a second dwelling for the holding. The standard manday calculations above already indicate that the enterprise does not support a full time worker and as such there is no justification for a second dwelling.

The applicant has indicated that the dwelling at Bleak Hall is not suitable given its distance from Poppy Hill Farm, its location on the A1 (requiring the applicant to travel north to the Biggleswade roundabout before turning south to reach Poppy Hill Farm), and that it is currently tenanted and therefore does not offer any long term security. In terms of distance, Bleak Hall is 2.6 miles from Poppy Hill Farm, via Cambridge Road and the A1, driving time is around 5 minutes. Returning from Bleak Hall to Poppy Hill Farm is a longer route due to the need to head north first on the A1. In this direction the route is 4.7 miles and around 10 minutes. This is considered to be a reasonable distance to travel when required to attend Poppy Hill Farm and furthermore, as Bleak Hall contains farm buildings there is also the ability to keep animals at Bleak Hall during particularly high risk times, such as calving or for calf feeding. In terms of long term security, this proposal is for a temporary dwelling for a three year period and therefore arguably offers little more in the way of long term security than the existing tenancy agreement.

It is therefore considered that any functional need for a dwelling at Poppy Hill Farm could be met by the existing dwelling on the holding.

However, regardless of this dwelling on Bleak hall, Poppy Hill Farm actually borders the settlement of Langford, where housing is available. In fact dwellings in Cambridge Close are within 25 metres of the existing buildings on the site with their rear gardens directly abutting the farm itself. Whilst there are no dwellings currently for sale in Cambridge Close, there are dwellings for sale within the village of Langford itself.

It is therefore considered that any functional need for a dwelling on the holding could be met by existing dwellings, either Bleak Hall which is on the holding itself or by the dwellings within the settlement envelope of Langford. It is therefore considered that there is no justification for a temporary dwelling in the open countryside.

iii) Clear evidence of firm intention to develop enterprise, financially sound and prospect for remaining so;

It is the Council's opinion that there is no functional or essential need for a temporary dwelling to be established at Poppy Hill Farm, and in the event that the application has such a need, it could be adequately met by existing dwellings. Notwithstanding this, regard has also been given to the financial soundness of the enterprise. The NPPF does not specifically require such an assessment. Policy 54 of the draft Development Strategy (paragraph 12.22 of the pre-amble) states that where a dwelling is required for a newly established agricultural business, it should be provided on a temporary basis, for example by a caravan, until such time that it can be demonstrated that the business is financially sound. Annex A of PPS 7 states that the test for a temporary

agricultural dwelling requires 'clear evidence that the proposed enterprise has been planned on a sound financial basis'.

Therefore, the financial test necessary for this application is to demonstrate the financial basis that the business has been set up on. The applicant has indicated that since the business was established in 2010 it has made a profit in 2011, a loss in 2012 and 2013 and a profit in 2014. Although only a letter of support from the applicants accountant has been received to support this. The Council's agricultural advisor has confirmed that insufficient evidence has been provided with the application to assess whether the business has been planned on a sound financial basis.

The applicant has stated that they have invested in the farming enterprise using their own resources and income generated by the farming business. The applicant has indicated that they have invested approximately £420, 000 over the last four years, with a further £30, 000 invested in livestock. The majority of this investment would appear to come from the applicant's own resources.

It is noted that a number of agricultural buildings have been established on the site since 2011, and the applicant has indicated that significant investment in livestock and machinery has been made in recent years, demonstrating the applicant's commitment to increase efficiency and investment in the holding's future.

It is therefore considered that whilst the applicant does have the firm intention to development the enterprise, insufficient evidence to support the financial soundness of the business and its prospects for remaining so, have been provided.

iv) Other normal planning requirements

These are discussed in more detail below, however it is considered that the proposed mobile home would add to the built up appearance of the site and the provision of a residential building on the site would result in a domestication of the site that would be detrimental to the character and appearance of the site, thereby impacting negatively on the landscape character of the site and surrounding area.

Given all of the above, it is considered that the proposal is contrary to paragraph 55 of the NPPF, policy DM4 of the Core Strategy and Development Management Policies (2009), policy 54 of the Emerging Draft Development Strategy (2014) and the guidance given in Annex A of PPS7. The principle of the proposal is therefore considered unacceptable.

2. Character, appearance and streetscene

The proposed mobile home would be located to the front of the existing complex of buildings. Clear views of the building would be possible from the access way. The residential building and associated domestic elements, such as parking areas, residential curtilage, fencing, outbuildings and other ancillary residential structures, would result in a domestication of the site.

The site is located within the open countryside and currently has an agricultural

appearance. The provision of a residential dwelling is considered to be out of keeping with the rural and open character of the site and surrounding area and would result in a detrimental impact on the landscape character of the area.

The Council's policies and national guidance seek to restrict development within the open countryside and protect the character and appearance of residential areas. This proposal is considered contrary to policies CS16, DM4 and DM14 of the Core Strategy and Development Management Policies (2009).

3. Impact on neighbouring amenities

Due to the location of the adjacent spinney and the nearby residential properties, it is not considered that the proposal would result in a detrimental impact upon the neighbouring amenity of adjoining residential properties.

With regards to the amenities of future occupiers of the mobile home, it is possible that the mobile home may suffer detriment to amenity from noise and odour from adjacent farming activities and railway noise, particularly as mobile homes do not generally have good sound insulation. The Public Protection officer has therefore advised that if any consent is granted, it should be restricted to a temporary period and restrict the occupancy to a person employed in the farm business and their resident dependant's. Such conditions could be attached had the application been considered acceptable.

Recommendation

That Planning Permission be REFUSED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The site is located outside any settlement envelope and as such lies within the open countryside, wherein there is a general presumption against residential development. Inadequate justification has been put forward as to the essential need for such accommodation to support a rural worker and in any event any functional need for a dwelling on this site could be fulfilled by the existing dwelling on the holding or by an existing dwelling in the adjacent settlement of Langford. The mobile home would increase the built up appearance of the site and be harmful to the landscape character of the site. As such, the siting of a mobile home for residential accommodation is unacceptable and contrary to the National Planning Policy Framework (para 55) and Policies CS16, DM4 and DM14 of the Central Bedfordshire Core Strategy and policy 54 of the Draft Development Strategy (2014).

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Notes to Applicant

DECISION

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Item No. 09

APPLICATION NUMBER CB/14/04099/VOC
LOCATION Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS
PROPOSAL Variation of Condition: Removal of condition 6 (occupancy) of outline planning permission MB/98/0005/OUT Outline application erection of detached dwelling for use with existing stud farm (all matters reserved).
PARISH Northill
WARD Northill
WARD COUNCILLORS Cllr Mrs Turner
CASE OFFICER Samantha Boyd
DATE REGISTERED 20 October 2014
EXPIRY DATE 15 December 2014
APPLICANT Mr D Maudlin
AGENT Mrs C Maudlin
REASON FOR COMMITTEE TO DETERMINE The applicant is related to an Elected Member

RECOMMENDED DECISION Variation of Condition - Refused

Reason for Recommendation

No justification has been submitted which demonstrates there is no longer a requirement or a need for the dwelling to be occupied by a rural worker. The proposal to remove condition 6 (occupancy restriction) from planning permission MB/98/0005 dated 25/08/98 is therefore considered to be unacceptable and contrary to Policy DM4 of the Core Strategy and Development Management Policies Document (2009) and the National Planning Policy Framework (2012).

Site Location:

Ickwell Fields is a large detached dwelling located in the open countryside between Ickwell and Upper Caldecote. The dwelling is isolated from the villages and surrounded by agricultural land.

Adjacent to the dwelling there are buildings formerly used for stabling.

The Application:

Planning permission is sought for the removal of condition 6 attached to planning permission MB/98/0005/OA an outline consent for the erection of a detached dwelling for use with the existing stud farm granted on 6 January 1998. Condition 6 states:

The occupation of the dwelling shall be limited to a person wholly or mainly employed, or last employed in the locality in agriculture as defined in Section 336

of the Town and Country Planning act 1990, or in equine business or a widower of such a person, and any resident dependents.

Reason: The Local Planning Authority considered that the exceptional personal circumstances of the applicant over-ride the planning objections which would normally compel the authority to refuse permission for the development hereby permitted.

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

DM4 Development within and Beyond Settlement Envelopes

DM3 High Quality Development

National Planning Policy Framework (March 2012)

Paragraph 55

Emerging Central Bedfordshire Development Strategy (June 2014)

Policy 38 Within and Beyond Settlement Envelopes.

Policy 43 High Quality Development

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24 October 2014.

Supplementary Planning Guidance

Design Guide – Revised March 2014

Planning History

MB/82/00442 Outline: Erection of an agricultural dwelling – Granted 19/08/92

MB/82/0442/A/RM Reserved Matters: Detached bungalow and double garage. Granted 17/04/84

MB/90/01030/Full Stud, associated dwelling and ancillary works. Granted 11/09/90

MB/90/01795/Full Additional stabling and siting of temporary building for storage. Granted 12/02/91

MB/93/00631/Full Erection of detached dwelling for use with horse stud. Refused 29/07/93

MB/98/0005 Outline: Erection of detached dwelling for use with existing stud farm. Granted 25/08/98

MB/98/01787 Reserved Matters. Erection of detached dwelling following consent 98/0005. Granted 16/02/99

Representations:

(Parish & Neighbours)

Northhill Parish Council: No comments received at time of preparing committee report.

Neighbours: No comments received

Consultations/Publicity responses

Agricultural Advisor: No comments received at time of preparing committee report

Determining Issues

1. Whether is it acceptable to allow permission for the dwelling without the agricultural occupancy condition

The application seeks removal of the agricultural occupancy condition attached to the planning permission for the original dwelling as set out above. At the time, justification for the new dwelling was so that a worker could live on site in connection with the existing adjacent stud farm and was dependant on the functional needs of the enterprise and not the personal circumstances of any individual. This justification is one of the few circumstances where isolated residential development would be permitted in the open countryside and in order to make the development acceptable it was felt necessary to restrict the occupancy of the dwelling to rural workers only. Should the removal of the condition be approved, the occupancy of the house would be unrestricted.

Since the 1998 planning application was granted there has been a change in adopted policy. The Council's Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework (2012) set out when planning permission might be granted for a house in the open countryside. Both cite the essential need for a rural worker to live near their place of work in the countryside as a reason that consent for development like that being issued.

Paragraph 55 of the NPPF states that - Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Further Policy DM4 of the Core Strategy only allows new residential development within Settlement Envelopes. Outside Settlement Envelopes, in the open countryside, only particular types of new residential development will be permitted and this includes new dwellings for the essential need of those employed in agriculture or forestry.

Annex A of former Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the reasons why occupancy conditions are necessary when planning permission for accommodation for rural workers to live close to their place of work has been granted under special circumstances. The condition is necessary to ensure that the dwelling is kept available to meet the need of a rural worker for as long as it exists. While PPS7 has been superseded by the NPPF, the guidance within Annex A remains relevant and serves as guidance on agricultural, forestry and other occupational rural dwellings.

The applicant has submitted information in support of the proposal to removed the occupancy condition. The applicant states that they have lived in the property since 2008. The property is surrounded by land farmed by G.J.Mauldin & Sons of which the applicant's husband is a stakeholder. At the time the property had been left in an unfinished condition. There were outstanding Building Regulation requirements and the building was in need of significant repairs. The 15 acres of land offered for sale with the property had also been left unmanaged.

Due to the poor state of the building, it was difficult for the applicant to secure a mortgage on the property, therefore family members secured the property for the applicant by way of a bank loan. This arrangement would be agreed until the property could be remortgaged in the applicants name following the completion and renovation of the property. However in the meantime, one of the original parties on the loan recently passed away and due to probate, the loan can no longer be secured on the property.

The applicant has recently attempted to secure a mortgage on the property however the agricultural occupancy condition has made finding a suitable lender difficult. It has therefore been suggested by a mortgage broker that the most suitable way forward is to remove the occupancy condition from the property.

While there is sympathy for applicant's financial situation, in terms of justification for removing an agricultural occupancy condition, personal circumstances should not be considered as a sufficient reason to allow unrestricted occupation of the dwelling.

Ordinarily such applications would need to consider changes to farming industry that may affect the long term requirement for a dwelling which is subject to occupancy conditions and whether there is a demand for farm (or other occupational) dwellings in the area, bearing in mind the need is for someone solely, mainly or last working in agriculture or forestry as a whole and not just the particular holding. . Annex A of PPS7 notes that such dwellings should not be kept vacant and present occupants should not be obliged to remain in occupation by virtue of planning conditions that have outlived their usefulness. In order to assess whether there is a need or demand for the occupational dwelling, the Council would require evidence that steps have been taken to market the dwelling with the occupancy condition.

The applicant has not demonstrated that there is no requirement or no demand for a dwelling on the unit for those working, or last working, in the locality in agriculture, forestry or another rural- based enterprise that requires a dwelling in the open countryside. The applicant's personal financial circumstances, whilst unfortunate, are not considered to be a robust justification for the removal of an occupancy condition. Therefore the proposal to remove the condition and grant planning permission for a dwelling in the open countryside without justification is contrary to Policy DM4 of the

Core Strategy and Development Management Policies Document (2009) and the NPPF, as such the proposal is considered to be unacceptable.

Recommendation

That Planning Permission be Refused for the following reason:

RECOMMENDED CONDITIONS / REASONS

- 1 No justification has been submitted which demonstrates there is no longer a requirement or a need for the dwelling to be occupied by a rural worker. The proposal to remove condition 6 (occupancy restriction) from planning permission MB/98/0005 dated 25/08/98 is therefore considered to be unacceptable and contrary to Policy DM4 of the Core Strategy and Development Management Policies Document (2009) and the National Planning Policy Framework (2012).

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

Planning permission is recommended for refusal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Item No. 10

APPLICATION NUMBER	CB/14/04151/FULL
LOCATION	3 Rosemary Lane, Lower Stondon, Henlow, SG16 6NG
PROPOSAL	Proposed 2-Storey Side Extension.
PARISH	Stondon
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Nicola Stevens
DATE REGISTERED	24 October 2014
EXPIRY DATE	19 December 2014
APPLICANT	Mr & Mrs Coombs
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Call in by Cllr Wenham on the grounds of: Loss of amenity - impact on residents Overbearing - overlooks adjoining properties
RECOMMENDED DECISION	Full Application - Approval

Reasons for Recommendation

The proposal would not have a negative impact on the character or appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies CS14, DM4 and DM3 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework (March 2012). It is further in conformity with the technical guidance Central Bedfordshire Design Guide 2014.

Site Location:

The site is located at 3 Rosemary Lane, Lower Stondon; a detached two storey property within the settlement envelope of Lower Stondon. The site is bounded by residential development.

Rosemary Lane appears to be a walkway which links from Orchard Way to Pollards Way. This modern estate is accessed off the A600 Bedford Road. The surrounding area is predominantly residential comprising a mix of dwellings which are a variation on a similar style and design.

The Application:

The application seeks permission for a two storey side extension.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies Adopted November 2009

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

Supplementary Planning Guidance

Central Bedfordshire Design Guide Adopted 18 March 2014

Planning History

MB/03/00106/Full Full: Erection of 101 dwellings with associated garages and roads. Approved 9.10.03

**Representations:
(Parish & Neighbours)**

Stondon Parish Council Stondon PC objects to the above application on the grounds that the extension is disproportionate with the existing property and will change the entire nature of the current street scene. We have concerns that the plans don't match entirely with the proposal and we are also concerned about the proposed access route and the health and safety implications this may have.

Neighbours No comments received in relation to the revised plans (reconsultations undertaken 20 November) at the time of writing this report.

21.11.14 Nadine Dorries MP has forwarded the concerns of the occupiers of No 4 Rosemary Lane and requested that the Council look into this further to see if a resolution might be found.

4 Rosemary Lane - object for the following reasons:

5/11/14 Loss of privacy - anyone in both floors of the proposed extension would be able to look directly into our main bedroom, kitchen, a further bedroom, lounge and hallway.

Proximity of the proposed extension - this would be circa 18 feet from the front of our house and the rooms would be negatively impacted. Rosemary Lane is a footpath and not a road being only 9 feet wide between No 4 and the proposed extension. We also have a very small front garden of 5 feet in width.

Reduction in light in the rooms - our right of light would be

severely reduced in the above mentioned rooms where there is already a light issue. The proposed extension would make light considerably worse especially given the height requested.

Loss of sunlight in rear garden - sunlight would be completely block out by early afternoon all year round by this extension given the height requested.

Scale of proposed extension- is large in comparison to the existing property. The original building plan for numbers 3 and 4 Rosemary Lane took great care not to cause the above 1-4 issues. The scheme makes no mention of potential fencing nor of trees or bushes the planting of which would reduce our privacy and light even further.

Throwing the road plan out of kilter- we live in a rectangular road area with 4 roads involved and with 4 identical houses at the points of the rectangle. The roads are Rosemary Lane, Pollards Way, Orchard Way and Bluebell Drive; our house is one of these points. The existing properties involved were designed and built in perfect straight lines. If this extension were to proceed it would destroy this planned balanced symmetry.

No 4 would also decrease in property value.

17/11/14 - object to the proposed drive-way

Dangers from Proposed Drive-in/Parking Place. This would create a new set of dangers to the area: **1.** The pavement passes alongside the front garden area owned by number 3 Rosemary Lane. The pavement is used by families walking their young children, and pet dogs; they are protected by bollards which have been placed alongside the pavement. These bollards would have to be removed to accommodate the proposed parking space, leaving pedestrians unprotected, thus increasing danger to them. **2.** It would also increase road usage around this area, as the owners of number 3 currently use the more than adequate parking spaces at the rear of their property (they use the existing entrance/exit via Orchard Way). **3.** Such traffic would in addition cause issues with the turn in Pollards Way towards Bluebell Drive. **4.** Cars using this proposed new parking space would cause problems for usage of the two existing car park spaces at that end of Rosemary Lane (these are also used by number 3 Rosemary Lane). **5.** The proposed parking space would also cause problems for the residents of 1 Pollards Way

with their parking place.

Overall, the dangers that would be caused by such a new parking space in number 3's front garden increase the likelihood of accidents. We recommend a site visit to view the danger issues raised herein, together with the serious issues raised in our earlier letter (loss of light, loss of sunlight, loss of privacy).

1 Pollards Way - Object for the following reasons:

Effect on the neighbourhood/Visual impact/Proximity: The proposed extension would impact negatively on the look of this corner of the estate. Each of the properties is sizable and the proposed increase would render the building significantly out of scale and proportion with the others. 3 Rosemary Lane would become overbearing in its size and its proximity to No 1 Pollards Way. It would be imposing and too close to our property and it would also mean a restriction to our current view.

Overshadowing: The height and scale of the proposed extension will mean that our property will be overshadowed significantly by the new sizable part of 3 Rosemary Lane. We will lose access to a significant amount of sunlight on the drive and front garden for most of the day all year round.

Also concerned about: - where we would park whilst the scaffolds were up and for how long we would be inconvenienced. We would also request that you consider the impact of the proposed extension on property price which would be compromised significantly by this extension. The planning application includes the development of a driveway area. From the plans it is clear that the householders of 3 Rosemary Lane, under the proposed planning, would need to drive across our drive way to access their property. This is unacceptable.

Consultations/Publicity responses

Highway Officer	No objection. Suggest conditions and notes
EHO Contamination	No objection. Suggest informative

The main considerations of the application are;

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

Considerations

1. Principle of development

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

2. Visual impact

The application site is a two storey detached dwelling, constructed of yellow facing brickwork with red soldier coursing and plain black concrete rooftiles. The property appears to have been extended previously with a side conservatory. It has a detached garage accessed via a courtyard off Orchard Way.

The application proposes the erection of a two storey side extension. The extension will provide additional living accommodation on the ground floor and a fourth bedroom on the upper floor following internal rearrangements. The two storey side extension will measure approx 3.7m wide (the original dwelling is 8.4m wide) with a central chimney stack on the end gable projecting out a further 0.4m. Its eaves level will match the existing dwelling and it will be set down slightly from the main ridgeline and back from the front elevation to be subservient to the main dwelling.

Following concerns relating to residential amenity, the plans have been revised, with the first floor window on the front elevation amended to a blank (recessed) window and a new first floor bedroom window inserted on the end gable together with a blank (recessed) window at ground floor. The insertion of the blank windows will help to retain balanced elevations in terms of design.

No 3 Rosemary Lane occupies a prominent corner position facing onto Rosemary Lane, its side elevation facing onto Pollards Way. Although not considered out of proportion with the host dwelling for the reasons set out above the proposed two storey side extension will increase its scale and massing and be clearly visible within the streetscene from both Rosemary Lane and Pollards Way. Pollards Way appears to have been designed with four large detached three storey feature buildings with No 4 Rosemary Lane forming one of those buildings. The extension will project closer to the road than No 1 Pollards Way and slightly overlap the front of No 4. However given the enclosed nature of this part of Pollards Way formed by the dwellings themselves, and that it will still be well set back from the road frontage it is not considered that the proposal will adversely affect the character and appearance of the area.

A new block paved parking space is shown in front of the extension accessed off Pollards Way within the garden which is surrounded by a low hedge (approx 0.9m). Given the residential context of the site it is not considered that this would result in any undue visual harm to the character and appearance of the area.

3. Residential amenity

The two main properties adjoining the site which are likely to be affected by the proposed development are Nos 4 Rosemary Lane and 1 Pollards Way, both neighbours have objected on loss of residential amenity grounds including light and overbearing impact and No 4 in relation to privacy as well.

No 4 Rosemary Lane is a large detached three storey dwelling situated to the northeast. It appears to have a ground floor kitchen window with two bedroom windows above at first and second level (all appear to be served by windows on the side). It is separated from No 3 by Rosemary Lane and its main garden which appears to be to the side of the property (separated by an approx 5m wide footpath) and screened by an approx 1.8m wall with 0.2m trellis on top. The footpath narrows directly in front of No 4 as it has a small front garden enclosed by iron railings.

The front of No 3 already faces towards the garden of No 4 with an existing first floor bedroom and it appears its first floor windows are slightly higher than those of No 4. To avoid any undue loss of privacy for the occupiers of No 4 the plans have been revised, a first floor blank recessed window is now shown on the front elevation and a new first floor bedroom window is shown on the end gable. Although a ground floor lounge window has been retained on the front elevation which may lead to some loss of privacy to the ground floor front kitchen window at No 4 given the extension would be separated by the footpath itself, is within an existing residential area and given the lower expectation of privacy for windows in the front of a dwelling it is considered this will not result in any undue loss of privacy for the occupiers of No 4 Rosemary Lane. Even though the ground floor lounge would be served by another window on the end gable it is therefore not considered necessary to obscure glaze the front one. Furthermore, it is noted above that the extension will project closer to Pollards Way and slightly overlap the front of the dwelling at No 4 approximately in line with the edge of its front kitchen window. However, given the offset between the dwellings and the distances and relationships involved there would be no undue loss of light or overbearing impact as a result of the development.

No 1 Pollards Way is a detached three storey dwelling situated to the west of the application site separated by its own double driveway and a narrow strip down the rear of No 3 along which runs a approx 1.78m close boarded fence. No 1 is blank sided elevation facing the application site. No 3 has a existing ground floor cloakroom window and first floor landing window on its rear elevation. It is proposed to insert a ground floor study window and obscure glazed window to a narrow room and a first floor obscure glazed ensuite window in its existing rear elevation which could be done under permitted development but as they are shown on the plans are noted here. As they would face towards the driveway and blank sided elevation of No 1 they would not result in any undue loss of privacy nor is it considered necessary to attach a condition to ensure they are obscure glazed. Whilst the extension would project forward of the front elevation of No 1 given the offset between the dwellings and the distances and relationships involved there would be no undue loss of light or overbearing impact as a result of the development.

The existing dwelling already has end gable windows serving main habitable rooms. The extension would have a first floor bedroom window and lounge

window as existing but with an additional new first floor bedroom window with a blank one below closer to No 3 Rosemary Lane and facing onto the Pollards Way dwellings opposite. However, given the offset between the dwellings and the distances and relationships involved there would be no undue loss of privacy as a result of this part of the development.

A new block paved parking space is shown in front of the extension accessed off Pollards Way within the garden and to the front of No 4 Rosemary Lane. Both the access (Pollards Way is adopted highway but an unclassified road) and hardstanding could be done under permitted development but are shown on the plans and noted here. Given the residential context of the site it is not considered that this would result in any undue harm to the residential amenities of adjoining properties.

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

4. Other issues

Sufficient private amenity space would be retained.

This proposal would result in an increase from three to four bedrooms. No changes are proposed to the existing means of access to the highway or on site spaces. However a new parking space is shown adjacent to the new extension proposed to be accessed off Pollards Way to create one additional space. No 4 Rosemary Lane has objected to the additional space in relation to pedestrian and highway safety and adversely affecting vehicular access to Nos 4 Rosemary Lane and No 1 Pollards Way. No 1 Pollards Way has stated that the occupiers of No 3 Rosemary Lane would need to drive across its driveway to access.

The Highway Officer has not objected to the proposal stating that a new vehicular access is shown to be created onto the raised table junction with Pollards Way to serve a single parking space in front of the proposed extension. Some of the existing bollards between the footway and carriageway will need to be re-positioned to facilitate the creation of the access whilst ensuring that vehicles are prevented from parking on the footway. The property has the benefit of a single parking space and garage to the rear, thus the additional space will result in the provision of three parking spaces ensuring compliance with the Council's minimum standards for a four bedroom detached dwelling. The proposed increase in size of the property from three to four bedrooms has the potential to generate a couple of additional traffic movements per day. It is considered that these can be satisfactorily accommodated on the local road network and the proposal is unlikely to have any adverse highway impact, once completed. Although the Highway Officer has recommended conditions relating junction details and visibility splays as the new access could be done under permitted development and would be covered by the Highway Authority it is not considered necessary to attach such conditions. Although details of on site surfacing are also requested again this is not considered necessary although a condition relating to surfacing can be attached.

The occupiers of the two neighbouring properties have raised a number of other concerns relating to scaffolding and where No 1 Pollards Way will park during

construction which is a civil matter, and loss of value of their properties, neither of which is a material planning consideration and cannot be considered in the determination of the planning application.

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

There are no further considerations to this application.

Recommendation

That Planning Permission be Approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no first floor windows shall be inserted into the front (eastern) elevation of the proposed extension, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).
- 4 Before the extension hereby permitted is first occupied or brought into use, the scheme showing the provision of one off-street parking space to serve the extended dwelling shown on drawing No COOMBS-P-001 Rev A shall be laid out and surfaced in a durable material and surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway and to ensure that surface water from the site does not discharge into the highway in the interest of highway safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers COOMBS-P-001A, COOMBS-P-002, COOMBS-P-003, COOMBS-P-004A, COOMBS-P-005A

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. **Will a new extension affect your Council Tax Charge?**
The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.
Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.
If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.
The website link is:

www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx
3. As the site is of historic use as a plant nursery that underwent soil engineering, there may be unexpected materials or structures in the ground. It is the responsibility of the Applicant to ensure safe and secure conditions. Any problems should be forward to the Contaminated Land Officer, Andre Douglas, for advice, on 0300 300 4004 or via andre.douglas@centralbedfordshire.gov.uk.
4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central

Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

- 5. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ

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

The Council acted pro-actively through positive engagement with the applicant 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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Item No. 11

APPLICATION NUMBER	CB/14/04317/FULL
LOCATION	Riveroaks (formerly Silver Lake Farm), Stanford Lane, Clifton, Shefford, SG17 5EU
PROPOSAL	Change of use and provision of 5 No. pitch travellers site
PARISH	Southill
WARD	Northill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Vicki Davies
DATE REGISTERED	04 November 2014
EXPIRY DATE	30 December 2014
APPLICANT	Mr & Mrs Porter
AGENT	Christopher James Associates
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr Mrs Turner for the following reasons: <ul style="list-style-type: none"> • part of the site is within the floodplain - impact on site and potential residents • history of refusals and enforcement on site
RECOMMENDED DECISION	Full Application - Approve

Reasons for Recommendation

The application site is in the open countryside where Planning Policy for Traveller Sites sets out that new traveller sites should be strictly limited, in addition the proposal would have an adverse visual impact however on balance it is considered that the general need for Gypsy and Traveller sites; the provision the site would make towards reducing the backlog of pitches; that there would be no significant adverse impact on residential amenity or the historic environment; that the site is in Flood Zone 1, where there is the lowest risk of flooding; the personal need for a site; health needs of the occupants and the rights of the child and need to access education weigh in favour of the application. In addition the highway safety issues identified in relation to previous applications have been overcome. Overall it is considered that subject to conditions the proposal would be acceptable and is therefore in accordance with policy HO12 of the Mid Bedfordshire Local Plan, policies DM3, DM13 & DM14 and policies 43, 45 & 59 of the emerging Development Strategy for Central Bedfordshire and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

Site Location:

Riveroaks (formally known as Silver Lake Farm) is located on the west side of Stanford Lane, between the villages of Clifton and Stanford. The site is disused agricultural land that is now grassland. The site also includes a shed building in the north-east corner, used for storage and as a dog kennel, and a single storey brick building that has been adapted for residential use and was subject to a Lawful Development Certificate in 2008. The Certificate was refused on appeal. An additional timber building is located along the northern boundary of the site.

The site lies outside of any settlement envelope therefore it is within the open countryside. The River Ivel runs along the western and southern boundary. The application site falls within the Parish of Southill, but adjoins the Parish boundary of Clifton.

The Application:

The application seeks planning permission for the change of use of land for use as a 5 pitch traveller site. The site is proposed to be accessed from an existing access off Stanford Lane. The access road would then curve into the site to serve the 5 proposed pitches.

The pitches would be located on the northern part of the site in a line enclosed by 1.2 high timber fencing. Four of the pitches would measure 12m wide by 27m deep and would comprise an enclosed area of 12m wide by 17m deep for a static caravan and garden; to the front of each of the pitches would be a further enclosed area which would measure 12m by 10m and would accommodate parking for two vehicles and space for a touring caravan. The fifth pitch would not be enclosed and would comprise a static caravan located approximately 15m from the other pitches. The open pitch would utilise the existing buildings on the site as a dayroom and for storage.

The site would occupy the northern most part of the application site and in addition to the pitches would accommodate a children's play area, parking, turning areas and bin storage and collection point.

RELEVANT POLICIES:

National Planning Policy

National Planning Policy Framework

Planning Policy for Traveller Sites

Mid Bedfordshire Local Plan Review December (2005)

HO12 - Gypsies

Core Strategy and Development Management Policies - North (2009)

CS5 (Providing Homes)

CS14 (High Quality Development)

CS15 (Heritage)

CS16 (Landscape and Woodland)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

DM13 (Heritage in Development)

DM14 (Landscape and Woodland)

Development Strategy for Central Bedfordshire: Pre Submission Version January 2013

Policies:

- 1 - Presumption in Favour of Sustainable Development
- 8 - Changes of use
- 33 - Gypsy and Traveller and Travelling Showpeople Provision
- 43 - High Quality Development
- 45 - The Historic Environment
- 50 - Development in the Countryside
- 52 - Re-use of buildings in the Countryside
- 59 - Woodlands, Trees and Hedgerows

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October 2014.

Draft Gypsy and Traveller Plan

In June this year, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August and subsequently at Council on 11th September) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development 2014

Planning History

Case Reference	CB/10/01679/FULL
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Full: Material Change of Use of land and buildings to form a 20 pitch camping and caravan park with private roadway, fishing and picnic area, use of existing buildings for washroom and showers block, reception office and ground maintenance.
Decision	Full Application - Refused

Decision Date	02/08/2010
Case Reference	MB/08/02025/CED
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Lawful Development Certificate: Existing Use of Land and Building as a Single Dwelling
Decision	Lawful Dev - Existing - Refused
Decision Date	17/12/2008
Appeal Decision Date	21/07/2009
Appeal Decision	Planning Appeal Dismissed
Case Reference	MB/08/00856/LDC
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Lawful Development Certificate: For existing use of land and building as a single dwelling and garden. (Retrospective)
Decision	Lawful Dev - Existing - Refused
Decision Date	14/07/2008
Case Reference	MB/05/01651/FULL
Location	Land At Silver Lake Farm, Stanford Lane, Clifton
Proposal	Full: Change of use of land to form a 20 pitch camping and caravanning park with use of associated land as picnic areas; new access and internal roadway; erection of a single storey ancillary building; use of existing buildings for equipment storage and site maintenance; use of existing concrete hardstanding for the storage of refuse bins
Decision	Full Application - Refused
Decision Date	04/01/2006
Case Reference	MB/03/01141/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	Full: Use of land for boarding kennels and cattery with ancillary buildings and mobile home and car park.
Decision	Full Application - Refused
Decision Date	05/08/2003
Appeal Decision Date	24/05/2004
Appeal Decision	Planning Appeal Dismissed
Case Reference	MB/03/00258/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	Full: Use of land for boarding kennels and cattery with associated buildings, siting of 2 no. mobile homes and car park. Part Retrospective.
Decision	Full Application - Refused
Decision Date	22/05/2003
Case Reference	MB/00/00369/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: VARIATION OF CONDITION 1 (TIME LIMIT) ATTACHED TO PLANNING PERMISSION REF: 48/98/993 DATED 6.10.98 FOR RETENTION OF AGRICULTURAL STORE SHED AND POLYTUNNEL FOR AGRICULTURAL USE. - RENEWAL OF

	PERMISSION.
Decision	Full Application - Granted
Decision Date	04/07/2000

Case Reference	MB/98/00993/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: RETENTION OF AGRICULTURAL STORE SHED AND POLYTUNNEL FOR AGRICULTURAL USE (RETROSPECTIVE)
Decision	Full Application - Granted
Decision Date	06/10/1998

Case Reference	MB/95/01404/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: AGRICULTURAL BARN FOR CATTLE AND GENERAL PURPOSE USE.
Decision	Full Application - Refused
Decision Date	20/12/1995

Case Reference	MB/92/01322/FULL
Location	Riverside Lodge, Silverlake Farm, Stanford Lane, Clifton, SG17 5EU
Proposal	FULL: ERECTION OF HENHOUSE AND GLASSHOUSE FOR PRODUCTION OF TOMATOES AND EGGS
Decision	Full Application - Granted
Decision Date	22/12/1992

**Representations:
(Parish & Neighbours)**

- Southill Parish Council Object for the following reasons:
- The proposed development is outside the settlement envelope for Stanford and Clifton
 - It is incompatible with the surrounding countryside i.e. farmland, fishing lake, riverside
 - There is no infrastructure such as paths to Clifton and Stanford
 - It is on a bend on a busy road

Neighbours At 1 December 2014, 125 letters of objection have been received in response to the application. The reasons for the objections are set out below:

Principle of development

- the application site is open countryside
- the proposal is contrary to policy
- granting planning permission would create a precedent in a rural location for other similar development
- Clifton has already had a lot of development
- the land is agricultural and should not be built on
- allowing this development would result in the urban sprawl of Clifton into the countryside

- the development should be built on a brownfield site

Highways

- additional traffic
- there is no footpath alongside the site between the site and Clifton
- the shop in Clifton already suffers from the level of traffic passing through the village and on-street parking due to its car park being too small
- the bridge on Stanford Lane is too narrow
- there is no street lighting on Stanford Lane
- it is on an unsafe road for motorists and pedestrians
- the road is too narrow for caravans
- additional traffic would pass through Clifton to access the A507

Impact on character/appearance

- allowing the proposal would erode Clifton's charm
- the site is within a Conservation Area
- the site is within the Green Belt
- Stanford Lane is an attractive entrance to Clifton which would be spoiled
- the design and appearance of the development is out of keeping with the area
- the application site is within an important gap between Stanford and Clifton and should be maintained
- commercial activity/storage on the site would be detrimental to visual amenity

Infrastructure

- Clifton has insufficient infrastructure or facilities to support the proposed development
- the local schools are oversubscribed
- the GP surgery at Shefford is at capacity
- site is not served by utilities

Impact on natural environment

- development likely to lead to contamination of the river
- the site would be detrimental to the use of the river
- hedgerows would be damaged to provide the access and visibility splays
- there would be an ecological impact on the river and fishing lake
- resulting damage to wildlife
- litter

Planning history - there have been previous refusals of planning permission for similar developments and nothing has changed

Impacts on amenities/facilities

- noise resulting from development
- more disturbance following recent developments
- the site is a popular area where villagers walk and run and the development would mean that they are no longer able to
- detrimental impact on footpath
- impact on views from nearby dwellings
- no refuse collection serves the site
- adverse impact cricket pitch
- site is not easily/quickly accessed by emergency services
- impact on neighbouring fishing business

Flooding/Watercourse Issues

- the site is within the floodplain and is not suitable for development
- a lack of maintenance of the watercourse has previously led to flooding

Gypsy and Traveller policy

- Clifton has previously been determined as not suitable for a Gypsy and Traveller site - other more appropriate sites have been identified
- there is insufficient separation between the site and the village
- there are pitches available on other sites within the area there is no need for this development
- the site should be allocated through the Gypsy and Traveller Local Plan if it is considered acceptable
- the proposal is in conflict with policy HO12

Other Issues

- the site will inevitably expand
- fear of crime
- no consultation has taken place regarding the application

Consultations/Publicity responses

Highways Development Control Whilst the location of the site is not ideal from a sustainable transport perspective I can confirm that there is no technical highway reason to raise an objection on safety or capacity grounds.

The application proposes use of an existing access at a point onto Stanford Road where visibility appropriate to the speed of passing vehicles can be achieved and is therefore Manual for Streets 2 compliant and in line with Planning Inspectorate expectations. I note that the surfacing of the access is not of sufficient standard to

accommodate regular usage and will require reconstruction to current highway specification. I have covered this issue within my conditions and advice notes.

Within the site the plans indicate ample room to accommodate vehicle parking and manoeuvring areas.

In these circumstances, if you are minded to view the scheme as submitted favourable conditions and advice notes are recommended.

Archaeology

The proposed development site is not known to have produced any evidence of archaeological remains, however, it does have archaeological potential. Immediately to north east there is cropmark evidence for a pair of ring ditches (HER 1664), the remains of prehistoric, probably Bronze Age funerary monuments. These form part of a much wider prehistoric and Roman landscape that has been identified in the valley of the River Ivel and its tributaries. Further to the north and north east there are extensive remains of this landscape including funerary monuments and evidence for settlement and agricultural activity from the Neolithic to Roman periods (HERs 631, 1785 and 9095). Although some elements of this landscape have been identified from air photograph evidence the remains are actually more extensive than is shown from this evidence with a number of elements only being found as a result of intrusive archaeological investigation. These are all heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*.

The application includes a *Heritage Statement* (Albion Archaeology, 21st October 2014) incorporating a desk-based assessment. It considers the archaeological context and potential of the proposed development site and the impact of the development on archaeological remains. It provides sufficient information on the heritage assets with archaeological interest and conforms to the requirements of paragraph 128 of the *NPPF*.

The *Heritage Statement* suggests that the site has low to moderate potential to contain archaeological remains of the prehistoric and post-medieval periods and negligible to low potential for all other periods. This is a reasonable assessment of the potential of the application site, reflecting its location to known archaeological resources in the surrounding area.

The development will involve the construction of standing areas for five caravans, largely created by laying appropriate material in the existing ground surface and a

new site access which will have a consolidated gravel surface. These groundworks have the potential to impact on archaeological deposits. The *Assessment* describes the significance of this impact as being neutral to slight. This is an appropriate assessment of the potential impact of the development on heritage assets with archaeological interest.

The proposed development site has some potential to contain archaeological remains, particularly of the prehistoric and post-medieval periods. However, the nature of the proposed works are such that the impact of the works on archaeological remains is likely to be limited and will result in only a very limited loss of significance to heritage assets with archaeological interest. This does not represent a constraint on the proposed development and, consequently, I have no objection to this application on archaeological grounds.

Private Sector Housing In principle the PSH team have no objections to the site for 5 pitches;

However there are issue here with drainage and therefore possible surface water and foul will need to be considered. I would ask that Planning provide conditions for these to ensure that the site drains and foul waste does not encroach on surrounding land.

Access is also unusual for this site as the positioning of the homes will need to be made in such a way as to avoid them being too close together.

We defer to Highways regarding the above as necessary for the connection to the main road routes.

Public Protection Officer No comment

Rights of Way Officer I have no material objections to the application but have concerns regarding the visual effect on Southill Public Footpath No.15 which runs along the northern side of the boundary ditch (Ivel Navigation Channel disused) to the immediately north of the application site.

This footpath is very well used locally and the Ivel Navigation Channel is the boundary to the footpath and the application site. To stop any material from the site inadvertently entering the ditch and in doing so affecting the visual enjoyment of the right of way, I would require a panel fence along the northern boundary to the height of 1.8metres. This will help to reduce the possibility of site material from entering the channel and degrading the visual impact of this well managed ex-navigation channel.

The type of fencing to be determined before the application decision is taken. With multi-user traveller sites it is often impossible to determine individual responsibility for actions that relate to boundary litter and despoliation.

Tree and Landscape Officer

Had a look at the pre application for this site and from an Arboricultural view there is little reason to object. I would have some concerns regarding the watercourse to the south and any risk of pollution but that would not be a tree issue.

Protection of existing boundary hedges and trees and enhancement through additional planting. Details of this additional planting would be required.

Internal Drainage Board

The Board notes that surface water drainage is to be dealt with by a SuD system. The system outlined on drawing 108/01/14 indicates that all roads and hard surfacing areas will be constructed from shingle and crushed stone. Provided this method of construction is adhered to and no impervious area are created within the site, the Board will offer no objections to this development.

Environment Agency

Response received 28 November 2014

Object due to the absence of a Flood Risk Assessment.

The application site lies partly within Flood Zone 2 and 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

An FRA is vital if the Local Planning Authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

At present it is not clear from the information submitted where the caravans are proposed to be located on the site. All caravans should be situated entirely within Flood Zone 1 and a clear (flood free) access and egress route identified. This should be made clear through the provision of an appropriate FRA statement, site layout plan and topographic survey (of the site).

Subsequently confirmed that:

Following the revision of the boundary of the application site the site is entirely outside of Flood Zone 2 & 3 and no FRA is therefore required. Recommend a condition to deal with foul drainage of the site.

Determining Issues

The main considerations of the application are;

1. Policy background including Gypsy and Traveller pitch provision
2. The visual impact of the development
3. The impact of the development on neighbours
4. Assessment of the development against Mid Beds Local Plan policy HO12
5. Assessment of the development against emerging policy GT5
6. Highways and sustainable transport issues
7. Other material planning considerations
8. Objectors Concerns
9. Human rights
10. Conclusion

Considerations

1. Policy Background including Gypsy and Traveller pitch provision

Policy Background

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

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

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

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

Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and was subject to public consultation following approval at full Council in February 2014. The Plan was later submitted to the Secretary of State in June 2014, however as noted earlier the Inspector raised a number of questions regarding the Plan.

The Plan therefore carries little weight in the determination of this application.

In preparation of the Gypsy and Traveller Local Plan the Council had a new Gypsy, Traveller and Showperson Accommodation Assessment undertaken, dated January 2014. This Assessment is considered to be up to date and highlights that there are a small number of unauthorised pitches, temporary consents, concealed households and people on waiting lists for the Council-run sites which are considered to represent the backlog of need within the area.

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

Number of pitches in Central Bedfordshire in January 2014 - 247

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

Growth between 2014-2019 (2%) - 19

Growth between 2020-2024 (2%) - 30

Growth between 2025-2029 (2%) - 33

Growth between 2030-2031 (2%) - 14

Total need to 2031 - 131 pitches

Full Council agreed on 30th January 2014 that the GTAA be endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.

Gypsy and Traveller Pitch Trajectory

The draft Gypsy and Traveller Local Plan was accompanied by a trajectory which demonstrated that the Council had identified sites which together with windfall sites would deliver a 5 year land supply, however as the Gypsy and Traveller Local Plan has been questioned, at present the trajectory figures could be subject to change.

Nevertheless, the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply but pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided. Applications such as this therefore potentially make a contribution to the delivery of the required number of Gypsy and Traveller pitches and help to maintain the required 5 year land supply trajectory providing they are acceptable in all other respects.

Objectors Concerns

Some objectors commented that as the site has not been identified within the Gypsy and Traveller Local Plan that the site is not suitable. The Plan identifies sites on land which was either promoted by the owner or on Council-owned land. The applicant did not promote their site and it therefore had no opportunity to be considered for inclusion in the Plan. A site not being identified in the Plan does not automatically mean it is unacceptable, only that relevant national and local policies are used to consider the application.

Comments have also been made that there are vacant pitches on other existing Gypsy and Traveller sites which the applicant could live on. This is not considered to be accurate and even if there were spare pitches it would not provide sufficient accommodation in line with the level of need identified in the Gypsy and Traveller Accommodation Needs Assessment (GTAA).

2. The visual impact of the development

The supporting text to Policy DM4 (Development Within and Beyond Settlement Envelopes) sets out at 11.1.5 that outside settlement envelopes, where the countryside needs to be protected from inappropriate development, only particular types of new development will be permitted in accordance with national guidance. The application site falls outside of any identified Settlement Envelope and is within the open countryside.

The supporting text to Policy CS16 (Landscape and Woodland) sets out that the countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. The Council will protect the countryside for its own sake, safeguarding it from the increasing pressures of development. It will work with partners to enhance its recreational, landscape and wildlife value. Policy DM3 (High Quality Development) sets out that development should be appropriate to its setting.

The site is 350 metres beyond the settlement envelope of Clifton and for planning purposes falls within the open countryside. The eastern boundary of the site comprises a mature hedgerow, planting and fencing and views into the site from Stanford Lane are very limited. A public footpath runs along the northern side of the site and although there is substantial planting along the boundary some views into the application site are possible. The site is open to the south and west and long range views of the site from various viewpoints are possible.

It is proposed to retain the existing boundary landscaping and that within the site which would go some way towards minimising the visual impact of the site. Two buildings on the site which are proposed to be retained and re-used are authorised, either through planning permission or the passage of time, would remain whether or not the application was approved. The site is limited in scale and contains no new permanent buildings.

It is considered that views across the open countryside towards the site should be screened by some additional landscaping located centrally on the site to further reduce the visual impact of the site.

Overall the proposal is considered to result in some harm to the character and appearance of the open countryside and would therefore be contrary to Policies DM3 and DM4 of the Core Strategy, however other material considerations may be identified that would outweigh the harm that the development would cause in that regard.

3. Impact of the development on neighbours

The nearest residential dwelling to the proposed site would be approximately 200m away at Clifton Manor. It is not considered due to the distance between the site and the nearest houses that the proposed development would have any adverse impact on residential amenity.

Commercial activity taken place on the site could lead to adverse impacts on amenity therefore it is considered that it would be appropriate to add a condition

to any planning permission granted preventing the commercial use of the site.

- 4. Assessment of the development against Mid Beds Local Plan policy HO12**
Policy HO12 is a criteria-based policy for assessing planning applications and is the relevant adopted policy for the determination of this application. Each part of the policy is addressed in turn below:

Proposals for the development of new gypsy sites will be expected to conform with the following criteria:

(i) That the proposal is not detrimental to the character and appearance of the surrounding countryside and that adequate landscaping measures to mitigate any adverse visual impact of the proposed use are capable of being carried out;

The impact on the character and the appearance of the area has been considered in section 2 above.

(ii) Development must incorporate a safe, convenient and adequate standard of access, including provision for pedestrians and cyclists;

The Highways Development Control Officer has confirmed that there is no technical or safety objection to the proposal subject to conditions.

(iii) The amenities of neighbouring or nearby residential property are not unacceptably harmed;

Due to the distance between the proposed site and other residential dwellings it is not considered that the amenities of nearby properties would be unacceptably harmed.

(iv) Appropriate safeguards are put in place to prevent pollution of surface water and groundwater;

Both the Environment Agency or Internal Drainage Board have confirmed that they have no objection to the proposal subject to conditions. The Environment Agency and IDB are the expert bodies whose advice the Council as Local Planning Authority relies on.

(v) There is no unacceptable adverse impact on nature conservation interests; and

Whilst the site is in the open countryside where nature conservation is important the site is not within an area designated of particular conservation importance. Large parts of the application site and other land owned by the applicant would remain undeveloped.

(vi) There is no unacceptable adverse impact on the historic environment.

The Council's archaeologist has no objection to the proposal. The site is not within the vicinity of any other designated heritage asset.

Sites should relate well to existing built development, although a location within a defined settlement envelope will not be deemed essential. Sites which are poorly located in relation to community facilities and public transport will not be permitted.

The site is outside of the settlement envelope but as set out in the policy this is not deemed essential. The site is within 350m of the settlement envelope boundary and is considered to be within a satisfactory distance of Clifton and Shefford where community facilities and public transport are accessible. Further consideration of this matter is found in section 6.

5. Assessment of the development against emerging Policy GT5

Policy GT5 which is a criteria-based policy for assessing planning applications and still considered to be relevant in the assessment of planning applications however as notes above the draft Gypsy and Traveller Plan carries little weight. Each part of policy GT5 is addressed in turn below.

Justification of local need for the scale and nature of development proposed

Windfall developments, like that proposed, could help identified need to be met, and the application is accompanied by details of the needs of the proposed occupants for the accommodation.

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

Planning Policy for Traveller Sites (PPTS) states at paragraph 12 that in rural and semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community. It is not considered that the aim of the PPTS is to prevent there being more Gypsies and Travellers than members of the settled community within an area. It is considered that the point of the policy is to ensure that in rural and semi-rural areas that the traditional bricks and mortar settlement is not dominated in terms of the scale and visual impact of Gypsy and Traveller pitches. Due to the limited scale of the proposed site and the distance from Clifton, it is not considered could reasonably be argued that the site would dominate the settled community.

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

The application site is entirely within flood zone 1, where there is the lowest risk of flooding, and therefore no flood risk assessment is required. The most southern part of land within the applicants control, but outside of the application site is within flood risk zone 3.

Neither the Internal Drainage Board or Environment Agency have raised objections to the proposed development subject to conditions.

Satisfactory and safe vehicular access.

The Highways Development Control Officer has reviewed the application and confirms that there is no technical highway reason to raise an objection on safety or capacity grounds and that the visibility is appropriate to the speed of traffic on the highway.

Site design demonstrates that the pitches are of sufficient size.

Whilst there is no defined size for a Gypsy and Traveller pitch, they are normally of sufficient size to accommodate a static caravan, touring caravan, parking spaces and amenity space. Providing that the licensing requirements for the separation between the caravans can be met it is considered that the proposal is acceptable in this regard.

Landscaping.

The site contains high levels of boundary landscaping and there are opportunities to increase the levels of landscaping to further improve the screening of the site and the biodiversity opportunities the site could provide. Existing landscaping and hedgerows would be retained.

Sensitive boundary treatment.

Boundary treatment could be controlled by condition in the event that other matters were considered acceptable.

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

The impact on neighbouring properties is considered above.

Pollution from light and noise sources should be minimised.

No details of external lighting on the site have been provided however it is considered that this could be adequately controlled by condition. The impact of the development on neighbours through noise and disturbance is described and assessed above.

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

Facilities would be within reasonable driving distance of the site. There is no footway linking the site to Clifton along Stanford Lane however there is access to the public footpath which leads to Shefford, a walk of approximately 1.2km. This matter is considered in greater detail below.

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

Sewerage would be dealt with by way of an existing septic tank, although the details of the capacity of the tank are not known and the submission of such information should be secured by condition. The site is already served by water and electricity. Some objectors comment that the site is not served by a refuse

collection service, it will be up to the applicant to either arrange with the Council to provide such a service or to employ their own private refuse collection company.

6. Highways and Sustainable Transport Issues

The application site is accessed off Stanford Lane, an unclassified road, on the stretch of road between Clifton and Stanford.

There is an existing access which is proposed to be used for the site access and would provide a 4.2m wide roadway to enable two vehicles to pass.

In a recent appeal decision an Inspector concluded that opinion it would be impracticable to expect all sites to be within walking distance of existing facilities with no reliance on private cars. The Council asserted that the location of the site in the open countryside meant that it was unsustainable with the local village containing one pub, a village hall and a yet to be started bus service running three times per week. However the inspector noted that a large superstore lies two and half miles distant and Darlington was approximately five miles away. The Inspector also commented that sustainability also encompassed other dimensions.

Planning Policy for Traveller sites sets out that:

Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- *promote peaceful and integrated co-existence between the site and the local community*
- *promote, in collaboration with commissioners of health services, access to appropriate health services*
- *ensure that children can attend school on a regular basis*
- *provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- *provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- *avoid placing undue pressure on local infrastructure and services*
- *do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- *reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

Sustainability is not therefore only about direct access to services by foot but should also take into account wider issues of access to health and education services. It is therefore not considered that the lack of footpath to Clifton is sufficient in its own right to warrant a refusal of planning permission.

The Highways Development Control Officer is satisfied that there is no technical highway reason to raise an objection on safety or capacity grounds. The Officer

is also satisfied that the visibility at the access is adequate for the speed of vehicles.

7. Other material planning considerations

The Gypsy status of the applicants and other proposed occupiers needs to be considered. The applicants have set out that Mr Porter was born in a tent and spent his childhood travelling and stopping on various sites for different lengths of time. He subsequently married and the couple's children were born in a caravan and their travelling lifestyle continued until they stopped to live in a house and provide a settled base for their children to attend school. Neither Mr or Mrs Porter enjoy living in a house and often stay in a caravan within the curtilage of the dwelling. It is considered on the basis of this evidence that the applicants meet the definition of a Gypsy or Traveller for the purposes of planning. The other occupants are related to the applicants and therefore would also meet the definition.

The personal needs of the applicant and other proposed occupiers of the site should be taken into account particularly in relation to the rights of the child.

Mr and Mrs Porter both suffer from medical conditions which they consider are made worse by living in a house. Aversion to bricks and mortar is a documented problem for some Gypsies and Travellers. In addition they also care for their son and daughter-in-law. Their son has recently had a triple heart bypass and is unable to drive during his recovery, his wife has back problems and is also unable to drive or to care for her husband. Other occupiers of the site would be the applicants daughter, partner and children, they currently have no permanent site and are homeless travelling from place to place. The sister of the applicant and her partner would also be proposed to occupy the site, she is disabled and has had recent surgery and needs help and support. The final family group would be the applicants niece and her two pre-school aged children. The niece has recently left an abusive relationship and has therefore been travelling and stopping temporarily on various sites, she needs a settled base for safety and support as well as for her children to attend school.

The ability of the children to access education is important and although they are not yet of school-age the eldest child will shortly be expected to attend full-time schooling. It is recognised that Article 3 of the United Nations Convention on the Rights of the Child ("the UNCRC") requires the decision maker to treat the rights of the child as "a primary consideration." In *Stevens v Secretary of State* [2013] EWHC 792, paragraph 69 states:

"

iv) Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. Nor does respect for the best interests of a relevant child mean that the planning exercise necessarily involves merely assessing whether the public interest in ensuring planning control is maintained outweighs the best interests of the child. Most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise."

While in policy terms the best interests of the child is a primary (but not determinative) consideration, the relative weight to be given to this consideration after an examination of the individual circumstances and consideration of all

material considerations may alter.

The information submitted states that the two children proposed to live on the site would be aged 2 and 4. There is also proposed to be two older children aged 16 and 17, however it is not clear whether they remain in full-time education.

The Gypsy and Traveller community traditionally live in extended family groups to provide mutual support and help. This proposal would provide the family members with the necessary help and support they need.

8. Concerns of objectors

Any concerns of objectors which have not already been addressed in the above paragraphs will be considered in this section. Some matters raised by objectors are not material planning considerations and some were not appropriate, these objections are not reported.

Principle of development

Some concern has been raised that granting planning permission for this proposal would create a precedent. It is not considered that this would be the case as every planning application is determined on its own merits.

Some objectors comment that Clifton has already had a lot of development and this proposal would lead to urban sprawl. It is not considered that the recent development in Clifton would weigh against this application. Nor is it considered that the development would constitute the sprawl of Clifton. There would be a clear gap between Clifton and the developed part of the application site.

The land was formally agricultural and some objectors comment that it should therefore not be built on. There is no presumption against development of agricultural land however the location of the land within the open countryside has been considered.

Impact on character and appearance

Some letters stated that the site is within the Green Belt or a Conservation Area. The site is not within either of these designations.

Infrastructure

Clifton is the nearest settlement to the application site and some concern has been raised that it does not have sufficient infrastructure to support the residents of the proposed development. The application seeks consent for a 5 pitch site and the details submitted set out that the occupiers would be 7 adults and 4 children. It is not considered that this level of increase in the local population would overwhelm the village of Clifton. It is also considered that the site is within easy reach of Shefford which also has services and facilities.

Planning History

Some objectors have stated that as planning permission has previously been refused for a similar development and nothing has changed this application should automatically be refused. The previous planning applications have been for different types and quantum of development and every planning application should be determined on its own merits.

Impact on amenities/facilities

Some concerns have been raised that people would no longer be able to use the area. There is a footpath which runs along the northern boundary of the site which would be unaffected by the application proposal. It is not clear in what other capacity the general public use the site.

Comments have also been made that the development would have an adverse impact on the cricket pitch, it is not clear however what the impact would be.

Other Issues

Concerns have been raised that the site would inevitably expand in the future. Any additional pitches or expansion of the site would require planning permission and an application would be considered on its own merits. The potential for future expansion is not a reason to refuse this application.

It has been submitted that no consultation has taken place on the application. A site notice was erected on the entrance gates to the site and an advert placed in the local newspaper in accordance with the legislation. The high number of representations received in response to the application would suggest that the local community are aware of the application.

9. Human Rights

Regard has been had to the Human Rights implications of the application.

It is recognised that the refusal of consent would lead to an interference with the intended occupier's rights to a home and private family life. The refusal of consent would also lead to an interference with their property rights. Such interference must be balanced against the public interest in pursuing the legitimate aims of Article 8 of the European Convention on Human Rights, which include the protection of the environment.

10. Conclusion

There are a number of factors and matters which need to be taken into consideration in determining this application. The matters which weigh in favour of the application are the general need for Gypsy and Traveller sites; the provision the site would make towards reducing the backlog of pitches; there would be no significant adverse impact on residential amenity; the site is within Flood Zone 1 where there is the lowest risk of flooding; personal need for a site; health needs of the occupants and the rights of the child and need to access education. Matters which weigh against the application are that the site is in the open countryside where Planning Policy for Traveller Sites states that Local planning authorities should strictly limit new traveller site development that is away from existing settlements. In addition the proposal would have an adverse visual impact which could be reduced by landscaping.

Overall it is considered that the matters which weigh in favour of the application would be sufficient to outweigh the limited harm to the character and appearance of the area.

Recommendation

That the planning application should be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

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

Reason: To ensure a satisfactory standard of landscaping in this rural location having regard to the National Planning Policy Framework and to the provisions of Policy HO12 of the Mid Bedfordshire Local Plan Review, Policies DM3 & DM16 of the Core Strategy and Development Management Policies and Policies 43 & 59 of emerging Development Strategy for Central Bedfordshire.

- 3 **No development shall commence until:**

(A) a scheme detailing:

(i) proposals for foul drainage of the site;

(ii) proposals for surface water drainage of the site, based on the site having no impervious areas;

(iii) a detailed landscaping scheme for the site;

(iv) boundary treatment of the site;

(v) waste storage and collection points;

(vi) any external lighting;**Reason: To ensure an appropriate standard of development and general amenity having regard to the National Planning Policy Framework and to the provisions of Policy HO12 of the Mid Bedfordshire Local Plan Review, Policy DM3 of the Core Strategy and Development Management Policies and Policy 43 of emerging Development Strategy for Central Bedfordshire.**

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

Reason: To ensure that the occupation of the residential caravans on the

site is restricted to Gypsies and Travellers.

- 5 No more than 10 caravans shall be located on the site, of which no more than 5 of which shall be a mobile home/static caravan.

Reason: In recognition of the location of the site in the open countryside and having regard to the provisions of the National Planning Policy Framework and to the provisions of Policy HO12 of the Mid Bedfordshire Local Plan Review, Policy DM3 of the Core Strategy and Development Management Policies and Policy 43 of emerging Development Strategy for Central Bedfordshire.

- 6 No commercial activity shall take place on the Site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity having regard to the National Planning Policy Framework and to the provisions of Policy DM3 of the Core Strategy and Development Management Policies and Policy 43 of emerging Development Strategy for Central Bedfordshire.

- 7 Before first occupation of the site for residential purposes the vehicle access arrangement serving the development shown on the approved plans shall be reconstructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction

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

- 8 Concurrent with the reconstructed access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising any existing dropped kerbs and reinstating the verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user.

- 9 All on-site vehicle areas shall be surfaced in tarmacadam or similar durable, porous but bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, numbers 108/01/14 & 108/02/14 rev A.

Reason: For the avoidance of doubt.

Notes to Applicant

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

4. **Environment Agency Advice**

The applicant's attention is drawn to the Planning Practice Guidance to the NPPF which requires an applicant to demonstrate that a connection to the public foul sewer is not available.

Further information can be found in the guidance: "Treatment and disposal of sewage where no foul sewer is available: PPG4" which can be found here: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

Consent

Consent for the discharge of effluent may be required from us. Please call 03708 506506 for further information. *This is irrespective of any planning approval.*

5. The applicant is advised that no works associated with the reconstruction of the vehicular access or closure of any existing access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
6. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without

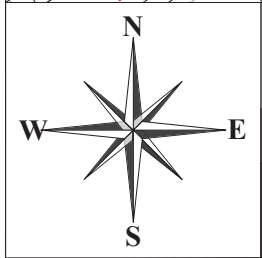
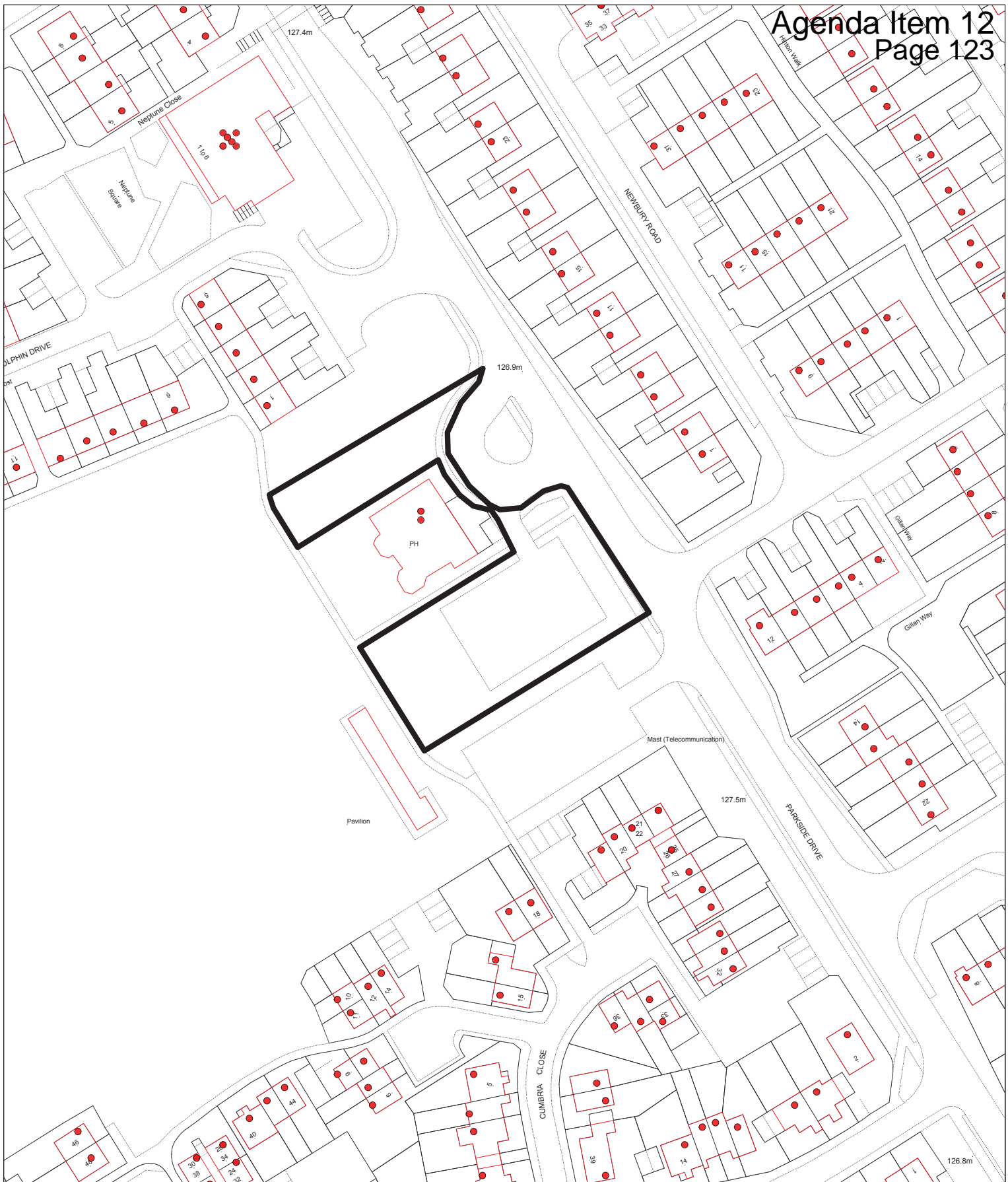
authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 01:December:2014
Grid Ref: 503258; 224491

Application No.
CB/14/03488/FULL

Scale: 1:1250

The Dog and Duck, Parkside Drive, Houghton Regis, LU5 5QN

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Item No. 12

APPLICATION NUMBER	CB/14/03488/FULL
LOCATION	The Dog And Duck, Parkside Drive, Houghton Regis, Dunstable, LU5 5QN
PROPOSAL	Proposed development of 12 x 1 bedroom flats arranged in 3 blocks of 2 storeys with parking and all ancillary works
PARISH	Houghton Regis
WARD	Parkside
WARD COUNCILLORS	Cllr Dr Egan
CASE OFFICER	Debbie Willcox
DATE REGISTERED	16 September 2014
EXPIRY DATE	16 December 2014
APPLICANT	Mr Patel
AGENT	Nett Assets Limited
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Major development with unresolved objections from Houghton Regis Town Council
	Recommended for Approval

Summary of Recommendation

Residential development of the site has already been accepted in principle. The proposal would complement and harmonise with its surroundings, would provide an acceptable degree of amenity to future residents, would not have a detrimental impact on the amenity of surrounding residents and would have an acceptable impact on the surrounding highway network. Having regard to the viability of the development, the proposed development would make sufficient provision for financial contributions towards affordable housing and community infrastructure. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, Policies BE8 and H2 of the South Bedfordshire Local Plan Review, policies 1, 19, 27, 29 and 43 of the emerging Development Strategy, the Central Bedfordshire Planning Obligations Strategy and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises the car park of the vacant Dog and Duck Public House, the grassed areas surrounding the car park, an area of grassed land to the north west of the public house and the un-adopted vehicular access/turning area from Parkside Drive.

The site is located within a predominantly residential area, within the built envelope of Houghton Regis. The land is adjacent to a public car park to the south east which is used in connection with the public playing fields which border the application site to the south west.

There are a group of five trees on the grassed area of land to the north west of the public house. The existing car park of the public house also has groups of trees just outside the eastern and southern boundaries of the site.

The Dog and Duck is in the process of being refurbished and extended with the intention of re-opening as a combined restaurant and public house.

The Application:

The application seeks planning permission for the erection of twelve x 1 bedroom flats, to be arranged in three, two storey blocks, with ancillary parking provision, amenity space, cycle storage and bin storage on the existing car park and the immediately surrounding grassed areas.

The application also seeks to provide a replacement car park on the area of grassed land to the north west of the public house.

The apartment blocks would be arranged in a row along the south east boundary of the site, set approximately 3m in from the boundary. Each block would measure 16m long by 7m deep. The blocks would have hipped roofs with an eaves height of 4.9m and a ridge height of 8m. Entrance doors would all be positioned to the front and would have canopy porches. First floor flats would be provided with covered balconies of 5 square metres and ground floor flats would be provided with covered patios of the same size, with surrounding landscaped areas. Each flat would have a gross internal floor area of 48m.

The development would include 27 parking spaces, including residents' parking, visitor parking and overflow parking for the public house, and a turning area. An indicative landscaping scheme shows the introduction of new trees in and around the parking area.

The proposed new car park would necessitate the removal of the existing group of trees to the north west of the public house. It would provide a further 16 parking spaces to serve the public house.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H2 Making Provision for Housing via 'Fall-In' Sites

R12 Protection of Recreational Open Space

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, H2 and R12 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy for Central Bedfordshire (June 2014)

Policy 1: Presumption in Favour of Sustainable Development

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 21: Provision for Social and Community Infrastructure

Policy 24: Accessibility and Connectivity

Policy 25: Functioning of the Network

Policy 27: Car Parking

Policy 29: Housing Provision

Policy 40: Other Areas of Open Space within Settlements
Policy 43: High Quality Development
Policy 47: Resource Efficiency
Policy 48: Adaptation
Policy 49: Mitigating Flood Risk
Policy 57: Biodiversity and Geodiversity
Policy 59: Woodlands, Trees and Hedgerows

(Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24 October 2014.)

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:

1: Placemaking in Central Bedfordshire, 2014

Design Supplement 2: Green Infrastructure, Climate Change Adaptation and Sustainable Buildings

Design Supplement 5: Residential Development, 2014

Design Supplement 10: Movement and Streets, 2014

Planning Obligations Strategy, October 2009

Bedfordshire County Council: Highway Design Guide, 1995

(Having regard to the National Planning Policy Framework, the age and adopted status of the above documents and their consistency with the NPPF, significant weight is given to the above Supplementary Planning Guidance documents with the exception of the Bedfordshire County Council Highway Design Guide, which is given limited weight.)

Planning History

CB/14/01698/FULL - Planning permission granted for the creation of two dwellings, within an approved extension that has approval for one dwelling above the Dog and Duck. Two ground floor infill extensions and extension of a boundary wall to create a courtyard for storage of wheelie bins.

CB/12/02756/OUT - Outline planning permission granted for change of use for residential development of up to six dwellings and replacement pub car park.

CB/12/02356/FULL - Planning permission granted for ground floor extension to a public house, first floor extension and internal alterations to first floor dwelling to create three dwellings.

CB/12/01561/FULL - Application withdrawn for demolition of existing garage. Ground floor extension to a public house to increase storage capacity. First floor extension to create one dwelling. Internal alterations to existing first floor dwelling.

CB/12/01560/OUT - Application withdrawn for change of use to residential served by existing access.

SB/06/00557 - Planning permission granted for installation of community mural to existing external wall.

SB/96/00021 - Advertisement Consent granted for installation of various external lighting units.

SB/86/00039 - Advertisement Consent granted for display of externally illuminated sign boards and signpost.

SB/85/00321 - Planning permission granted for erection of licensed premises and recreational changing rooms.

SB/83/00891 - Planning permission granted for licensed premises and recreational changing rooms.

SB/81/00516 - Application withdrawn for new public house with manager's accommodation and parking.

SB/76/00932 - Reserved Matters application granted for erection of public house.

**Representations:
(Parish & Neighbours)**

Houghton Regis Town
Council

Comments: Objection for the following reasons:

- Scale of development:
 - The proposal is considered to be overdevelopment of the site;
 - Loss of publicly accessible open space;
 - Loss of trees of the northern car park;
 - No mix of accommodation type;
- Design:
 - The scheme is of poor design
 - There is no enclosed open space for future occupiers;
 - The ground floor units appear insecure and vulnerable;
 - There is no privacy for ground floor occupiers in particular;
- Houghton Regis Town Council recreational ground parking facilities are provided to support use of the recreation ground and in particular the sporting activities that take place there. The proposal should be self sufficient and not rely on off site parking provision;
- The proposal makes no contribution towards affordable housing.

Neighbours (100
Westminster Gardens,
100, Brewers Hill Road,
7 Newbury Road, 1
Chelsea Gardens, 24
Fenwick Road, 4
Conway Close, 12
Gillan Way: responses
to direct notification
and/or site notice dated
24.09.2014)

Objections to the scheme cover the following concerns:

- The proposed balconies would result in a loss of privacy;
- The proposal would result in the loss of a pleasant area of open space
- The proposal would obscure the view of the park;
- Enough land is already being built on around Houghton Regis;
- Parkside is already too cramped and run down; the demographic of likely occupants of the flats will worsen the situation;
- The proposed flats would be ugly;
- Houghton Regis does not have enough facilities to sustain additional residents;
- The proposal would result in the loss of the trees to the north west of the public house;
- Parking associated with the football pitch is already insufficient, the proposal would add traffic and worsen parking problems;
- The proposal would cause noise and disturbance;
- The proposed new car park would result in increased levels of noise and headlights close to residential properties in Dolphin Drive. It is suggested that a wall

- be erected on the northern boundary of the car park;
- The proposed low rail fence to the southern boundary of the site would not provide sufficient security to the development and the cycle storage would be an easy target for thieves. The low boundary would also encourage visitors to the flats to park in the public car park that serves the football fields; a 2m high brick wall along the southern boundary of the site is recommended;
- The western edge of the site should also be walled to make the development more secure;
- Three different places for bin storage is not good design. This should be consolidated to one central bin storage location;
- No mention is made as to the trees on the southern boundary and what will happen to these trees.

Consultations/Publicity responses

Highways Officer (Initial comments)

The proposal is to build 3 new blocks which total 12 one bedroom flats. There are 12 parking spaces for residents and 2 for visitors. This is one below standard but there are a further 14 spaces for visitors for the adjacent public house (Dog and Duck) within the red line. The design and access statement clarifies that the public house which is within the blue land is currently undergoing refurbishment which also includes 4 apartments. It is not clear if the proposed refurbishment also includes the extension to the car park on the other side of public house. I note that while this area is within the red line a detail of the car parking arrangement is not shown. I am to understand that this can be conditioned and if that were the case then I would not object to the proposal.

The cycle parking is shown to be at the rear of the new buildings and question if these can be accessed from plots 9-12 and even 5-8! Cycle parking and storage will need to be reconsidered and this may involve the relocation of 1 or 2 car parking spaces but again this can be conditioned.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

Development shall not begin until details of the proposed car park on the north side of the Public House have been approved by the Local Planning Authority and constructed in accordance with those details.

Reason

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

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

Reason

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

Development shall not begin until details of secure cycle storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and no building shall be occupied until the said storage and parking have been constructed in accordance with the approved details.

Reason

In order to promote sustainable modes of transport.

No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

Reason

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

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

New Roads and Street Works Act

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit.

Damage Caused to Public Highways

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

Highways Officer
(response to revised
plans)

The proposal is to build 3 new blocks which total 12 one bedroom flats. There are 12 parking spaces for residents and 3 for visitors, which complies with the Council's parking standards for the proposed flats. However, the application also includes the replacement of parking for the existing building (public house and 4 flats) which was subject to a planning application (approved) number CB/14/01698/FULL.

The application (CB/14/01698) was for 4 flats totalling 6 bedrooms and a public house with a public area of 163 Sq. m. The parking standard for a restaurant is 1 space per 25 Sq. m. Meanwhile that for a public house is 1 space per 4 Sq. m. Considering a 50/50 split this would then result in a parking provision of 24 spaces. This application was approved with 32 car parking spaces.

In accordance with the authority's standard this parking provision should have 31 spaces where 32 were provided. I would be reluctant to agree to a reduction of this number.

The access road to the application site serves the 15 spaces and the 12 units and 12 spaces for the public house.

This drawing also includes the replacement parking on the other side of the public house where a further parking for 17 spaces are shown. Unfortunately the two spaces nearest the footway are detrimental to that footway and the pedestrians using it.

Further, the red line of this application does not adjoin the public highway as the turning head is not public highway. The applicant should therefore be advised that access to this parking area is subject to permission by the land owner (Central Bedfordshire Council)

Due to the comments above the 2 parking spaces nearest to the turning area will need to be removed and for that reason the total number of spaces available to the public house and the flats above will be 27 (12+15). This is 5 spaces less than that approved in planning application CB/14/01698 and 4 below the Authority's standard. This matter will need to be discussed in greater detail however I believe that the application should be refused.

The turning area shown on the amended drawing is substandard and I do not know if a vehicle (likely to take access to the site) would be able to turn in this area and this too should be proven before planning permission is to be granted.

In a highway context I recommend that planning permission be refused for the following reasons:-

The proposed development would make inadequate provision for the parking of cars and would lead to an increase in on-street parking thereby resulting in unacceptable traffic congestion and additional hazards for highway users and the local Residents.

Failing the authority's resolve to refuse the above application I offer the following conditions:-

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

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

Reason

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

Development shall not begin until details of secure cycle

storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and no building shall be occupied until the said storage and parking have been constructed in accordance with the approved details.

Reason

In order to promote sustainable modes of transport.

No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

Reason

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

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

Reason

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

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

Construction of Vehicular Access

The applicant is advised that no works associated with the construction of the vehicular access should be carried without prior consent, in writing, of the Assets Operations, Improvement and Co-Operations Services, Central Bedfordshire Council.

New Roads and Street Works Act

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.

Damage Caused to Public Highways

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

Waste Officer (Initial response)

Can the applicant provide the following

- Door size and to ensure to allow bins to fit through
- path width
- Door can't foul the path, i.e. when opened won't block the path therefore preventing bins being removed
- Details of how the bins will be removed to rear of the collection vehicle
- Proposal in order to prevent unauthorized access to the bin store ie from the commercial element of the site. I would propose a key fob that residents and the Council have access to.

The collection vehicle will need to stop in front of the Dog and Duck and reverse into the entrance of the site and pull the bins from the bin store to the rear of the vehicle. The first visitor space on the left hand side as you enter the site will need to be removed and access to the bin store only permitted. If the applicant has any alternative suggestions I am happy to hear these. Maximum pull distance is 10 metres over flat ground.

There will need to be dropped kerbs from the bin store to the car park surface and a proposal in order to prevent parking in this area

Waste Officer (response to revised plans and additional information)

No objections.

Trees & Landscape Officer (initial comments)

I visited the site on the 14th October 2014 to assess the impact of the development on existing trees.

What was immediately apparent is that numerous existing on-site and off-site trees have not been marked nor recognised within the site layout plan, and the lack of a BS 5837 : 2012 tree survey to identify tree constraints in the design process is a major flaw in this respect.

There are a number of mature trees along the south east boundary of the site, consisting of 5 off-site Field Maple, which were noted to be of a size and position likely to be damaged by the adjacent positioning of the flats.

It was also noted that situated along the boundary with Parkside Drive, southeast of the existing entrance, are a group of 3 large narrow-leaved Caucasian Ash which are also likely to be damaged by the building of Plot 9 to 12, and the surrounding hard surfacing being proposed around the trees.

All the above specimens are vital in serving to soften/integrate the large buildings into the urban landscape and should be successfully retained.

I am also concerned that the 21 parking spaces to serve as replacement parking area for the Dog and Duck Pub and which is proposed within the application red line will result in the removal of a number of mature trees, none of which have been indicated on the plan drawings.

My recommendation would be for the application to be withdrawn, and for the applicant to commission a BS 5837 : 2012 tree survey so that subsequent tree constraints can be identified through a Tree Constraints Plan prepared by a suitably qualified arboriculturist. This will allow the designer an informed choice to be made when determining building layout and positioning, without damaging adjacent trees.

The application can then be supported by an Arboricultural Method Statement and Tree Protection Plan to demonstrate that tree protection measures has been duly considered in the design process, and, most importantly, are a workable proposition

Trees & Landscape Officer (response to revised plans and additional information)

I refer to the reconsultation, revised plans and the Arboricultural Report prepared by David Clarke, dated November 2014.

In respect of this application I recommended the use of the following conditions if you are minded to grant consent:-

Tree Protection Fencing

Prior to the commencement of development, all tree protection fencing, and ground protection, as stipulated on the Tree Protection Plan Ref No. TPP/DDPDHRB/010A, and the Arboricultural Method Statement, prepared by David Clarke, dated November 2014, which forms part of the Arboricultural Report, shall

be erected / positioned in strict accordance with these documents.

REASON

To ensure a satisfactory standard of tree protection, installed prior to all site operations, to ensure the successful retention of retained trees, by preventing damage to their Root Protection Areas.

Tree Protection Working Practices

During the course of development, all working practices in respect of reducing the impact on trees shall comply in strict accordance with the requirements set out in the Arboricultural Method Statement, as prepared by David Clark, dated November 2014, which forms part of the Arboricultural Report.

REASON

To ensure a satisfactory standard of arboricultural methodology in order to avoid damaging working practices during the course of development.

Pre Development Tree Works

All pre-development tree work shall be undertaken in strict accordance with Section 17 of the Arboricultural Method Statement, prepared by David Clarke, dated November 2014 and shall fully comply with the recommendations set out in BS 3998 : 2010 "Tree Work - Recommendations" and be carried out by a fully competent and qualified arboriculturist.

REASON

To ensure a satisfactory standard of tree work is undertaken on retained trees, in order to prevent disfigurement, loss of visual amenity and poor pruning practices.

Landscape Planting Scheme

Standard landscaping condition required.

Ecology

I have no objections to the proposals. The NPPF calls for a net gain to biodiversity to be delivered through development and given the loss of open space as a result of the new dwellings I would recommend that integral bird boxes are incorporated into the new build. Details of these can be found through the CBC Design Guide.

Landscape Officer

I have no objections to the application proposals generally; the inclusion of hedgerows and trees to demarcate boundaries are positive features and will assist in integrating the development within the existing urban area - and maintain a soft edge to the park.

My only concern is the treatment of the southern site boundary parallel to the rear of properties at Cumbria

Close; the proposed inclusion of French windows to the back of the 2 storey flats are an attractive feature but could result in overlooking of existing rear gardens therefore I would suggest additional tree planting along the southern site boundary could assist in mitigating views.

I would appreciate it if the requirement for a detailed landscape plan could be conditioned if the application is approved.

Sustainable Growth and
Climate Change Officer

The proposed development lies within south Central Bedfordshire area and development is guided by old Local Plan and emerging Development Strategy which has been approved for development management. The relevant sustainability policies are:

Local Plan Policy BE8 states that proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings, use of natural lighting and solar gain, and take full advantage of opportunities to use renewable or alternative energy sources. It also requires proposals to demonstrate how trees and vegetation have been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.

Development Strategy Policy 47: Sustainable Buildings requires development to source 10% of the energy demand from renewable or low carbon sources as a minimum. It also encourages the development to achieve higher energy efficiency than minimum standards set by the Building Regulations.

In terms of water efficiency, the above policy requires proposals to achieve internal water use of 105 litres per person per day which could be met through installation of water efficient fittings, such as low flow taps and dual flush toilets. There is additional allowance of 5 litres per person per day for external water use.

The supporting documents submitted with this planning application provide limited information on how the policy requirement will be met. I would like more information on how the development will meet 10% energy demand from renewable or low carbon sources; and max 110 litres per person per day.

Development Strategy Policy 48: Adaptation requires that a new development is designed to minimise risk posed by climate change, e.g. overheating, surface water flooding.

I note that the proposed flats will have double aspect which will allow cross ventilation in the flats and minimise risk of overheating. The applicants propose planting of 12 trees, which also can help reduce risk of summer overheating. I would recommend consultation with tree officer to determine suitable tree species and their location to ensure maximum benefit and ensure that tree roots and canopies will not affect building structures when reach maturity. I consider the above measures to be sufficient to mitigate risk of overheating for this development.

Development Strategy Policy 49: Mitigating Flood Risk promotes use of Sustainable Drainage techniques to manage flood risk in accordance with Central Bedfordshire adopted Sustainable Drainage Guidance which can be found at: <http://www.centralbedfordshire.gov.uk/planning/strategic-planning/suds.aspx>.

SuDS can also contribute to mitigating Urban Heat Island through evapotranspiration from vegetation and surface water and can be incorporated into green corridors and open space.

I would like more information on proposed sustainable drainage solution for this development.

Planning conditions

I would like a planning condition to be attached, should a planning permission be granted, to ensure delivery of the following policy requirements:

- 10% energy demand of the development to be secured from renewable sources, this to be calculated as built;
- Water efficiency standard will be at 110 litres per person per day;
- Surface water runoff to be managed through application of SuDS.

Public Protection Officer To be reported at the meeting .

Determining Issues

The main considerations of the application are;

- 1. Principle of Development**
- 2. Design Considerations**
- 3. Impact on Residential Amenity**
- 4. Parking and Highways Considerations**
- 5. Affordable Housing and Planning Obligations**
- 6. Other Issues**

Considerations

1. Principle of Development

The principle of residential development on this site and the creation of a relocated car park to serve the public house was established with the grant of outline planning permission reference no. CB/12/02756/OUT in 2012. This outline permission is still extant, and forms a material planning consideration in the determination of this application. The outline planning permission proposed the provision of 6 x 3 bed houses, while the current proposal is for 12 x 1 bed flats. It is considered that the current proposal would make an equally efficient use of the site and would contribute to the mix of accommodation type available on the Parkside estate. The principle of the development is therefore considered to be acceptable.

2. Design Considerations

It is considered that the proposed layout would ensure the efficient use of the site whilst providing a development that would complement and harmonise with its surroundings. The layout would be slightly dominated by the parking areas, however, it is considered that the use of landscaping, including the retention of boundary trees, the amenity area to the front of the site and the introduction of new trees interspersed within the parking area would adequately soften the layout, and knit the development into the surrounding landscape, whilst still providing views through the site from Parkside Drive to the playing fields to the west of the site. Furthermore, the orientation of the blocks would maximise daylight and sunlight to the proposed flats while minimising the impact on the streetscape of Parkside Drive.

The proposed residential blocks would be two storey and thus would not appear dominant within the wider context of this part of Houghton Regis. They would be similar in scale to the blocks proposed in the indicative layout that accompanied approved outline application reference no. CB/12/02756/OUT.

The design and appearance of the proposed buildings would be appropriate to the surrounding development in Houghton Regis, with deep eaves, canopy porch features and a palette that would harmonise with neighbouring properties, comprising harvest bricks and dark brown tiles.

The application would result in the loss of existing trees to the north west of the public house to allow the provision of the replacement car park. It should be noted that the principle of the loss of these trees was accepted by the grant of outline planning permission CB/12/02756/OUT.

However, during the course of the application the scheme has been revised to ensure the retention and protection of all the trees to the south east of the site and along the eastern boundary with Parkside Drive, which would soften the impact of the development considerably. An Arboricultural report that includes an arboricultural impact assessment and an arboricultural method statement has also been submitted, and as a result the Trees & Landscape Officer has withdrawn his objection to the proposal. The proposal involves the provision of a minimum of 12 new trees, which would be interspersed throughout the site and the provision and maintenance of these trees can be controlled by condition. Furthermore, hedged boundaries around the proposed development and the

proposed replacement car park would further soften the development as a whole and integrate it into the landscaped.

It is considered that the proposal would provide a good level of amenity to future occupiers, meeting the Council's internal space standards and external amenity standards for flatted development, as set out in Design Supplement 5: Residential Development.

The proposal is therefore considered to be in conformity with policies H2 and BE8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide,

3. Impact on Residential Amenity

It is noted that the proposed balconies would be located just over 20m away from the boundary of the nearest residential gardens to the east and 30m away from the boundary of the nearest residential gardens to the south. It is considered that these separation distances, the retention of the trees along the southern and eastern boundaries of the site and the proposed new tree to be located in the eastern corner of the site would ensure that privacy to the occupiers of Gillan Way to the east and Cumbria Close to the south would not be unduly disrupted by the proposal.

There would also be separation distances of 21m between the front elevation windows of the new dwellings and the flank windows of the flats located above the Dog and Duck, which would be in accordance with the Council's Design Supplement 5: Residential Development as being the appropriate separation distance to ensure a reasonable degree of privacy.

The proposed new car park would be located 15m away from the dwellings in Dolphin Drive and the proposal includes the incorporation of hedging around the north and west boundaries of the car park. It is considered that this separation distance and the proposed hedging would protect the occupants of the dwellings in Dolphin Drive from a material loss of amenity as a result of the proposal.

It is considered that the proposal would not have a materially detrimental impact upon the amenity of surrounding residents and thus the proposal is considered to be in accordance with policies BE8 and H2 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

4. Parking and Highways Considerations

Parking will be provided for the flats themselves in full, in accordance with the Council's parking standards, including the provision of sufficient visitor spaces. The development to the south east of the Dog and Duck public house would also include 12 parking spaces for the public house and the 4 existing flats above it, which would provide a total of 28 parking spaces for the public house and the associated flats when including the 16 spaces in the proposed replacement car park. The 4 flats require 7 parking spaces (including a visitor space) and therefore 21 spaces would be available for the use of the public house.

The parking layout has been revised throughout the application to ensure safety to users of the car parks and the retention of the trees along the eastern boundary of the site. The plans were most recently revised to address the concerns of the Highways Officer in regards to the two parking spaces that were described as being potentially unsafe for users of the footway that adjoins the proposed replacement car park. One of the spaces has been deleted from the scheme and the other has been repositioned. The Highways Officer has verbally confirmed his acceptance of the repositioning of the parking space. These revisions have reduced the proposed parking provision by 4 parking spaces and it is noted that the Highways Officer has raised concerns to the revised scheme in regards to the proposed level of car parking.

However, these concerns are based on the application of a parking standard of 1 parking space per 4 sq. m. for public houses. It is noted that the Council's current parking standards, which are set out within the Central Bedfordshire Design Guide: Placemaking in Central Bedfordshire do not set a standard for public houses; this document only provides a parking standard for restaurants (as referred to by the Highways Officer in his comments) of 1 space per 25 Sq. m. The standard for public houses referenced by the Highways Officer is that published within a 1995 Highway Design Guide published by Bedfordshire County Council, as this was the last available guidance that specifically referenced car parking for public houses. It is noted that the same document set out parking standards for restaurants at a much more onerous 1 space per 5 Sq. m. rather than the 1 space per 25 Sq. m. standard that the Council currently uses. Given the age of the 1995 Design Guide and the outdated evidence base, it is considered that very limited weight can be attributed to this standard and it would be more appropriate to apply a parking standard consistent with the Council's current guidance for restaurants. By applying this standard, instead of that set out within the 1995 Design Guide, only 8 spaces would be required for the restaurant/public house. Thus the proposed 21 spaces would represent a significant over provision of car parking. Moreover, the nature of the Dog and Duck is that of an estate facility, located within the heart of a built-up residential area and it is intended to serve predominantly local residents. It is thus anticipated that visitors would be more likely to use sustainable methods of transport such as walking or cycling to access the facility rather than cars.

On balance, it is considered that the proposal as a whole would be likely to prove self-sufficient in terms of car parking provision and that the proposal would be in conformity with policy T10 of the South Bedfordshire Local Plan Review and policy 27 of the emerging Development Strategy for Central Bedfordshire.

A revised plan has been submitted including a tracking diagram, showing that the turning area is sufficient for the use of standard delivery vans, ambulances etc. It is noted that the proposal would not require refuse vehicles to enter the development as the waste collection point is located at the front entrance of the site.

5. Affordable Housing and Planning Obligations

In accordance with policy 34 of the emerging Development Strategy for Central Bedfordshire, a financial appraisal was submitted and viability testing was carried out by the Council's Housing Development Officer. This process confirmed that the provision of on-site affordable housing would render the

development unviable. Planning Obligations totalling £19,440 in accordance with the Council's Planning Obligations SPD were offered by the applicant, however, it has been determined that the highest priority in this location is the provision of affordable housing. Therefore the contributions have been reallocated with £18,816 being provided as a commuted sum for affordable housing and the remaining £624 being provided for waste management.

6. Other Issues

The comments of the ecology officer are noted and an appropriate condition is suggested to ensure the provision of integral bird boxes throughout the development.

The comments of the Sustainable Growth and Climate Change Officer have been carefully considered and discussed with the applicant. An energy efficient / sustainability statement has been submitted which proposes including measures to limit residential water consumption to 105 litres per person per day and proposed energy efficiency measures. The plans also propose that parking and hardscaped areas to be designed to be self-draining in accordance with SuDS principles. However, the viability issues that surround the scheme do not permit the introduction of 10% energy sources to be obtained from renewable sources. Given the limited level of weight that can be attached to policy 47 of the emerging Development Strategy of Central Bedfordshire at this stage in the plan-making process, it is considered that this is not a sufficient reason to refuse the proposal.

Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises no issues under the Equality Act 2010.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 take place on the existing public house car park until the new replacement car park to the north west of the public house has been completed in accordance with approved drawing no. 1432-P-01 Rev F and made available for use. The car park shall be retained in perpetuity thereafter.

Reason: To ensure that parking provision for the public house is provided throughout the development in the interests of preventing on-street parking. (Policy T10, SBLPR and Policy 27, DSCB).

- 3 **No development shall take place until a landscaping scheme to include all hard and soft landscaping, including details of the proposed Sustainable Urban Drainage measures, and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping. (Policy BE8, SBLPR and Policies 43 and 58, DSCB)

- 4 **Prior to the commencement of development, all tree protection fencing, and ground protection, as stipulated on the Tree Protection Plan Ref No. TPP/DDPDHRB/010A, and the Arboricultural Method Statement, prepared by David Clarke, dated November 2014, which forms part of the Arboricultural Report, shall be erected / positioned in strict accordance with these documents.**

Reason: To ensure a satisfactory standard of tree protection, installed prior to all site operations, to ensure the successful retention of retained trees, by preventing damage to their Root Protection Areas. (Policy BE8, SBLPR and Policies 43 and 59, DSCB)

- 5 All pre-development tree work shall be undertaken in strict accordance with Section 17 of the Arboricultural Method Statement, prepared by David Clarke, dated November 2014 and shall fully comply with the recommendations set out in BS 3998 : 2010 "Tree Work - Recommendations" and be carried out by a fully competent and qualified arboriculturist.

Reason: To ensure a satisfactory standard of tree work is undertaken on retained trees, in order to prevent disfigurement, loss of visual amenity and poor pruning practices. (Policy BE8, SBLPR and Policies 43 & 59, DSCB)

- 6 During the course of development, all working practices in respect of reducing the impact on trees shall comply in strict accordance with the requirements set out in the Arboricultural Method Statement, as prepared by David Clark, dated November 2014, which forms part of the Arboricultural Report.

Reason: To ensure a satisfactory standard of arboricultural methodology in order to avoid damaging working practices during the course of

development.

(Policy BE8, SBLPR and Policies 43 & 59, DSCB)

- 7 **No development shall take place until details of integral bird boxes to be incorporated within the proposed new buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.**

Reason: To create opportunities for biodiversity within the development.

(Policy 57, DSCB)

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

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure acceptable parking of vehicles outside highway limits.

(Policy BE8, SBLPR and Policy 43, DSCB)

- 9 The development hereby permitted shall not be occupied until a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

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

(Policy BE8, SBLPR and Policies 24 & 43, DSCB)

- 10 **No development shall take place until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

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

(Policy BE8, SBLPR and Policy 43, DSCB)

- 11 **No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.**

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

(Policy BE8, SBLPR and Policy 43, DSCB)

- 12 No dwelling hereby approved shall be first occupied until details of the bin storage for that dwelling and collection point for the development have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection point have been implemented in accordance with the approved details. The bin storage and collection point shall be retained thereafter.

Reason: In the interest of amenity.

(Policies BE8 SBLPR and 43 DSCB)

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1432-P-01 Rev F, 1432-P-02 Rev C, 1432-P-03 Rev D, TPP/DDPDHRB/010 A.

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

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried without prior consent, in writing, of the Assets Operations, Improvement and Co-Operations Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the

Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

- 6. This planning permission is subject to a Section 106 Agreement.

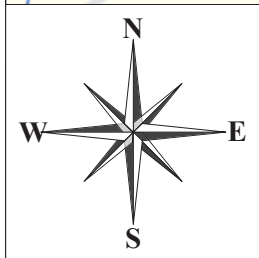
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

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

DECISION

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Date: 01:December:2014

Grid Ref: 502072; 226805

Application No.
CB/14/01480/FULL

Scale: 1:10000

Land adjacent Chalgrave Manor, Luton Road, Toddington

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Item No. 13

APPLICATION NUMBER	CB/14/01480/FULL
LOCATION	Land adjacent Chalgrave Manor, Luton Road, Toddington
PROPOSAL	Installation of Photovoltaic Panels (Circa 92,240 panels), Installation of Inverter Stations, erection of boundary fencing & CCTV cameras and connection to the existing electricity grid. Formation of temporary construction compound.
PARISH	Chalgrave
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Abel Bunu
DATE REGISTERED	27 August 2014
EXPIRY DATE	26 November 2014
APPLICANT	R. Upchurch & Partners
AGENT	Buckle Chamberlain Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Unresolved Parish Council objections to Major Development and Departure from the Development Plan for development in the Green Belt.
RECOMMENDED DECISION	Full Application - Recommended for approval subject to referral to the Secretary of State

Reasons for Recommendation

Whilst the proposed development would be inappropriate in the Green Belt and would be harmful to its openness, it is considered that very special circumstances exist to outweigh the harm by reason of inappropriateness and any other harm. In reaching this conclusion, great weight has been placed on the NPPF's presumption in favour of developments for renewable energy which requires that Local Planning Authorities recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources',(paragraph 97). Principally, this national advice stresses that very special circumstances in such cases may include the wider environmental benefits associated with increased production of energy from renewable sources,(paragraph 91). Furthermore, Paragraph 98 makes it clear that 'when determining planning applications, Local Planning Authorities should,' ...approve the application if its impacts are (or can be made) acceptable.' In this case, the suggested mitigation measures which would be secured by planning conditions are considered satisfactory. In taking this approach, the Local Planning Authority (LPA) is mindful of the NPPF advice at paragraph 203 which makes it clear that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Taking into account all the other benefits to be had from approving the development which include, farm diversification, biodiversity, community benefits, regeneration of agricultural land, improvement of highway safety at the site entrance, restoration of the historic width of the Theedway Footpath, restoration of the broken hedgerow and new planting which includes an Oak Tree avenue, burying of existing overhead

cables and the fact that the development is temporary being capable of complete reversal, it is considered that on balance, the proposal has passed the tests for renewable energy development set out in Policies SD1, BE8, NE10, R15 (SBLPR) and Policies 1, 3, 23, 36, 43, 45, 46, 49, 50, 57 and 58 (DSCB) and the CBC 'Guidance Note 2: Solar Farm Developments and national advice within the NPPF and PPG.

Site Location:

The application site is located in the Green Belt within an area identified as Subgrade 3(a) Agricultural Land (Good Quality) to the south east of Toddington Village, south of Fancott, south west of Luton Road and the Chalton Sewage Treatment Works, east of Chalgrave Manor and Chalgrave Manor Golf Course, north west of Chalton Village and to the north of Grove Farm. Topography is generally flat with a slight knoll in the northern field and some gently rising land along the western boundary and the altitude is mostly around 100 metres above Ordnance datum (AOD), rising to 110 metres AOD.

The Application:

seeks planning permission for the installation of a solar farm as detailed below :

Installation of Photovoltaic panels

The proposed solar panels would occupy some 44.8 hectares of farmland. Circa 92,240, reduced from (Circa 98,4440 panels shown in the original application details) would be installed in fixed rows running in an east-westerly direction at an angle of 25 degrees so that the panels would face a southerly direction. The estimated output is 23MW which would provide approximately 5,945 average households with their total electricity needs and avoid approximately 9,215 tonnes of CO² emissions per year. The panels would be fixed to metal frame supports no higher than 2.5 metres above ground level.

Installation of Inverter Stations

17no. inverter stations would be installed standing at no higher than 3.1 metres above ground level. Each station would consist of two cabins measuring 4.5 metres wide and 1.42 metres deep and 4 metres wide and 2.5 metres deep and both would be set on a concrete base measuring 11.3 metres wide and 4 metres deep situated along the site boundaries. The electricity generated by the panels which would be Direct Current (DC), would be transmitted via cables to the inverters where it would be converted to Alternating Current (AC) before being connected to the national grid.

Connection cabin

A connection cabin measuring 4.5 metres wide, 2.5 metres deep and 3.3 metres high would be installed on a concrete base measuring next to an existing site access.

Erection of boundary fencing

A deer fence, 2 metres in height, would be erected around the perimeter of the site. A 5 metre wide clear zone would be provided between the hedgerow and the fence and the same clearance would be maintained between the fence and the solar panels.

CCTV cameras

CCTV cameras would be mounted on steel poles not exceeding 2.5 metres in height and spaced 35 metres apart.

Access improvements and formation of temporary compound

The site is currently accessed via an existing field gate which comes off Luton Road. HGVs delivering material to the site during the construction and de-commissioning phases would leave the M1 at Junction 12 onto the A5120 and right onto the B530 (Luton Road) before making a right turn onto the application site. However, the existing access is considered unsafe to use for the proposed development and as such, an amended Construction Traffic Management Plan would need to detail alternative access arrangements to cover both the construction and de-commissioning phases and the operational phase for use by maintenance staff during the life of the development. It would therefore be necessary to open up a temporary access to facilitate ingress and egress by HGVs and a second access for maintenance staff. A portion of the land close to the access from Luton Road would be used as a temporary compound for storage of materials and equipment during the construction stage.

The development would retain the land in agricultural use but the land would revert to grassland and grazing by sheep. Field margins and corners would be managed as wildflower meadows to encourage biodiversity.

The application is supported by the following documents :

- Design & Access Statement - April 2014
- Glint and Glare Assessment -13 October 2014
- Extended Phase 1 habitat Survey -November 2013
- Archaeological Desk Based Assessment - December 2013
- Pre-development Tree Survey & Assessment -August 2014
- Tree Constraints Plan - August 2014
- Construction Traffic Management Plan -October 2014
- Agricultural Land Map - 26 August 2014
- Agricultural and Soil Considerations -October 2014
- Landscape Character and Visual Impact Assessment -January 2014
- Landscape Design Statement, Specification & Environmental Management Plan - October 24
- Extended Phase 1 Habitat Survey - November 2013
- Draft Section 106 Agreement

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

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

Section 1 : Building a strong, competitive economy
Section 3 ; Supporting a prosperous rural economy

Section 4 : Promoting sustainable transport
Section 7 : Requiring good design
Section 8 : Promoting healthy communities
Section 9 : Protecting Green Belt Land
Section 10: Meeting the challenge of climate change, flooding and coastal change
Section 11 Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review

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

SD1 Keynote Policy
BE8 Design Considerations
NE10 Agricultural Diversification
R15 Retention of Rights of Way Network

Development Strategy for Central Bedfordshire

The draft Development Strategy was endorsed for Development Management purposes on the 27th May 2014 and was submitted to the Secretary of State on the 24th October 2014. It is therefore considered that having regard to the stage of the plan preparation, the policies listed below are given weight in the determination of this application :

Policy 1 : Presumption in Favour of Sustainable Development
Policy 3 : Green Belt
Policy 23 : Public Rights of Way
Policy 36 : Development In the Green Belt
Policy 43: High Quality Development
Policy 45 : The Historic Environment
Policy 46 : Renewable and low carbon energy development
Policy 49 : Mitigating Flood Risk
Policy 50 : Development In the Countryside
Policy 57 : Biodiversity and Geodiversity
Policy 58 : Landscape

Supplementary Planning Guidance

- CBC Guidance Note 2 (2014): Solar Farm Development in Central Bedfordshire
- South Bedfordshire Landscape Character Assessment
- Central Bedfordshire and Luton Borough Councils Joint Committee Sustainable Development and Adaptation and Mitigation of Climate
- Change Study (Parsons Brinckerhoff, 2010)
- Central Bedfordshire Renewable Energy Guidance (2013)

Planning History

CB/14/03063/SCN EIA Screening Opinion: Proposed Solar Farm comprising installation of Photovoltaic Panels & Inverter Stations, erection of boundary fencing & CCTV cameras and connection to the existing electricity grid including formation of temporary construction compound.(Not EIA Development).

Representations: (Parish & Neighbours)

Parish Councils

Chalgrave

Comments

- A large area of Green Belt land is already being lost to the A5/M1 link road and new housing north of Houghton Regis and more Green Belt land would be lost to the solar farm.
- Not convinced that the land would remain Green Belt just because sheep would be grazing around the panels.
- It is doubtful that the land would return to farmland after 25 years and could be replaced by another solar farm.
- If permission is granted, a condition should be attached to ensure that the area around the panels is grazed by sheep and wildflower meadows are set and maintained throughout the life of the solar farm.
- If a solar farm is located out of site, it is an environmentally friendly way of generating power.

Chalton

Objection

- The Parish Council is not opposed to renewable energy sources.
- This is however considered an unsuitable site due to siting close to the village, scale and inadequate existing and proposed landscape screening which would impact on the character of the area.
- The Parish Council's objection is informed by the views of their residents following a public meeting attended by more than 50 people.
- Chalton is subject to considerable threat due to the development to the south of the village, viz, the North Dunstable A5-M1 link by pass and the 7,000 houses and associated development together with the existing large electricity sub-station, sewage works and a parts centre within the boundary taken together with the Rail Freight terminal on land immediately to the east of the village. The village would therefore be surrounded on three sides by development.
- Screening along the boundary would be inadequate to

make the development less visible to those residents who would be able to see it. Any screening would be slow growing and would have little impact during the proposed 25 year life of the development. Fast growing conifers could help but these are not indigenous and should be avoided.

- The Bounds Way bridleway on the ridge of high ground would give views overlooking the site from a distance of 250 -300 metres. Whilst these would be a novelty in the early days, it would soon be seen as less desirable than the existing view. The proposed screen would not hide the site from here due to the height difference.
- Detrimental visual impact on the landscape not helped by the location of the development in a natural valley with higher ground surrounding the site on three sides, north, south and west.
- Dangerous access point into the site off the B530 on a bend. A recent traffic census showed an average of 9,400 vehicle movements on a working day of which a considerable number were above 30 miles per hour. The existing access road to Chalgrave Manor at Fancott should have been considered as a safer option for access to the site.
- Despite the land retaining its Green Belt status, this is temporarily 'borrowing' the land for 25 years, with no guarantee on its future use after that time period has elapsed. This could be used as a stepping stone to eroding the Green Belt in the future on the grounds that it has been developed on.
- Application should therefore be refused.

Toddington

No objection.

Harlington

Objection

- Application site is Grade 3 Agricultural Land within the Green Belt.
- Agricultural land should be reserved for food production.
- No reference in the Development Strategy of the proposed 20 megawatt power system that would require various pieces of equipment.
- Taking into account the proposed solar farm and wind turbines near Tilsworth, the land between the villages could be filled with solar farms.
- Chalton itself would derive no direct benefit from the development.
- There is a growing shortage of food the world over and loss of this agricultural land would be regrettable.
- If permission is granted, restrictions should be imposed to ensure that the land reverts to agricultural use. Also not comfortable with the use of CCTV cameras as the

range covered is unclear. If these concerns are addressed, a more positive approach to the application would be taken.

- Why is CBC appearing to be ignoring Government Directives such as the latest guidance underlining the Government's commitment to protect the Green Belt from development.
- Communities Secretary Eric Pickles and Housing Minister Brandon Lewis have insisted that thousands of brownfield sites are available for development and should be prioritised.
- In addition, the Environment Minister, Liz Truss has come out strong on solar farms being built on farmland having said that English farmland is some of the best in the world and she wants to see it dedicated to growing quality crops.

Neighbours

2, 31, 44, 46, 47, 48, 49
Chalton Heights, 31
Birds Hill, The Haven,

Objection

- Direct sight of the solar farm from some houses on Chalton Heights and devaluation of properties.
- Inadequate screening proposed.
- Concerns over future increased requests.
- Concerns over the effect on the Boundway, walkers and horse riders.
- No details about the direction the CCTV cameras would focus.
- Chalton would derive no benefit from the solar farm.
- It would be an absolute eyesore.
- The village is already being traumatised by construction works of the additional motorway junction which will be ongoing for the next couple of years with the addition of several thousand houses.
- Several of our local footpaths/bridleways are being disrupted due to the above and the proposed solar farm would simply add to this.
- Central Beds seems to consider the village of Chalton to be a 'dumping' ground for any industrial requirement. We are only a small village and what with all the above, this would simply be the last straw.
- Chalton itself would derive no benefit from the solar farm.
- Despite the fact that the Green Belt will not be changed, the actual use of the land is not 'undeveloped, as Green Belt should be.
- 25 years is a considerable length of time for the life of the solar farm and there is no guarantee that after that period has elapsed, there will not be a further application for another scheme.
- Granting permission would send the wrong signals for future developments on the site which would further

erode the Green Belt.

- The site is in a hollow, overlooked by the village of Chalton. This village is already subject to major planning applications in the Parish, to the south where the Houghton Regis North development will have considerable impact. There are also the A5 – M1 link, which will cause considerable disruption to the village during the construction phase and beyond. There is also plans for a major Rail Freight Terminal partly in the Parish. This is a huge amount of development in one small Parish.
- The proposed access to the site is dangerous. Recently an accident occurred at the road bend. There are other locations to access the site, such as the access at the Fancott, or the Lord's Hill access already used by Chalgrave Manor lorries. There are no details within the application to address this access issue at this location and I don't think hence this is not considered a safe option.
- If there was to be screening along the Bounds Way, then this will have an adverse impact on the visual impact of the area and the landscape. Any screening on the site will have little effect.
- There is an industry agreed 10 Commitments for solar farms published by the Solar Trade Association
<http://www.solar-trade.org.uk/media/STA%2010%20commitments%20v%2010.pdf>

The areas where this project is not aligned to this are outlined below :

1. We will focus on non-agricultural land or land which is of lower agricultural quality.

DECC (Department of Environment and Climate Change) have expressed in their published Solar Strategy, a preference for PV in brownfield areas and roof tops. This scheme is on arable agricultural land, and not a brownfield or roof top area. This planning application was submitted after the solar strategy was published, and has seemingly ignored commitment 1.

<https://www.gov.uk/government/publications/uk-solar-pv-strategy-part-1-roadmap-to-a-brighter-future>

2. We will engage with the community in advance of submitting a planning application.

- Inadequate future grid network capacity.
- There has been no consultation with stakeholders, and these stakeholders will see no energy price reduction or benefit themselves as a consequence of this

project, and are being precluded from doing measures whereby they themselves could lower their own electricity bills. I think it is an assured certainty that this information has not been communicated to the community at large.

- There are no PV technology manufacturers in the area, and aside O&M, the creation of long term and sustained jobs in the area is minimal.

3. We will seek the support of the local community and listen to their views and suggestions.

- Aside very local Parish Council based engagement and involvement, the developers have not sought any opinion or suggestions or indeed any support from the affected/impacted community who are essentially having the opportunity to reduce their own energy bills and lower their carbon footprint essentially removed.

Whilst fully supportive of the adoption of renewable energy, and in particular solar PV, however, a 25 MW project is just too large for the grid infrastructure, and hence the approved size of the project should be significantly reduced to allow a local future capacity for schools, communities and local stakeholders to be empowered to develop local schemes which benefit and do not hinder the local community.

- Recently DECC publicly stated they want to see more community energy. This project is contrary to DECC's vision. The following link provides clarification.

http://www.solarpowerportal.co.uk/news/decc_wants_to_see_upsurge_in_community_energy_involvement

- Additional planting would hide the lovely views across the landscape. Assuming a deciduous planting, screening would only be provided during the summer months.
- The site is bordered on three boundaries by public footpaths. Currently, these footpaths afford wide views of the countryside. Enclosing the footpaths with high hedges and fences would be of concern to walkers.
- Brownfield siting of the development would be preferable given its size.
- Concerned that assurances have already been given by the Council to grant planning permission.
- Possibility that new cables or powerlines would be required.
- Possible cumulative harm resulting from the influx of solar farm applications in CBC.
- CBC needs to comprehensively select areas best

suited for solar farm development rather than leave this to individual developers.

- There is sufficient scope to increase the area of solar panels on brownfield land and buildings.

Chalgrave Manor Golf Club

Support due to renewable energy solutions being an important area for the future.

Ramblers Association

Objection.

- Inappropriate development in this area
- Walkers would be greeted with a series of large reflector panels in lieu of wonderful countryside.

Consultations/Publicity responses

Environmental Policy Manager

The national and local planning policy context is set in the following document, which has been adopted by the Council as technical guidance for Development Management purposes:

Guidance Note 2: Solar Farm Development in Central Bedfordshire.

The guidance has had input from specialists from across the Council and provides 'key principals' for consideration. Detailed responses, specific to the proposal, will be provided directly from the specialist officers as part of the consultation in relation to the key themes covered in the guidance.

Key elements are highlighted below :

Agricultural land quality: The preliminary Agricultural land classification maps indicate this area to be Grade 3, however this is a broad brush assessment made pre 1988 for strategic planning purposes. A more detailed study should be provided by the applicant to determine the extent to which the proposed development falls within agricultural land grades 3a and 3b. If it is Grade 3a we would usually ask for further justification (see P9 of the Solar Farm Guidance), especially as the land is currently agriculturally productive (used for growing crops). The applicant should also provide details of complimentary use of the land for agriculture (grazing of sheep) and/or habitat creation will happen alongside the Solar Farm development.

Landscape: The site does not fall within an area highlighted as having low landscape sensitivity to solar development. It is also large in scale compared to other proposed Solar Farm developments in Central Bedfordshire – which are usually around 5MW generating capacity, compared to this proposal which is 24.6 MW.

Whilst this in itself does not make the proposal unacceptable, additional consideration will need to be given to mitigation of landscape impacts, especially as a solar farm development of this size and scale will undoubtedly have the potential for impact on landscape. The Landscape Officer will provide a more detailed assessment of landscape impacts and whether the impact can in fact be adequately mitigated and whether the proposed mitigation is acceptable. Glint and Glare: A Glint and Glare study is provided which concluded that impact will be nil to negligible.

Securing the Solar Farm: The measures proposed to secure the solar farm, namely fencing and CCTV, are within scope of what would normally be expected for a development of this type.

Community engagement: It is not clear whether any community engagement has been carried out by the developer. I would usually expect a statement of community engagement to accompany solar farm developments of this scale. A development of this scale would also usually commit to making a community benefit payment to the Parish Council(s) or into a community grant fund. Typically this sum is usually equivalent in total to £1,000 per MW of installed capacity per year, so in this case a total of £24,600 per year for the life of the scheme. Other approaches would be acceptable, such as funding of roof mounted solar PV for community buildings and local schools.

Weight to be given to 'Guidance Note 2: Solar Farm Developments in Central Bedfordshire': This document has been adopted by Executive as Technical Guidance for Development Management purposes. It therefore does not have the weight that a supplementary planning document (SPD) would have. It does also however provide a more detailed understanding of how aspects such as landscape etc should be considered. These have been identified in the 'Planning Practice Guidance for Renewable and low carbon energy' and Guidance Note 2 could therefore be considered as providing local clarification to some of the issues raised in this document, which itself would be a material consideration.

Conclusion:

- The proposed development of the solar farm is supported by the UK national planning guidance on sustainable development and Renewable energy set in the National Planning Policy Framework (2012).
- The project would contribute towards achieving UK's

renewable energy generation and carbon emission reduction targets set in the UK Renewable Energy Strategy (2009).

- The site is not however identified as an area of low sensitivity to solar development in the Council's technical Guidance Note 2: Solar Farm Development in Central Bedfordshire, therefore additional consideration should be given to the Landscape Officers comments regarding landscape impact and mitigation.

In summary, the development contributes to decarbonisation of electricity production and hence I have no objections to planning permission being granted. Given the scale of the proposed solar farm, this is based on the assumption that the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects, such as impact on heritage, are adequately dealt with.

Further Comment following submission of the Agricultural Statement.

I am satisfied with the rationale given and that this meets what we would like to see in the Council's technical planning guidance for Solar Farms with regards to justification of use of 3a classified land.

Landscape Officer

Revised comments following amendments to the Site Layout and Landscape Strategy

- With the amended landscape strategy, the revised layout appears to fit within the landscape framework more sympathetically.
- Could I request that 'all existing hedgerows be maintained and gapped up where required.'
- Could the revised western site boundary include some hedgerow trees in addition to hedgerow planting please and new hedgerow / hedgerow trees planting be extended from the western site boundary along the southern site boundary to then connect the hedgerow framework with the east.
- The proposed native woodland block to the far south-west corner / southern tip of Featherbed Lane may not be required – as this is a vantage point to 'read the landscape' and the Parish Council's heritage interpretation board is orientated to facilitate this.
- It there is opportunity to replace the Leylandii to the east of Featherbed Lane with native hedgerow planting that would be a real positive.
- A simple timber stock fence along the Theedway may be preferable to a post and wire and fence in terms of

quality and character, but I would appreciate Michelle's thoughts on this.

Original comments

Concerns regarding this proposed development relating to impact on landscape character and visual amenity. These concerns and reasons for a request for further information are based on the following considerations:

With reference to the **Central Bedfordshire Guidance Note 2: Solar Farm Development:**

The application site is not within an area of low sensitivity to solar development as described in the guidance.

The site lies on the cusp of the North Chilterns landscape evaluation area and Clay Hills and Vales; a key principle of both evaluation areas is the need for array development to avoid contributing to urban fringe influence along with broader principles including capacity of landscape to accommodate character of development and scale, avoiding sites which can be viewed from above, considering sensitivity of views particularly from recreational viewpoints.

The South Beds Landscape Character Assessment:

The site is again within a cusp of landscape areas; set on the edge of the Barton-Le-Clay Clay Vale (5B), the Toddington-Hockliffe Clay Hills (8A) wrap around the site to the north and west, the Houghton Regis-North Luton Rolling Chalk Farmland (10B) forming a locally elevated transition to the southern setting to the site, the edge of the Clappers Chalk Escarpment (9C) forming a dramatic backdrop further to the east beyond the M1 corridor.

The transition in landscape characters - vale to slopes to ridge lines - heightens landscape sensitivity to change and the importance to retain undeveloped land at the base of slopes in order to read the transition.

The transition in landscape character also results in the application site, on the whole, located within a local vale but with elevated topography surrounding the site and surrounds which enables views down on to the site particularly locally from the south and west from public footpaths which again increases sensitivity to change and impact on views.

Whilst the application site is within the vale context of the M1 corridor visual and audible impact is much reduced due to intervening landscape and planting structures. The electricity transformer station is screened by trees which, in the summer at least, assist in visually mitigating this development and M1 further to the east .

Overhead power lines cross the site and is an urbanising

feature - further urbanisation of the site and surrounds needs to be avoided or at least managed and effectively mitigated.

Historic landscape:

The site and surrounds form part of an historic landscape which is celebrated in the Chalgrave Parish Heritage Trail 'A Walk Through Time' which describes prehistoric, Roman and Saxon settlements in the area and focus on the Theedway ancient route which runs to the south of the southern site boundary and other footpaths / recreational routes.

There are a number of interpretation boards around the Parish linked to footpath access describing historical features in Chalgrave - Toddington, a number of footpaths featured in this trail are within the immediate or local context of the application site.

The Theedway in landscape terms is a significant feature both historically and physically as a key footpath link today - connecting a well used footpath network - and offering extensive views across the application site and surrounding landscapes. CBC's Countryside Access are developing an access project along the Theedway linking Luton through to Leighton Buzzard.

Further information required:

Having studied the LVIA and D&AS, visited the site and surrounds and considered my response I have concerns regarding this development:

- Impact on landscape character and visual enjoyment of the countryside - and history which is well promoted.
- This form of development could increase an urbanising character within a primarily rural setting.
- Proposed mitigation of development is primarily reliant on reinforcing existing hedgerows and retaining hedgerow trees - having visited the site the site area is quite denuded of hedgerows / hedgerow trees therefore effectiveness of proposed landscape mitigation must be demonstrated.

Therefore I would request that more information is provided to support this application and assist in assessment of capacity of landscape to accommodate development, visual impact and mitigation needs including:

- Cross sections through the site north-south and east west which describes arrays in relation to topography - especially exploring relationship with the western slope and southern Theedway.

- Photo montages of development looking from the key viewpoints numbers 1 & 4
- Photo view and photo montage describing development from Featherbed Lane (Footpath27)

Proposed planting of Poplar trees along Featherbed Lane:

I strongly object to the proposed planting of Lombardy Poplars along Featherbed Lane. The site and surrounding landscape is primarily native broad leaf trees in woodland and hedgerow species. The introduction of an avenue of non native Lombardy Poplars will have a highly detrimental impact on local landscape character and an elevated avenue of tall columnar trees along a local ridge line will be highly intrusive visually and is not acceptable.

I hope the above comments are of assistance - please do email if you have any queries or would like to discuss further. I would be happy to attend a meeting / site visit with the applicant / applicant's representatives if of assistance.

Tree and Landscape
Officer

The documents relating to the application, including the Tree Constraints Plan prepared by TDA (ref. TDA/2009/TCP/rhC/08.14) dated August 2014, are satisfactory including their conclusions that the scheme is acceptable on arboricultural grounds.

Archaeologist

Further to my original comments on this application (19th September 2014), I have now received a revised *Archaeological Desk-Based Assessment* (October 2013 – thought this should read 2014) and *A Summary Report of an Archaeological Field Evaluation* (November 2014). The report on the evaluation is not the full report, only a preliminary description of the results and conclusions. My comments are based on the additional information contained in these documents.

The archaeological field evaluation was targeted along the eastern and western boundaries of the site where the inverter stations and main cabling for the scheme will be located and in areas that had been identified as having high archaeological potential, on the basis of existing information. The majority of the site which will contain the solar arrays was not subject to evaluation. The submitted report is only a summary of the results; it does not contain a detailed description of the investigation and only the briefest analysis of the finds and character of the

archaeological remains that were identified. However, it is clear that the majority of the trial trenches contained archaeological features. There are two particular concentrations of features:

- North west corner of the site – a range of features including linears, pits and post holes were found on the trial trenches. These probably relate to a series of cropmarks known from this part of the site (HER 16590). On the limited evidence presented these features appear to be later prehistoric in date and provide evidence of occupation. This is consistent with the cropmark evidence.
- South east corner of the site – a series of linears, pits and post holes were identified in this part of the site. Finds evidence, including pottery and a coin date the features to the Roman period. They probably relate to an area of Roman occupation previously identified to the south (HER 1438).

Elsewhere, the trial trenching identified other archaeological features in the north eastern and south western corners of the site. These consist largely, though not exclusively, of linear features and do not appear to have produced much in the way of dating evidence. It is likely that some of these features form part of the later prehistoric and Roman occupation sites (see above). Others may represent land boundaries and field systems contemporary with this occupation or, possibly later medieval and post-medieval land boundaries. The trial trenching was only limited in extent and there is a very high probability that the archaeological remains it has identified extend into the site. It is also likely that further, presently unrecognised remains may exist within the proposed development site beyond the area that has been subject to archaeological evaluation.

The proposed development site is within the setting of two Scheduled Monuments, designated heritage assets of the highest significance: medieval fishponds at Chalgrave manor (HER 91 and Heritage List Number 1008453) and Conger Hill, Toddington a medieval motte and bailey castle (HER 89 and Heritage List Number 1010059). The *Desk-Based Assessment* deals, very briefly, with the impact of the proposed development on the setting of the Chalgrave Manor ponds, concluding (5.5) that the development has been sited to "... as little effect visually as possible, though there will undoubtedly be one." This does not conform to the advice in the English Heritage guidance *The Settings of Heritage Assets* (2011), in particular the step by step approach to analysing the impact of development it recommends

(4.2). Nor does it identify whether the acknowledged impact will amount to substantial harm and, therefore, be unacceptable (*NPPF* paragraph 133). There is no description of how the setting of the ponds contributes to their significance and no consideration of how the development will affect that setting. Historically the setting of the fishponds relates mainly to the manor house and associated manorial settlement to which they belonged, forming an integral part of the manorial economy. Although they would have been visible from a wider landscape, especially from the north and east, the ponds would have appeared as part of the manorial complex rather than a distinctive, individual monument. The southern part of the development will be largely hidden from the ponds by a low ridge to the south east of the Monument, however, the northern part of the solar farm will be visible from the monument; the proximity of the development to the Monument will also be visible from higher ground, particularly from the north. A reinforced hedge line along the north western boundary of the development will provide some screening of the development from the monument and possibly reduce the impact when viewing the site from higher ground. The proposed development will have an impact on the setting of the Chalgrave Manor fishponds designated heritage asset and cause harm to the significance of the asset but, given that its setting is generally localised and relates closely to the manor rather than wider landscape, I do not think that the impact will amount to substantial harm.

In spite of the Archaeology Team's comments on the request for a screening opinion and my earlier comments on this application both of which noted that the proposed development site was located within the setting of Conger Hill, Toddington, the *Desk-Based Assessment* still does not deal with the impact of the proposal on the setting of this Monument. The *Assessment* (5.5) does include a minimal description of the impact on another motte and bailey (HER 721) located near Chalgrave church to the west. Unfortunately, this monument is not Conger Hill or a Scheduled Monument, so its inclusion in this section of the *Assessment* is not relevant. Conger Hill Motte and Bailey Castle is on the crest of the ridge to the north, with an extensive prospect of lower ground to its south. The setting of the castle has two elements: its relationship to the town and to the wider landscape. In both cases the castle was designed to dominate the surrounding area of townscape and landscape as an expression of ownership, political and economic power and control over the surrounding area. Its location in a prominent topographical position, where it could be seen from the surrounding landscape and see into that landscape, is a

major element of the significance of the heritage asset. Although the ridge on which the castle is located is clearly visible from the proposed development site, the castle itself cannot be clearly seen. The same is true of the views of the landscape containing the development site from the castle. Therefore, the proposed solar farm will only have a limited impact in the setting of the Conger Hill Scheduled Monument and cause only very limited harm to the significance of the designated asset.

In summary, the proposed development will have an impact on the settings of two Scheduled Monuments (Conger Hill Motte and Bailey Castle and Chalgrave Manor fishponds) and cause some harm to the significance of the designated heritage assets. However, this will not amount to substantial harm so I have no objection to this application on the grounds of its impact on the setting of designated heritage assets.

It has also been demonstrated that the site contains extensive archaeological remains of later prehistoric and Roman settlement. Settlements of these periods and their associated landscapes have been identified as being of regional significance in the published local and regional archaeological research frameworks.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). Policy 45 of the *Development Strategy for Central Bedfordshire* (pre-submission version, June 2014) echoes this and also requires all developments that affect heritage assets with archaeological interest to give due consideration to the significance of those assets and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive

material generated and the publication of a report on the works. In order to secure this, please attach the following condition to any permission granted in respect of this application. The programme of investigation will reflect the final construction and groundworks specification.

“No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.”

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

This request is in line with the requirements of Chapter 12 of the NPPF and policy 45 of the Development Strategy for Central Bedfordshire (pre-submission version, June 2014).

Ecologist

I have looked at the submitted documents and I approve of the mitigation proposed in chapter 7 of the Extended Phase 1 survey which would ensure no detrimental impact on a protected species as a result of the development. In addition to this I note a number of enhancements through the landscape strategy. I welcome the reinstatement of historic hedgerows, the use of grazing pastures, ecological buffers and wildflower margins. It is acknowledged that the site lies within 1km of Fancott Meadows which are not only a SSSI but also recognised as Central Bedfordshire's Jubilee Meadow.

It may be possible, through consultation with the Wildlife Trust, to use seed from this meadow in the wildflower margins which will therefore be of local provenance.

As two active badger setts have been located a condition would be required for a badger survey to be undertaken to establish the main commuting routes for the badgers. Two-way badger gates as detailed in Appendix 6 of the Extended Phase 1 survey shall be installed in fencing where it crosses identified mammal paths.

Whilst the landscape strategy illustrates land treatments it does not detail future management for the site. 8.2 and 8.9 of the D&A Statement refer to the grazing of sheep but management prescriptions for the wildflower buffers is not provided.

I would like see the provision of an environmental management plan form a condition of any planning

permission, detailing how the site will be managed which may include grazing as a complimentary use of the site to ensure a net gain for biodiversity etc.

Further comments following submission of Landscape Design Statement, Specification and Environmental Management Plan

I have read through and would only seek one point of clarification regarding the sheep grazing. They state that the pasture below the panels will be grazed by sheep but given this is a 25 yr development I would like an additional paragraph detailing how this land will be managed should sheep not be available, ie mowing / hay cut? Otherwise I am happy with the management regime proposed.

Having looked at the revised Landscape Strategy I approve of the additional area of biodiversity rich grassland but would still seek conditions to detail the future management of this area and the wildflower margins.

Rights of Way Officer

There are several public rights of way routes in the area and these are:- Chalgrave Public Footpath No. 26 and Chalton Public Footpath no. 17 running through the proposed site, Chalton 16 to the north and north east of the site boundary, Chalgrave Public Footpath no. 27 running along the driveway to Chalgrave Manor and Chalgrave BOAT 29 and Houghton Regis BOAT 43 forming the byway open to all traffic known as The Boundway to the south.

My first comments relate to Chalgrave Public Footpath no. 26 and Chalton Public Footpath no.17 which would be directly affected by the development as they run along the boundaries of the application site within the application site boundary. It should be noted that some of the plans submitted are incorrect and show Chalgrave Footpath No. 26 along the northern edge of the proposed solar farm on the north side of the hedge but its correct route runs to the south of the hedge. This should be noted with particular reference to the Landscape strategy plan which may suggest that the Public Footpath would be screened from the solar farm by the hedge but this is not the case.

Both of these Public Footpaths should be left as minimum 5 metre wide routes between the existing hedges and any new security fence. This should be 5 metres minimum when measured from the face of the existing hedge. This should be consistent with the proposed wildflower

margins shown on the landscape strategy plan and prevent the Public Footpaths from feeling enclosed or narrow next to the proposed 2 metre high deer mesh fence. New planting should not be necessary along the Public Footpaths on the path side of the new fence as this will lead to encroachment on the width of the Public Footpaths long-term and may create issues with maintenance. I have read through the submitted Glint and glare assessment document but no viewpoint plan seems to be included.

Landscape Strategy

No additional new planting or hedges should affect any public right of way. Any new hedging or tree planting proposed alongside public rights of way should be set back so that it does not obstruct or encroach upon the width of the public rights of way long-term and maintenance will be important with regard to the condition of trees and hedges to ensure they stay in good condition and are cut back regularly to prevent any health and safety issue or encroachment. One area of concern is the proposed hedgerow and native woodlands proposed to the south of the site, which seem to be alongside the byway open to all traffic (Boundway). Although, restoring historical hedgerows and woodlands is important and welcome, this route is a historic route - likely to be part of the historic Theedway/Thoidweg referred to in the Archaeological assessment. It has a recorded legal width of 12.2 metres minimum and it must be ensured that any new planting is set well back and does not encroach upon this recorded width. Part of its character as an historic route is its width.

One other comment about the landscape is my reference to the Chalgrave and Chalton local green infrastructure plans referred to at pre-app stage. These show the area of land closest to Luton Road as aspirational green infrastructure/grassland, presumably due to its potential link to the Fancott Wood and Meadow SSSI on the other side of the road. Although some of this land is proposed for the solar farm, it may be beneficial for the applicant/landowner to consider the rest of the land being left as biodiversity rich grassland in line with community identified aspirations in this area.

Transport/site entrance at Luton Road

The proposed vehicle entrance off Luton Road lies close to the entrance/exit at Luton Road of Chalton Public Footpath no. 16. It must be ensured that the entrance/exit to this Public Footpath remains clear and useable at all

times during the construction works and that the health and safety of walkers is taken into account when considering improvements to the field entrance - particularly if HGVs are involved. It is noted that comment is made about a fence being constructed to separate the Public Footpath from the access road. Consideration may also need to be given to signage for drivers and walkers, however to make each aware of the possibility of the other. Improvement of the existing field gate access and construction of temporary construction compound should also perhaps consider if any improvements could be made to Public Footpath No. 16's entrance/exit off Luton Road at the same time.

Should any construction vehicles have to cross any public right of way, consideration will have to be given to public safety (with consideration being given to marshalling or temporary closures where the amount of traffic is likely to be high) and any damage caused to the surface of any public right of way must be restored back to its original condition - which may involve grass seeding or the addition of suitable surfacing material if appropriate.

The Construction Traffic Management Plan submitted states "fencing will be erected on each side of the Right of Way that crosses the proposed solar farm site and appropriate signs will be installed to inform footpath users of construction works". I am not sure I understand what this means - why the public rights of way would need to be fenced on both sides, whether this fencing is temporary fencing whilst construction work is ongoing only or additional to the proposed site security fence. I am confused by the comment in 3.12 that "the fences separating the rights of way will remain in place during the operational period of the solar farm". Why would 2 fences be needed? Also no details are given as to the type of fencing this will be and what width will be left for the public footpaths. Further clarification is needed on these points.

Cables/temporary closures

I could not locate a great amount of detail of the position of any proposed cabling from the inverter stations to link the solar farm into the wider existing electricity grid. I would be interested to know if it is proposed to run cables beneath or across any public right of way. If this is the case, a street works licence may be needed and a temporary closure of a public footpath whilst a cable is being installed. The Council would require at least 6 weeks notice by application of any temporary closure of a public footpath and there are costs involved.

Interpretation boards

Solar farms are a fairly new feature in the landscape and it may be that local walkers and visitors to the site may find information about the solar farm and its benefits for the environment interesting. I would therefore recommend the provision of interpretation boards at some locations around the site to provide information about the site to passing walkers. The Countryside Access Team would be happy to be involved in any discussion regarding content of such. I would suggest either the provision of such boards as part of the development itself or a Section 106 contribution to us or the local Parish Councils who may have a view as to what information could be of interest on such a board.

Further comments following amendments to the Landscape Strategy document

I do not mind what type of fence is provided along the Theedway as long as the 12.2 metres width is available and left clear. Also, barbed wire is not advisable along a public right of way due to potential increased liability for the landowner.

From my point of view, the landscape strategy plan is now acceptable.

Conservation Officer

I have not identified any heritage assets of the historic built environment (including the Grade I Listed Church of All Saints and Chalgrave Manor Farmhouse) which in my opinion will be adversely affected by the proposed development. There will be an inevitable (although mitigated) wider landscape impact in respect of the locally designated Chalgrave Heritage Trail, the actual impact of which, along with the effectiveness of proposed mitigation will, I anticipate, be assessed by the Local Planning Authority Landscape Officer. I therefore offer **no objection** to the proposed development.

Highways Officer

The detail drawing submitted so far should be withdrawn and a less substantial junction be put in place a little further south such that it is single and it restricts access from the northern direction. This drawing is to be indicative only. Further wording be put into the Traffic Management Plan that this matter will be dealt with by way of Grampian Condition. That is to say:-

- The hedgerow and verge on the east side of the road be cut back before and maintained during the works and the available forward visibility determined.

- A speed survey taken and the required forward visibility splay determined.
- A scheme for access be determined such that an access is designed to standard.
- This design be approved and a safety audit accepted.
- This scheme be implemented before the works start and maintained during it.
- This scheme be amended on completion of the works.

In the meantime an alternative access should be proposed. Appropriate conditions are recommended to achieve this.

Public Protection

I am satisfied that Public Protection can support the application subject to the following condition:

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

The condition provides a safeguard that the equipment will in fact operate without detriment to the amenity of residents. In the absence of a specific technical report we have had to undertake basic calculations on at times estimated information to come to this conclusion.

Natural England

No objection and no conditions requested. This application is in close proximity to Fancott Woods And Meadows Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected Landscapes

This development relates to the Chilterns Area of Outstanding Natural Beauty (AONB). We therefore advise you to seek the advice of the AONB Conservation Board. Their knowledge of the location and wider landscape

setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Page 2 of 4. (Officer Note : The site is not within the Chilterns Area of Outstanding Natural Beauty).

Priority Habitat Creation

Solar farm developments offer excellent opportunities to create new habitats, and especially priority habitats listed under s41 of the NERC Act 2006. Natural England therefore expects the planning application to include details of new habitat creation.

In particular, solar farms are ideally suited to creating new grassland habitats, which can be created among the rows of solar panels. Details should be provided on the appropriate s41 target grassland habitat, along with a habitat creation plan (which should include measures to create suitable soil conditions / arable reversion techniques), suggested species mix for sowing, and details of how new habitats will be managed (e.g. grazing / mowing).

Other priority habitats that could be created or enhanced depending on site conditions, are hedgerows, ponds, and arable field margins. We suggest that a habitat creation plan also references any existing local sites recognised for their nature conservation interest, such as SSSIs and Local Wildlife Sites. In this instance, we note that Fancott Woods And Meadows SSSI is found within 2km of the proposed development site, and this site may provide an indication of what might be achieved at this site, should the conditions be suitable.

Further guidance is available from Natural England' s Technical Information Notes:-

TIN101 Solar parks: maximising environmental benefits.
TIN066 Arable reversion to species-rich grassland: site selection and choice of methods. TIN067 Arable reversion to species-rich grassland: establishing a sown sward. TIN068 Arable reversion to species-rich grassland: early management of the new sward.

The following additional notes may also be helpful:-
TIN060 The use of yellow rattle to facilitate grassland diversification. TIN061 Sward enhancement: selection of suitable sites. TIN062 Sward enhancement: choice of methods. TIN063 Sward enhancement: diversifying grassland by spreading species-rich green hay. TIN064 Sward enhancement: diversifying grassland by

oversowing and slot seeding. TIN065 Sward enhancement: diversifying grassland using pot-grown wildflowers or seedling plugs.

Additional guidance is available from the BRE National Solar Centre, and the RSPB. The creation of priority habitats in this way contributes towards the Government's nature conservation vision, set out within Biodiversity 2020, a strategy for England's wildlife and ecosystem services. The NPPF promotes net gains in biodiversity (paragraph 109), and s40 of the NERC Act requires public bodies to have regard to biodiversity in carrying out their functions.

Soils

Under the Development Management Procedure Order (as amended) (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of best and most versatile (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system), where this is not in accordance with an approved plan.

From the description of the development this application may impact on the best and most versatile agricultural land. However, we consider that the proposed development is unlikely to lead to significant and irreversible long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur provided the development is undertaken to high standards.

Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. In the short-term we recognise that it is likely that there will be a loss of potential agricultural production over the whole development area.

Although this proposal does not trigger additional comment from Natural England under the DMPO, your authority should consider whether the proposals involve any smaller scale or temporary losses of BMV agricultural land. Paragraph 112 of the National Planning Policy Framework (NPPF) states that:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer

quality land in preference to that of a higher quality.

Local Planning Authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker in the first instance. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England under paragraph (X) of schedule 5 of the DMPO.

Should you have any questions about Agricultural Land Classification or the reliability of information submitted with regard to BMV land please consult Natural England's Technical Information Note 049 on Agricultural Land Classification in the first instance. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

We draw your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) (in particular paragraph 013), and advise you to fully consider any best and most versatile land issues in accordance with that guidance.

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of

European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
 - local landscape character
- local or national biodiversity priority habitats and species.

Environment Agency

Environment Agency Position

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below.

CONDITION

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Detailed comments

The surface water drainage assessment should identify the surface water drainage regime of the site 'post installation'. Consideration should be given to the risk of the solar panels concentrating rainfall run-off into the gaps between rows of panels. This can lead to localised areas where the infiltration capacity of the ground is exceeded resulting in over land flow. This risk will largely depend on local topography and soil conditions.

If necessary, the surface water drainage assessment should demonstrate how this risk will be managed to ensure that there is no increase in flood risk to third party

land or property. French drains or similar may need to be installed in front of the solar panels or at the end of rows of panels to help/encourage surface water to dissipate so that overland flooding does not occur.

If the FRA establishes that the proposed development will not alter the surface water drainage regime in any way then a detailed surface water drainage strategy will not be required.

We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

Internal Drainage Board
(IDB)

The site is partly located in an area within the IDB's jurisdiction. Therefore, we recommend that the IDB are also consulted on an FRA.

Our Objection is maintained. (Case Officer Note - These comments were received prior to the submission of an amended FRA.)

I reviewed this letter on your website. It is not what we would consider a sufficient assessment of flood risk for a proposal of this size.

As you may be aware, we currently have some reservations regarding surface water drainage from solar panel farms as they are relatively new and have no long term management records to date. In general, a field with impermeable panels in it is going to behave differently to an agricultural field without panels. We don't really know what may happen over time as these solar farms are relatively new.

Our information suggests the soils in this area are 'Ashley' which consists of clayey soils and slowly permeable subsoils, which leads to seasonal waterlogging.

If the soils are slowly permeable, which we believe is the case here, on a normal ploughed field there will be some infiltration up to a certain cut-off point when sheet runoff may occur. That cut-off point may be because the soil's moisture content has become too high or the intensity of the rainfall is greater than the infiltration rate. When panels are put on the field(s), the runoff will concentrate into the rows between the panels so the intensity will be greater on those more open areas and that cut-off point is likely to be lower. Rivulets could form but the main risk would be that the hill wouldn't hold as much water for the same time period as the original agricultural fields at this

location.

The proposed scale of development could potentially present risks of flooding on-site and/or elsewhere if surface water run-off is not effectively managed.

The proposed solar farm is over 1 hectare in size. In accordance with the National Planning Policy Framework, we would expect to see a Flood Risk Assessment (FRA) / Surface Water Drainage Assessment submitted to support the planning application. The proposed scale of development may present risks of flooding on-site and/or elsewhere if surface water run-off is not effectively managed.

The surface water assessment should identify the surface water regime for the site following the installation of the solar array. This should consider how the surface water will drain from the panels and any other impermeable surfacing or built development that is associated with the proposal. An assessment should be made as to whether there will be any increase in the resulting runoff rates or flood risk to or from the site. The FRA should then show how this will be managed to ensure that there is no increase in the flood risk both on the site and in the surrounding area.

Campaign for the
Protection of Rural
England (CPRE)

CPRE Bedfordshire favours Solar Energy in principle as the need for it arises from the Climate Change Act 2008. The Act acknowledges Carbon emissions from extant energy sources are a cause of climate change.

The Climate Change Act sets legally binding targets to reduce emissions by at least 80% from 1990 levels by 2050. We also support National and Local Government policy that influences the location of solar energy installations.

CPRE Bedfordshire believes the most suitable and, as yet, largely untapped location for solar technologies is on large-scale industrial and other buildings with major roof surfaces. Part 2 of the Government's UK Solar PV Strategy quantified part of this potential estimating there are currently 250,000 hectares of south-facing commercial roofs in the UK.

We have examined the planning application and **object** to the location of the solar farm on Land Adjacent to Chalgrave Manor for the following reasons:

1) All of the solar farm will be located in the Green Belt. Paragraph 91 of the National Planning Policy Framework (NPPF) explains;

'When located in the Green Belt elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to

demonstrate very special circumstances if projects are to proceed'.

According to the content of the planning application such very special circumstances for this solar farm at this particular location have not been demonstrated. We note there are other planning applications for solar farms in Central Bedfordshire that are not located in the Green Belt. In context of all these developments this solar farm will produce only a minimal environmental benefit normally associated with increased production of energy from renewable sources. We believe such a small benefit does not constitute the very special circumstances required to outweigh Green Belt loss or the solar farm's adverse visual impact on the landscape in the area.

2) All of the solar farm will be located on the Best and Most Versatile Land (BMVL) therefore its potential loss is at odds with Government's NPPF, its Solar PV policy, and Central Bedfordshire's emerging Solar Farm Development policy, all of which set out to protect BMVL.

Determining Issues

The main considerations of the application are;

1. Whether or not the proposed development is acceptable in principle having regard to its location within the Green Belt
2. Agricultural land quality and use
3. Impact on the character and appearance of the open countryside and adjoining scheduled monument
4. Impact on residential amenity
5. Impact on highway safety
6. Community Benefit
7. Other Matters

Considerations

1. Principle of the development

Green Belt considerations

The site is within the Green Belt and the proposal involves engineering operations which would result in a change of use in the land from agricultural to mixed agricultural/energy generation. The main issue therefore is whether or not the development constitutes inappropriate development in the Green Belt and if so, whether or not there are very special circumstances justifying approval of the scheme. National advice contained within the National Planning Policy Framework (NPPF) lists the developments that are not considered inappropriate in the Green Belt. Paragraph 90 of the NPPF states that other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. In this case, the development would result in loss of openness to the Green Belt (in the sense that land previously not occupied by a development would be occupied by the solar panels and other associated structures) and encroachment into the countryside. For these reasons, the

development would, by definition, be considered inappropriate in the Green Belt and as such, very special circumstances (VSCs) would need to be established to permit the development.

In an attempt to prove the existence of very special circumstances, the applicant has submitted the following information :

VSCs

- The development is estimated to produce sufficient power to satisfy the requirements of 5,945 average households with their total electricity needs and avoid approximately 9,215 tonnes of CO² emissions per year.
- The development would result in the restoration of the historic width of the Theedway Footpath.
- Improvement of the character and appearance of the open countryside through the restoration of broken hedgerow and new planting which would include an Oak Tree avenue along Footpath No. 27.
- Biodiversity promoted through wildflower margins and grassland (supported by NPPF paragraph 9, bullet point 2), burying of existing overhead powerlines in the southern part of the site (Shown on Drawing No. 1116[BD]002B) all of which would combine to enhance the character and appearance of the countryside.
- The development would promote agricultural diversification and long term regeneration of agricultural land.
- Improvement in highway safety at the site entrance where forward visibility is currently substandard and a hazard (as confirmed by a recent accident) and results of a Safety Audit.
- During its life, the development would contribute £23,000 per annum, secured through a Section 106 Agreement, to be paid into a Community Benefit Fund for use by the local communities of Chalton and Chalgrave to fund community projects.

Assessment of the very special circumstances case

In assessing the applicant's very special circumstances case, great weight is placed on the national advice within the NPPF. This national advice is quite clear that whilst many renewable energy projects will comprise inappropriate development in the Green Belt, very special circumstances in such cases may include the wider environmental benefits associated with increased production of energy from renewable sources,(paragraph 91). There is also strong support for renewable energy and the UK is committed to reducing CO₂ emissions. In this respect, the proposal has the 'in principle' support of the NPPF and Planning Practice Guidance (PPG). The UK Solar PV Roadmap of October 2013 and other government publications are material considerations which add weight to the case in favour of the proposal. The UK Renewable Energy Strategy (July 2009) sets a renewable energy target of 15% of total energy to be generated from renewable sources by 2020. In addition to this the Climate Change Act 2008 makes binding the need to cut UK greenhouse gas emissions by 80% by 2050.

In this respect, the Local Planning Authority (LPA) gives significant weight to the NPPF's presumption in favour of developments for renewable energy. This national advice states further that, in order ' to help increase the use and supply of renewable energy and low carbon energy, Local Planning Authorities should

recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources',(paragraph 97) and at Paragraph 98 it states that 'when determining planning applications, Local Planning Authorities should,' ...approve the application if its impacts are (or can be made) acceptable.'(paragraph 98, Bullet point 2). This approach is followed in Policy 46 of the emerging Development Strategy for Central Bedfordshire (DSCB). Further guidance is provided in Planning Practice Guidance (PPG) of March 2014 which has replaced Planning Practice Guidance for Renewable and Low Carbon Energy (2013).The underlying theme is that renewable energy is to be welcomed if its impacts are acceptable, or can be made so. This is a consistent message of government guidance. To provide greater detail and further clarification CLG produced further guidance in the summer of 2013. With regards to solar farms this states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Significant weight is given to the applicant's very special circumstances case in so far as the development would be consistent with the national target to reduce greenhouse gas emissions. Whilst the other benefits to be had from the development are acknowledged, they could easily be replicated in similar proposals elsewhere and as such are not given significant weight in their own right in the consideration of very special circumstances.

Given that there is strong support for renewable energy and the UK is committed to reducing CO₂ emissions, it is considered that in this case, the proposal has the 'in principle' support of the NPPF and PPG. The UK Solar PV Roadmap of October 2013 and other government publications are material considerations which add weight to the case in favour of the proposal. So too is the fact that the development is estimated to produce sufficient power for about 5,945 households and would reduce CO₂ emissions by an estimated 9,215 tonnes of CO₂ emissions per year. On balance, the Local Planning Authority considers that very special circumstances exist to outweigh harm by reason of inappropriateness and as such, the proposed development is supported subject to satisfactory mitigation of the harm by reason of loss of openness to the Green Belt, visual harm and encroachment onto the open countryside and any other harm as will be discussed in the following sections.

2. Agricultural land quality and use

National advice within the NPPF states that Local Planning Authorities (LPAs), should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of higher quality. (Paragraph 112).The Planning Practice Guidance follows this advice and states that the Agricultural Land Classification (ALC) system provides a method for assessing the quality of farmland and to enable informed choices about its future use and Natural England (NE) has a statutory duty to advise LPAs about land quality issues. In this case, NE has raised no objections to the proposed solar development. The British Research Establishment (BRE) National Solar Centre has published planning guidance for the development of large scale ground-mounted solar PV

systems and repeats the national advice that these developments should ideally use previously developed land, brownfield land, contaminated land, industrial land or lower quality agricultural land. This advice is echoed in the Council's document titled, 'Guidance Note 2: Solar Farm Developments' (Para. 4.1) which requires that developers of solar farms should in the first instance look to utilise previously developed land, brownfield or contaminated land, industrial land or land of agricultural classification 3b, 4 or 5.

However, the fact that land is of high quality need not be an overriding consideration. The BRE advises that where land classified as Subgrade 3a is proposed to be used, the proposal should provide, adequate justification, an assessment of the impact of the proposed development on the local area's supply of farming land within the same classification and if the proposed development site forms part of an existing farm, provide information on the viability of this farm to continue to function as an agricultural unit with the development in situ. The cumulative impact of the proposed development and other permitted large scale solar PV developments on the supply of agricultural land within the same classification across the local area should also be assessed.

In this case, the application is supported by an Agricultural and Soil Considerations report which states that Chalgrave Manor Farm comprises approximately 180 hectares of arable land within a rotation of wheat, barley and oilseed rape, together with an equestrian business run by family members. The arable land is managed on a contract farming agreement as it is not of sufficient size to sustain the range of machinery and labour required to farm it in its own right. The application site is predominantly Subgrade 3a (73%) agricultural land which is amongst the best and most versatile agricultural land. The rest of the site is classed into Subgrade 2 (11%) and Subgrade 3b(16%). The report goes on to provide detailed justification for the use of this Subgrade 3a land. It cites CBC's Guidance Note 2 on solar farms which identifies the western and south western parts of the District around Dunstable and Leighton Buzzard as containing lower quality land compared to the highest quality land which is concentrated in the central and north eastern parts of the District, eastwards from Ampthill to Sandy and Biggleswade. The report therefore concludes on this basis that the use of Subgrade 3a land in this instance would involve agricultural land that is typical of the quality of land in this locality and that is lower quality than elsewhere in the District.

The Report further describes the site as comprising an awkward area to farm with large, modern farm machinery used by agricultural contractors due to the presence of a large number of electricity pylons and poles within the fields. Parts of the field, estimated to be 3 hectares, have remained uncultivated due to difficulties of manoeuvring large farm vehicles and equipment in these areas.

With regards the continued viability of the farm, the Report notes that although the arable enterprise occupies most of the land on the holding, it contributes only 50% of the farm income, with the remainder being generated by equestrian and ancillary business. The remaining arable land would continue to be farmed and taking this site out of arable production would not have a significant effect on the continued ability to farm the remaining arable land. Whilst income from arable production would be foregone, this would represent a small proportion of the

overall farm income and would be more than compensated by income from the solar power generation and sheep rearing.

The Report therefore concludes that the proposal would diversify the sources of income for the farm, provide greater biodiversity on the farm and provide greater protection of the soil resource for a period of 25 years. Furthermore, national advice within the PPG makes it clear that LPAs need to take into account the fact that solar farms comprise temporary structures and as such, planning conditions can be attached to ensure that the installations are removed when no longer in use and the land restored to its previous use.

The conclusions of the Agricultural and Soil Considerations report are considered acceptable and as such, the proposed development would not be, in this respect, in conflict with Policy NE10 of South Bedfordshire Local Plan Policy Review (SBLPR), Policies 46 and 50 of the DSCB, the CBC Solar Guidance Note 2 and national advice within the NPPF and PPG.

3. Impact on the character and appearance of the open countryside, including biodiversity and heritage assets

Policy BE8 requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. The setting of any development should be carefully considered, whether in the countryside or built-up area and attention should be paid to its impact on public views into, over and out of the site to ensure that those views should not be harmed, and opportunities should be taken to enhance them or open up new views. This criterion is echoed in Policies 43 & 45 of the emerging Development Strategy for Central Bedfordshire (D.S.C.B).

The application is supported by a Landscape Character and Visual Impact Assessment (LCVIA) which concludes that any visual impact of the development on the landscape could be sufficiently mitigated and since the submission of the application, further information has been submitted to demonstrate how this could be achieved. Furthermore, the layout plan has been amended to ensure that no solar panels would be installed to the west of the field margin adjacent to the western boundary of the site as shown on Drawing Number TDA/2009/02 Revision F. The solar panels would be located in a bowl and the site is enclosed by hedgerows and trees. A Landscape Management Strategy submitted with the application recommends additional planting which comprises new hedgerows, wildflower corridors, native woodlands, a common Oak Tree avenue along Foot Path 27 and native trees. The existing arable fields would be seeded with a suitable meadow grass mix for sheep grazing and these recommendations would be secured by planning conditions. Furthermore, the proposed development has been designed to avoid potential conflict with existing trees and solar panels would be located away from trees and outside root protection areas. It is therefore considered that with planning conditions, the development is capable of offering adequate mitigation to visual harm to the open countryside. Furthermore, the existing 33/66kv overhead power lines crossing the site (supported on timber poles) would be relocated underground as shown on Drawing No. 1116[BD]002B and no new additional overhead lines/poles are proposed which would assist to enhance the appearance of the countryside.

Ecology

The Extended Phase 1 Habitat Survey by Acer Ecology dated November 2013 notes that the majority of the site comprises arable fields with limited ecological interest and as such represents the most suitable area to support the proposed development. It is further noted that the solar panels would potentially provide cover for other species of wildlife and grazing by sheep which is likely to result in biodiversity enhancement of the site. Grazing over the wider area of the site would increase the amount of animal dung produced leading to an increase in the invertebrate numbers benefiting birds. It is also considered possible that the solar farm would produce other new opportunities for wildlife and the residual heat from the panels would attract night time flying insects and in consequence, foraging bats could benefit from this new potential food source. The development might require the loss or breaching of a significant number of hedgerows and mature trees which form the perimeter of the site. Whilst the loss of these hedgerows would only be of local significance, appropriate mitigation measures would need to be put in place as summarised in Section 7.0 of the Report and these would be secured by a planning condition. It is therefore considered that with adequate mitigation measures, the impact of the development on biodiversity would not be detrimental.

The Survey also concludes that there are no statutory sites or non-statutory designated sites immediately on or adjacent to the application site and hence it is considered that the likelihood of adverse impacts from the development of the site is negligible. The nearest Nature Conservation Site is the Fancott Wood and Meadows Site of Special Scientific Interest (SSSI) which lies approximately 1 Kilometre to the west of the site. This SSSI is designated for its species rich unimproved neutral grassland that is traditionally managed for hay and grazing. The Council's Ecologist and Natural England are both in agreement that the SSSI would not be harmed by the proposed development.

Archaeological remains

With regards the impact of the development on potential archaeological remains on the site and existing heritage assets, the Council's Archaeologist states that the proposed development would have an impact on the settings of two Scheduled Monuments (Conger Hill Motte and Bailey Castle and Chalgrave Manor fishponds) and cause some harm to the significance of the designated heritage assets. However, this would not amount to substantial harm. Whilst the proposed development would have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest, this does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. The necessary measures could be secured by a planning condition.

Whilst acknowledging that the development would impact negatively on the character and appearance of the open countryside and the setting of heritage assets, it is considered that the proposed mitigation measures which can be secured by planning conditions would be acceptable in this case.

4. Impact on residential amenity

It is not considered that the development would have an adverse impact on

residential amenity given that it would be set a considerable distance from residential properties. Any noise data for the operational phase of the development (from transformers/electrical inverters and other associated equipment) would need to be submitted. It is expected that any potential detriment to residential amenity through glint and glare off the PV panels would be addressed through the landscape and visual assessment. Furthermore, during the construction phase there could be dust, noise from vehicle movements etc and there could also be some noisy operations. A planning condition will require the submission of a Construction Traffic Management Plan to consider this aspect in more detail and the recommendations in this document would be implemented once agreed in writing by the Local Planning Authority.

Due to the lie of the land and the distance between the nearest houses and the solar farm, estimated to be 600 metres, only a few dwellings, mainly on Chalton Heights, would be able to view the solar arrays. Furthermore, the dwellings concerned are screened by mature vegetation such that the probability of glare or glint being a significant factor in any impact on the dwellings is slight or non-existent. It is also a well accepted tenet of planning that there is no right to a view, and the simple fact of being able to see something which is objectionable to a viewer located on private land does not mean that permission should be withheld.

Noise

Outside the construction period , there would be three potential noise sources:

- Inverters
- Inverter/transformer stations
- substation

The dB rating stated in the manufacturers literature attached is 50dB measured at 1m. In this case, the inverters would be located at least 10m from the boundary. The dB rating of the inverter is less than the dB rating for normal conversation (typically between 60-65dB). The background noise from Luton Road and the M1 mean that it is likely that the inverters would be inaudible.

Taking these factors into account and given the distance between the proposed installation and residential properties, it is considered that noise would not be discernible during the operational phase and as such, the proposed development would not be harmful to residential amenity.

Glint and glare

A glint and glare report was submitted with the application and detailed assessments carried out from different viewpoints identified in the LVIA. Principally, the report notes that only the village of Chalton and a few isolated dwellings in the vicinity of the solar farm would likely have any views of the solar panels. Existing and proposed hedges would greatly reduce the visibility of solar panels and hence any solar reflections from these dwellings. Any solar reflections on these dwellings is assessed as negligible. Furthermore, it should be noted that solar panels are very dark in colour, much darker than normal glass as they are designed to absorb light to convert it to energy rather than reflect it. The report therefore concludes that any solar reflections would be significantly dimmer than from other common sources of such reflections and insignificant compared to the brightness of the sun.

Taking these factors into account including any mitigation measures that could be secured by appropriate conditions, it is considered that the proposed development would not be unacceptably harmful to the living conditions of the local residents and users of the adjoining footpaths.

5. Impact on highway safety

The Construction Traffic Management Plan(CTMP) submitted with the application states that the delivery of equipment and materials to the site would be made by heavy goods vehicles (HGVs) and would be concentrated over a period of 20 weeks. Around 10 deliveries per day would be made in 5 to 12 weeks, reducing to around 4 per day in Weeks 13 to 17. HGVs would leave the M1 Motorway at Junction 12 on route A5120 towards Dunstable and turn onto the B530 to Chalton at the signalised junction. It is proposed that delivery vehicles would be restricted to entering and leaving the site between the hours of 9.30 am and 4.30pm to avoid disrupting peak traffic hours on the local highway network. When the proposed development is operational, service vehicles would visit the site on average twice per month.

It is proposed to access the site from the B579 next to an existing field gate. However, the results of a Stage 1 Safety Audit have confirmed that the proposed access would pose a danger to users of the highway at this point due to poor visibility. It is therefore considered appropriate to attach grampian type conditions to the planning permission requiring the details of access to be agreed before development commences. Notwithstanding the Construction Traffic Management Plan (CTMP) submitted with the application, it would be appropriate to attach a further condition requiring the submission of a revised CTMP to specifically address the highway safety issues at the site entrance.

6. Community Benefit

Policy 46 of the DSCB supported by CBC's Renewable Energy Guidance states, among other things that all developers of renewable schemes are required to engage with all affected stakeholders, including local communities, at the earliest stage in order to proactively mitigate impacts and provide adequate compensation and benefits. In this respect, the applicant has agreed to sign a Section 106 Agreement consenting to contribute a sum of £1,000 per MW of installed capacity (£23,000 per annum) for a 25 year period. Given the scale of the development and its impact on the open countryside, it is considered that the contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly, proportionate and reasonably related in scale and kind to the development. (NPPF paragraph 204). The Local Planning Authority considers that there is a reasonable expectation from those communities directly affected by a development to be fairly compensated and this has been the consistent message from the relevant Parish Councils and residents through the community engagement process and the consultation responses. The NPPF suggests that community engagement is a material planning consideration and as such, the requirement for compensation and benefits from the proposed development is justified.

7. Other Matters

Third Party representations

These can be grouped into four categories as follows :

- Objections on matters of principle on the basis that the development would be inappropriate in the Green Belt and that preference should be given to brownfield sites.
- Visual harm to the open countryside.
- Additional harm due to cumulation of developments.
- Highway safety hazard at the site entrance.

It is considered that these matters have been adequately addressed in the relevant sections above. However, the applicant has submitted detailed responses considered below :

Agent's response to consultation feedback

Following comments from the Rights of Way Officer, the agent responded as follows :

- Amendment to the Landscape Strategy Plan Drwg No. TDA/2009/02 (B) produced by Tirlun Design Associates (TDA).
- In accordance with the comments from the Council's Rights of Way Officer, the route of the existing Right of Way along the Northern boundary (FP26) has now been shown correctly on the South side of the hedge. One side of the Right of Way is formed by the existing hedgerow and the other side would be formed by 2m high deer mesh fencing. There would be 5m between the hedge and the deer mesh fence so that walkers would not feel enclosed. Walkers would be able to see through the deer mesh to the arrays. Educational interpretation boards would be provided on the rights of way to give information about the benefits of solar energy generation.
- With regard to the proposed native woodland planting adjacent to the existing right of way to the South of the site this has been set back to ensure the historic width is not obstructed.
- In accordance with the Chalgrave and Chalton Local Green Infrastructure Plan the area of land closest to Luton Road at the North East corner above the site is shown as biodiversity grass land. Final details for this to be agreed.
- With regard to educational interpretation/information boards suggested locations for these are shown on the plan in positions that can be read by users of the existing Rights of Way.
- Further to the comments from the Council's Landscape Officer, the Poplar tree avenue has been changed to Oak trees as requested.
- As discussed at our site meeting in October, the hedgerow adjacent FP16 would screen views into the site from Chalton Heights. The distance between the rear garden boundary of the residential properties in the cul-de-sac at Chalton Heights and the South eastern corner of the application site is approximately 600 metres. With regards views from Crowbush Farm, this property is about 0.6 mile away from the site. Chalgrave Manor and the existing woodland, including Warrenmore Spinney, adequately screen the site from this long distance viewpoint. It was also agreed during the site

meeting that the site is well screened from key receptor points to the east at the All Saints Church, Chalgrave and footpath adjacent to White Hart Farm identified in the LCVIA.

- The proposed development would only be seen from parts of the surrounding areas due to the existing undulating topography of the site and the surrounding landscape.
- With regards the objections from Chalton Heights, it was noted during a site visit that a number of properties have existing trees and hedges in their rear gardens and there is also a well established woodland abutting the northern side of Chalton Heights and as a consequence, views into the site are limited. the existing topography of the fields between Chalton Heights and the application site restricts views. the land slopes up from the site towards Theedway and this natural ridgeline bows out and blocks the view of the eastern part of the site from properties in Chalton Heights.
- Comments relating to obstruction to drivers are ill-founded and unsupported. A Glint and Glare assessment has been provided which concludes that the effect would be nil to negligible.
- Council policy does not oppose the principle of renewable energy development in the open countryside and the acceptability of such schemes should be assessed against the measure of avoiding significant or unacceptable harm to the character or visual quality of the landscape or the setting of important features.
- The existing field patterns and boundary hedges would be maintained and screening of the site would be improved.
- The development would not be a permanent scar on the landscape as it is temporary for 25 years and any effects completely reversible.

Community Engagement

An extensive public consultation exercise was undertaken on the 16th September 2014 and a total of 41 people managed to visit the site.(Details are contained in a letter to the Council dated 19 September 2014).

Amended Site Plan following comments received, public consultation feedback and site meeting

- Plan shows the arrays to the Western part of the site removed. There would be no PV panels on this area of land and the land would remain in arable use. The area of land where the panels are removed is 3.9 acres. This would reduce the scale of the development. The removal of the arrays on the western part of the site means the proposals would be contained within the historic field boundary lines. Additional hedge planting is proposed to reinforce the existing hedge line as indicated on the amended plan.
- Any gaps in the existing hedge forming the eastern boundary of the site would be replanted and reinforced and this has been annotated on the amended plan.
- With regard to the queries relating to the method of connection to the electricity network we confirm there will be no additional overhead lines. Two small cabins are required to contain the connection switchgear. The cabins are made from GRP and will be coloured RAL 6005 Moss Green the same colour as the inverters. The location for the connection cabins is indicated on

the amended plan.

- Number of arrays reduced from circa 98,440 panels to circa 92,240 panels.
- Area of land where the panels are removed is 3.9 hectares (9.6 acres)
- Total max output based on circa 92,240 panels = 23MW

Response to the Parish Council Objections by the applicant's Landscape Architects, Tirlun Design Associates

I have reviewed the South Bedfordshire Landscape Classification Map included within Appendix 1 of our Landscape Character & Visual Impact Assessment again and can confirm that the site is indeed located within area 5B – Barton-le-Clay Vales.

As can be seen in Appendix 2 of our document the overall Landscape Strategy for this area is to enhance:

‘.....the condition of the landscape by restoring and repairing elements that have been lost or degraded (such as the hedgerow network).....’

Furthermore it states that:

‘.....there is scope for introducing new landscape elements such as woodland creation particularly aligning the main transport corridors.....’

- The development of the site facilitates the opportunity to implement some of these recommendations, including the reinstatement of historical hedgerows and the planting of a significant number of trees. In line with the philosophy of the landscape strategy for this area it is considered that these proposals would ***‘significantly strengthen the character of the vale’*** in the long term.

Please note that paragraph 6.11 of our LC&VIA states that:

‘.....it noted that the solar development (once decommissioned) can be easily removed and, by retaining proposed woodland, tree and hedgerow planting post development, provides the opportunity to improve the landscape character of the site in accordance with landscape management guidelines set out within the landscape assessment for the ‘5B – Barton-le-Clay Clay Vales’ Landscape Character Type in the medium to long term.’

- As you are aware the LC&VIA for the site was undertaken in accordance with the ‘Guidelines for Landscape and Visual Impact Assessment (3rd Edition)’ produced by The Landscape Institute and Institute of Environmental Management & Assessment (2013) and The Landscape Institute’s Advice Note 01/11 ‘Photography and photomontage in landscape and visual impact assessment’. The LC&VIA is intended to provide an overall review of the landscape and visual impacts of the solar farm and I object to any implication that it has been produced incorrectly or to mislead the local authority.
- As can be seen from our Desktop Research, Zone of Theoretical Visibility & Location of Photo Viewpoints drawing located within the Plans section of the LC&VIA the viewpoints are taken from areas accessible to the general public from a variety of locations and distances from the site.

- I consider the document to be both a professional and thorough evaluation of the landscape and visual impacts of the solar farm.
- With regards to the photographs taken by the Parish Council, these have not been taken in accordance with The Landscape Institute's Advice Note 01/11 'Photography and photomontage in landscape and visual impact assessment'. It is clear that they have not been taken with the correct camera settings (50 mm lens) and do not accurately reflect views available to the naked eye. Neither do they look at the site in its landscape context and are intended to exaggerate the visual impact of the solar farm. In addition it should be noted that they are often taken from locations not available to the general public.
- With this in mind I would also like to comment on each of the photographs in turn as the extent of the solar farm within these photographs is also incorrectly illustrated:

Photograph 1: The western periphery of the solar farm has now been restricted to the hedgerow line and it does not extend up to the adjacent western slope as illustrated by this photograph. The impact of the solar farm is therefore exaggerated and not seen in the wider landscape context. In any case this viewpoint has been included within the LC&VIA and the impacts of the solar farm reviewed and analysed.

Photograph 2: Whilst the location and extent of the solar farm are accurate it should be noted that the scheme now incorporates significant tree planting to the site's eastern boundary. Furthermore, the hedgerow along this boundary is to be in-filled as necessary and allowed to grow to 3.5 metres in height. It is therefore considered that the landscape mitigation measures would screen the solar farm from this location.

Photograph 3: The impact of the solar farm is exaggerated and not seen in the wider landscape context.

Photograph 4: The extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated. Indeed, its southern periphery will only be slightly visible above the trees in the middle ground.

Photograph 5: Again the extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated.

Photograph 6: As per photographs 4 & 5 the extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated. Furthermore, it should be noted that the northern periphery of the solar farm will incorporate new hedgerow and tree planting which will screen the visual impact of the development from this location.

Photograph 7: As per photographs 4, 5 & 6 the extent of the solar farm as

indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up to the southerly slope as illustrated.

Photograph 8: As per photographs 4, 5, 6 & 7, the extent of the solar farm as indicated is inaccurate and the outline is intended to exaggerate its visual impact. It does not extend up the southerly slope as illustrated. Furthermore, the hedgerow along the western boundary is to be in-filled as necessary and allowed to grow to 3.5 metres in height. It is considered that the landscape mitigation measures would therefore screen the visual impact of the development from this location.

As a consequence of the above I do not consider the objections raised by the Parish Council to be accurate or a fair representation of the landscape character and visual impacts of the development.

The LC&VIA is a thorough and unbiased review of the landscape and visual impacts of the scheme and should therefore be considered as an accurate review of these impacts which are considered to be acceptable.

Please also note that we have worked very closely with the Landscape and Ecological officers within Central Bedfordshire post the production of the LC&VIA to minimise the short term landscape impacts of the scheme and to enhance the landscape structure of the site in perpetuity.

Cumulative impact

I have now had an opportunity to consider the cumulative impact of the above scheme with various developments and can confirm the following:

Renewable Developments

As indicated within paragraphs 4.22 and 4.23 of our Landscape Character & Visual Impact Assessment (LC&VIA) for the development:

'Due to the screening provided by the elevated and undulating topography of the immediate surrounding landscape, which restricts the visual envelope and influence of the site, it is not considered that the proposed solar development at Chalgrave Manor Farm will be seen in combination with any other similar development in the area.'

Consequently, as the site will be visible in isolation only, it is considered that the development will not result in a cumulative visual impact with any other schemes when viewing the site from surrounding publicly accessible areas.'

In addition to the above, whilst previous landscape character & visual impact assessments of solar farms have been limited to the cumulative impacts of such schemes with other constructed renewable projects or those at a similar planning application stage only, I have also considered the likely cumulative impacts of the proposed solar farm at Chalgrave with the proposed future Sundon Rail Freight Interchange and the proposed future Houghton Regis Housing Development and M1 road link

Sundon Rail Freight Interchange

The proposed interchange site is located in a relatively low lying location adjacent to and to the east of the M1. In addition to intervening topography and vegetation, the existing Sundon Substation and Water Treatment Works located to the east of the Chalgrave Manor site provide a visual break between the interchange site and the proposed solar farm.

In addition to the above and in relation to the interchange site, it should be noted that Central Bedfordshire Council's new development strategy confirms that:

'The design, scale and height of the buildings will respect the topography especially to the south of the site, and will seek to minimise the intrusiveness of the development on the Chilterns AONB. Landscaping will be used to enhance the environment of the RFI and be sensitive due to its close proximity to the adjoining CWS and SSSI. Landscaping will also be used to mitigate potential visual and noise impacts and improve the local wildlife habitats creating linkages with the adjoining CWS and SSSI.'

As a consequence it is considered that any cumulative impact between the future interchange and the proposed solar farm is likely to be limited.

It is important to note that should the proposed solar farm be approved and subsequently implemented, any future development at the interchange will need to consider its cumulative visual impact with the solar farm. This will need to be considered at planning application stage and any necessary landscape proposals incorporated so that any identified cumulative impacts can be adequately mitigated.

Houghton Regis Housing Development & M1 road link

The proposed M1 link road and the land allocated for housing to the north of Houghton Regis are located to the south of the proposed solar farm site below the natural ridge between Lords Hill and Chalton. This ridge, which incorporates The Chiltern Way (Theedway) is clearly illustrated by Photo Viewpoint 7 within our Landscape Character & Visual Impact Assessment (LC&VIA), provides a visual barrier between the two developments.

As a consequence cumulative views of the proposed solar farm, the proposed future M1 link road and the land allocated for housing would be limited to those located on this ridge and to people walking along the public footpath.

However, it should be noted that distant views available from the ridge are extensive and will largely remain intact. Indeed, the future link road and housing development are likely to appear as a small extension to Houghton Regis, thus reducing their visual impact.

As a consequence it is considered that any limited cumulative visual impacts are likely to be acceptable as the landscape character of the area would remain unaltered.

Grid Connection

A grid connection offer has already been made by Eastern Power Networks PLC. Furthermore there is an existing overhead line that heads towards Sundon Substation that will be used to connect the solar farm into the grid (with upgraded cable if necessary).

Human Rights issues

The application raises significant human rights issues as reflected by the objectors's comments. However, as discussed above, the matters raised could be sufficiently mitigated by planning conditions. It is therefore considered that a decision to withhold planning permission under the circumstances would materially infringe the applicant's human rights.

Equality Act 2010

The application raises no issues regarding equality.

Recommendation

That subject to the referral of the application to the Secretary of State as a Departure from Green Belt policy and to the completion of a section 106 Agreement requiring the provision of community benefit, that Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 permission hereby granted shall endure for a period of 25 years from the date when electricity is first generated by the Solar Farm (the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event. Within 6 months, following the completion of the 25 year period, or the cessation of their use for electricity generating purposes, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, fencing, CCTV cameras and other associated equipment shall be removed from the site and the land restored to agricultural use or to a condition to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is decommissioned and the land returned to its original use prior to the development in the interest of preserving versatile agricultural land and to preserve the openness of the Green Belt and countryside.

(Policies BE8 & N10, S.B.L.P.R and 36,43 & 50, DSCB).

- 3 **No development shall take place until full details of soft landscape have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include: plans for establishing hedgerows, understorey vegetation and trees around the perimeter of the site; written specifications (including cultivation and other operations associated with tree and plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme.**

**Reason: To ensure a satisfactory level of planting around the site in the interest of visual amenity
(Policies BE8, SBLPR and 43 & 58, DSCB)**

- 4 If within a period of 5 years from the date of the planting of any tree or hedgerow, that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or hedgerow of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To ensure a satisfactory level of landscaping in the interest of preserving the character and visual appearance of the open countryside.
(Policies BE8, SBLPR and 43,50 & 58, DSCB)

- 5 **Prior to or within one month of their installation, the transformer enclosures, grid connection building, CCTV support posts and deer fencing shall be finished in a dark green colour or any colour agreed in writing by the Local Planning Authority upon submission of appropriate details and shall be permanently retained as such thereafter.**

**Reason: To preserve the visual amenity of the Green Belt and open countryside.
(Policies BE8, SBLPR and 36,43,and 50, DSCB)**

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

Reason: To protect the character of the open countryside
(Policies BE8, S.B.L.P.R and 43 & 50 DSCB).

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

Reason : To protect residential amenity
(Policies BE8, SBLPR and 43, DSCB)

- 8 The solar panels and associated framework shall not exceed 2.5m in height above ground level unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the visual amenity of neighbouring property occupiers, the Green Belt and open countryside .
(Policies BE8, S.B.L.P.R and 36,43 & 50).

- 9 The development hereby approved shall be completed in accordance with the recommendations in Section 7.0 of the Extended Phase 1 Habitat Survey by Acer Ecology dated November 2013. The measures shall be implemented in full throughout the life of the development, and no variations shall be permitted other than with specific written consent from the Local Planning Authority.

Reason: To ensure the development hereby approved supports biodiversity.
(Policies 43 and 57 DSCB)

- 10 The Environmental Management Plan prepared by TDA, Environment, Landscape, Design and dated October 2014 shall be implemented in full accordance with the details therein.

Reason: To ensure that the development preserves the character and visual appearance of the open countryside and provide adequate screening for the development.
(Policies BE8, SBLPR and 43,50 & 57, DSCB)

- 11 **The poles to accommodate the CCTV cameras shall not exceed 2.5m above ground level. No development shall take place until details of the siting, direction and orientation, camera specifications and fields of vision have been submitted to and approved in writing by the Local Planning Authority. The CCTV cameras shall be installed in accordance with the approved details, and retained in accordance with those details thereafter.**

**Reason: To preserve the character and visual appearance of the open countryside and to protect the privacy of users of the adjoining footpaths.
(Policies BE8, SBLPR and 43 & 50, DSCB)**

- 12 **Notwithstanding the details submitted with the application, no part of the development hereby approved shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990) until highway/access improvement works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure safe ingress and egress of the site and to minimise obstruction and inconvenience to users of the adjoining highway.
(Policies BE8, S.B.L.P.R and 24 & 43, D.S.C.B)**

- 13 **Development shall not commence until a scheme detailing access**

provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.
(Policies BE8, S.B.L.P.R and 43, D.S.C.B)

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

Reason: To ensure adequate off street parking during construction in the interests of road safety.
(Policies BE8, S.B.L.P.R and 43, D.S.C.B)

- 15 Development shall not commence until details of a Construction Traffic Management Plan have been approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure safe ingress and egress of the site and to minimise obstruction and inconvenience to users of the adjoining highway.
(Policies BE8, S.B.L.P.R and 24 & 43, D.S.C.B)

- 16 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
(Policy 49, DSCB)

- 17 No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.

Reason: To record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the National Planning Policy Framework and to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the

**archaeological resource which takes place as a result of the development is appropriately mitigated.
(Policies 43 & 45 DSCB)**

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1116[BD]001A, 1116[BD]002A, 1116[BD]003A, 1116[BD]004A, 1116[BD]005A, 1116[BD]006A, 1116[BD]007B, 1116[BD]008, 0216-01, 1116[BD]009, 0216-01, TDA/2009/02 Rev. E, CBC/01 and CBC/02.

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

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the

Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

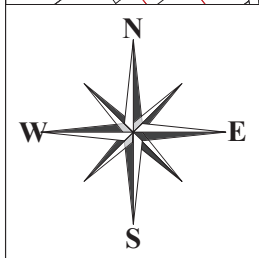
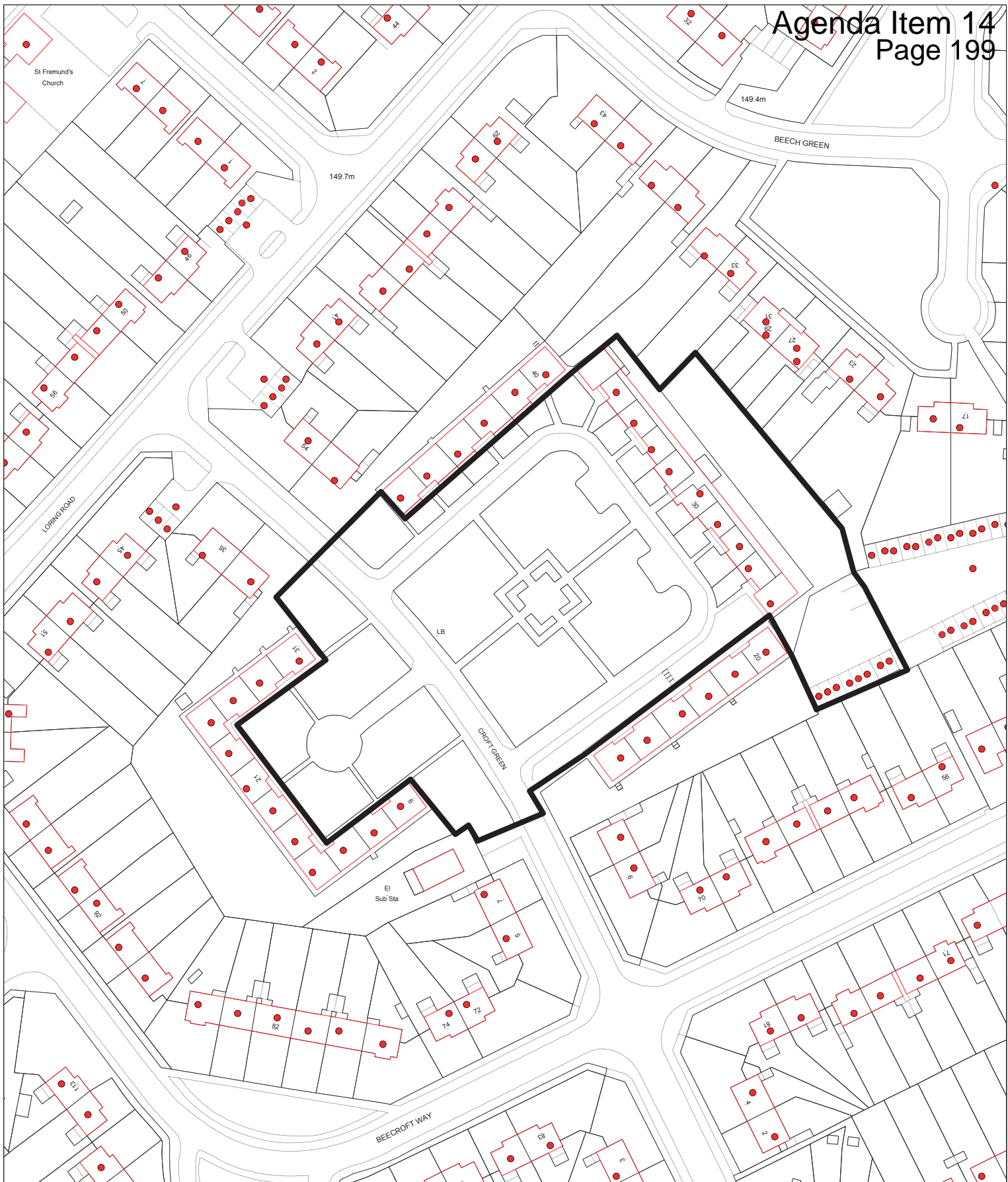
6. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
7. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

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

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



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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 01:December:2014
Grid Ref: 500880; 221945

Application No.
CB/14/04056/FULL

Scale: 1:1250

22-38 Croft Green, Dunstable, LU6 1EG

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Item No. 14

APPLICATION NUMBER	CB/14/04056/FULL
LOCATION	22 - 38 Croft Green, Dunstable, LU6 1EG
PROPOSAL	Demolition of sheltered housing (bedsit) Nos 22-38 Croft Green and reprovion of sheltered housing apartments including communal accommodation, new parking and landscaping design to the Croft Green Site
PARISH	Dunstable
WARD	Dunstable Northfields
WARD COUNCILLORS	Cllrs Murray & Mrs Coleman
CASE OFFICER	Vicki Davies
DATE REGISTERED	16 October 2014
EXPIRY DATE	15 January 2015
APPLICANT	Central Bedfordshire Council
AGENT	PRP Architects
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The applicant is Central Bedfordshire Council and objections have been made to the application.
	Full Application – Recommended for Approval

Reasons for Recommendation

The proposed development would not detrimentally impact upon the character and appearance or wider streetscene nor would there be any significant adverse impact on the amenities of neighbouring residents. The proposal would not result in any highway, parking or other issues. The proposal would result in a high quality scheme providing sheltered accommodation for older people. The scheme by reason of its siting and design is in conformity with Policy BE8 of the South Bedfordshire Local Plan Review 2004, Policies 4, 43, 47, 48, 57 & 59 of the emerging Development Strategy for Central Bedfordshire, the Local Transport Plan and the National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, A Guide for Development (2014).

Site Location:

The site is located in the Northfields area of Dunstable which lies to the west of the town centre. The site is accessed from Croft Green (road) which leads to Croft Green (crescent). The wider area of Croft Green is predominantly residential and offers mixed low density housing.

The Croft Green development comprises a square arrangement of bungalows around a central green area with a bedsit block on the north eastern side. The site is generally level with a slightly raised area in front of the bungalows on the eastern side. Vehicular access runs around the perimeter of the green area and serves all of the residential blocks on the northern side of Croft Green (road).

The Application:

The application seeks consent for the demolition of the existing sheltered housing (bedsit) Nos 22-38 Croft Green and reprovion of sheltered housing apartments including communal accommodation, new parking and landscaping design to the Croft Green Site.

The proposal includes the demolition of a building containing 9 flats, referred to below as the bedsit block, and the erection of a building containing 23 new flats, representing an increase in provision of 14 flats. The existing bungalows would be retained.

The existing development at Croft Green comprises a 33 unit sheltered housing scheme built between 1945-1965 within three blocks of bungalows and one bedsit block. The bedsit block contains 8 x bedsit flats, 1 x two-bed flat, a laundry room, wardens office and communal lounge. To the rear of the block is a large, enclosed, under utilised communal garden. The bedsit block has reached the end of its useful life and is prioritised for redevelopment as its communal heating system is uneconomical to repair and the available bedsit accommodation is below the expected space standards. The communal facilities serve the wider Croft Green community.

The application therefore proposes the demolition of the existing bedsit block and erection of a state of the art facility in its place providing 14 x 1 bedroom apartments with a floorspace of 54m² and 9 x 1/2 bedroom apartments of 68m² with associated communal and ancillary accommodation. The accommodation would be in the form of sheltered housing for older people the salient features of which are:

- independent self-contained flats designed to wheelchair user standards
- flats with fully fitted kitchens, shower room, bedroom(s) and lounge
- communal lounge for social activities
- lift access to all floors
- communal laundry
- wheelchair/scooter recharging store
- guest accommodation
- non-resident building manager
- The proposed new building would reprovide communal facilities for the whole Croft Green community, which during the construction period would be provided from one of the vacant bungalows.

The central part of the new building would be three storey with the building then reducing to two storey on either side, stepping down to the existing bungalows. The internal layout of the building would include an entrance foyer, residents lounge, scooter storage, guest overnight room, laundry, managers office, refuse store (accessed externally only) at ground floor level. Improved outdoor spaces would also be provided to the rear of the new building in the form of communal gardens.

The accommodation would be provided in the following form:

	1 bed (54m ²)	1/2 bed (68m ²)	Total
Ground floor level	5	2	7
First floor level	6	4	10
Second floor level	3	3	6
<i>Total</i>	<i>14</i>	<i>9</i>	<i>= 23 flats</i>

All flats would have their own front door which would be recessed providing an area which could be personalised. This arrangement would be achieved by using open colonnades at ground floor level and open gallery walkways on the upper floors.

An energy centre has also been proposed within the scheme to provide centralised heating and hot water for the new building.

The energy centre and overspill scooter/cycle store is proposed to be located in the southern corner of the site and would be enclosed with screen fencing and a roof.

Refuse would be stored in an externally accessed bin store located on the front of the new building with two other bin store areas located on the opposite side of Croft Green (road) to serve the existing bungalows.

RELEVANT POLICIES:

National Planning Policy Framework

Section 1 - Building a strong, competitive economy
Section 6 - Delivering a wide choice of quality homes
Section 7 - Requiring good design

South Bedfordshire Local Plan Review

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

SD1 Keynote Policy
BE8 Design Considerations
T10 Controlling Parking in New Developments
R12 Protecting Recreational Open Space

Development Strategy for Central Bedfordshire - Revised Pre-Submission May 2014

Policy 1 : Presumption in Favour of Sustainable Development
Policy 4 : Settlement Hierarchy
Policy 19 : Planning Obligations and the Community Infrastructure Levy
Policy 22: Leisure and Open Space Provision
Policy 25 : Functioning of the Network
Policy 27 : Parking
Policy 28: Transport Assessments
Policy 29: Housing Provision
Policy 30: Housing Mix
Policy 31: Supporting an Ageing Population
Policy 32: Lifetime Homes
Policy 34: Affordable Housing
Policy 43: High Quality Development

Policy 48: Adaptation
Policy 49: Mitigating Flood Risk
Policy 57: Biodiversity and Geodiversity
Policy 58: Landscape
Policy 59: Woodlands, Trees and Hedgerows

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October 2014.

Minerals and Waste Local Plan: Strategic Sites and Policies - adopted January 2014

Waste Strategic Policy WSP 5 - Including waste management in new built developments

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

The Central Bedfordshire Council Transport Strategy - Local Transport Plan (April 2011)

Planning History

None relevant to this application.

Representations:

(Parish & Neighbours)

Dunstable Town Council No objection but have concerns regarding the size of the accommodation and the number of units on the site.

Neighbours One letter of objection has been received from the residents of 60 Beecroft Way to the south of the site.

The objections are as follows:
Building two storey accommodation with balconies at the back of my home will take away my privacy as residents on the first floor will be able to see straight into my home. You have made no mention of residents in Beecroft Way as you have in Beech Green yet we are overlooked too. It would be easy to reduce that block to single storey whilst still achieving an economical business case for the overall build. We also object to a communal refuse area being placed at the bottom of our garden as the smell in the summer will be unbearable and will affect our ability to sit in our garden.

An anonymous objection has also been submitted and raises concerns regarding impact on privacy and the future development of the site.

Consultations/Publicity responses

Highways Development
Control

Response dated 7 November 2014.
(Case Officer comments in italics)

The proposal is to demolish an existing residential elderly person home and replace it with 23 apartments for the elderly (sheltered housing). This is within what the applicant classes as an existing complex where 24 bungalows are to remain hence bringing the site up to 45 units. The proposed parking provision is for 30 parking spaces. This parking provision is below the authority's parking standard and it will need to be proven that this will be adequate which I doubt. This can be done by determining the use from the existing residents in the bungalows.

[The level of car parking provision would be 39 spaces for the development as a whole plus a minibus or ambulance space, this level of provision is in line with the LTP.]

The roads serving these bungalows are private however it is not clear if a HGV can continue round and re-enter the public highway without having to turn as the bend will be a little tighter.

There is neither provision for cycle parking or storage and this will need to be reconsidered.

[Cycle parking and storage is shown on the plans and would include internal and external cycle parking provision.]

Further, considering that the complex is for the elderly and that there is insufficient parking numbers; there is no provision for electric buggies

The proposal is also to propose some crossing points at Croft Green which is an aspiration by the architect to link both sides of the site. This will have to be subject to condition and to Highway Authority standard.

The refuse storage point is too far from the collection point and this will need to be reconsidered.

In conclusion; while I am not opposed to the proposal I consider that the following issues will need to be addressed before planning permission is to be considered:-

- Parking provision for the existing and proposed residential units;

- Evidence that there is adequate space for a HGV to enter; manoeuvre and re-enter the highway in forward gear
- Provision for cycle parking and storage should also be proven

If these matters are not adequately dealt with then I would be willing to offer a reason for refusal.

[Additional details have been submitted to address the officer's concerns however comments on the further information have not yet been provided but will be reported on the late sheet.]

Landscape Officer

Site boundaries: The repairs to fencing and additional tree planting along the north-east site boundary with properties on Beech Green is a positive measure to increase privacy for all residents. It may be beneficial to consider the condition of the boundaries of the site which are not included in this application but may benefit from enhancement. Similarly rear gardens of residents may benefit from 'make overs'.

Surface water drainage: I couldn't find any information regarding how surface water runoff is to be managed - attenuated and filtrated. SuDS must be considered and included in relation to run off from roofs and other impermeable surfaces. Given the site includes extensive areas of soft landscaping I suggest there is ample opportunity to include SuDS features including rills, swales, filter strips, rainwater gardens, bog gardens.

Irrigation of planting: Given the areas shown for shrub, herbaceous and seasonal planting I suggest there is need to consider capturing rain water runoff and store for irrigation purposes.

Planting areas: The mix of different planting character areas add interest to the scheme but some appear quite compartmentalised and not easily accessible to all residents, e.g the wildflower meadow is within a small, specific location. It may be of greater benefit to increase areas of wild flower meadows in to the main lawn area, include native bulbs and native spring flowers within the lawns and operate a different mowing regime in parts of the main garden area.

Such planting characters can enhance biodiversity interest.

Many people enjoy feeding birds - bird feeding centres across the communal garden areas could be a feature

and focus for the residents.

It may be opportune to include planting areas for residents to cultivate their own flowers, fruit and vegetables. Raised planters can assist people to garden who otherwise find it difficult to bend and kneel or are more dependent on wheelchair or other mobility support. Planting at different levels is also interesting and engaging.

Design features: The main lawn area is shown as including a sculptural feature; whilst realising the desire to open up the lawn area to reconnect the two ends of the site it may be that more features could be included, perhaps bespoke seating or seats, a shelter, pergola, etc.

Similarly lighting can be a design feature within the landscaping, as soft background colours as well as providing lit routes and pathways.

Tree and Landscape
Officer

Response dated 30 October 2014.
(Case Officer comments in italics)

I refer to my Pre-Application (CB/14/02919/PAPC) consultation response on the 22nd August 2014, when it was recommended that PRP "identify the best specimens that can make a positive contribution to amenity, and yet be still successfully integrated into the design aspirations of the scheme, thereby assisting in any final design proposal".

It is now welcomed that this application is being supported by a tree survey report prepared by CBA Trees (Arboricultural Consultancy). Unfortunately, what is also noted is that the proposed new pathway and car park layout do not appear to recognise the constraints highlighted by the tree survey report, ie the Root Protection Areas, as identified on the CBA Trees plan reference CBA10277.01 TSP "Tree Survey Plan (with Root Protection Areas)".

There is clear encroachment into the Root Protection Area of these trees by the construction of new pathways and car park areas, as shown on the Block plan produced by PRP (drawing no. AA5060-2002). The Local Planning Authority would need to be satisfied that these retained trees can be successfully integrated into the design. The successful retention of these trees is not impossible in the given positions, but will require the use of extensive "no-dig" cellular confinement systems needed for both car parking areas and pathways, which will mitigate root damage when positioning these within the RPA of the

retained trees. However, this will result in changes in surface levels and methods of working that need to be carefully assessed to be compatible with the design.

In this respect, the designer needs to have duly recognised the technical difficulties that are needed to be overcome, which are too significant to be just made the subject of a planning approval condition. This requires that CBA provide further technical support to demonstrate that these issues have been duly considered through an appropriate Arboricultural Method Statement and Tree Protection Plan, and that the architect can then demonstrate that they have been successfully incorporated into the design, and is fully aware of the construction implications and cost.

I also refer to the previous request to carefully choose tree species to help reduce future nuisance, especially recognising the end-user. Therefore, I am concerned that the choice of tree species, as shown on page 44 "Indicative plant list" (Trees) of the Design and Access Statement, includes many species completely inappropriate for the proposed position for new tree planting, as shown on the "Landscape Proposal" drawing prepared by PRP (Dwg No. AA5060/2009).

The indicative plant list includes *Quercus ilex*, which is a large, evergreen tree with a dense, dark and overbearing canopy, continually shedding its leaves all year round, and often the cause of complaints. Also, the Common Alder (*Alnus glutinosa*) forms a large tree with an aggressive root system that can damage pathway surfacing, and is a species of tree unsuitable for the urban environment.

I would reiterate that poor choice of tree species will lead to greatly increased conflict with the nuisance aspect of trees and would lead to continual calls for premature pruning. *Quercus robur* (English Oak), *Prunus avium* 'Plena' (a double flowered form of the Wild Cherry) and *Liriodendron tulipifera* all eventually form large, spreading trees, which is contrary to the design requirements as stipulated in the section "Planting and biodiversity" on page 44 of the Design and Access Statement.

To overcome this, and still meet the aspirations of the original planting concept, it is suggested that fastigiate cultivars of native trees are used instead, using cultivars such as *Acer campestre* 'Queen Elizabeth', *Carpinus betulus* 'Frans Fontaine', *Fagus sylvatica* 'Dawyck', *Quercus robur* 'Fastigiata' and *Betula pendula* 'Fastigiata'. Fastigiate cultivars are forms with a relatively narrow,

upswept habit of growth that greatly reduces the potential canopy conflict and the need for remedial pruning work.

[An Arboricultural Report including measures demonstrating how the retained trees would be protected and how development would take place within the root protection areas has been submitted, however at the time of writing the Tree and Landscape Officers comments have not been received, they will be reported on the late sheet.]

Ecology

Having read through the submitted documents I have no objection to the proposals but would support the comments made by my landscape colleague regarding SuDS and planting. I also note the recommendation made in the Ecological Assessment for the inclusion of bird boxes. As the NPPF calls for development to deliver a net gain for biodiversity the use of integral bird bricks would contribute to the overall ecological enhancement opportunities.

Housing Development Officer

I support this application as the proposed scheme is 100% affordable. The proposed development will provide a new high quality sheltered housing scheme for older people which is a key objective for the Council.

Leisure

Children's Play: As this development is for older people there is no requirement for play facilities / contributions.

Outdoor Sport: The proposed on-site garden and green facilities illustratively indicate that there is some opportunity for the residents to undertake some informal physical activity. For this reason and because the proposed residents are unlikely to use outdoor pitch sports, no facilities or contributions are sought.

Informal/Amenity space: The proposed layout indicates the inclusion of a variety of green spaces for the use/benefit of residents. For this reason no contributions are sought.

Indoor Sport & Leisure Centres: Facilities/activities provided at the leisure centre are available for/applicable to the intended residents. The provision of a replacement for Dunstable Leisure Centre is a key priority for the area, therefore a contribution is sought towards Ind Sp & LC facilities in accordance with the Planning Obligations Calculator.

Public Protection Officer

I have no objections to this planning application gaining approval. However, due to the size of the development and the potential impact that the construction phase may

have on the existing residents it may be prudent to place a condition securing the submission of a Code of Construction Practice which would detail measures to be used to control and suppress dust; measures to be used to reduce the impact of noise and vibration arising from noise and vibration generating activities on site in accordance with best practice set out in BS5228:2009 'Noise and Vibration Control on Construction and Open Sites' and the siting and appearance of works compounds.

Sustainable
Growth/Climate Change
Officer

Energy efficiency, low and zero carbon energy

The applicants' commitment to high energy efficiency and delivery of 10% of energy demand from renewable sources such as Air Source Heat Pump (ASHP) and solar PV panels is welcomed.

The Energy Statement concludes that the development's Fabric Energy Efficiency (FEE) will be significantly better than the regulatory minimum: Target Fabric Energy Efficiency (TFEE) set in the Part L1A and L1B (2013). However figures in Table 5 show that FEE (41 kWh/m²/yr) is higher than TFEE (32 kWh/m²/yr) which if correct would indicate that the minimum regulatory fabric efficiency is not met. I would like confirmation of fabric efficiency figures and that they meet the regulatory requirements.

In regards to the ASHP, I would suggest installation of a reversible ASHP model which in addition to heating is able to provide cooling if needed in the summer months. I would also suggest a modular configuration of a plant room to ensure that the ASHPs are working with optimal efficiency. It is mentioned that two ASHP options are considered; first with communal thermal store and second with individual thermal stores; and dwellings will be heated either through low temperatures radiators or underfloor heating. Efficiency of a complete heating system (ASHP, thermal store and heat distribution) should be calculated and the best possible option taken forward.

The Energy Statement suggests that ASHP will also be used for domestic hot water within the residential part of the development. I am not sure whether this is an appropriate solution given that heat pumps operate at temperatures below 60 degrees Celsius and there is a need for secondary heating to bring the temperatures to above 60 degrees to prevent Legionella. Is ASHP the most suitable and efficient way of providing domestic hot water? I would like more information on how Legionella will be prevented and on efficiency of providing hot water

from ASHP.

Overheating

It is welcomed that most of the flats have been designed to have double aspect windows to allow cross ventilation and passive cooling. It is not clear from the submitted plans whether the loft flats have double aspect: the floorplans indicate velux windows on the north-east facing roof, but the elevation drawings do not show them. I will strongly recommend their inclusion to provide cross ventilation and reduce risk of overheating in these flats.

Most of the flats have patio / balcony doors positioned in the recess providing shading and reducing risk of overheating in the summers. Loft flats are the exception where balconies and their doors have no external shading and this combined with potentially no windows on opposite site of the flats, makes them more vulnerable to overheating. I would encourage inclusion of external shading for balconies and installation of velux windows in hallways.

The risk of summer overheating could also be reduced by installing ASHP with reverse cycle which would allow for cooling.

SuDS

There is no information provided within application documents on proposed management of surface water runoff. I fully support Landscape Officer comments on sustainable drainage. It provides opportunity to attenuate water on site and use for creation of SuDS features and irrigation of planting. Inclusion of water in gardens will have a positive impact on microclimate, reducing Urban Heat Island effect and providing habitat for biodiversity. I strongly recommend inclusion of SuDS within the scheme.

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Highways, Parking and Sustainable Transport
5. Landscaping, Ecology and SuDS
6. Energy Efficiency and Sustainability
7. Other Issues

Considerations

1. Principle of development

The site is within the built up area of Dunstable, identified in policy 4 of the Development Strategy as a major service centre where development should be focussed. Subject to other considerations below the development is considered appropriate in this location.

As part of the Council's review of its sheltered housing provision, Croft Green has been identified as one of the five scheme to receive substantial investment and is one of the Council's top redevelopment priorities.

The Council's aspirations for the site are to develop a high quality, exemplary model of its approach to sheltered/retirement housing, as well as the regeneration of existing housing and as such this proposal is the first step in that direction.

2. Impact on the character and appearance of the area

South Bedfordshire Local Plan policy BE8 and Development Strategy policy 43 set out that development should be appropriate in scale and design to its setting; contribute positively to creating a sense of place and respect local distinctiveness and be complimentary to the landscape setting both in the immediate proximity as well as longer views.

Croft Green is a square arrangement of bungalows around a central green space. The bungalows are well maintained and have a distinct character reminiscent of an almshouse development. The bungalows have white rendered walls with red brick detailing and steeply pitched, tiled roofs. To the rear of the bungalows are open shared gardens, mainly laid to grass.

The social arrangement and aesthetic of Croft Green is in the style of Arts and Crafts architecture. The character of the area is very strong and any new development needs to respond to the prevailing character of the existing dwellings.

It is proposed that the footprint of the new building would follow that to be replaced with minimal additional footprints. The distinctive palette of materials and the architectural quality of the existing environment would be embraced in the new buildings which would form a distinctive focal point for the area. The new building would have the appearance of three blocks, with the central one being three storey providing 3 floors of accommodation and the ones to either side being two storey with rooms in the roof to provide 3 floors of accommodation. In addition to the main block there is a small protrusion to the rear and an area of building which is orientated side on the southern side of the site. The roofs are proposed to be steep in pitch to match those of the existing dwellings and chimneys have also been included in the new building to reflect this detail of the bungalows.

The building is proposed to be finished in white render, with red brick detailing and artificial slate roof with patterned red brick details, aluminium timber composite windows dark grey in colour and vertical metal railings also dark grey in colour.

A bin store and energy centre is proposed in the southern corner of the site, it is indicated that the store would be timber clad with a low pitched roof.

Beyond the immediate setting of Croft Green, the existing neighbouring residential properties are predominately 2 storey semi-detached dwellings. They are modern dwellings built in traditional form using brick with pitched, tiled roofs.

Overall it is considered that the design of the existing setting has been carefully considered and adequately reflected in the design of the proposed new buildings. The details reflected in the new building such as chimneys, roof slopes and red brick detail along with the materials which would match those of the existing buildings would successfully integrate the proposed modern building within its setting. The proposal is considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy and the Central Bedfordshire Design Guide.

3. Impact on residential amenity

South Bedfordshire Local Plan policy BE8 and Development Strategy policy 43 set out that the amenities of surrounding properties and their occupiers must be respected.

One objection has been received to the proposal which raises concerns about the impact the proposal would have on the privacy of the occupants of 60 Beecroft Way to the south of the site. The specific concern relates to the overlooking which could occur from the first floor balconies on the block of the building facing south.

There would be a distance of at least 15m between the balconies and the edge of the application site. The rear gardens of properties on Beecroft Way which could be affected are between 18m and 23m in length. The balconies would be to the rear of the flats with their front doors located on the northern elevation. The Design Guide sets out in section 5 that *"the achievement of absolute visual privacy is not usually possible and is not necessarily desirable, as it would reduce social contact and could lead to a feeling of insecurity. In order to ensure visual privacy back to back distances will be enforced. In conventional suburban environments, a "rule of thumb" of approximately 21 metres distance between the rear of one 2 storey property and the rear of another facing it (at first floor level in both instances), is an acceptable norm, but there may be circumstances where lower distances are acceptable."* The back to back distance in this instance is between 33m and 38m, which is well beyond the generally accepted distance of 21m set out in the Design Guide.

The rear projection of the building would be within 5m of the boundary of the site which also forms the rear boundary of the rear gardens of properties on Beech Green. There are no windows in the rear elevation of this part of the building in order to protect the privacy of existing residents. On the rear elevation of the main part of the building would be the covered walkways providing access to the front doors of the flats. The flats would only have a kitchen window on the rear elevation of the building. It is considered that whilst some views over the rear gardens towards the properties on Beech Green would be possible, however they would be limited views due to the arrangement of the proposed flats. Views

from the walkways or rear facing windows of the flats would be long-range with the distance from the rear elevation to the boundary being 15m and the rear gardens of the properties being a further minimum of 15m in depth. This would represent a distance of circa 30m, which again is beyond the general 21m back to back distance set out in the Design Guide.

Concern was also raised by a resident on Beecroft that the communal bin store would be located at the bottom of their garden and that smells in the summer would be unacceptable. Amendments to the scheme have led to the bin store being relocated and this concern has therefore been addressed.

Overall it is considered that there may be some adverse impact on the privacy of the residents of occupants on Beech Green and Beecroft Way however the impact has been minimised as far as possible and the scheme is considered to be acceptable.

The demolition of the existing building, for which consent is also sought, may cause a level of disturbance to residents. The Public Protection Officer has requested a condition requiring the submission of a construction code of conduct and it is considered that this should also include details of how the demolition would be undertaken to minimise impacts on local residents. It is considered that the demolition could be undertaken in a manner which would minimise adverse affects on the occupants of nearby dwellings and that the proposed condition can adequately deal with this matter.

It is considered that the proposal complies with policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy and the Central Bedfordshire Design Guide.

4. Highways, Parking and Sustainable Transport

The level of car parking on the site is currently low and existing residents often park on the green area or mount the pavement causing a blockage to the footpath and road.

The existing sheltered housing provision with the bungalows is divided by Croft Green (road) and one of the aims of the scheme is to seek to integrate the two sides. It is therefore proposed that a raised platform with a striped footpath be installed on the road to form an identified crossing point and link. Although this would not constitute a zebra crossing, it is considered that given the low traffic speed in the area, limited to 20mph, and the low traffic levels that this would be sufficient.

The Local Transport Plan appendix sets out that for sheltered housing 1 parking space per 2 units plus 1 space per 4 units, presumably for visitors, should be provided. The application therefore proposes a total of 39 spaces for the development as a whole plus a space for a minibus or ambulance. There are 24 existing units plus 23 proposed units which would give rise to a need for 36 parking spaces in line with the LTP levels, the scheme has however provided 39 spaces.

The application site utilised a small part of an existing Council owned garage court accessed from Beech Green. The development would result in the loss of 8 of the existing garages, however 6 are already empty and the other tenants of

the other 2 would be relocated to vacant garages in the remaining part of the garage court. The loss of the garages would therefore not lead to any additional on-street parking.

The Highway Development Control Officer had concerns about the level of parking provision as set out in his comments above. The officer had miscounted the number of spaces to be provided and has subsequently agreed that the level of parking complies with the LTP.

In addition to car parking provision has been made for 16 cycle parking spaces, some located externally to the front of the new building and some accommodated within the cycle/scooter store within the building. A scooter store including charging provision is proposed within the building, originally it was anticipated that this would accommodate 6 scooters, however following the Highway Development Control Officer's comments further provision has been made in the detached building proposed to be used partly as the energy centre. It is considered that this concern has been overcome.

The Highways Development Control Officer also requested evidence that a 11m rigid vehicle would be able to manoeuvre through the development. A plan showing the swept path of such a vehicle has been provided and is considered acceptable.

Whilst the Highways Development Control Officer had initial concerns regarding the proposal it is considered that the additional information supplied is sufficient to overcome those concerns.

5. Landscaping, Ecology and SuDS

Landscaping and Trees

Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy set out that trees should be retained and protected and that hard and soft landscaping appropriate in scale and design to the development should be provided.

In terms of landscaping and the public realm the application proposes to:

- reinforce boundaries with native hedge and tree planting to mitigate views between properties and enhance the green character of the locality;
- adjust external levels to remove the existing ramped access to the bungalows and improve the relationship of existing building frontages to the open space;
- introduce flush pedestrian footways to enable access for all and surface materials to assist orientation and highlight entrances;
- establish a formal central space which links the two ends of Croft Green and frames a vista to the new building; and
- retain a number of the best existing trees and introduce new tree avenues to frame the space and low level planting which contributes to local biodiversity and minimises ongoing maintenance and management.

A number of existing trees are proposed to be retained with some being removed and a number of new trees planted to compensate for the loss of the trees and to form part of the substantial redesigned landscaping scheme.

The Tree and Landscape Officer does however raise concerns regarding the long term survival of the retained trees due to changes in ground level and development works taking place within the root protection areas. In response to this concern an arboricultural report has been prepared and submitted which includes details of how the retained trees would be protected and how works within their root protection areas would be carried out, using no dig methods etc. It is considered that the report and revised landscaping scheme adequately address the concerns of the officer subject to appropriate conditions being added to any planning permission granted.

The Tree and Landscape Officer also raised concerns about some of the tree and plant species proposed. The species included in the planning application documentation are suggested species and therefore can be amended as appropriate. It is considered that the officers concerns can be dealt with by adding a condition requiring the submission of a detailed landscaping scheme to any planning permission granted.

The Landscape Officer suggested that it may be of benefit to increase areas of wild flower meadows in to the main lawn area, the landscaping scheme has been revised to incorporate this aspect. In addition the officer commented about the importance of lighting in landscape design. The agent has confirmed that lighting can be and will be incorporated into the landscaping design and will be a requirement of meeting "secured by design" standards.

Overall it is considered that the proposed landscaping would significantly improve the quality of the green space within the Croft Green development and would provide opportunities for residents with appropriate landscaped areas for different formal and informal uses. The proposal would therefore comply with the South Bedfordshire Local Plan and Development Strategy policies in relation to provision and protection of landscaping and trees.

Ecology

In terms of Ecology policy 57 of the Development Strategy sets out that the Council will seek a net gain in biodiversity and geodiversity. The application is accompanied by an ecological report which concludes that the site is considered to be of limited ecological value. Floral species found are common to such a man-managed habitat and offer limited scope for any notable species. The site's urban context also limits its use by fauna with some scope for nesting birds within the shrub borders and scrub areas. Owing to the site's limited ecological value the only mitigation recommendation for this site is with respect to nesting birds which may utilise the shrub borders and scrub areas.

The Council's Ecologist has reviewed the application and has no objection to the proposals but would support biodiversity enhancements such as integral bird bricks.

SuDS

Development Strategy policy 48 sets out that appropriate strategies including Sustainable Drainage Schemes to prevent surface water flooding to ensure development is resilient and adaptable to the impacts arising from climate change.

The planning application does not contain any details of sustainable drainage schemes and as such the Landscape Officer and Ecologist are of the opinion that SuDS must be considered and included in relation to run off from roofs and other impermeable surfaces. Given the site includes extensive areas of soft landscaping the officers consider that there is ample opportunity to include SuDS features including rills, swales, filter strips, rainwater gardens, bog gardens.

The opportunities are available for sustainable drainage systems to be incorporated into the development however they have not been designed in at this point in time. It is considered that SuDS can be incorporated into the detailed landscape design and can be secured by condition, resulting in compliance with policy 48 of the Development Strategy.

6. Energy Efficiency and Sustainability

Development Strategy policy 47 sets out that the Council will work to mitigate the impacts of climate change and deliver sustainable and resource efficient development and that new residential development should meet higher water efficiency standards of 110 litres of water per person per day and provide 10% of their energy consumption from renewable and low carbon sources.

The scheme has been designed to deliver high sustainability standards including 10% of the energy consumed being produced by low or zero carbon technologies and achieving Code Level 4.

Energy efficiency measures are key to reducing energy consumption and emissions. Passive solar design has been incorporated where possible including large windows favouring daylight levels and shade based on the orientation of the building; high thermal performance of materials, best-practice in heating controls; energy efficient light fittings and cross ventilation across the majority of dwellings.

Space and water heating would be provided by air source heat pumps, in addition a small area of photovoltaic panels could be installed on the roof to contribute to energy generation.

Building regulations currently require compliance with Code Level 3 of the Code for Sustainable Homes. This development is proposed to comply with Code Level 4 this involves a range of measures including:

- provision of suitable drying space and smart meters
- all external lighting designed for energy efficiency and adequately controlled
- provision of cycle parking
- water efficient fittings
- use of appropriate materials, achieving a Green Guide rating of A+ to D
- drainage strategy ensuring that post development run-off rates do not exceed pre-development levels
- appropriate waste storage space including recycling and composting provision
- site waste management plan
- dwellings designed to achieve good daylight levels in living rooms and bedrooms

- dwellings designed to Lifetime Homes Standards
- home user guide prepared and distributed to all residents
- contractors expected to register and certify site activities against the Considerate Constructors Scheme

The Climate Change Officer welcomes the measures to meet the 10% renewable energy target but does raise some practical concerns regarding the thermal performance of materials and the use of an air source heat pump for water heating. These concerns are no doubt well-founded but are not material planning considerations which should influence the determination of this application.

The proposal therefore appears to meet policy 47 of the Development Strategy in terms of resource efficiency.

Waste Management

The scheme includes an external refuse and recycling area of all residents waste. It is planned that residents (or carers) take their refuse to holding stores located within the building, the manager or other staff member would then transfer the waste to the main refuse store for collection.

The Highways Development Control Officer initially raised concerns that the bin store, located in a separate building in the southern corner of the site was too far from the road to enable waste collection. The bin store for the new building has therefore been moved and is not incorporated into the building itself, but accessed externally and would be adjacent to the highway to enable easy collection.

7. Other Issues

Consultation

During the preparation of the planning application resident and public consultation was undertaken along with pre-application discussions.

A resident consultation event took place in the residents lounge at Croft Green in July 2014. The proposed scheme designs were presented to the existing tenants to gain their feedback and to enable the architects to better understand residents aspirations for the enhancement of the external space. Existing residents wished accessibility, parking and bin storage to be improved.

A public consultation took place in the residents lounge at Croft Green in September 2014. The exhibition was a drop-in event attended by 28 local residents and local Ward Councillors. Residents were encouraged to provide written feedback so that areas of concern could be addressed in the final proposals. 6 survey forms were completed and raised concerns regarding disruption to existing residents; increased traffic; pollution; noise and that the wider site should also be redeveloped. It was in response to the final comment that the Council agreed to the landscape improvements covering the wider area of Croft Green.

Human Rights

It is not considered that the scheme raises Human Rights issues.

Equality Act

As the building would be accessible to the public the requirements of the Equality Act 2010 need to be met. The building has been designed as sheltered accommodation for older people who may have a range of different medical needs. The design and access statement sets out the measures which have been incorporated to enable inclusive access which are:

- level access at all external entrance and exits;
- level access gardens with suitable external finishes;
- internal corridors of sufficient width to allow two wheelchairs to pass at regular intervals;
- flats designed to be wheelchair adaptable with level access showers etc;
- main circulation routes fitted with continuous handrails;
- lift access to upper floors; and
- public areas of the building designed in accordance with Part M of the Building Regulations.

Section 106

It is not considered that the proposal would place such additional strain on Council services to justify securing funding from this development, particularly given that it is a Council funded proposal and a redevelopment of an existing sheltered scheme.

Recommendation

That the planning application be approved subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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, including demolition, shall commence until a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority and this shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on the site.**

The Code of Practice shall include:

- **Measures to be used to control and suppress dust;**
- **Measures to be used to reduce the impact of noise and vibration arising from noise and vibration generating activities on site in accordance with best practice set out in BS5228:2009 'Noise and Vibration Control on Construction and Open Sites'.**
- **The siting and appearance of works compounds.**

The implementation of the development shall only be undertaken in accordance with the approved Code of Practice.

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

(Policy BE8 SBLPR & Policies 43 &44 DSCB).

- 3 No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained trees, has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions shown on Drawing No. CBA/0277.03A TPP. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.

(Policies 43 and 59, DSCB)

- 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 an acceptable standard of landscaping and to enhance the amenities of the area.

(Policy BE8 SBLPR & Policies 43 and 58, DSCB)

- 5 No development shall take place until a strategy of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved strategy prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to enhance the amenities of the area.

(Policies 48 & 49 DSCB)

- 6 The development hereby permitted shall not be occupied or brought into use until the details of any external lighting to be installed on the site, including

the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting and any means of light shielding required shall be installed in accordance with the approved details and thereafter maintained in accordance with the approved details.

Reason: To protect the visual amenity of the site and its surrounding area.
(Policy BE8 SBLPR & Policies 43 & 44, DSCB)

- 7 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building is occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Policy BE8 & Policy 43, DSCB)

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

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.
(Policy BE8 SBLPR & Policy 43, DSCB)

- 9 The dwellings hereby approved shall not be occupied until details of the bin storage/collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage/collection areas shall be retained thereafter.

Reason: In the interest of amenity.
(Policy 43 DSCB)

- 10 The development shall be carried out strictly in accordance with the Tree Protection Measures set out on plan CBA/0277.03A TPP in relation to no-dig areas and areas of hand tool use.

Reason: To ensure the protection of trees and hedgerows to be retained, and to avoid unnecessary damage to their root systems.
(Policies 43 and 59, DSCB)

- 11 At least 4 bird bricks shall be incorporated into the external fabric of the building hereby permitted during construction and retained thereafter.

Reason: To provide new habitats for bats and birds and enhance the biodiversity of the site. (Policy 57 DSCB).

- 12 The development shall not be occupied or brought into use until the parking scheme for cars, cycles and scooters shown on Drawing No AA5060-2009 rev A has been completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway and the provision of adequate cycle and scooter parking/storage.
(Policies 24 & 27, DSCB)

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers AA5060-2001, AA5060-2002, AA5060-2003, AA5060-2009 rev A, AA5060-2010 rev A, AA5060-2011, AA5060-2012, AA5060-2013 & AA5060-2015

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

Notes to Applicant

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

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

These requirements are as follows:

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

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

too late to make the necessary adjustment.

For further information on disability access contact:

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

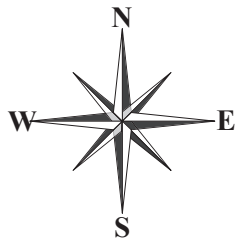
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

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

DECISION

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Central Bedfordshire Council
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Date: 02:December:2014

Grid Ref: 507049, 237803

Application No.
CB/14/03686/FULL

Scale: 1:1750

Land at Former Farris Garden Centre, Clophill Road, Maulden, Beds.
MK45 2AD

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Item No. 15

APPLICATION NUMBER	CB/14/03686/FULL
LOCATION	Land at Former Farris Garden Centre, Clophill Road, Maulden, Bedford, MK45 2AD
PROPOSAL	Erection of 12 retirement homes and 5 affordable retirement homes and new access works.
PARISH	Maulden
WARD	Amphill
WARD COUNCILLORS	Cllrs Duckett, Blair & Smith
CASE OFFICER	Judy Self
DATE REGISTERED	18 September 2014
EXPIRY DATE	18 December 2014
APPLICANT	Maulden Vale Limited
AGENT	Aragon Land & Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Major application and the parish council have objected
RECOMMENDED DECISION	Full Application - Granted

Summary of Recommendation

The development is within open countryside and outside the development envelope. However, this is a previously developed site which has been vacant for a significant number of years. Taking into account that the proposed development supplies a specific housing need, it is considered that very special circumstances exist to justify the development and outweighs the harm to the openness of the countryside, having regard to policies DM4, CS2 and CS7 of the Core Strategy and Development Management Policies (2009) and Policies 31, 32, 35, 38 and 43 of the Emerging Development Strategy for Central Bedfordshire. There will be no adverse impact on the residential amenity of any neighbouring property by reason of loss of light, privacy or overbearing impact in accordance with DM3. The proposed development is acceptable with regards to highway safety in accordance with the Local Transport Plan: Appendix F - Parking Standards.

Regarding The Dog & Badger Public House: the findings of the noise assessment or mitigation measures proposed have not been received at the time of preparing this Committee report and will be reported at committee. This recommendation is therefore subject to the submission of a satisfactory noise mitigation scheme.

Site Location:

The site is a vacant garden centre which lies on rising terraced land on the northern side of Clophill Road between Clophill and Maulden. The garden centre closed in 2003 due to several years of declining sales. The site comprises of a hard surfaced car park which rises to a further parking area. To the rear of the site are a number of outbuildings, display areas and the base is in evidence where the warehouse stood. The site is located between the Dog and Badger Public House to the east and a number of residential dwellings to the west.

The site lies outside the settlement envelope and within the open countryside. The site is not within the Green Belt.

Previous application CB/14/01995/FULL was withdrawn as there was an insufficient provision of affordable units. The proposal has since been revised in-line with pre-application discussions. The applicants state that the local support of the scheme is material to the application.

The Application:

Planning Permission is being sought for the erection of 12 x 2 bed retirement homes and 5 x 1 bed affordable retirement homes. The proposed dwellings are to be for the over 55 age group.

Submitted with the application is the following:

- Design & Access Statement
- Statement of community involvement
- Housing needs survey (January 2014)
- Ecological appraisal (May 2014)
- Tree report (May 2014)

RELEVANT POLICIES:

The National Planning Policy Framework (2012)

Core Strategy and Development Management Policies (2009)

- DM3: High Quality Development
- DM4: Development Within and Beyond Settlement Envelopes
- CS2: Development Contributions
- CS7: Affordable Housing

Emerging Development Strategy for Central Bedfordshire (submitted October 2014)

- Policy 31: Supporting an Ageing Population
- Policy 32: Lifetime Homes
- Policy 35: Exception Sites
- Policy 38: Within and Beyond Settlement Boundaries
- Policy 43: High Quality Development

(Having regard to the National Planning Policy Framework, weight is given to the policies contained within the Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October).

Supplementary Planning Guidance

- Design Guide for Central Bedfordshire 2014 (The revised Central Bedfordshire Design Guide was adopted by Executive on 18 March 2014 as technical guidance for Development Management purposes and hence is a material consideration).
- Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes)

- Planning Obligations Strategy, October 2009

Planning History

Case Reference	CB/14/01995/FULL
Location	Land at former Farris Garden Centre, Clophill Road, Maulden, Bedford, MK45 2AD
Proposal	Erection of 12 retirement homes and 4 affordable retirement homes. Demolition of existing structures
Decision	Application Withdrawn
Decision Date	19/09/2014

Case Reference	MB/03/02271/FULL
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	Full: Erection of 7 dwellings (4 detached and 3 in terrace) and a block of 7 workshop units. (Class B1c) and use of existing workshop for B1c purposes
Decision	Refuse
Decision Date	01/04/2004
Appeal Decision Date	14/01/2005
Appeal Decision	Planning Appeal Dismissed

Case Reference	MB/03/00828/OUT
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	Outline: Residential Development - all matters reserved except siting and means of access.
Decision	Refuse
Decision Date	03/07/2003

Case Reference	MB/99/00063/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: ERECTION OF 2 STORAGE BUILDINGS.
Decision	Full Conditional Approval
Decision Date	01/03/1999

Case Reference	MB/98/00794/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: ERECTION OF 2 STORAGE BUILDINGS.
Decision	Refuse
Decision Date	22/07/1998

Case Reference	MB/95/01120/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: DEMOLITION OF EXISTING GLASSHOUSES, ERECTION OF NEW EXTENSION AND TWO POLYTUNNELS, ERECTION OF NEW ENTRANCE CANOPIES PLUS FORMATION OF ADDITIONAL CARPARK WITH SECURITY FENCING.
Decision	Full Conditional Approval
Decision Date	19/10/1995

Case Reference	MB/92/01104/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: FORMATION OF VEHICULAR ACCESS.
Decision	Full Conditional Approval
Decision Date	21/09/1992

Case Reference	MB/89/01123/FA
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	FULL: VARIATION OR REMOVAL OF CONDITION CONTINUATION OF USE FOR RETAIL WITHOUT CONDITION 2 ON MB/79/289/A

Decision	Full Conditional
Decision Date	18/10/1989

Case Reference	MB/86/01032/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: USE OF PART OF EXISTING GLASS HOUSE TO PROVIDE CATERING FACILITIES (SNACK/COFFEE SHOP)
Decision	Full Conditional
Decision Date	20/01/1987

Case Reference	MB/79/0289E/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: MOBILE HOME FOR AGRICULTURAL USE
Decision	Full Conditional
Decision Date	21/10/1982

Case Reference	MB/79/0289D/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: AGRICULTURAL ACCESS
Decision	Full Conditional
Decision Date	23/02/1982

Case Reference	MB/79/0289C/FA
Location	Badger Hill Nurseries, Clophill Road, Maulden, MK45 2AD
Proposal	FULL: MOBILE HOME FOR AGRICULTURAL USE
Decision	Full Conditional
Decision Date	27/08/1981

Case Reference	MB/79/0289A/FA
Location	Land At Badger Hill Nurseries, Clophill Road, Maulden
Proposal	FULL: CHANGE OF USE WHOLESALE TO WHOLESALE/RETAIL
Decision	Full Conditional
Decision Date	31/01/1980

Representations:

(Parish & Neighbours)

Comments received from the Maulden Parish Council:

I am writing to confirm that the above plans have been examined and discussed and that Maulden Parish Council would very much like to see this site of the former Farris Garden Centre developed as suggested in this application. It has been proved by a Housing Survey that there is a need in the village for this type of development. However, because of the restrictions imposed by Central Bedfordshire Council i.e. the development envelope, we have no option but to very reluctantly oppose this application.

Comments received from Neighbours:

1 objection from the occupiers of the Dog & Badger Public House.
1 comment from the occupiers of 113 Clophill Road.
2 letters of support (Badger Mount and Badger Hill Bungalow).

The objection is as following:

I run a very busy, established pub & restaurant next door to the proposed site. The pub has been here for 300 years, I have been building up my business for the last 6 years, with hard work and our life savings we have doubled the turnover. We have

never had any issues where the police or licensing officers have been called. I operate my business 18 hours a day. Points which I feel may become an issue and cause offence to elderly neighbours so close to our boundary; deliveries 7am-5pm, articulated vehicles entering site; reversing, unloading, loading can be noisy - lots of banging, customers coming and going (up until midnight) extractor fan smells, outdoor smokers, our family friendly garden (generates noise) My guard dog barking when people enter the property out of hours, Birthday / Christmas / Weddings / funerals / Christening parties, New Years Eve, in fact any time we have an event I feel that this would be intrusive to residents who perhaps require a peaceful environment. I foresee a barrage of complaints, detrimental to my business which I run in the most professional of manner, employing 15 members of staff and being a hub of our village and community, raising thousands of pounds for local causes. I do not feel that the development would benefit any of the parties with the exception of the land owner, who has left the site derelict, unsafe and an eyesore for so long in the hope that any development would be approved as an improvement on how it has become. A school would be a better investment for the village, certainly one that can accommodate all of the village. I strongly object these plans on the detrimental effects this would have on my business.

The comment is as following:

I would like written assurances that if this planning application is agreed for seventeen single story dwellings that at no stage in the future would planning permission be favoured for houses to be extended upwards.

Whilst I appreciate this land needs developing; consideration needs to be given to neighbouring housing and their need for privacy.

I would also like to say that it does appear to be a large number of houses for the proposed site.

Site notice posted
11/6/14

Advertised 5/6/14

Consultations and Publicity responses

Comments received from the
Housing Officer

I would expect to see 35% affordable housing or 6 affordable residential units. I would like to see a tenure split of 63% Social/Affordable Rent and 37% Intermediate tenures such as Shared Ownership as per our SHMA. In this case we would like to see 4 units for affordable rent and 2 units for Intermediate tenure. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the

code for sustainable homes level 3 and meet all HCA design and quality standards.

However if there are viability issues a smaller number of affordable homes would be acceptable. Five affordable bungalows providing much needed older persons accommodation and providing they meet standards identified in the Design Guide to meet older persons identified needs they would be acceptable and I would support their delivery. If these comments are taken on board, I would support this application.

Comments received from the Highways Officer

I confirm that there is no fundamental highway reason why development for residential purposes on the site of a former garden centre should not be considered. The proposal indicates an acceptable junction onto Clophill Road of an appropriate design and standard. Traffic generation will not be significant and can be easily accommodated on the public highway especially when compared against the traffic movements associated with the previous uses.

The proposal includes an extension of the footway to link with an improved new bus stop on the south side of Clophill Road and is shown for indicative purposes on the site layout plan.

No objection has been raised subject to the specified conditions.

Comments received from the Tree & Landscapes Officer

No objection has been raised subject to further landscaping & boundary details.

Comments received from the Waste Officer

The applicant will need to provide the following;

- tracking details using the Council's current waste collection vehicle, Dennis Eagle Elite two non rear steer 6x4 fawn body 13.5 metre over all length.
- If the roads are not be adopted, the council will require a disclaimer to be provided prior to commencement of waste collection.
- storage and collection points for bins for each property.

Comments received from the Environmental Health Officer (contamination)

Due to the former use of the application site please attach the specified conditions to any permission granted.

Comments received from the Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if

the specified conditions are included.

Comments received from the Ecology Officer

I have read through the Ecological Appraisal and reptile survey dated October 2014. I note that a small population of common lizard was found on the site. In addition records for bats also exist in the area and given the location of the site in close proximity to a SSSI the report recommends the submission of a lighting strategy.

No objection subject to conditions.

Sustainable Growth/Climate Change North

The proposed development is over the threshold of the policy DM1 to meet the development's 10% energy demand from renewable sources. Policy DM2 encourages all new development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The proposed development should comply with the new Part L2013 of Building Regulations and deliver 10% of its energy demand from renewable sources.

In terms of water efficiency, the development should achieve 105 litres per person per day (requirement of CfSH Level 3/4).

An advisory note will be attached to any grant of permission.

Sustainable transport

No comments received

Comments received from the Environmental Health Officer (Public Protection)

There are a number of noise sources associated with the Dog and Badger, which has opening hours of 1100 to 0000 hours Monday to Saturday and 1000 to 0000 hours Sunday. Fixed sources include external refrigeration plant motors and kitchen extract equipment; other noise sources include the pub's bin storage area, a bottle bank provided by CBC, the pub's car park and beer garden/smoking area. Changes to Licensing Legislation means that external regulated entertainment from 0800 to 2300 hours is permissible without requiring an application to the local authority provided no more than 200 people attend (soon to be raised to 500 people). The pub holds a number of external events each year. Potential odour from the pub's kitchen extract equipment also needs to be considered.

Officer's comment

During the determination of the application a noise assessment has been undertaken and further consultations will be made.

The findings of the noise assessment or mitigation measures proposed have not been received at the time of preparing the Committee report and will be reported at committee.

Determining Issues

The main considerations of the application are;

1. The principle of development
2. Design, layout of site and highway safety
3. The impact that the proposal will have on the residential amenity of neighbouring properties
4. Any other considerations

Considerations

1. The Principle of Development

The former garden centre site has been derelict since 2003 which is considered to have a degrading impact on the character of the area. The proposed scheme would replace the empty and disused garden centre.

The application site falls outside any defined settlement envelope and is within the open countryside where the principle of residential development is not acceptable unless it can be demonstrated that 'very special circumstances' exist. The Maulden Parish Council acknowledge that there is a need in the village for this type of development but given that this is an 'out-of-settlement' location, they object to the application.

A previous application for the erection of 7 two storey dwellings and a block of 7 workshops (MB/03/02271/FULL) was refused in 2004 and the subsequent appeal dismissed in 2005. The reasons for refusal were as following:

1. The proposed development, by nature of its location outside the Maulden Settlement Envelope, is contrary to long established planning policy which seeks to protect the countryside for its own sake. As such this proposal is contrary to PPG7, Policies 1 and 35 of the Bedfordshire Structure Plan Adopted 1997, NE3 and H4 of the Mid Beds Local Plan Adopted 1993, CS19, HO6 and EMP6 of the Mid Beds Local Plan First Review Deposit Draft 1997 as proposed to be changed and CS19, HO6 and EMP6A of the Mid Beds Local Plan First Review Deposit Draft Incorporating Proposed Modifications 2003.
2. It is not considered that this is a suitable site for the proposed redevelopment within the context of PPG3 given that it fails to respect the openness of the site and does not meet the exceptions of Policy CS15 of the Mid Beds Local Plan First Review Deposit Draft 1997 as proposed to be changed and CS15 of the Mid Beds Local Plan First Review Deposit Draft Incorporating Proposed Modifications 2003.
3. The applicant has failed to demonstrate that there are any exceptional circumstances for development of this site for residential or commercial purposes. Despite claims that the site is unviable as a garden centre no evidence has been submitted to demonstrate that. As such this proposal is contrary to PPG7, Policies 1 and 35 of the Bedfordshire Structure Plan Adopted 1997, NE3 and H4 of the Mid Beds Local Plan Adopted 1993, CS19, HO6 and EMP6 of the Mid Beds Local Plan First Review Deposit Draft 1997 as proposed

An appeal was submitted and dismissed. The inspector identified the main issues as:

The effect of the development on the character and appearance of the rural area with reference to national and development plan policy objectives in PPG3; PPG13 and PPS7 to secure sustainable development and to control housing and other development in the countryside. The inspector also raised a criticism with the continuous two storey nature of the appeal.

The current application seeks permission for the erection of 17 bungalows for the 55 age group. Five of which are to be affordable units for the over 55 age group.

Very Special Circumstances:

The NPPF states a presumption in favour of sustainable development

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

The NPPF also provides a definition of previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”.

Supporting an Ageing Population

The applicants have put forward, as a very special circumstance, the argument that the development would re-use a previously developed site in a way which meets a specific need within the community of Maulden in line with Paragraph 50 of the NPPF and Policy 31 of the Development Strategy for Central Bedfordshire. Policy 31 does not specify that the development should be within the settlement envelope.

A ‘Housing Needs’ survey was carried out in November/December 2013 and the analysis of the response to the survey identified a need for additional market housing within Maulden - particularly retirement housing.

Under Policy 31 such a site should be located in a suitable/sustainable location;

be of various tenures; be financially viable; meet the standards for elderly care and be consistent with other policies in the Development Strategy.

Location

The application site is located between a public house and ribbon development to the east and a number of small bungalows to the west. To the south, on the opposite side of Clophill Road, are open fields.

The NPPF; Core Strategy & Development Management Policies and the emerging Development Strategy for Central Bedfordshire all encourage development which is easily accessible by a variety of means of transport. Whilst it is acknowledged that there is limited access to services and facilities from the site (ie. the Post Office & convenience store being the closest in the neighbouring village of Clophill) in support of the proposal the applicants state that no site exists within the settlement envelope for Maulden which could provide for 17 retirement bungalows.

The application does include an extension of the footway to link with an improved new bus stop on the south side of Clophill Road.

Mixed tenure

The Council expects the scheme to offer various forms of tenure such as social rent, shared ownership/other intermediate tenures and includes the option for outright purchase/leasehold for those able to do so.

Discussions have taken place with the Council's Housing Officer and the proposed scheme will deliver 5 units of affordable housing that will remain in perpetuity for the over 55's. No objection has been raised by the Housing Officer providing they meet standards identified in the Design Guide to meet older persons identified needs.

Standards for elderly care

The NPPF provides a definition of older people as:

"People over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs".

The design of the bungalows will achieve a 'Mobility Standard Housing' in-line with the following criteria:

- Single storey, no lifts or stairs
- Moveable internal partitions
- Low window cills
- Wheelchair accessible 'one plot' parking near to front door
- All dwellings designed for wheelchair access
- Bedrooms and en-suites capable of having hoists fitted
- All bathrooms designed as 'wet rooms'

Consistent with other policies in the Development Strategy

The site has declined significantly over the years. Taking into account the above and subject to the imposition of conditions it is considered that the development

would respect, preserve and enhance the character and appearance of the rural landscape and would not result in any significant harm to the openness of the countryside in line with the requirements of the NPPF.

Previous application MB/03/02271/FULL was refused because the site was outside of the settlement envelope; did not meet the criteria of an 'exception site and failed to demonstrate any 'exceptional circumstances'. The development was two storey in height.

It is considered that the provision of elderly persons bungalows (secured in perpetuity via a planning condition / s106 agreement), of which 30% is affordable, weighs more in favour of this development.

2. Design, layout of site and highway safety

The applicants state that the current submission takes account of the Inspector's decision and provides for single storey units, of attractive design set within landscaped gardens

Design

The bungalows are modest in scale with Types A & B being 2-bed in nature and Type C being 1-bed in nature. They provide for open plan kitchen & living accommodation. Plots 1-12 are detached and plots 13-17 form a small terrace which are slightly reflective of 'alms-houses'. The overall design of the bungalows are considered to blend into the rural setting of the site; the dwellings being constructed in a mix of brick and render under hipped and gabled rooflines in either 'slate' or 'tiles'.

Amenity space

The proposed bungalows are arranged within a landscaped site which serves a functional purpose of providing a degree of recreation and amenity space as well as areas of private garden space. Whilst the Council's design guide provides a standard for private garden areas, for example, family houses it is silent on retirement dwellings. The gardens, whilst not large, provide private garden areas as befits 'retirement' accommodation of this size and style. The proposal is therefore considered to be acceptable in this regard.

The properties fronting onto Clophill Road are set back to allow for landscaping and this 'set back' is consistent with the Dog & Badger public house. Overall it is considered that the proposal is acceptable in terms of scale, design and materials and complies with the relevant parts of policy DM3.

Highway safety

Plot 1 and plots 13-17 front onto (and are accessed from) Clophill Road. The remainder of the dwellings form small cul-de-sacs which are accessed from the existing side road.

No objection has been raised by the Highways Officer (subject to the specified conditions) and as such the proposal is considered to be acceptable in this regard.

3. Residential Amenity of Neighbouring Properties

The application site lies on rising, terraced land. The bungalow located to the rear of the site and would be unaffected to any material degree by the proposed development. The other neighbouring properties The layout appears acceptable as the dwellings are single storey in nature with most of the garages positioned in such a way as to prevent overlooking of side windows and to maintain residential amenity.

The comments received by the occupiers of 113 Clophill Road have been noted and should approval be recommended an appropriate condition will be attached to any grant of permission.

Dog and Badger Public House

The occupier of the public house has raised concerns over the potential for conflict over the general day to day running of the business and the peace and quiet sought by the future occupiers of the retirement bungalows.

These concerns have been noted and guidance has been sought from the Council's Public Protection Officer. During the determination of this application a noise assessment survey has been undertaken by the applicant and the Environmental Health Officer has been re-consulted.

The findings of any noise assessment or mitigation measures proposed have not been received at the time of preparing the Committee report and will be reported at committee. The recommendation is therefore subject to suitable mitigation being provided.

3. Any other considerations

Planning Obligation Strategy

The application qualifies for contributions in accordance with the adopted Planning Obligations Strategy. A draft s106 has been submitted to the Council's Legal Team however a signed version has not been approved at the time of preparing the Committee report. Unless a signed version is submitted and agreed, the proposal would be contrary to Policy CS2 and the Planning Obligation Strategy.

Ecology

No objection has been raised by the Ecology Officer subject to the specified conditions.

Sustainable Growth

The proposed development should seek to comply with the development management policies DM1 (Renewable Energy) and DM2 (Resource Efficiency) which requires that new development should contribute towards sustainable building principles.

The proposed dwellings are to be for the over 55 age group accommodation, adaptable and lifetime homes. 'Lifetime Homes' are standard homes which incorporate 16 design criteria that can be universally applied to new homes at relatively minimal cost. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life.

Human Rights issues

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

Equality Act 2010

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

Conclusion

The site is located outside of the village envelope but is a brownfield site, previously occupied by a garden centre. Whilst the site is not ideally located for shops and services the availability of a similar brownfield site closer to such services has not been advanced and the proposal provides for an extended footpath to an upgraded bus stop. Having regard to the need for this type of elderly accommodation; the mixed tenure of the units and the low level landscaped design it is considered that the development is acceptable.

Recommendation

That Planning Permission be approved and a grant of permission be delegated to the Head of Development Management subject to the signing of a S106 Agreement; the submission of a satisfactory noise mitigation scheme and the following conditions:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.**

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

- 3 **Notwithstanding the details shown on the submitted plan development shall not begin until detailed plans and sections of the proposed junction onto Clophill Road, access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section**

of road which provides access has been constructed (apart from finalPage 240 surfacing) in accordance with the approved details.

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

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

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.

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

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

Reason: To protect human health and the environment

- 6 Notwithstanding the details as submitted with the application no development shall take place until a landscaping scheme (details to include the boundary treatment and the sizes, species and densities of planting) and a scheme for landscape maintenance for a period of five years following the implementation of the 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

- 7 The reptile mitigation shall be undertaken in accordance with the details in section 6.3 of the October 2014 Ecological Appraisal.

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

- 8 No occupation of any permitted building shall take place until the following

has been submitted to and approved in writing by the Local Planning Authority:

- Where shown to be necessary by any Phase 2 Desk Study found to be necessary by Condition 1, a Phase 3 detailed remediation scheme 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.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

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

- 9 Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes; and
 - show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bats.

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

- 10 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building(s) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the rural amenity of the area.

- 12 Each unit of the development hereby permitted shall be occupied only by:
- (ii) persons aged 55 or above;
 - (iii) persons living as part of a single household with such a person or persons; and/or
 - (iv) persons who were living as part of a single household with such a person or persons who have since died.

Reason: For the avoidance of doubt and Policy 31 of the emerging Development Strategy for Central Bedfordshire.

- 13 The development shall not be brought into use until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Tracking of the waste collection vehicle on all roads to be accessed by the collection crew. This will need to be to the Council's vehicle dimensions.
- Any turning point will need to be tracked and information as to how the prevention of vehicles parking in the turning point will be prevented.
- Confirmation that all roads to be accessed for waste collection are to be adopted

Reason: In the interest of amenity and highways safety

- 14 The dwellings hereby approved shall not be occupied until details of the bin [storage/collection] areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin [storage/collection] areas shall be retained thereafter.

Reason: In the interest of amenity.

- 15 Notwithstanding the detail shown on the submitted plan no dwelling shall be occupied until such time as the extended footway on the north side of Clophill Road and the bus-stop provision on the south side of Clophill Road, has been provided to the specification of the highway authority and satisfaction of the Local Planning Authority..

Reason; To ensure the provision of safe and convenient pedestrian access to sustainable modes of transport.

- 16 Before the premises are occupied all on site vehicular areas shall be

surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason; To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 17 Before the new access and modified junction is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the accesses hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

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

- 18 Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Reason; To minimise the impact of construction vehicles on the amenity of the local area.

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12-020-100B (site plan); 1639/12/1 (site location plan); 1790 C (site layout); 1790.3 (type A); 1790.4 (type A1); 1790.5 (type A2); 1790.6 (type A3); 1790.7 (type B); 11790.8 (type B1); 1790.9 (type C).

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

Notes to Applicant

1. Advice from the Tree & Landscape Officer
Condition 6 requires an improved and more detailed landscape plan with more emphasis on the choice of planting - bearing in mind the clients who will be living in these properties. Avoid prickly, spiny planting with more emphasis on colour. Consider Cotoneaster, Robinia fraseri Red Robin as hedging. Trees with light tracery leaves Birch is fine but Holly is not to be recommended.
2. Advice from the Environment Agency
The water environment is potentially vulnerable and there is an increased

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

Contamination

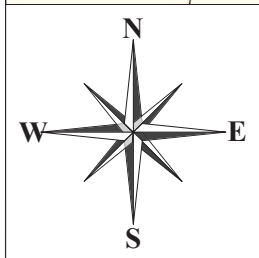
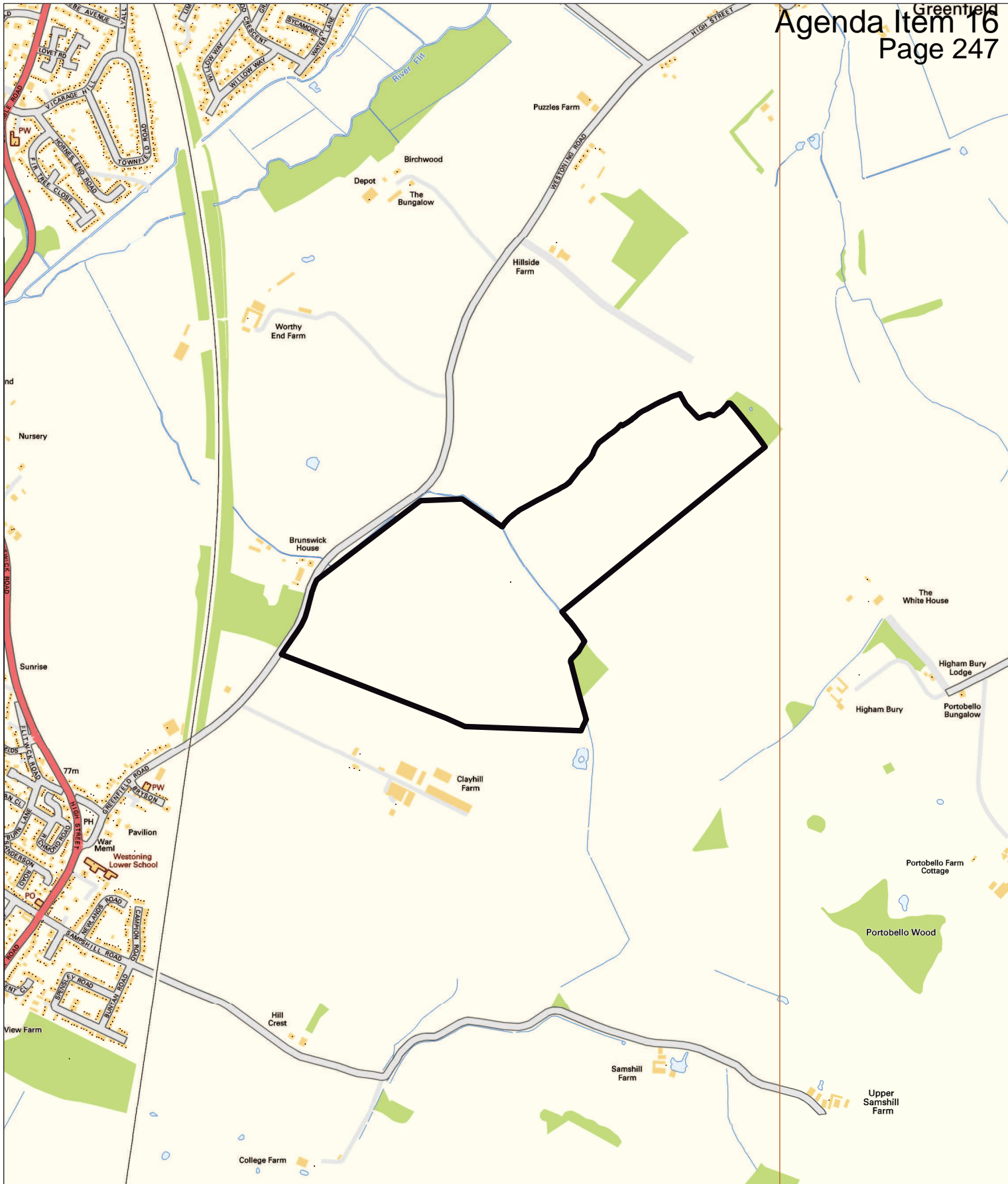
The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency [Guiding Principles for Land Contamination](#)

3. In line with policies DM1 (Renewable Energy) and DM2 (Resource Efficiency) of the Core Strategy and Development Management Policies it is recommended that 10% energy demand of the development to be secured from renewable sources and water efficiency to be delivered to a Level 3 of the Code for Sustainable Homes standard (105 litres per person per day).
4. It is recommended that the development should comply with the new Part L2013 of Building Regulations and deliver 10% of its energy demand from renewable sources. In addition it is recommended that water efficiency should be delivered to a Level 3 of the Code for Sustainable Homes standard (105 litres per person per day).
5. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management

7. 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.

8. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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Date: 01:December:2014

Map Sheet No

Application No.
CB/14/03419/Full

Scale: 1:12500

Land North of Clayhill Farm, Greenfield Road, Westoning.

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Item No. 16

APPLICATION NUMBER	CB/14/03419/FULL
LOCATION	Land North of Clayhill Farm, Greenfield Road, Westoning
PROPOSAL	Proposed 21MW solar photovoltaic (PV) installation
PARISH	Flitton/Greenfield
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Lisa Newlands
DATE REGISTERED	01 September 2014
EXPIRY DATE	01 December 2014
APPLICANT	Axiom Solar Limited
AGENT	Berrys
REASON FOR COMMITTEE TO DETERMINE	Departure
RECOMMENDED DECISION	Full Application - Granted

Summary of Representations

The proposed development is within the Green Belt and is considered to be inappropriate development, however, it is considered that very special circumstances exist that would outweigh the harm to the Green Belt. The site is well screened and with supplementary planting and the proposed mitigation measures would not have a detrimental impact on the character and appearance of the surrounding area. The proposed development would provide sufficient energy for some 5,800 homes. The proposal is considered to be acceptable in principle and would not have a detrimental impact on the residential amenity of any neighbouring residential properties. The proposal is therefore in conformity with the National Planning Policy Framework (2012), Policies CS13, CS14, CS16, CS18, DM1, DM3, DM4, DM14 and DM15 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

Site Location:

The application site is located to the north of Clayhill Farm, which is an agricultural holding sited to the north east of Westoning and to the south east of Flitwick. The site lies to the east of Westoning Road. Access to the site is taken from Westoning Road.

The surrounding area comprises predominantly arable and pasture land, with the village of Westoning lying approximately 500m to the south-west.

The site lies within the South Bedfordshire Green Belt. There are no residential properties or farm buildings within the site boundary, however, Clayhill Farm and the associated buildings lie immediately to the south. The closest residential properties are those lining Greenfield Road on the edge of Westoning, beyond the railway line

to the south west of the site. The wider settlement pattern comprises dispersed farms and dwellings.

The Application:

Planning permission is sought for a solar photovoltaic array with the generating capacity of approximately 21MW on some 36.2 hectares of land. The site benefits from an on-site 33kV electrical connection, with two lines of this capacity crossing the site.

The scheme would provide sufficient electricity to supply over 5,800 houses. It would consist of rows of south facing ground mounted solar panel arrays. The panels at their lowest point will be set some 0.5m above ground level, increasing to a height of some 1.6m.

The site will also contain 13 PV inverter substations, a primary substation and transformer at the point of grid connection.

A 2m high security fencing system will form the perimeter of the site.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance: Renewable and low carbon energy (2014)

UK Solar PV Strategy Part 1 and Part 2 (April 2014)

National Policy Statements for Energy EN-1 and EN-3 (2009)

The UK Renewable Energy Strategy (2009)

The UK Low Carbon Transition Plan (2009)

Core Strategy and Development Management Policies - North 2009

DM1 Renewable Energy

DM3 High Quality Development

DM4 Development Within & Beyond Settlement Envelopes

DM14 Landscape and Woodland

DM15 Biodiversity

CS13 Climate Change

CS14 High Quality Development

CS16 Landscape and Woodland

CS18 Biodiversity and Geological Conservation

The Emerging Central Bedfordshire Development Strategy (June 2014)

Policy 1 Presumption in favour of Development

Policy 36 Development in the Green Belt

Policy 43 High Quality Development

Policy 46 Renewable and low carbon energy development

Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central

Bedfordshire, which is consistent with the NPPF. The Development Strategy was submitted to the Secretary of State in October 2014.

Supplementary Planning Guidance

Design in Central Bedfordshire: A guide for development (2014)
Mid Beds Landscape Character Assessment (2007)
Solar Farm Developments in Central Bedfordshire: Guidance Note 2

Separate Guidance

BRE Planning Guidance for the development of Large Scale Ground Mounted Solar PV Systems (2013)

Planning History

Application:	Planning	Number:	CB/13/02899/SCN
Validated:	15/08/2013	Type:	EIA - Screening Opinion
Status:	Decided	Date:	04/09/2013
Summary:		Decision:	Pre-application Advice Released
Description:	EIA Screening Opinion: Proposed solar PV array		

Representations: (Parish & Neighbours)

Parish/Town Council	Westoning Parish Council - No objection Flitton and Greenfield Parish Council - No objection Pulloxhill Parish Council - No objection
Neighbours	1 objection on the grounds that the proposal will be to the detriment of the environment, the wildlife and the people who live in the village.
Site Notices & Advertised	

Consultations/Publicity responses

Highways	No objection subject to conditions. The indicated passing space is minimal for the length of the vehicle shown using the site and is located close to the junction that it may be a problem for a vehicle entering the site to avoid any vehicle waiting to leave the site. The size of the passing bay and extent of vehicles entering the site can be ascertained by a tracking diagram which I have asked for via a condition. An additional passing bay should be provided about 240.0m along the track to allow for an additional passing space due to the length of the track, again this is something that can be dealt with by a condition. Visibility from the access is acceptable and it appears that no temporary access is being pursued only
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Strategic
Officer

Landscape

temporary alterations to the existing access.

I do not object to the principle of development as per this planning application I do maintain concerns regarding visual impact from more elevated views from the south looking north / north west especially from the public footpath adjacent to the White House (Viewpoint 1) and from the John Bunyan Trail (Viewpoint 2). Views from the public footpath access at Clayhill Farm track and Westoning Road (Viewpoint 4) will also undergo significant changes given the proximity to the proposed arrays. The scale of effect of change on these views is assessed in the LVIA.

The planning application provides text describing proposed landscape mitigation (new lengths of hedgerows and gapping up existing) but this is not supported by visual evidence / views describing development with landscape mitigation - or lapse in time before planting matures to form effective screening.

The proposed mitigation is based on deciduous hedgerows - which is appropriate in terms of landscape character - but the change in views in winter time due to loss of foliage needs to be considered.

I am concerned that the proposed hedgerow planting / gapping up will not adequately mitigate views 1 and 2. It may be necessary to consider additional woodland belt planting especially to the south / south eastern field boundaries

- Therefore further visual information is required, as photomontages, describing development and proposed mitigation at Yr 1, Yr 5 and Yr 10 for Views 1 , 2 and 4 - during summer and winter time.

The Planning & Environmental Statement describes hedgerows as being 'allowed to grow to 3m high - where this is compatible the operation of the solar farm' (5.1 pg 29). This raises concern that portions of hedgerow mitigation will be managed at a lower height which may impact on mitigation of views.

- Solar arrays must be arranged to avoid shading of hedgerows at 3m - not hedgerows maintained at a reduced height which could impact on mitigation capacity and character of planting.

The application refers to a number of structures including transformers and inverters of up to 4m x 13m x 3.6m high.

I would be grateful if location of such structures could be confirmed on plan (I couldn't clearly identify looking at plans). Also details on finishes in terms of materials and

colours and how these relate / integrate within local landscape character would be appreciated.

Additional information was submitted in response to the concerns/ comments raised by the Landscape Officer. The additional information is considered acceptable. Further detail has been requested in terms of the planting plan. Details will be requested as a condition, unless agreed prior to Committee in which case Members will be updated via the Late Sheet.

Sustainability Officer

The national and local planning policy context is set in the following document, which has been adopted by the Council as technical guidance for Development Management purposes.

Guidance Note 2: Solar Farm Development in Central Bedfordshire (available at:

<http://www.centralbedfordshire.gov.uk/planning/strategic-planning/renewable-energy.aspx>)

The guidance has had input from specialists from across the Council and provides 'key principals' for consideration. Detailed responses, specific to the proposal, will be provided directly from the specialist officers as part of the consultation in relation to the key themes covered in the guidance. I have however highlighted key elements below.

Agricultural land quality: The detailed study provided by the applicant classifies the area of the proposed development as being split between grades 3a and 3b. For grades 3a we would seek further justification (see P9 of the Solar Farm guidance) as well as details of how complimentary use of the land for agriculture (grazing of sheep) and habitat creation will happen alongside the Solar Farm.

Landscape: The site does not fall within an area highlighted as having low landscape sensitivity to solar development. Whilst this in itself does not make the proposal unacceptable, additional consideration will need to be given to mitigation of landscape impacts. The Landscape Officer will provide a more detailed assessment of landscape impacts and whether the impact can in fact be adequately mitigated and whether the proposed mitigation is acceptable.

Glint and Glare: The study provided concludes that there

will be no significant impact on road users, train drivers and railway signals. However if this is not the case suitable mitigation is proposed. This should be assessed and put in place via a planning condition if this is the most appropriate route.

Securing the Solar Farm: The measures proposed to secure the solar farm, namely fencing and CCTV, are within scope of what would normally be expected for a development of this type.

Community engagement: The developer is currently in negotiation with the surrounding Parish Council's regarding a community benefits payment. Whilst this has yet to be agreed, typically I would expect this sum to be equivalent in total to £1,000 per MW of installed capacity per year, so in this case £21,000 per year.

Weight to given to 'Guidance Note 2: Solar Farm Developments in Central Bedfordshire': This document has been adopted by Executive as Technical Guidance for Development Management purposes. It therefore does not have the weight that a supplementary planning document (SPD) would have. It does also however provide a more detailed understanding of how aspects such as landscape etc should be considered. These have been identified in the 'Planning practice guidance for Renewable and low carbon energy' and Guidance Note 2 could therefore be considered as providing local clarification to some of the issues raised in this document, which itself would be a material consideration.

Conclusion: I have reviewed the papers and evidence provided:

- The proposed development of the solar farm is supported by the UK national planning guidance on sustainable development and Renewable energy set in the National Planning Policy Framework (2012).
- The project would contribute towards achieving UK's renewable energy generation and carbon emission reduction targets set in the UK Renewable Energy Strategy (2009).
- The proposed development is supported by the Councils policies: CS13 on Climate Change as it would contribute to reducing carbon emissions and DM1 on Renewable Energy which encourages renewable energy developments.

- The site is not however identified as an area of low sensitivity to solar development in the Council's technical Guidance Note 2: Solar Farm Development in Central Bedfordshire, therefore additional consideration should be given the Landscape Officers comments regarding landscape impact and mitigation.

In summary, the development contributes to decarbonisation of electricity production I have no objections to planning permission being granted. This is based on the assumption that the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects, such as impact on heritage, are adequately dealt with.

Regarding the Agricultural Statement.

I am satisfied with the rationale given and that this meets what we would like to see in the Council's technical planning guidance for Solar Farms with regards to justification of use of 3a classified land.

Tree and Landscape Officer

Proposal is for a solar photovoltaic installation located on existing arable land.

Looking at the Planning and Environmental Statement it would appear that there have been extensive wide ranging discussions on this sites location and layout which has included addressing issues of visibility by removing and moving areas visible from sensitive viewpoints and reducing the angle and height of the panels.

To mitigate issues of views of the site it is proposed that all the existing boundary and internal hedges will be retained and maintained at 3 metres in height. Gaps in existing hedgelines will be filled with additional native hedge planting. Additional hedgelines are to be planted within the site and on the boundaries also to reduce issues of views of the installation. The mix of planting proposed is acceptable.

The site will be maintained through the use of sheep, I would assume that all the panels are suitably constructed to remain undamaged by the sheep who will inevitably use the panels as areas of shelter and rubbing posts.

Proposal would seem to be acceptable.

Ecology Officer

Having looked at the submitted documents I am satisfied that the proposed solar array would not impact on protected species. All hedgerows and trees are to be retained and I approve of the gapping up of hedgerows

with a native species rich mix.

Field margins are to be retained and security fencing will be erected within this. 5.3 of the Ecological Appraisal states that fencing should allow for the movement of wildlife further details of this should be provided. One mammal hole was found on the site though it was not confirmed if this could be attributed to badger or not. Given the desire for security fencing one would assume that this would prevent human access therefore for the fencing to allow passage of wildlife up to the size of badgers there could be security implications. A clear mammal path was identified to the east of the site so the applicant may wish to use two-way badger gates as an alternative.

Page 15 of the Design and Access statement indicates that biodiversity enhancements will be integrated into the proposal with sheep grazing between the panels. If consideration is to be given to grazing then I understand it may be necessary to ensure the panels are erected in such a way so as to allow for this, equally if a hay cut is to be relied upon further consideration will be needed to ensure adequate space for machinery access to allow a baler through between rows. Pulloxhill Marsh SSSI is within 500m of the site and is designated for its lowland meadow habitat so complimenting this nearby feature could be beneficial through wildflower meadows creation. Details of how the site is to be managed are not evident, 5.30 of the Ecological Appraisal recommends that and overall Ecological Mitigation Strategy is produced. I would like to see this form a **condition** of any planning permission, detailing how the site will be managed which may include grazing as a complimentary use of the site to ensure a net gain for biodiversity etc.

IDB	No comment to make
Network Rail	No comments received
Natural England	No objection
National Grid	No objection
Rights of Way Officer	No objection - agreed diversion of footpath and improvement with the applicant. Condition requiring
Chilterns Conservation Board	No comment
Green Infrastructure Conservation & Design	No comment to make The application has been subject to extensive pre application submissions and this application is result of those discussions.

A Heritage Assessment (HA) has been submitted looking at the impact of the proposed solar farm (PV panels) on the surrounding heritage assets to a distance of 5km from

the Proposed Development Area (PDA)

The heritage assets identified include

2 Scheduled Ancient Monument (SAM)

1 Conservation Area (CA)

1 Registered Parks and Gardens (RPG)

47 Listed Buildings (LB) of all grades

The studied conducted by CgMs Consulting produced a study based on English Heritage guidance concerning the assessment of effects on the setting of heritage assets (The Setting of Heritage Assets, 2011).

The PDA comprises of several arable fields enclosed by hedged boundaries. The site sits in an embayment with the nearby topography comprising of ridged and hilly landscapes affording reduced visibility between the existing farms and other properties.

Given the topography of the site, its setting and proximity to the identified heritage assets, the impact of the PDA on those heritage assets is considered to be minimal.

However, there is concern that the proposal will introduce a perception of increasing industrialisation. This could be mitigated by appropriate screening along boundaries that are visible.

Archaeologist

The proposed development site contains two surface artefact scatters one of post-medieval pottery and building material (HER 3655) and the other of post-medieval pottery (HER 3654). These are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*.

Although there has not been extensive archaeological fieldwork or research in the surrounding area there are sites and finds that suggest there are remains of occupation from a number of periods in the area. To the north east is the site of a medieval moated site (HER 1982) which has produced pottery dating from the 12th to 17th century. Also in the immediate area there are the remains of several platforms (HER 804) which are likely to represent medieval occupation and the site of a post-medieval hermitage (HER 1751). Remains of the medieval open field systems of Westoning and Flitton and Greenfield also survive as ridge and furrow earthworks in the surrounding area (HERs 3322 and 3511).A series of

artefact scatters and find spots including prehistoric flints (HERs 2643 and 3661) and Roman pottery and tile (HER 3635).

The proposed development can also be considered to be in the setting of a number of Scheduled Monuments including the medieval moated manor at Westoning Manor (HER 233 and National Heritage List for England N^o 1008759), Flitwick Mount motte and bailey castle (HER 228 and National Heritage List for England N^o 1010116) Sharpenhoe Clappers, an Iron Age promontory fort and medieval rabbit warren (HER 238 and National Heritage List for England N^o 1009400), located on the crest of the Chilterns to the south east; and Flitwick Manor Registered Park (HER 7027 and National Heritage List for England N^o 1000383) These are designated heritage assets with archaeological interest as defined by the *NPPF*. The setting of designated assets is part of their significance and any development which affects the setting will have an impact on the significance of the monument.

The application includes a *Heritage Assessment* (CgMs August 2014) which includes a desk-based assessment. The *Assessment* discusses the archaeological and historical context and potential of the proposed development and the relationship of the site to the settings of the designated heritage assets.

The analysis of the site's context is used to identify its archaeological potential. The *Assessment* concludes that the site has low to moderate potential to contain prehistoric archaeology, largely in the form of scatters of flint artefacts, described as being of local significance. For all other periods from the Iron Age onwards the archaeological potential is described as low to negligible. Although the *Assessment* is entirely based on existing information and does not include the results of an archaeological field evaluation to corroborate the conclusions of the desk-based assessment its conclusion that the site is unlikely to contain substantial or significant archaeological remains are reasonable. Therefore, the development is unlikely to have a major impact on buried archaeological remains or on the significance of any heritage assets with archaeological interest.

The *Assessment* also examines the impact of the proposal on the setting of designated heritage assets, particularly Westoning Manor moated manor, Flitwick Mount motte and bailey and Flitwick Manor Park. It does this by considering the relationship between the assets and the proposed development site through the means of

the Zone of Theoretical Visibility (ZTV). It concludes that there is no inter visibility between the three designated heritage assets and the development site and that the site makes little contribution to the setting of the assets and, therefore, to their significance. This is an appropriate conclusion.

The Heritage Assessment included in the application shows that the proposed development is unlikely to have an impact on buried archaeological remains or on the setting of two Scheduled Monuments and a Registered Park. Therefore, the development will not result in harm to the significance of heritage assets with archaeological interest or designated heritage assets. Consequently I have no objection to this application on archaeological grounds.

Public Protection Officer

Concerns raised regarding the noise of the invertors. Further information submitted by the applicant in the form of a noise assessment has shown that there is no impact in terms of noise. Therefore, there is no objection to the proposal.

CPRE

The need for solar energy arises from the Climate Change Act 2008. The Act acknowledges Carbon emissions from extant energy sources are a cause of climate change. The Intergovernmental Panel on Climate Change (IPCC) report; Impact, Adaption and Vulnerability describes the impact of climate change on human and natural systems. The Climate Change Act sets legally binding targets to reduce emissions by at least 80% from 1990 levels by 2050. A European Union Directive 2009/28/EC sets the Government another target; by 2020 15% of all UK energy consumption is to come from renewable sources.

CPRE Bedfordshire believes the most suitable and, as yet, largely untapped location for solar technologies is on large-scale industrial and other buildings with major roof surfaces. Part 2 of the Government's UK Solar PV Strategy quantified part of this potential estimating there are currently 250,000 hectares of south-facing commercial roofs in the UK.

CPRE Bedfordshire objects to the location of the Solar Farm on Land North of Clayhill Farm for the following reason:

Part of the solar farm will be located on the Best and Most Versatile Land (BMVL). According to the Soil Environment Services' Agricultural Land Classification Report the locations of solar panel arrays F4 and F5 are on Grade 3a agricultural land and therefore its potential loss is at odds with Government's National Planning Policy Framework (NPPF), its Solar PV policy, and Central Bedfordshire's emerging Solar Farm

NATS	CPRE Bedfordshire would hope that if Central Bedfordshire Council refused planning permission for the Solar Farm the developer Axiom Solar Limited would submit a revised scheme consisting of only solar panel array F2 as this array is on Grade 3b agricultural land.
Environment Agency	No objection
Ramblers Association	No objection subject to conditions No objection subject to diversion of footpath and appropriate consultation.

Determining Issues

The main considerations of the application are;

1. The principle of development
2. The impact on the landscape and character of the area
3. Agricultural land
4. Ecology
5. Neighbouring Amenity
6. Highways
7. Any other relevant issues

Considerations

1. The principle of development

Having regard to the National Planning Policy Framework, limited weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24th October.

The National Planning Policy Framework (NPPF) carries a presumption in favour of development for renewable energy and states that in order 'to help increase the use and supply of renewable energy and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'.(paragraph 97). Further advice at Paragraph 98 states that 'when determining planning applications, local planning authorities should,' ...approve the application if its impacts are (or can be made) acceptable.'

Planning Practice Guidance: Renewable and low carbon energy (updated 10/04/2014) sets out the planning considerations for a range of renewable energy sources including solar farms. The guidance notes that renewable energy development should be acceptable for it's proposed location, and goes on to say the factors a local planning authority need to consider for large scale ground mounted photovoltaic farms include - encouraging effective use of previously developed land, the use of poorer quality agricultural land in preference to higher quality, mitigation of visual impacts by additional landscaping, the impact of glint and glare is acceptable, impact on heritage assets is not unacceptable, and that the development is acceptable in terms of neighbouring uses and aircraft safety.

UK Solar PV Strategy also sets out guiding principles, which form the basis of Government's strategy for solar PV and advises the principles support solar PV providing proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.

Locally, the Core Strategy and Development Management Policies Development Plan Document takes a positive approach to renewable energy developments in line with guidance set out in the NPPF, and the Companion Guide to superseded guidance PPS22.

Policy DM1 of the Core Strategy states that the Council will consider favourably proposals for renewable energy installations, provided they fit into the following criteria:

- Have good accessibility to the transport network;
- Not be harmful to residential amenity, including noise and visual amenity;
- Be located and designed so as not to compromise the landscape and scenic beauty of the Chilterns AONB;
- In other areas identified through the Landscape Character Assessment as having high sensitivity, be located and designed so as to respect the character of the landscape.

In terms of the above criteria:

- The site is close to the transport network being accessed off Greenfield Road;
- The impact on residential amenity shall be assessed later in the report;
- The site is not located so as to compromise the landscape and scenic beauty of the Chilterns AONB;

The proposed site is located within a landscape transition with land rising to the south from the Flit Valley and leading up to an identifiable ridge associated with the Harlington - Pulloxhill Clay Hill. The Mid Greensand Ridge to the north is discernible in views from the Harlington - Pulloxhill Clay Hills which raises concerns of reciprocal views from the Mid Greensand Ridge to the site.

The Mid Beds Landscape Character Assessment describes the landscape character of the site and surrounds as having moderate sensitivity to change and moderate - high sensitivity visually. The impact on the character of the landscape shall be assessed later in the report.

CBC Renewable Energy Guidance: Guidance Note 2, Solar Farm Development was endorsed by Executive in May 2014 as technical guidance for Development Management purposes. However the document is not yet formally adopted as a Supplementary Planning Document because it relates to the emerging Development Strategy rather than the current adopted Core Strategy, therefore the weight attached to the document is less than the current adopted policies and guidance. Nevertheless the guidance notes the landscape area where the proposal solar farm is located in the Clayhills and Vales, where it identifies that

there is limited scope for large scale solar farms, with an area of least constraint around Westoning.

In terms of policy considerations, the proposal is considered to be acceptable as a matter of principle both at a national and local level subject to there being no significant harm on other relevant material considerations as discussed below.

2. The impact on the landscape and character of the area

A Landscape and Visual Impact Assessment has been prepared and submitted with the application and includes various photo viewpoints and a Zone of Theoretical Visibility (ZTV) plan.

The proposed site is located within a landscape transition with land rising to the south from the Flit Valley and leading up to an identifiable ridge associated with the Harlington - Pulloxhill Clay Hill. The Mid Greensand Ridge to the north is discernible in views from the Harlington - Pulloxhill Clay Hills which raises concerns of reciprocal views from the Mid Greensand Ridge to the site.

The Mid Beds Landscape Character Assessment describes the landscape character of the site and surrounds as having moderate sensitivity to change and moderate - high sensitivity visually. This is due to sloping topography of the site (up to 23m difference from west to east), the visual relationship between hills and vales and the setting of ridge lines. The LCA recommends the need to conserve clear views and visual relationships with clay vales, hills and the Greensand Ridge. The LCA also recommends that there is a need to resist urbanising development which would dilute the rural character locally.

The site and surrounds retains a strong rural feel comprising of mid to large primarily arable fields with some hedgerow structure and associated hedgerow trees. The area also offers important recreation access routes with a significant number forming a strong network of footpaths, one of which crosses the site, and the John Bunyan Trail which runs immediately along the southern site boundary.

The proposed solar panels would be low lying and would not be visually dominant in the landscape from ground level, with a maximum height above ground of 1.6m. The structure would consist of three panels at a 20 degree angle. Views of the panels would be limited given the existing and proposed screening along the boundaries of the site. The ZTV identifies that the potential visibility of the proposed development is generally limited by the undulating topography of the surrounding landscape. The ZTV shows that the potential visibility is limited to 1km of the site and a small number of high points with the Chilterns AONB to the south, along the Mid Greensand Ridge to the north and towards Toddington to the south-west.

Mitigation has been included within the proposal as an integrated part of the design. In addition to this the final design of the scheme has been subject to extensive pre-application discussion with Officers at the Council to overcome original concerns regarding the visual impact of the proposed development. The discussions have resulted in a reduced scheme with the visually more sensitive areas within the original scheme being removed, this is set out in the Design and Access Statement submitted with the application.

The site is enclosed by existing vegetation, the layout of the arrays has been designed to preserve the existing field boundaries, with appropriate buffers along all boundaries, so that existing structure of ditches, hedgerows and trees will remain undisturbed.

The method of construction allows for minimal disturbance to the ground and existing levels, and the land underneath the panels will be grazed by sheep, retaining some of its agricultural character. Associated structures and fencing have been designed in neutral recessive colours to minimise their visibility and impact on the landscape, while lighting is restricted to emergency night-time use only, to avoid impact on the rural character of the landscape.

The following mitigation measures have been integrated into the design:

- existing boundary and internal hedgerows will be retained; boundary hedgerows allowed to grow to up to 3m high where compatible with the operation of the solar farm;
- filling in gaps of more than 0.5m wide within existing boundary hedgerows to further increase screening;
- plant new sections of hedgerows along the southern and western boundaries of field 4, which would mitigate the visual effects on footpath users and screen/filter views of the development from Westoning Road;
- plant new sections of hedgerows along the southern boundary of field 5, which would mitigate the visual effects on Clayhill Farm;
- Plant new sections of hedgerows along the eastern boundary of field 2, which would mitigate the visual effects on footpath users;
- the public footpath that currently runs across field 4 and 5 would be diverted in part and follow an existing farm track and would be upgraded in accordance with the specification required by our Rights of Way Officer.

The Landscape Officer has not objected to the application and has been extensively involved at the pre-application stage. The Landscape Officer raised concerns at the application stage regarding views of the solar array from the John Bunyan trail. However, the applicant has proposed further planting in this area and whilst there will still be views of the array from the trail it is not considered that this would be detrimental to the enjoyment of this footpath, or warrant refusal of the application. Further details in terms of planting will be required by condition on the grant of any planning permission.

It is proposed that the site would be decommissioned after 25 years, thereafter the development would be removed from the site and the site reinstated to its former land use.

For security purposes the site would be enclosed by a wire fence and internally the site would include 13 invertors, a primary substation, CCTV cameras mounted on poles and emergency lighting, all of which are considered to be of acceptable scale and design.

Overall, the proposed array and associated infrastructure are not considered to result in significant harm to the character and appearance of the surrounding landscape. Therefore, the proposal is considered to be in accordance with Policy DM1 of the Core Strategy and the Governments objectives toward renewable

energy sources and as such acceptable.

3. Agricultural land

The site is classed as 3a and 3b agricultural land on the classification map. Guidance suggests that the best most versatile agricultural land should be avoided. The applicants have undertaken an agricultural statement which provides further justification.

20.3ha of Grade 3a land is proposed to be included in the solar array, this represents 7% of the owned farmland area and 4% of the total area farmed by the business. The remaining 16.7ha is Grade 3b agricultural land.

Field 4, which contains the bulk of the Grade 3a land, is crossed by 3 overhead electricity lines with 10 poles in the field. This makes for significant inefficiencies in machinery operation and additional overlaps of inputs. The location of these poles are therefore relevant to the justification for choosing this Grade 3a site. In addition to this the area under the solar panels will continue to be used for grazing opportunities.

The small proportion of land lost to the solar array will not change the scale of economies and efficiencies of the business in any significant way. In addition to this given the extensive pre-application discussions, it is not considered that there would be any other suitable lower grade land to accommodate the proposed development.

Given the justification, and that the development would have a lifespan of 25 years and would therefore at that point be returned to agricultural use, it is considered that the use of the grade 3a land in this instance would be acceptable and in conformity with our guidance.

4. Ecology

An ecological appraisal has been submitted in support of this application. The site has been assessed in terms of potential for protected species. The hedges and trees are likely to support a good invertebrate population, providing food for birds and bats and nesting opportunities for birds.

The habitats of ecological interest identified will not be directly impacted by the development as the solar arrays will only be situated on the arable land which is of little ecological value. The peripheral woodland, hedgerows, trees and ponds will not be affected. Given that it is proposed to gap up the existing hedges and to plant additional sections this will provide opportunities to enhance the ecological value of the site and provide wildlife corridors.

The Council's Ecologist has not objected to the application and is satisfied that the proposal would not have a detrimental impact on any protected species. The Ecological Assessment does not make it clear how the site will be managed and notes that an Ecological Management Strategy is proposed in the assessment. The Officer has requested that the management strategy be imposed as a condition on the grant of any planning permission.

5. Neighbouring Amenity

The closest residential properties are Clayhill Farm, Brunswick House, The White House and Highambury House. There would be views of the solar arrays from these properties, in particular The White House as this would look down on to the solar array.

However, given the proposed mitigation measures and the natural vegetation screening, it is not considered that the proposal would result in detrimental harm to the residential amenity of these properties and therefore complies with Policy DM1 and DM3 of the Core Strategy.

6. Highways

Access to the proposed solar farm is to be gained off the Westoning Road, which bounds part of the site to the north-west. The access will be along the existing access track to Clayhill Farm which will be upgraded as part of the development. This track will extend between fields 4 and 5 and along the north-western boundary of field 2. A temporary site compound will be located to the north of Clayhill Farm during the construction phase.

In terms of traffic generation, the construction of the solar panel arrays will result in the temporary generation of construction traffic over a period of approximately 5 months. It is envisaged that there will be in the region of 200 HGV movements plus a number of light goods vehicles including cars and vans.

The Highways Officer has raised no objection to the application and has recommended a number of highway conditions relating to passing bays and construction and environmental management plan has been requested as a condition should planning permission be granted.

Following the construction period, and once the site is operational, there will be minimal on site activity. Vehicle movements will be limited to scheduled maintenance work, emergency repairs, and security reasons if required. There will also be a small number of movements associated with the management of sheep grazing the land or maintenance of the grassland. It is therefore considered that at this stage the development would have no material impact on the highway network.

7. Any other relevant issues

Rights of Way

The John Bunyan Way crosses part of the development site and will not be affected by the proposed development. There is a further footpath that crosses the site. This is proposed to be diverted and upgraded and an application has been submitted concurrently to the Rights of Way Officer in relation to this matter. The Rights of Way Officer is satisfied with the improvements and the suggested diversion and has raised no objection to the application.

Glint and Glare

The proposed development site is in part located adjacent to Westoning Road and also the railway line runs to the west of the site. A full Glint and Glare study has been undertaken and submitted in support of the application.

The report considers that there will be no significant impact from Glint and Glin on road users, train drivers or railway signals. Network Rail have been consulted on the application but to date no response has been received.

It is suggested that a suitably worded condition should be attached to any planning consent granted requiring appropriate mitigation should a problem occur.

Other Solar Farms

There are a number of Solar farms within the District in the Green Belt and being proposed within the Green Belt that are to be considered at Development Management Committee. The proposed applications are Land adjacent to Chalgrave Manor, Toddington; Land north of Leighton Road, west of Hawthorn, Leighton Road, Eggington and Land at Millfield Farm (Phase 2) Caddington.

There is not considered to be any cumulative impact in terms of the impact on the Green Belt and the landscape in relation to these pending applications and approved applications.

Community Benefits

Opportunities for community benefits should be explored where possible and necessary. Such benefits may include a community benefit trust, local or community ownership of the panels and infrastructure contributions. In this case the developer has agreed a community benefits scheme with Westoning Parish Council, Flitton and Greenfield Parish Council and Pulloxhill Parish Council and submitted a Unilateral Undertaking securing this scheme. The named Parish Council's are in agreement and satisfied with the scheme.

The BRE Guidance on Ground Mounted Solar PV states in page 18 that while community benefits can be encouraged, the offer should not be relevant to the consideration of a planning application. The principle of undertaking a community benefit should not be proposed in order to mitigate or remedy a specific planning objection. The guidance goes on to say -

"As such any requirement for community benefit is not considered to be compliant with the CIL Regulations 2010 (as amended) and cannot be required under planning law. Therefore no weight can be given to the inclusion of a community benefit"

Human rights/Equality

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

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 **No development shall commence until a scheme detailing the additional and supplementary planting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

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

- 3 **No development shall commence until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved plan.**

Reason: To ensure existing or new habitats affected by development are managed effectively over an established period.

- 4 **No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure adequate provision of on-site facilities to accommodate the traffic likely to be associated with the development in the interests of highway safety and convenience on the public highway.

- 5 Within 12 months of the completion of the development hereby approved, in the event of any complaint to the Council relating to Glint or Glare from the development, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure safety of users of the railway.

- 6 Should the solar panels not be used for the production of energy for a continual period of six months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the retention of development in the countryside that is not being used for its intended purpose.

- 7 The permission hereby granted shall endure for a period of 25 years from the date when electricity is first generated by the Solar Farm (the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the local planning authority no later than 1 calendar month after the event. Within 6 months, following the completion of the 25 year period, the solar panels, support structures, associated buildings and cabling shall be removed in their entirety and the land shall be restored to its former condition.

Reason: To ensure that the development is decommissioned and to protect the character and appearance of the locality

- 8 **No development shall commence until the footpath known as Westoning Public Footpath No.1 and Flitton and Greenfield FP17 have been diverted in accordance with the details submitted.**

Reason: To ensure that the footpath remains open for all users during and after the construction phase.

- 9 **No development shall commence until details of the external finishes of the transformers, substation and inverters have been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interest of visual amenity and landscape character.

- 10 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, the management of junctions to, and crossing of, the public highway and other public rights of way, details of escorts for abnormal loads, temporary removal and replacement of highway infrastructure and street furniture, the reinstatement of any signs, verges or other items displaced by construction traffic, banksman and escort details. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

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

- 11 **No development shall commence until tracking diagrams have been provided and approved in writing by the Local Planning Authority for a 16.0m length heavy goods vehicle entering and exiting the site, and tracking diagrams of these vehicles passing each other at the passing area located at the junction of the access track. The development shall not be brought into use until the temporary alterations to the junction, the temporary widening of the access and the temporary passing bays have been constructed in accordance with the approved details for the duration of the construction phase only and thereafter shall be**

returned and reinstated to their original dimensions.

Reason: To provide adequate and temporary access and passing of vehicles clear of the highway during the construction phase.

- 12 **No development shall commence until details of an additional temporary passing bay located within the site have been submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the additional temporary passing bay has been constructed in accordance with the approved details for the duration of the construction phase only and thereafter shall be removed and the area reinstated.**

Reason: To provide adequate passing and manoeuvring of vehicles along the access.

- 13 The vehicular access shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 11.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 14 The turning space for vehicles illustrated on the approved drawing no. 1029-821/A shall be constructed before the development is first brought into use.

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

- 15 No development shall commence until details of the siting of the security cameras, has 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: In the interests of visual amenity and landscape character.

- 16 The development hereby approved will not be externally lit except in an emergency. Prior to the operation of the development details of the emergency lighting, including the siting of any lighting columns, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of visual amenity and landscape character.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Site location; 1029-111-D; 1029-112/T; 1029-113/C; 1029-141/B;

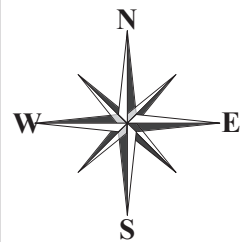
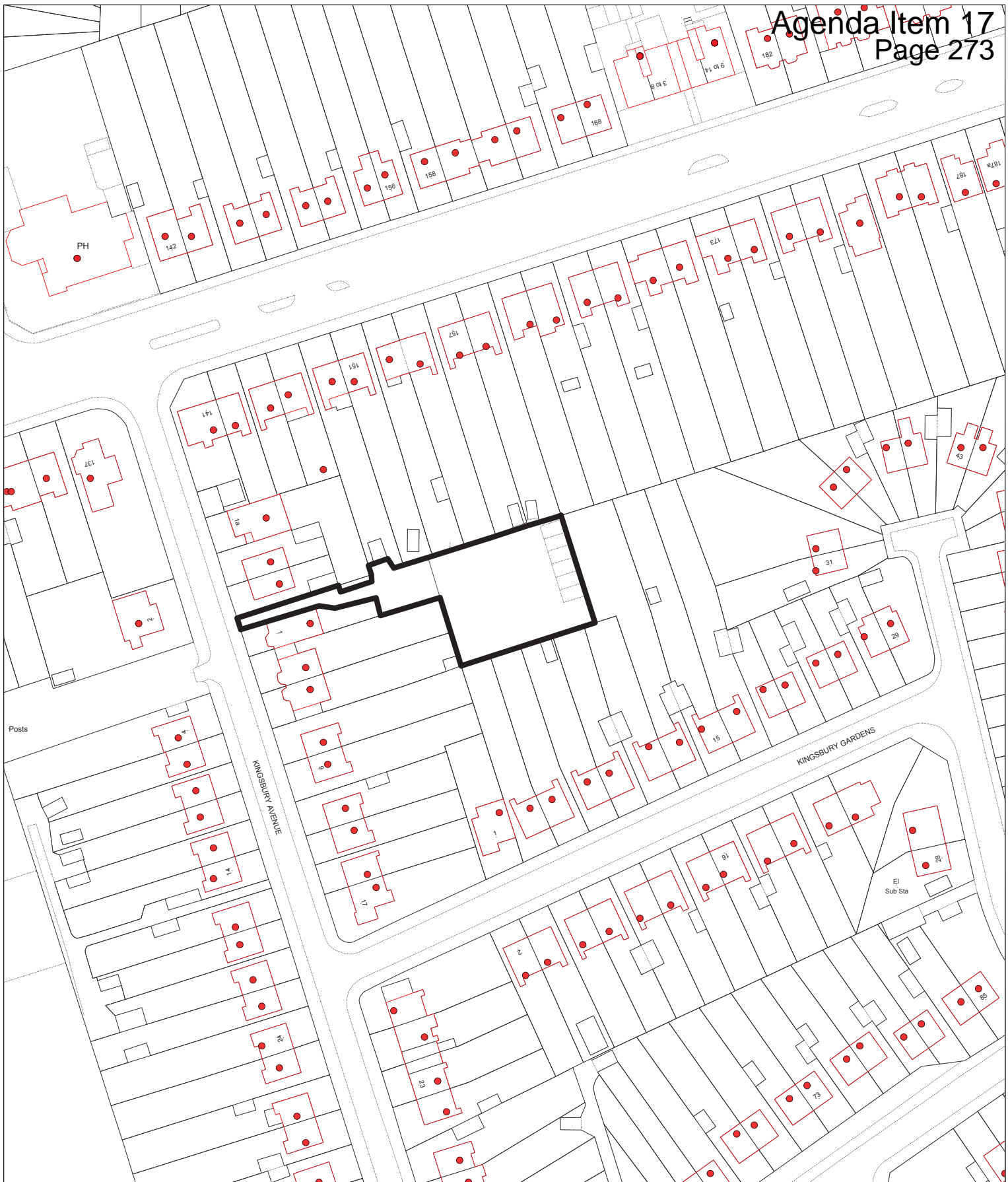
under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the widened vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

- 4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
- 5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
- 6. The applicant is advised that no works associated with the CTMP should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under the Highways Act to be implemented.

DECISION

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Central Bedfordshire Council
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Date: 01:December:2014

Grid Ref: 503517; 222148

Application No.
CB/14/04277/FULL

Scale: 1:1250

R/O 1-5 Kingsbury Avenue, Dunstable, LU5 4PU

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Item No. 17

APPLICATION NUMBER	CB/14/04277/FULL
LOCATION	R/O 1-5 Kingsbury Avenue, Dunstable, LU5 4PU
PROPOSAL	Construction of two semi-detached dwellings and a detached double garage
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Nicola Darcy
DATE REGISTERED	03 November 2014
EXPIRY DATE	29 December 2014
APPLICANT	Mr W Christie
AGENT	Worth Planning and Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr David McVicar Call-In due to; <ul style="list-style-type: none"> - Removal of trees - Backland development - Overlooking from 1st Floor windows
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

Residential development of the site is accepted in principle. The proposal would complement and harmonise with its surroundings, would provide an acceptable degree of amenity to future residents, would not have a detrimental impact on the amenity of surrounding residents and would have an acceptable impact on the surrounding highway network. Having regard to the viability of the development, the proposed development would make sufficient provision for financial contribution towards community infrastructure. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, Policies BE8 and H2 of the South Bedfordshire Local Plan Review, policies 1, 19, 27, 29 and 43 of the emerging Development Strategy, the Central Bedfordshire Planning Obligations Strategy and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises a vacant block of garages to the rear of 1-5 Kingsbury Avenue in Dunstable. The site is also currently garden land to No. 1 Kingsbury Avenue which is a three bed, semi-detached dwelling with side access to the garages to the rear. Part of this side access is currently under the ownership of the neighbouring property owners, 'Greydor.' A purchase process is underway.

The Application:

Planning permission is sought for a pair of semi-detached dwellings and a double garage. The garage would provide parking for number 1 and the property known as 'Greydor.'

The proposed dwellings would occupy a footprint of 156 square metres, would each

have an integral garage and an 87 square metre rear garden area.

Access would be gained between Number 1 Kingsbury Gardens and the property known at 'Greydor.'

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs.

South Bedfordshire Local Plan Review

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

SD1 Keynote Policy
BE8 Design Considerations
T10 Parking - New Developments
H2 Fall In Sites
H3 Local housing Needs

Development Strategy for Central Bedfordshire

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

Policy 1 : Presumption in Favour of Sustainable Development
Policy 2 : Growth Strategy
Policy 19: Planning Obligations and the Community Infrastructure Levy
Policy 21 : Provision for Social and Community Infrastructure
Policy 24: Accessibility and Connectivity
Policy 25: Capacity of the Network
Policy 27 : Car Parking
Policy 29: Housing Provision
Policy 43: High Quality Development
Policy 57: Biodiversity and Geodiversity
Policy 59 : Woodlands, Trees and Hedgerows

Supplementary Planning Guidance

Planning Obligations Strategy, 23 October 2009

Design in Central Bedfordshire: A Guide for Development - Adopted March 2014

Planning History

Application:	Planning	Number:	CB/14/03376/FULL
Validated:	26/08/2014	Type:	Full Application
Status:	Withdrawn	Date:	15/10/2014
Summary:		Decision:	Application Withdrawn
Description:	Construction of two semi detached dwellings and a detached double garage		
Application:	Planning	Number:	CB/14/00115/PAPC
Validated:	13/01/2014	Type:	Pre-Application - Charging Fee
Status:	Decided	Date:	07/02/2014
Summary:		Decision:	Pre-App Charging Fee Advice Released
Description:	Pre-application non-householder charge: Construction of three dwellings		
Application:	Planning	Number:	SB/79/01434/FULL
Validated:		Type:	Full Application
Status:	Received	Date:	31/10/1979
Summary:	Unknown	Decision:	Full Application - Refused
Description:	DEMOLITION OF EXISTING GARAGES AND THE ERECTION OF TWO DETACHED HOUSES AND GARAGES, UTILISING EXISTING ACCESS LAND REAR , 1, KINGSBURY AVENUE, DUNSTABLE.		

Representations: (Parish & Neighbours)

Town Council	Objection: Members were cognisant of immediate neighbours objections to this scheme and believed that it would set an unacceptable precedent for the development of the whole area
Neighbours	<p>1, 7, 9 & 11 Kingsbury Gardens:</p> <ul style="list-style-type: none"> - detract from local character - contrary to design guidance - unacceptable living standards for future occupiers due to mature landscaping - impact upon trees - impact upon bat roosts - impact upon security <p>3 Kingsbury Avenue</p> <ul style="list-style-type: none"> - overlooking into private garden - lack of parking for visitors - detrimental to security <p>3 Kingsbury Gardens</p> <ul style="list-style-type: none"> - Detrimental to privacy and security <p>5 Kingsbury Avenue</p> <ul style="list-style-type: none"> - loss of privacy and overlooking - detrimental to residential amenity - adverse impact upon trees and green space - impact upon bat roosts

- 13 Kingsbury Gardens
- Impact upon privacy
- impact upon security
- increase in noise

Consultations/Publicity responses

Environment Agency No objection.

Ecology

I have looked at the submitted tree survey accompanying the application and note that a number of trees are recommended for crown lifting and yet none of these trees lie within the application site. Anecdotal reports of bats in the area may indicate a presence either in these trees or within the buildings on site. As such I would like a bat assessment to be completed prior to commencement of works, should bats be found to be using the site then suitable mitigation measures will be required to secure an EPS licence from NE. NPPF calls for development to deliver a net gain for biodiversity and options for this are discussed in the CBC Design Guide. The new properties proposed would easily lend themselves to the inclusion of integral bird and bat bricks to provide such an enhancement.

Highways

Thank you for your consultation on this application for which I have the following comments to offer.

In addition to the red line plan being amended as discussed, the following comments are applicable to this application.

The bin storage area has been identified on the drawing unfortunately there is no indication of where the collection point is to be. This must be indicated on the drawing and located as close as possible to the public highway but not on the driveway itself. I had indicated on previous correspondence a suggested location for the collection point. If indeed the storage area turns out to be the collection point then I recommend you consult the waste collection department to confirm that this carry distance is acceptable to them.

In order for garages to be considered as part of the parking provision they shall be a minimum of 7m in length by 3.2m in width. In this particular case the parking provision for the three bedroom units shall be a minimum of 2 parking spaces clear of the public highway, which the applicant has indicated, therefore the applicant has satisfied the parking standards.

The applicant has provided a turning area within the site which is suitable for a light goods vehicle.

In terms of the vehicle access there appears to be a radius kerb one side and a quadrant kerb the other and a mixture of blacktop and paving slabs. I recommend the access is modified to a standard vehicle crossing construction, to be constructed by Bedfordshire Highways at the applicant's expense. I shall recommend an appropriate condition.

The driveway is to be a permeable paved combined road and pavement area which is a durable surface and is considered acceptable. I would ask for a typical construction detail to be submitted in order to assess the long term durability and method of sustainable drainage system.

Provided that provision is made for a suitable refuse collection point, the red line plan is amended to provide pedestrian visibility and possibly the refuse collection point; I shall raise no highway objection subject to the following highway conditions being imposed.

Tree and Landscape
Officer

A site visit was made on the 27th November 2014 where the off-site trees were viewed from the highway, as the site access was locked.

It was noted that the trees overhanging the site from neighbouring properties had been subject to recent tree pruning that exceeded the crown lifting work recommended in the applicants own tree survey report. It had also been carried out to a poor standard. The extent of this work was completely unnecessary, as the branches did not present any constraint to development, and effectively served to screen any new development from the existing neighbours. This screening value has now been compromised as a result of this work, and also the natural appearance and amenity value of the trees, which would have been attractive to potential buyers of this development, has been reduced accordingly

In recognition of the recommendations made in the Tree Survey Report prepared by RGS Arboricultural Consultants, dated October 2014, I have no objection to the application on the provision that the following conditions are imposed:-

Installation of Cellular Confinement system

Prior to development, a specialist method statement shall be submitted to the Local Planning Authority for approval, describing in detail the specification and installation

process for the cellular confinement system, to be positioned as indicated on the Tree Constraints & Protection Plan, that forms Appendix 3 of the Tree Survey Report (Pre-Development), prepared by RGS Arboricultural Consultants dated October 2014, and shall specify how the works will be sequenced and supervised in relation to the main build.

REASON

To prevent damage to the Root Protection Areas of trees T2-T5 (inclusive) as indicated in the Tree Survey Report, which would otherwise be incurred by the construction of a conventional driveway surface, in the interests of maintaining the health, stability, amenity and screening value of these trees

Installation of Protective Tree Fencing

Prior to the commencement of any development site activity, all tree protection fencing shall be erected in accordance with the recommendations found in Section 6, and as indicated on the Tree Constraints & Protection Plan (Appendix 3), of the Tree Survey Report (Pre-Development), prepared by RGS Arboricultural Consultants dated October 2014, and the fencing shall remain in place throughout the course of development.

REASON

To ensure a satisfactory standard of tree protection to maintain the health, stability, and amenity value of the retained trees.

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Character and Appearance of the Area
3. Layout
4. Impact Upon Residential Amenity
5. Other Matters

Considerations

1. Principle of Development

The site lies outside the town centre boundary in a predominantly residential area. Policies SD1 and H2 of the South Bedfordshire Local Plan Review encourage the use of existing sites to provide additional residential accommodation. Policy 43 of the emerging Development Strategy for Central Bedfordshire (DSCB) requires, among other things, that proposals for new development should use land efficiently, taking into account quality of life.

National advice contained in the National Planning Policy Framework (NPPF) generally encourages the effective use of land by re-using land that has been previously developed (brownfield land) provided that it is not of high

environmental value. (Paragraph 17, bullet point 8). In this case, the application site is a garage court. Paragraph 49 goes further to advise that housing applications should be considered in the context of presumption in favour of sustainable development. Accordingly there is no objection to the principle of residential re-development on this site.

Accordingly, the proposed development would represent the effective use of land and as such, there would be no principle objection to the erection of dwellings subject to there being no harm caused to other matters of acknowledged planning interest as will be discussed in subsequent sections.

2. Character and appearance of the area

Policies H2 and BE8 of the South Bedfordshire Local Plan Review supported by Policy 43 of the DSCB require all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity.

Policy H2 of the adopted local plan sets out the criteria for the development of fall-in sites. The policy states that :

WITHIN BUILT UP AREAS EXCLUDED FROM THE GREEN BELT PROVISION OF NEW HOUSING BY DEVELOPMENT OF INFILL SITES; REDEVELOPMENT; CONVERSION AND RE-USE OF BUILDINGS; AND SUB-DIVISION OF LARGE RESIDENTIAL PROPERTIES IN ACCORDANCE WITH POLICY H9 WILL BE APPROVED WHERE IT WOULD:

(i) MAKE EFFICIENT USE OF THE SITE OR BUILDING IN TERMS OF DENSITY AND LAYOUT;

(ii) NOT RESULT IN LOSS OF OPEN SPACE OF RECREATIONAL OR AMENITY VALUE OR POTENTIAL;

(iii) RESPECT AND ENHANCE THE CHARACTER OF THE SURROUNDING AREA;

(iv) PROVIDE GOOD QUALITY LIVING CONDITIONS FOR RESIDENTS;

(v) BE READILY ACCESSIBLE TO PUBLIC TRANSPORT AND LOCAL SERVICES;

(vi) BE ACCEPTABLE IN TERMS OF HIGHWAY SAFETY AND TRAFFIC FLOW;

(vii) NOT RESULT IN UNACCEPTABLE LOSS OF EMPLOYMENT LAND; AND

(viii) NOT UNACCEPTABLY CONSTRAIN DEVELOPMENT OF ADJOINING LAND FOR AN ALLOCATED OR PERMITTED USE.

Density and layout

The proposed development would not appear cramped and the site is considered to have adequate space to accommodate turning and parking areas and a refuse collection point suitable for the number of units envisaged. Given that the garages are disused, their demolition would not result in additional demand for on street parking in the adjoining highway.

Open space

The development would not result in the loss of open space of recreational or amenity value.

Character and appearance of the area

Within the immediate vicinity of the application site, housing design is varied and comprises two storey dwellings. The existing plot sizes are very generous, however, it would not be an efficient use of land to replicate the existing layout.

Due to the separation distances and proposed layout of the dwellings, it is considered that the redevelopment of the disused garage site would enhance and not detract from the existing character and appearance of the locality.

Living conditions for the residents

Given the generous sizes of gardens of the adjoining properties, the separation distances between the proposed dwellings and the existing houses would ensure that no overlooking and loss of privacy would result. Each dwelling has been afforded an 87 square metre garden, although they would be bounded by mature screening, the space is considered to be both useable and pleasant.

Accessibility of the site

The site is within walking distance of the town centre and is situated close to a bus route.

Highway safety and traffic flow

The development would make adequate provision for turning and parking facilities for the occupiers of the dwellings. The Highways Officer raises no objection to the scheme, subject to conditions.

The proposed scheme would not place a constraint on existing development and is considered to be consistent with policies BE8 & H2 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire.

3. Layout

Several objections have been raised, particularly with regard to the potential impact upon residential amenity. The Design Guide states that a 'rule of thumb' of approximately 21m between the rear of one 2 storey property and the rear of another facing it (at first floor level in both instances), is an acceptable norm. In this instance, the distances are in excess of 30m. The front aspect of the buildings would face the rear gardens of 1-5 Kingsbury Avenue, with a distance of some 42m between the dwellings in Kingsbury Avenue and the proposed houses.

Representations have raised issues with regard to the layout not according with the Design Guide, however, the design of the development is considered to take account of surrounding buildings, particularly in terms of minimising the impact upon privacy.

4. Residential Amenity

The generous sizes of gardens of the adjoining properties, the separation distances between the proposed dwellings and the existing houses would ensure that no overlooking and loss of privacy would result, therefore the proposal would not be contrary to the principles of good design set out in Policies BE8, and H2 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire, the supplementary

Design Guide for Central Bedfordshire and national advice within the National Planning Policy Framework.

5. Other Matters

Trees and Landscape

Several mature trees overhang the site, although none are within the application site itself. It is noted that some substandard tree work has been carried out. None of these trees are protected and as such, the tree works did not require consent. The Tree and Landscape Officer has recommended a tree protection condition which will be appended accordingly

Planning History

The previous reasons for refusing planning permission for the demolition of garages and the erection of two detached dwellings and garages have been examined, reference **SB/TP/79/01434** and it is considered that there has been a material change in circumstances with regards policy shift in the intervening period of over 30 years to an extent that this previous decision would not be given significant weight in the determination of this application.

Financial Contributions

Following the adoption of the Planning Obligations Strategy SPD on 23rd October 2009 which was applied to all applications received on or after 5th January 2010, with the support of Policy 19 of the DSCB, the Council requires either a Unilateral Undertaking or an agreement under S106 of the Town and Country Planning Act 1990 to be submitted with the planning application in order that new development makes commensurate contributions towards new and improved local infrastructure where that development will add to infrastructure needs and requirements. The applicant has signed the Unilateral Undertaking and consented to pay **£23,164** in line with the requirements of the Planning Obligations strategy.

Human Rights issues

No human rights concerns are raised by this application.

Equality Act 2010

The application raises no equality issues.

Recommendation

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

RECOMMENDED CONDITIONS

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

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

- 2 **Prior to development, a specialist method statement shall be submitted**

to the Local Planning Authority for approval, describing in detail the specification and installation process for the cellular confinement system, to be positioned as indicated on the Tree Constraints & Protection Plan, that forms Appendix 3 of the Tree Survey Report (Pre-Development), prepared by RGS Arboricultural Consultants dated October 2014, and shall specify how the works will be sequenced and supervised in relation to the main build.

Reason: To prevent damage to the Root Protection Areas of trees T2-T5 (inclusive) as indicated in the Tree Survey Report, which would otherwise be incurred by the construction of a conventional driveway surface, in the interests of maintaining the health, stability, amenity and screening value of these trees.

(Policy 59 D.S.C.B)

- 3 **Prior to the commencement of any development site activity, all tree protection fencing shall be erected in accordance with the recommendations found in Section 6, and as indicated on the Tree Constraints & Protection Plan (Appendix 3), of the Tree Survey Report (Pre-Development), prepared by RGS Arboricultural Consultants dated October 2014, and the fencing shall remain in place throughout the course of development.**

Reason: To ensure a satisfactory standard of tree protection to maintain the health, stability, and amenity value of the retained trees.

(Policy 59 D.S.C.B)

- 4 **No development shall take place until a scheme for screen fencing or screen walling including details of the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and shall be retained thereafter.**

Reason: To safeguard the amenity and privacy of residents.

(Policies BE8 SBLPR & 43 DSCB)

- 5 **Development shall not begin until details of the junction of the modified vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

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

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 6 **Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be**

maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 7 **Development shall not begin until the detailed plans and sections of the proposed driveway, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed in accordance with the approved details.**

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

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 8 The parking bay shown as visitor parking on plan WPD-020-13-2C shall be kept as unassigned parking and in an open condition, fully available for this purpose and no bollard, barrier or similar device or designation signs shall be erected thereon.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.

(Policies BE8 S.B.L.P.R, 27 & 43 D.S.C.B)

- 9 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.

(Policies BE8 S.B.L.P.R, 27 & 43 D.S.C.B)

- 10 The turning space for vehicles illustrated on the approved Plan (No WPD-020-13-2C) shall be constructed before the development is first brought into use and thereafter shall be kept clear from all obstruction.

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

(Policies BE8 S.B.L.P.R, 27 & 43 D.S.C.B)

- 11 **No development shall commence until details of a method statement to prevent and deal with site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction works and until the completion of the development.**

**Reason: In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Policies BE8 S.B.L.P.R & 43 D.S.C.B)**

- 12 Details of bin collection points shall be submitted to and approved by the Local Planning Authority and the collection points provided in accordance with the approved scheme prior to the occupation of any dwelling. The approved collection points shall thereafter be retained.

Reason: To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety.
(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

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

Reason: To ensure adequate off street parking during construction in the interests of road safety.
(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 14 **Prior to the commencement of development a survey of the site shall be undertaken to ascertain as to whether there are any bats roosting on the site. If bats are found to exist the details of measures to be undertaken to safeguard these protected species and habitat protection measures shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.**

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.
(Policy 57 D.S.C.B)

- 15 The development hereby permitted shall not be [occupied/brought into use] until a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is [first occupied/brought into use] and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
(Policy 43, DSCB)

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

numbers WPD-020-13-1, WPD-020-13-2C & WPD-020-13-3.

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

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. This permission is subject to a Legal Obligation under Section 106 of the Town and Country Planning Act 1990.
4.
 - The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration. To fully discharge condition 1 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
 - The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from The Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
 - The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway

resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

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

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the 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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