

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 29 January 2015

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 11 February 2015 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, D Bowater, 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.**

***Please note that phones and other equipment may be used to film, audio record, tweet or blog from this meeting. No part of the meeting room is exempt from public filming .**

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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 14 January 2015.

(previously circulated)

4. **Members' Interests**

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

REPORT

Item	Subject	Page Nos.
5	Planning Enforcement cases where formal action has been taken	7 - 14

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

Planning and Related Applications

To consider the planning applications contained in the following schedules:

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

Item	Subject	Page Nos.
6	Determination of an application to add a claimed bridleway through the Crown Hotel and yard, Biggleswade The report proposes that a Definitive Map modification order be made to add a public bridleway to the Definitive Map and Statement through the Crown Hotel and its rear yard between High Street and Church Street, Biggleswade. It is also proposed that enforcement action be taken to remove security fencing that obstructs the bridleway to enable free use of the bridleway ahead of a legal order being made.	15 - 42
7	Planning Application No. CB/14/01589/FULL Address : Pig & Whistle, 40 Brook Street, Stotfold Demolition of existing PH and redevelopment of the site as 7 No. houses with associated landscaping and parking. Applicant : Mr O'Sullivan	43 - 68
8	Planning Application No. CB/14/03056/FULL Address : Land at Bedford Road, Houghton Regis Comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure including car parking, drainage, pumping station, hard and soft landscaping, footway/cycleways, children's play space and informal public open space. Applicant : Taylor Wimpey	69 - 122

- 9 **Planning Application No. CB/14/03047/OUT** 123 - 178
- Address :** Land to the Rear of the Old Red Lion, Bedford Road, Houghton Regis
- Development of up to 62 dwellings, access, public open space and other associated works on land to the rear of the Red Lion Public House, to the west of the Bedford Road, Houghton Regis.
- Applicant :** Beechcroft Land Limited
- 10 **Planning Application No. CB/14/04605/MW** 179 - 192
- Address :** Kiln Farm, Steppingley Road, Flitwick Proposal
- Removal of condition 6 and variation of condition 4 of permission CB/09/06977/MW to retain the access to the site as built.
- Applicant :** Mr B McAtavey
- 11 **Planning Application No. CB/14/04585/FULL** 193 - 208
- Address :** Westmead Farm, Sheep Tick End, Lidlington
- Erection of a replacement detached dwelling.
- Applicant :** Mr A Mullan
- 12 **Planning Application No. CB/14/04532/FULL** 209 - 224
- Address :** Toddington Manor, Park Road, Toddington
- Demolition of existing buildings (education/leisure use further to permission reference SB/TP/93/0854) and erection of an ancillary leisure building to Toddington Manor (for C3 use).
- Applicant :** Trustees of the Toddington No2 Settlement
- 13 **Planning Application No. CB/14/02717/FULL** 225 - 246
- Address :** Land West of Barton Road, Silsoe
- Mixed use development including 18 No. residential dwellings on the southern section of the site and 5 no. mixed use commercial premises (use classes A1, A2, A3, B1(a)) with 5 no. apartments above together with associated parking and access.

Applicant : Bloor Homes (South Midlands)

14 **Planning Application No. CB/14/04324/OUT** 247 - 270

Address : Bridge Farm, Ivel Road, Shefford

Development of a care home (Class C2) with associated works and site access.

Applicant : Castleoak Care Developments

15 **Planning Application No. CB/14/04856/FULL** 271 - 278

Address : 15a High Street, Langford

Single and two storey rear extension, garage conversion and internal alterations.

Applicant : Mr and Mrs J Price

16 **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 Monday 9 March 2015.

Meeting: Development Management Committee
Date: 11th February 2015
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 Regeneration and Business
Contact Officer: Sue Cawthra Planning Enforcement and Appeals Team Leader
(Tel: 0300 300 4369)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

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

Background

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

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 11th February 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	Land at 6 Sulton 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	Further visit to be made to see if notice has now been complied with. There is a dispute over ownership of the land, which now may be resolved.
2	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 dismissed	12-Apr-15		Appeal dismissed, Enforcement Notice upheld, compliance extended to 12/04/15
3	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
4	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	Prosecution case being progressed. Await court date.
5	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 correspondence 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.
6	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	Direct action to be taken.
7	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
8	Land at 15 St Andrews Close, Slip End, Luton, LU1 4DE	Enforcement notice - unauthorised change of use of dwelling house to four separate self-contained units	29-Oct-14	29-Oct-14	28-May-15	Appeal received 01/12/14			Await outcome of appeal

Planning Enforcement formal action (DM Committee 11th February 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
9	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.
10	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	The requirements of the Notice have not been fully complied with and consideration will now be given to default action to resolve the problem.
11	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
12	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
13	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 the extension works carried out. Notice quashed and planning appeal allowed. CBC successfully challenged planning reasoning in PINS decision letter. PINS to re-consider the planning appeal. Await outcome of re-considered appeal.
14	Milside Nursery, Hartling 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		02-Jun-15		Compliance extended to 02/06/15
15	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.
16	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				Application CB/14/03678/VOC, to vary conditions 3, 4 and 5 attached to planning permission SB/TP/95/0176 Granted at Committee 14/01/15. Decision notice not yet issued.

Planning Enforcement formal action (DM Committee 11th February 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
17	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	Appeals submitted 14/8/14			Appeals the subject of a joint hearing on 24/02/15. Statements and final comments submitted to PINS.
18	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.
19	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		Not complied	Lawful Caravan area defined. Removal of hardcore area from field to be checked early Feb 2015.
20	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
21	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.
22	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		Compliance extended to 03/03/15		Notice in the process of being complied with, however, the notice requirements are yet to be satisfied. In light of cooperation from the land owner, the compliance period has been extended to 03/03/15
23	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				Requirements of the notice fully complied with - matter recommended for closure.
24	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 12/09/14			Await outcome of appeal
25	CB/ENC/14/0360 Land at Glebeland, Sharpenhoe Road, Streetley, Luton, LU3 3PS	Tree replacement notice - Felling of a sycamore tree	03-Oct-14	03-Nov-14	03-Mar-15	Appeal received 26/11/14			Await outcome of appeal

Planning Enforcement formal action (DM Committee 11th February 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
26	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
27	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
28	Garage at Hinton Walk, Houghton Regis, Dunstable, LU5 5RB (Garage 1)	S215 Notice - untidy land	13-Aug-14	13-Sep-14	13-Oct-14				Requirements of the notice fully complied with - matter recommended for closure.
29	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				No further complaints regarding deliveries, notice being complied with at the moment. Notice will remain in force.
30	Land to the rear of, 197 Hitchin Road, Arlesey, SG15 6SE	Breach of Condition Notice - Condition 1 not complied with - attached to planning permission 12/03535- use of land as a caravan site by any persons other than gypsies and travellers.	05-Dec-14	05-Dec-14	05-Jan-15				Notice still in force, no complaints to indicate that the notice has not been complied with. Further visit to be made.
31	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15				Check compliance 08/03/15
32	The Bell Public House, 10 Market Square, Leighton Buzzard, LU7 1EY	S215 Notice - untidy land	07-Nov-14	07-Dec-14	07-Jan-15				Notice complied with - Recommended for closure.
33	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	Appeal received 03/12/14			Await outcome of enforcement appeal.
34	The Winston Churchhill, 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				Application in the process of validation - Once validated the Enforcement case will be kept in abeyance pending determination.

Planning Enforcement formal action (DM Committee 11th February 2015)

ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
35	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-14	24-Dec-14				Application in the process of validation - Once validated the Enforcement case will be kept in abeyance pending determination.
36	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				LDC application submitted and in the process of validation - Once the application is validated the Enforcement case will be kept in abeyance pending determination.

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Meeting: Development Management Committee
Date: 11 February 2015
Subject: Determination of an application to add a claimed
bridleway through the Crown Hotel and yard,
Biggleswade
Report of: Jim Tombe - Interim Head of Service for Transport Strategy and
Countryside Access
Summary: The report proposes that a Definitive Map modification order be made to
add a public bridleway to the Definitive Map and Statement through the
Crown Hotel and its rear yard between High Street and Church Street,
Biggleswade. It is also proposed that enforcement action be taken to
remove security fencing that obstructs the bridleway to enable free use
of the bridleway ahead of a legal order being made.

Advising Officer: Paul Cook - Assistant Director for Planning
Contact Officer: Adam Maciejewski – Senior Definitive Map Officer – 0300 300 6530
x76530 - adam.maciejewski@centralbedfordshire.gov.uk
Public/Exempt: Public
Wards Affected: Biggleswade South and Biggleswade North
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

1. The proposal reflects the following Council priorities:
 - Improved educational attainment.
 - Promote health and wellbeing and protecting the vulnerable.
 - Better infrastructure – improved roads, broadband reach and transport.
 - Great universal services – bins, leisure and libraries.

The proposal will facilitate increased pedestrian and sustainable transport access to the centre of Biggleswade. Walking and cycling for local trips and for leisure reduces pollution and increases general health and wellbeing. The proposal will, however, be detrimental to the proposed re-development of a public house and thus be contrary to one of other Council priorities.

Financial:

2. The costs of advertising the making and confirmation of the order is estimated at £550. However, the order is likely to be opposed by JDWetherspoon which

means that the order must be forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation which would cost the Council approximately £1000 in additional administration and venue hire. Should external legal advice or advocacy be required, this could cost potentially between £1000 and £3000. All costs would be met out of existing Countryside Access Team's General Rights of Way budget (452 600).

3. The current security fencing would be moved at the expense of the land owner, JDWetherspoon as would any legal expenses incurred in securing the compliance of the owner.

Legal:

4. Section 53 of the Wildlife and Countryside Act 1981 permits a member of the public to apply to the Council, as Surveying Authority for the Definitive Map and Statement, if they consider that the map or statement is in error. The Council has a duty to keep the map and statement correct and up to date and to make any requisite orders to modify the map and statement. Definitive Map modification orders are based on evidence – normally a combination of historic documents and contemporary user evidence. To make an order the Council must be satisfied that the evidence shows that it is reasonable to allege that a public right of way subsists. If the order is objected to the Secretary of State will use a stricter test of “balance of probability”. The evidence in the report appears to meet the stricter test.
5. If the Council is satisfied that a public right of way does subsist – and ought to be recorded – it has a duty under Section 130 of the Highways Act 1980 to assert and protect the rights of the public to use the route. The Council has the power to remove any obstruction under Sections 143 and 137 of the Highways Act 1980. The owner, JDWetherspoon, also has the option of applying under Section 257 of the Town and Country Planning Act 1990 to either stop-up or divert the right of way in order to enable the proposed development to take place.

Risk Management:

6. The Council, in carrying out its statutory duty to keep the Definitive Map and Statement up to date, will be preventing the proposed re-development of a local historic landmark by a national pub chain. The actions of the Council are, however, supported by local residents and the local town council. It is likely that any ensuing definitive map modification order will be opposed by the owners. This could result in a public hearing or local inquiry being convened to hear the objections to the order. It is also possible that the Council may receive negative press coverage over this issue due to the differing perspectives of the parties involved.

Staffing (including Trades Unions):

7. Not Applicable.

Equalities/Human Rights:

8. The Wildlife and Countryside Act 1981 is concerned only with whether public

rights already do, or do not exist. Consequently the primary legislation of this Act takes precedence over the Council's statutory duty placed upon it by the Human Rights Act 1998 to have regard to a person's right to privacy and security. The proposed modification order would recognise the existence of a public right of way. In doing so it would prejudice the re-development of a business. However the business does have a right to object and be heard by an independent Inspector. It also has the opportunity to apply for the diversion or extinguishment of any public right of way that is ultimately added to the Definitive Map and Statement.

9. The proposal would not discriminate against any particular group of local residents. If the proposal succeeds in the recording of a public right of way, the Council does have a duty under the Equalities Act to ensure that it is usable as far as reasonably practicable by all members of the public. The route is currently fairly level and surfaced. Consequently if the obstructions were removed it would be suitable for use by disabled people and mobility scooters.

Public Health

10. Not applicable

Community Safety:

11. The Council has a statutory duty under the Crime and Disorder Act 1998 to consider the community safety implications that may result from making the decision set out in the report. The proposed bridleway does mean that the current car park to the Crown Hotel would be shared by pedestrian and cyclists accessing the passageway through to High Street. The passageway has a width of approximately 3 metres and so there is the opportunity for pedestrian-cyclist-vehicle conflict. However, it must be recognised that this proposal merely formalises the informal access situation that existed prior to November 2013. As a recognised public right of way the Council will be able to monitor and take any necessary steps to mitigate any hazards that become evident.

Sustainability:

12. The proposal will facilitate sustainable transport (cycling) to the Market Square from north-western Biggleswade (Cowfair Lands) using relatively traffic-free routes.

Procurement:

13. Not applicable.

RECOMMENDATION(S):

The Committee is asked to approve:-

- 1. The making of an definitive map modification order under Section 53(2) of the Wildlife and Countryside Act 1981 consequent upon the discovery of evidence that shows that it is reasonable to allege under Section 53(3)(c)(i) to the 1981 Act that a public right of way on foot, horse and bicycle, i.e. a bridleway, subsists through the curtilage of the Crown Hotel, Biggleswade between points A-B on the map at Appendix A**
- 2. The taking of unilateral action by the Council under Sections 143 and 137 of the Highways Act 1980, if necessary, to open up the route through the curtilage of the Crown Hotel in accordance with the Council's published Enforcement Policy for public rights of way with reasonable costs being recovered from the owners, JDWetherspoon.**

Introduction

14. Mr. Darren Woodward submitted an application on 22nd October 2014 under Section 53 of the Wildlife and Countryside Act 1981 (*"the 1981 Act"*) to have a public bridleway added to the Definitive Map and Statement from Church Street through the Crown Hotel's yard to the High Street. A bridleway gives members of the public the right to pass and repass on foot, on horseback or leading a horse or on or pushing a bicycle.
15. JDWetherspoon purchased the Crown Hotel, High Street, Biggleswade from Greene King plc. in mid-November 2013. The pub was subsequently closed and (at about this time) the claimed route was obstructed by security fencing pending the successful application for planning consent by JDWetherspoon to development the site. This application [CB/14/03126/LB] is due to be heard at the 11th February 2015 Development Management Committee sitting. The proposal redevelopment seeks to fill in the passageway through the front of the building which gives access to the yard and Church Street to the rear. If this happens it would completely obstruct the claimed public bridleway – hence Mr. Woodward's application.

Legal and Policy Considerations

16. The legal and policy considerations relating to an application to record a public right of way on the Definitive Map and Statement are detailed in Appendix B. the following sections provide a summary of the main points.
17. Section 53(5) of the Wildlife and Countryside Act 1981 permits any person to apply to Central Bedfordshire Council, as the Surveying Authority for the Definitive Map and Statement, for an order to modify the Definitive Map and Statement if they consider these are in error and need correcting. The Council has a duty to keep the Definitive Map and Statement up to date and make any changes that are required. In doing so, the Council has to consider whether the evidence shows, on a reasonable allegation, that the Definitive Map needs modification to add the claimed route.

18. Mr. Darren Woodward has applied to add a public bridleway to the Definitive Map and Statement on the ground that it subsists or is reasonably alleged to subsist, having been a way used both on foot and with pedal cycles. Mr. Woodward's application is being dealt with out of turn due to the irreversible threat to the route by the proposed development and also because the area is already being investigated as part of a project to map unrecorded public rights of way in the urban centre of Biggleswade.
19. Section 31 of the Highways Act 1980 (*"the 1980 Act"*) requires the Council to deem that a way has been dedicated as public right of way if it has been used *"as of right"* and without interruption by the public for a full 20 years prior to the public's right to use the way being called into question. In this case the action that has called the public's right to use the claimed bridleway has been the erection of security fencing in late November 2013. The relevant twenty-year period is therefore November 1993 – November 2013. The term *"as of right"* means without force, without stealth and without permission.



High Street - fencing across passageway



Church Street – fencing across car park entrance

20. The Council also has to consider whether there is any evidence of a contemporaneous non-intention to dedicate by the owners of the land; this can be evidenced by erected signs or challenges of the users. The route must also be capable of dedication at common law. During the relevant period the land (the Crown Hotel's yard) was owned by Greene King plc. It appears from the evidence given by user surveys and statements that during this time many of the inhabitants of Biggleswade used the claimed route as a cut-through. The route is capable of being dedicated at common law and none of the users have reported any challenges or interruptions during the relevant period.
21. The legislative tests for the Council being able to deem under section 31 of the 1980 Act that a public right of way subsists are summarised above and described in detail in Appendix B. When considering whether a public right of way does or does not exist, the Council cannot consider ancillary matters such as privacy, security, need or convenience; this has been established by the case of *Moreover*, the case of *Mayhew v Secretary of State for the Environment* [1992]. The proximity of alternative routes – such as Abbot's Walk should also be disregarded.
22. The Committee should have regard to the fact that if it is satisfied that a public right of way does exist it will also need to consider whether action should be taken

to make that route open and available for public use. The Council has the power to remove any obstruction on a public right of way under Sections 143 and 137 of the Highways Act 1980.

Historical Evidence

23. A large number of historical documents at the Bedfordshire and Luton Archives have been investigated to try and establish whether a public right of way exists over the claimed route. The findings are detailed in Appendix C and summarised below.
24. In 1833 the Northampton Mercury Newspaper reported on a case held at the Bedford Crown Court. Part of the evidence was given by a youth who was playing with friends in the Crown Hotel's yard and who saw a group of people walk through it from High Street to Brewery Lane as it was then called. The witness' statement indicates that the Crown Hotel's yard was used by the public as a through-route and that the owners of the yard (the Samuel Wells brewery which owned the Hotel) seemed at least to tolerate youths playing in the area.
25. Early maps, namely Bryant's 1826 county map and the 1838 tithe map show the centre of Biggleswade and the Market Square, Church Street and Chapel Fields. A route is visible on the tithe map through the Crown Hotel's yard which is depicted in a similar manner to Long Twitchell which is also considered to have long-established public access rights. Bryant's smaller-scale map shows the alleged historic route of the cattle trail from Biggleswade Common to the Market Square.
26. Cattle and horse trails, known as droveways or driftways although an integral part of the countryside before the advent of steam power and the railways were rarely recorded in legislation outside of Parliamentary Inclosure Awards – which did not happen for Biggleswade. Research by the Biggleswade History Society suggests that there was a driftway from Biggleswade Common to the north of the town which ran via Chapel Fields and through the Crown Hotel's yard into the Market Square. Whilst the route still exists there is no legal recognition of this use – beyond possibly the fact that Chapel Fields is (for most of its length) recorded as a public carriageway.
27. The large scale 1:500 and 25":1 mile Ordnance Survey maps (1st, 2nd, 3rd and 4th editions) all show the claimed route through the Crown Hotel. This is formed by a passageway through the main building of the Crown Hotel from the High Street and through the yard and then through a covered way into Church Street (earlier called Brewery Lane).
28. The Crown Hotel is recorded as part of the 1910 Finance Act valuation process. However no deduction in taxable valuation is made for public rights of way; this suggests that neither the brewery nor surveyor considered the route public at this time.
29. The 1892-8 deeds to the Crown Hotel and an 1898 sale catalogue for the Crown Hotel were studied, neither made any reference to public rights of way; this though is not unusual as deeds and sales plans tend to reference private rights rather than public rights.
30. Biggleswade Town Council surveyed the urban area in early 1953 as part of the

National Parks and Access to the Countryside Act 1949 process of surveying public rights of way, after it was designated a “fully developed area” and thus excluded from the Definitive Map. The survey map held by Central Bedfordshire Council does not show any route through the Crown Hotel yard.

31. None of the historic documents investigated specifically record any public right of way through the Crown Hotel. However, this was not the purpose of most of these documents. The documents do show though that a route has been physically available for many years – over 180 years and was (in 1833) used in a manner that we would consider public today.

User Evidence

32. The applicant and the Biggleswade History Society have both submitted evidence of more recent public use of the route through the Crown Hotel’s yard. This evidence is described in more detail in Appendix D
33. Mrs. Jane Croot, the editor for the Biggleswade History Society canvassed a significant number of elderly residents close to the Crown Hotel as well as people collecting children from St. Andrews Lower School as the claimed route is the most convenient route for these people. Thirty three of those surveyed have stated that they have used the Crown yard route between 1992 and 2013 - which is the relevant period for deemed dedication under Section 31 of the Highways Act 1980. As these results were from a quick survey there is no specific information relating to signs, challenges or any permissive use. However, none of the people canvassed mentioned any of these things in the “remarks” section of the survey form. The results, whilst lacking in detail do give a picture of public use of the Crown Hotel’s yard as a public thoroughfare from at least as early as the 1920s.
34. The applicant has supplied nine user evidence forms which detail the use of the claimed route through the Crown Hotel. These document public use between 1968 and late 2013 and bolsters the public use within the relevant 20 year period evidenced by the Biggleswade History Society survey. More importantly it provides the necessary detail relating to user “*as of right*”; none of the nine users who submitted statements reported either being challenged or seeing prohibitive signs on the route. None were interrupted in their use prior to the security fencing being erected. Unfortunately none of the users have given a precise date for the erection of this fencing – believed to be in late November or early December 2013.
35. Whilst the nine people who submitted user evidence forms all walked the claimed route, four of them also cycled the route. The use of the claimed route by four cyclists: one fortnightly for the full 20 years, one weekly for the full 20 years, one weekly for the first 10 years of the relevant period and the other occasionally for six years during the middle of the relevant period. Any cycle use outside the relevant period does not qualify although it does give an indication of the public’s view of the route’s status. The level of use by 50% of the witnesses indicates at least a limited level of use for the full 20 years of the relevant period. This level of qualifying public use is more than has previously been addressed by the courts in the case of *Whitworth 2010*. In that case it was held that regular use by a single person was sufficient to give rise to a presumption of dedication if that use was for the full twenty years of the relevant period (see Appendix B for further details of this case).

36. The appeal to the *Whitworth 2010* case established that a public right of way based on cycling should have the lowest status possible that permitted cycle use. This currently is a bridleway – even though it is highly unlikely that equestrians would wish to use the route through the Crown Hotel (see Appendix B for further details).

Consultation

37. A consultation was carried out with Biggleswade Town Council, Biggleswade Historical Society, Local Cllrs, P3 volunteers, the local Ramblers Representative, and a number of local residents.
38. Biggleswade Town Council has been consulted. The Town Clerk has responded stating “...*Council have asked that I write to you to insist that an application is made to register the Crown walkway as a footpath on the definitive map....*”. A further request from the Deputy Town Clerk was “...*the Council has asked that the route be re-opened with the possibility of the [security] fencing being moved to the boundaries of the route if required, i.e. between the route and the building, rather than sealing off the route....*”.
39. Witcomb Project Management Ltd. acts as architects for JDWetherspoon. They have expressed disappointment of the Council’s interest in investigating the claimed public right of way. McLellans Solicitors act for JDWetherspoon and, in its view, considers the bridleway claim unlikely to be successful and that it would be totally disproportionate to claim a public right of way when Abbot’s Walk lies so nearby.
40. In response – the legal advice by McLellans is seriously flawed and takes no account of the provisions of either the 1980 or 1981 Acts or any case law relating to modification orders. The fact that the claimed bridleway would prevent re-development of the pub unless either moved or stopped-up is irrelevant to the issue of whether bridleway rights subsist.
41. JDWetherspoon was given a draft copy of this committee report and appendices. McLellans Solicitors, acting for JDWetherspoon has commented on this report, stating that the various historic maps cannot evidence the status of the route. Other historic evidence is anecdotal and unsupported and does not support continuous use by the public to the time the public’s right to pass and re-pass was called into question. McLellans states that the tithe map does not show a road through the Crown Hotel and the 1833 Assizes report merely indicates that the witnesses were at the location – not necessarily exercising any public right.
42. In response, the report acknowledges at Paragraph 31 above that none of the historic documents investigated specifically record any public right of way through the Crown Hotel but these do show that a route has been physically available for use for over 180 years.
43. McLellans also comments on the poor quality of the user evidence. McLellans points out that public use of the route prior to the relevant period (1993 – 2013) cannot count towards evidence for deemed dedication and that the Biggleswade History Society’s survey did not differentiate between sporadic and core continuous use or the frequency, time of day or purpose for their use. This view is supported by the Judgment of Carnwath L.J. in the *Whitworth [2010]* appeal case.

McLellans also point out that only two users have used the claimed route for the full 20 year period. The evidence of Messrs Ball and Page are discounted as occurring prior to the relevant period. McLellans also cite the *Whitworth [2010]* appeal case to counter the use by a single cyclist as warranting the making of an order to record a public bridleway; it argues that if any order be made it should be to record only a public footpath.

44. In response, it should be noted that a number of late submissions by the applicant has increased the number of user evidence forms to nine. A statutory declaration by Mr. Page has also been received as well as statements from three individuals. It is accepted that the results of the Biggleswade History Society's user survey are without detail. However, this does show that 33 people used the route during the relevant period – 23 for the full 20 years. Why and when they used the route is irrelevant if the use was "*as of right*". Similarly, with this number of users, a high frequency of use or use for the full 20 year period is not required. The author does concede that more detailed research into the use of the route is desirable but could not be achieved within the timescales required to get the report to the same sitting of the Development Management Committee as the CB/14/03126/LB application by JDWetherspoon. It should also be noted that the use by Messrs. Ball and Page and Cllrs. D. and J. Lawrence is both within the relevant period as well as preceding it by several decades. As stated, since sending out the draft report late submissions have clarified and bolstered the cycling evidence. Four people have stated that they have cycled the claimed route with frequencies of between weekly and less than monthly. This level of use is considered valid and sufficient use for the proposed order.
45. Mr. Desmond Ball has written and telephoned the Council concerning the blocked entrance to the Crown Hotel. Mr. Ken Page has submitted a statutory declaration concerning the history of the claimed route to the local Town Council. Mrs. Jane Croot has submitted user survey and other historic documentation as part of the objection to the current planning application for the Crown Hotel. These are discussed in more detail at Appendix D and summarised below.
46. Mr. Ball has asserted that as a former employee of the Biggleswade Urban District Council ("*BUDC*") he assisted with a rights of way survey in the 1950s and that the Crown Hotel yard was considered a public through-route. Indeed he alleges that the BUDC carried out publicly funded repairs to the route sometime in the late 1940s or 1950s. There is no corroborating evidence of this or that the brewery disputed the public status of the claimed bridleway. Mr. Ball has also stated that the Crown Hotel's yard was used as access to the school which used to exist on Church Street (previously Brewery Lane) as well as to a number of smaller shops.
47. During a telephone interview with Mr. Ball, he recalled there was a school on Church Street which people used to access by cutting through the Crown Hotel's yard from the High Street. There were also quite a few small shops on Church Street (cobblers etc.) which people again accessed from the High Street via the Crown Hotel's yard. Mr. Ball also recalls that many people used to walk down Chapel Fields from Cowfair Lands and access the Market Square and High Street via the Crown Hotel's yard as the current cut-through (Abbot's Walk) didn't come into being until c.1978. This newer route is not recorded as a public right of way.
48. Mr. Ken Page is local historian and has submitted a statutory declaration describing his extensive knowledge of the Crown Hotel. He and his friends

regularly used the Crown Hotel's yard route in the 1930s as a pedestrian route to get to and from the junior school in Church Street. The claimed route was also used by brewery workers going to and from the brewery in Church Street. Mr. Page states that he has no knowledge of the route ever being closed or public use challenged in his lifetime until the erection of the security fencing in early 2014. Mr. Page also stated that long ago drovers herded cattle south from Biggleswade Common along Sun Street and then into Chapel Fields and through the Crown Hotel's yard into the Market Square to access to the cattle markets.

49. Mrs. Jane Croot, the editor for the Biggleswade History Society, submitted a lengthy objection against the proposed re-development of the Crown Hotel. Much of the Society's grounds for objection were based on the historic nature of the public thoroughfare through the Crown Hotel. As part of the objection she submitted a user survey consisting of 51 people which describes public use of the route since the 1930s (see Appendix D). She has also asserted that the route was historically used as part of the cattle trail from Biggleswade Common – something supported by a leaflet in the Bedfordshire and Luton Archives on the origins of the Market House Café.
50. Biggleswade P3 Group and the Ramblers have not responded to the consultation.
51. Following consultations with the local ward members for Biggleswade North and Biggleswade South, Cllrs. Jane and David Lawrence have responded to say that they have both lived in Shortmead Street since 1978 and until Asda was built (c.2005/6) used to use the claimed route *"...through the Crown to go to the Market Square from Brunts Lane and Chapel Fields. More recently because of ASDA we tend to use Abbots Walk..."*.

Conclusions

52. There is no direct documentary evidence to indicate that the claimed route through the Crown Hotel yard has been statutorily created as a public right of way. Mapping and other evidence does suggest that the route has been physically available for use for over 180 years; this though only can lead to an inference of a historic dedication of public rights. Likewise the alleged use of the Crown Hotel's yard as part of a driftway also only contributes towards such an inference.
53. Evidence of public pedestrian use potentially dates back to 1833. More recent user surveys and statements suggest that the Crown Hotel's yard has been used regularly and to a significant extent by the public at large as a pedestrian thoroughfare since the 1930s. This level of use – which appears to have been unchallenged and *"as of right"* – supports an inference of dedication. This though cannot count towards public use during the relevant twenty-year period - counting back from the erection of security fencing in late c. November 2013. In the absence of any evidence demonstrating an overt and contemporaneous non-intention to dedicate, the Council are required to deem that a public right of way at least on foot exists across the property.
54. Evidence of more recent, albeit limited, use of the claimed route by bicycles since 1970 also exists. This use, based on the case of *Whitworth 2010*, suggests that higher status public rights can be reasonably alleged to subsist. This bicycle use gives rise to a public bridleway as this is the minimum status of highway which

lawfully permits such use.

55. If the Committee considers that a public bridleway is deemed to have been dedicated then the current security fencing is an unlawful and unauthorised obstruction – albeit an unwitting one erected on behalf of JDWetherspoon. Representations from the Town Council and frustrated users indicate that there is a wish to see this route re-opened as soon as possible. This can be done under the powers contained within the Highways Act 1980.

Appendices:

Appendix A – Location plan showing Crown Hotel

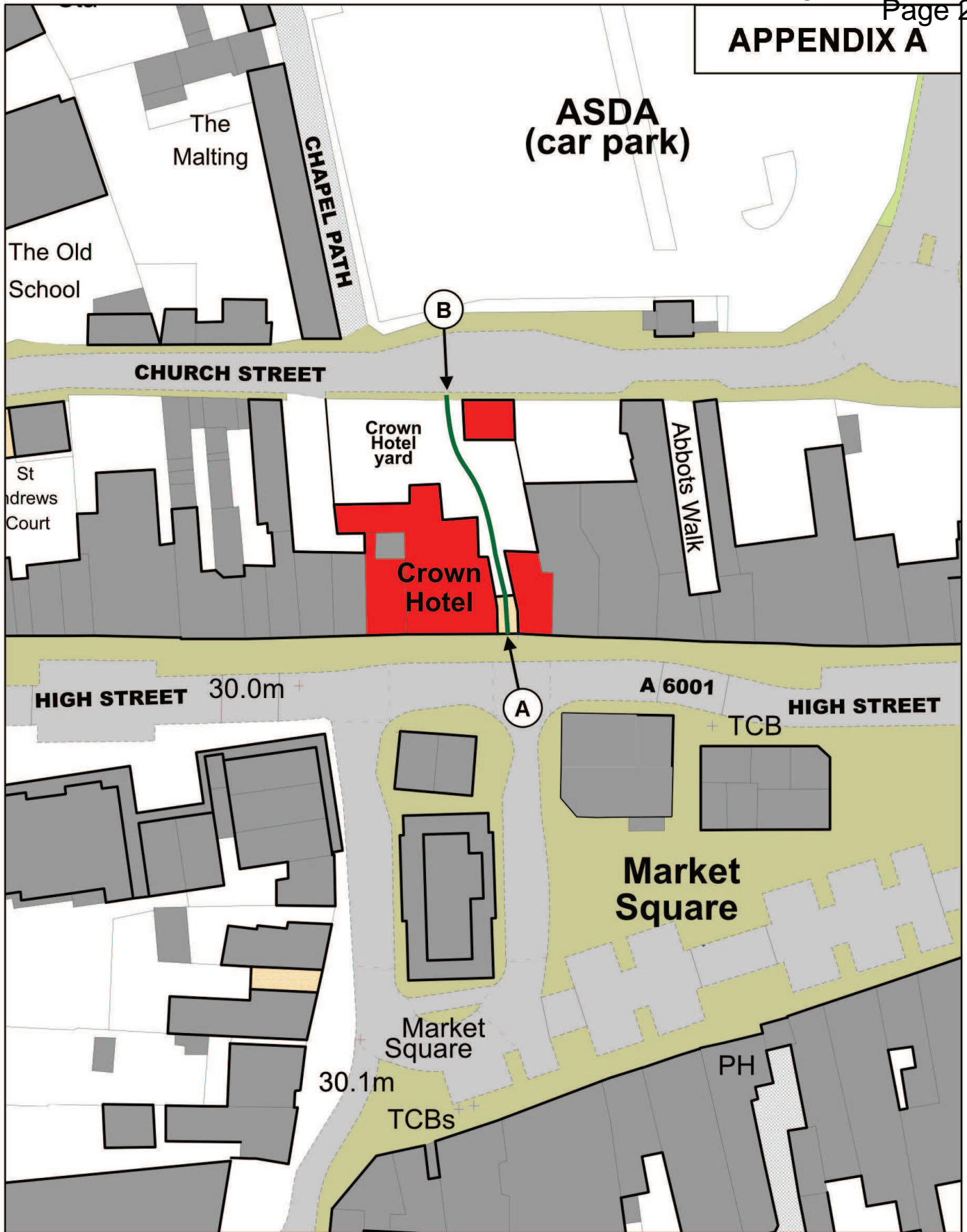
Appendix B – Legal and Policy Considerations

Appendix C – Historic Evidence

Appendix D – User Evidence

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APPENDIX A



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Scale 1:781 @A4



WILDLIFE AND COUNTRYSIDE ACT 1981

Proposed addition of a public bridleway through the Crown Hotel, High Street, Biggleswade

Claimed bridleway to be added

A **B**

Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Bedfordshire
SG17 5TQ
0300 300 6530

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APPENDIX B

Legal and Policy Considerations

B.1. Section 53(5) of the 1981 Act permits any person to apply to Central Bedfordshire Council, as the Surveying Authority for the Definitive Map and Statement, for an order to modify the Definitive Map and Statement under subsection 53(2) of the 1981 Act if they consider these are in error and need correcting.

B.2. Mr. Darren Woodward has applied under Section 53(5) to add a public bridleway to the Definitive Map and Statement through the Crown Hotel, Biggleswade, on the ground that it subsists or is reasonably alleged to subsist, having been a way used both on foot and with pedal cycles.

B.3. Section 53(2) of the 1981 Act places a duty on the Council, as the Surveying Authority, to modify the Definitive Map and Statement upon the occurrence of certain events detailed in Section 53(3) of the Act. Section 53(3)(c) gives details of some of the events which require the Council to modify the Definitive Map and Statement:

53(3)(c) The discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows-

i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

B.4. Section 31 of the Highways Act 1980 describes how a highway may be deemed to have been dedicated by the landowner - as indicated by long use of the way by the public. It states:

1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

1A (Omitted)

2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question...

3) Where the owner of the land...

(a) has erected... ..a notice inconsistent with the dedication of the way as a highway...

(b) has maintained the notice...

the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

- 4) *In the case of land in possession of a tenant... [the owner] shall, notwithstanding the existence of the tenancy, have a right to place and maintain such a notice...*
- 5) *Where a notice erected as mentioned in subsection (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as a highway is, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as a highway.*
- 6) *An owner of land may at any time deposit with the appropriate council... a map... and... statement indicating what ways (if any) over the land he admits to having been dedicated as highways... to the effect that no additional way... has been dedicated as a highway since the date of the deposit... [and is] sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway...*
- 7A) *Subsection (7B) applies where the matter bringing the right of the public to use a way into question is an application under section 53(5) of the Wildlife and Countryside Act 1981 for an order making modifications so as to show the right on the definitive map and statement.*
- 7B) *The date mentioned in subsection (2) is to be treated as being the date on which the application is made in accordance with paragraph 1 of Schedule 14 to the 1981 Act.*
- 8) *Nothing in this section affects any incapacity of a corporation or other body or person in possession of land for public or statutory purposes to dedicate a way over land as a highway if the existence of a highway would be incompatible with those purposes...*
- 9) *Nothing in this section operates to prevent the dedication of a way as a highway being presumed on proof of user for any less than 20 years..."*

B.5. Public use must have been “as of right” – that is without force, without stealth and without permission - in order to qualify as evidence from which the Council can deem that a public right of way has been dedicated. Additionally, this use must not have been interrupted or challenged by either actions of the owners or by signs being erected which would constitute evidence of an overt and contemporaneous non-intention to dedicate the way as a highway.

B.6. For the purposes of Section 31, the action that has called the public’s right to use the claimed bridleway has been the erection of security fencing in c.November 2013. The relevant twenty-year period is therefore November 1993 – November 2013. During the relevant period the land (the Crown Hotel and yard) was owned by Greene King plc. It appears from the

evidence given by user surveys and statements that during this time many of the inhabitants of Biggleswade used the claimed route as a cut-through. This route is capable of being dedicated at common law and none of the users have reported any challenges or interruptions during the relevant period.

- B.7. The Asda superstore immediately to the north of the Crown Hotel was built on the old Greene King brewery site which closed in October 1997. The brewery had originally been owned by Wells and Winch (as was the Crown Hotel) and had been on the site since the 17th Century. It is very likely that some of the brewery workers walked to work through the Crown Hotel yard. Whilst it is conceivable that the brewery may have given permission for the workers to walk this route, given the more general use by the public it is probably more likely that the brewery assumed that its workers used the route in the same manner as the other inhabitants of the town. This assumption accords with the judgment of McMahon J. in *Walsh & Cassidy v Sligo County Council [2010] IEHC 437, [2009 No 262P]* who found that whilst the users of a way may be known to the owner of the land – and even employed by them or have limited permission to use a route, the use of the route outside this limited consent would constitute “non-precarious” user and thus be “as of right”.
- B.8. The legislative tests for the Council being able to deem under Section 31 of the 1980 Act that a public right of way subsists are described above. The case of *Mayhew v Secretary of State for the Environment [1992] QBD* set out that issues of suitability or desirability – and by analogy: disruptive effects, proximity to alternative routes and need for the route cannot be considered in establishing what rights, if any, exist when determining whether to make a definitive map modification order.
- B.9. The use of the claimed route by four cyclists: one fortnightly for the full 20 years, one weekly for the full 20 years, one weekly for the first 10 years of the relevant period and the other occasionally for six years during the middle of the relevant period (see Appendix D). The case of *Whitworth v Secretary of State for Environment, Food and Rural Affairs 2010] EWHC QBD 738 (Admin)* concerned limited levels of public user. In that case Langstaff J. said

(49) “...What gave me greater pause for thought was the question and questions raised by whether the user went beyond that which would support a conclusion that there was a bridleway. That involved an evaluation by the Inspector of two forms of transport. The first was the use of a pony and trap by a Mr. Clay. Mr. Clay says he used the pony and trap on a regular basis, it appears probably fortnightly, throughout the period from 1976 onwards... ..I reject the suggestion that if one person uses a pathway so regularly, it cannot give rise to there being a carriageway, when use to a lesser extent in aggregate, but by several different users over the same period, might. What matters is the nature and quality of the use taken as a whole, and whether it is secretly, with permission, with force; those requirements which are well understood

as necessary for the establishment of a right of way...”.

- B.10. According to the *Whitworth* case, the limited use by the four users does provide a qualifying degree of public user by bicycle. Bridleways and restricted byways both permit the public to lawfully cycle along them. In the subsequent appeal case of *Whitworth and Others v Secretary of State for Environment, Food and Rural Affairs [2010] EWCA Civ 1468*, Carnwath L.J. stated:.

(42) “...Since section 30 [s.30(1) of the Countryside Act 1968 permitting cycle use on bridleways] involves a statutory interference with private property rights, it is appropriate in my view, other things being equal, to infer the form of dedication by the owner which is least burdensome to him...”.

Consequently, any deemed dedication permitting the public to cycle over the claimed route should be of the lowest class of highway that permits the public to lawfully cycle – i.e. a bridleway.

- B.11. The Countryside Access Team’s Applications Policy requires that modification applications be dealt with in strict order of receipt. However, an exception to the policy has been made in this case as the local area is already under investigation as part of an ongoing project to map unrecorded routes within the Biggleswade Excluded Area. Additionally, the claimed route is the subject of a planning application which would seek to permanently obstruct the claimed route and representations against the planning application make many references to the claimed route. It is therefore appropriate to process and determine Mr. Woodward’s application out of turn.
- B.12. Central Bedfordshire Council’s Constitution (Section C of Part E2 at Annex A) identifies the Development Management Committee as the appropriate body to authorise the making of a Definitive Map modification order under the 1981 Act. The Constitution (H3 at Section 4.4.148.) prevents the determination of this application under delegated powers due to the objections to the proposal by the owners of the land, JDWetherspoon.
- B.13. JDWetherspoon has received legal advice from McLellans Solicitors as part of its planning application and submission. Some of this advice concerns the merits of the Council asserting that prescriptive rights exist through the Crown Hotel yard. This legal advice is seriously flawed in several ways - namely:
- It does not consider deemed dedication under S.31 of the Highways Act 1980 or inferred dedication at common law.
 - It does not consider that use of the claimed route was for other purposes that accessing either the brewery or the c.2005/6 Asda supermarket.
 - The fact that the proximity of Abbot’s Walk or that the yard of the

Crown Hotel's exit does not have a pedestrian crossing are irrelevant to the issue of whether public rights subsist over the claimed route.

The assertion that it would be disproportionate to claim a route through the Crown yard due to the disruption this would cause to the new owners of the land is irrelevant at law (*Mayhew 1992*) to the issue of establishing whether a public right of way already exists through the property.

Historic cattle trails

- B.14. Cattle and horse trails, known as droveways or driftways were an integral part of the countryside before the advent of steam power and the railways. Outside of Parliamentary Inclosure Awards they were, however, rarely recorded in the later statutes. Section 36 of the Highways Act 1862 gave the inhabitants of a parish the power to adopt and repair private roads of various types in return for the use of them in that:

"...any parish desirous of undertaking the Repair and Maintenance of any Driftway, or any private Carriage or Occupation Road, within the Parish, in return for the use thereof...[may be declared]...the same to be a Public Carriage road to be repaired at the expense of the parish..."

Whilst Chapel Fields is classified as a publicly maintainable "unclassified local road" the continuation of the driftway through the Crown Hotel is not and has no recorded status. Droveways or driftways are not a class of highway specifically recognised by modern Acts; particularly the Highways Act 1980 and Road Traffic Act 1988. However, Section 192 of the 1988 Act defines a bridleway as:

"...a way over which the public have the following, but no other, rights of way: a right of way on foot and a right of way on horseback and leading a horse, with or without a right to drive animals of any description along the way..."

and so a bridleway can encompass such rights. The absence of a right to cycle over a bridleway within the 1988 definition was addressed by the earlier Countryside Act 1968, which stipulated that the right to cycle on a bridleway was only exercisable on the condition that cyclists give way to walkers and horse riders.

- B.15. The Council has a duty under Section 130(1) of the Highways Act 1980 to *"...assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority..."*. If the Committee determines that an order should be made to add a public right of way to the Definitive Map and Statement on the grounds that that right subsists it will need to also consider that action should be taken to make that route open and available for public use. The Council has the power to remove any obstruction under Sections 143 and 137 of the Highways Act 1980.

137 Penalty for wilful obstruction

- (1) *If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.*

143 Power to remove structures from highways.

- (1) *Where a structure has been erected or set up on a highway otherwise than under a provision of this Act or some other enactment, a competent authority may by notice require the person having control or possession of the structure to remove it within such time as may be specified in the notice.*

For the purposes of this section the following are competent authorities—

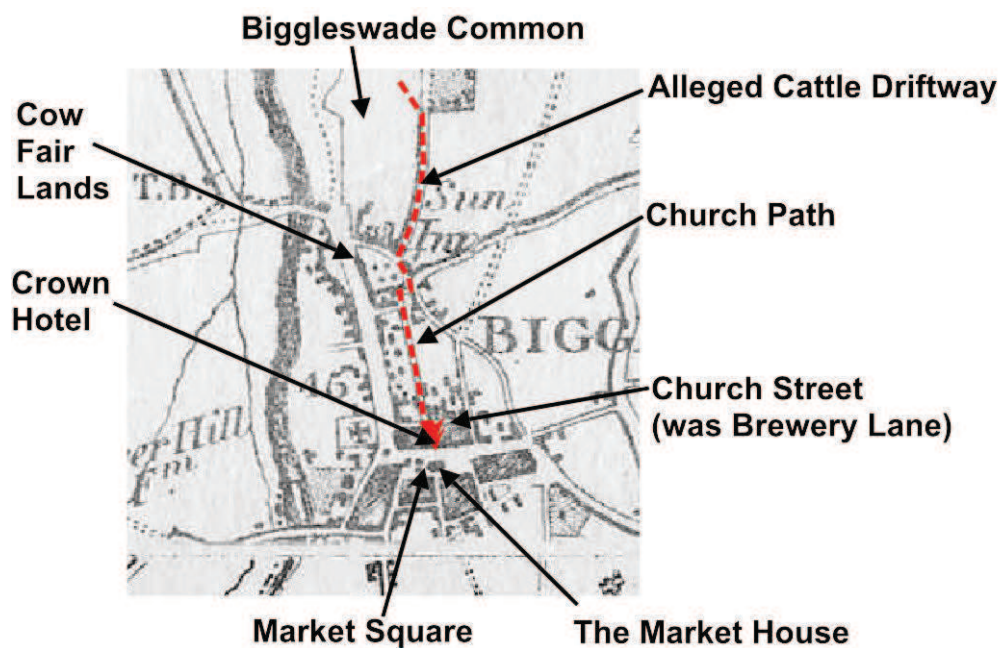
- (a) *in the case of a highway which is for the time being maintained by a non-metropolitan district council by virtue of section 42 or 50 above, that council and also the highway authority, and*
- (b) *in the case of any other highway, the highway authority.*
- (2) *If a structure in respect of which a notice is served under this section is not removed within the time specified in the notice, the competent authority serving the notice may, subject to subsection (3) below, remove the structure and recover the expenses reasonably incurred by them in so doing from the person having control or possession of the structure.*
- (3) *The authority shall not exercise their power under subsection (2) above until the expiration of one month from the date of service of the notice.*
- (4) *In this section “structure” includes any machine, pump, post or other object of such a nature as to be capable of causing obstruction, and a structure may be treated for the purposes of this section as having been erected or set up notwithstanding that it is on wheels.*

APPENDIX C

Historical Evidence

1826 Bryant's Map of the County of Bedford

- C.1. In 1865 Bryant published his "Map of the County of Bedford". The map is useful as it is an accurate medium scale map of the county surveyed after most of the parishes had undergone Parliamentary Inclosure. Whilst not showing the detail within Biggleswade's town centre, it does show the roads and trails that are considered public. The annotations on the map show where the pub and roads in question are as well as the alleged cattle trail from Biggleswade Common.



1833 Northampton Mercury newspaper article

- C.2. The 9th March 1833 newspaper article reports the 6th March 1833 Bedford Crown Court case of assault on a gamekeeper by four poachers. One of the witnesses, a 15 year old boy, reported on oath that he had seen the four accused pass through the Crown Hotel yard in the direction of Chapel Fields whilst he and two other youngsters were "at play" there. The witness' statement indicates that the Crown Hotel's yard was used by the public as a through-route and that the owners of the yard (the Samuel Wells brewery which owned the Hotel) seemed at least to tolerate youths playing in the area. This though does not prove that the yard was a public thoroughfare – merely that it had it appeared to have a reputation as such.

1838 Biggleswade Tithe Apportionment Map [MAT 5/1]

C.3. The tithe map shows the centre of Biggleswade and the Market Square, Church Street and Chapel Fields. A route is visible through the Crown Hotel's yard. Although this is not depicted as a road it is depicted in a similar manner to Long Twitchell which is also considered to have long-established public access rights.



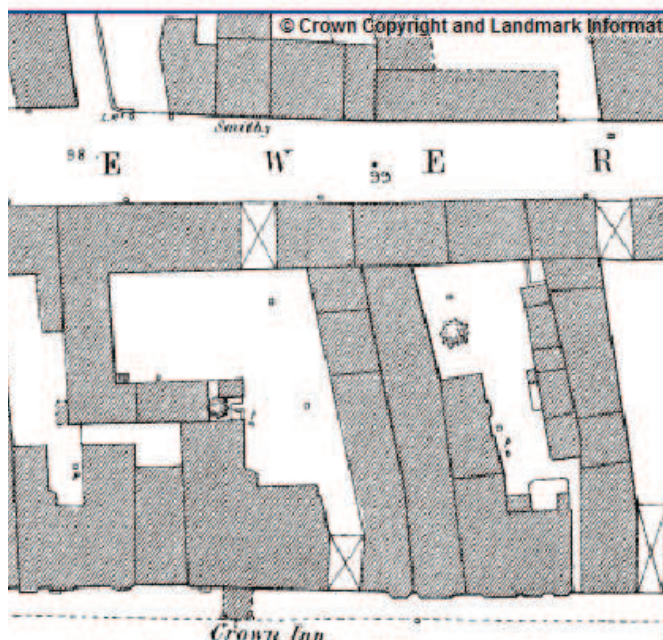
Crown Hotel

No Parliamentary Inclosure Award

C.4. The Parish of Biggleswade did not undergo Inclosure and so no statutory basis for creating public rights exists from this established process. This though does not affect the inference or deeming of dedication as evidenced by long public user.

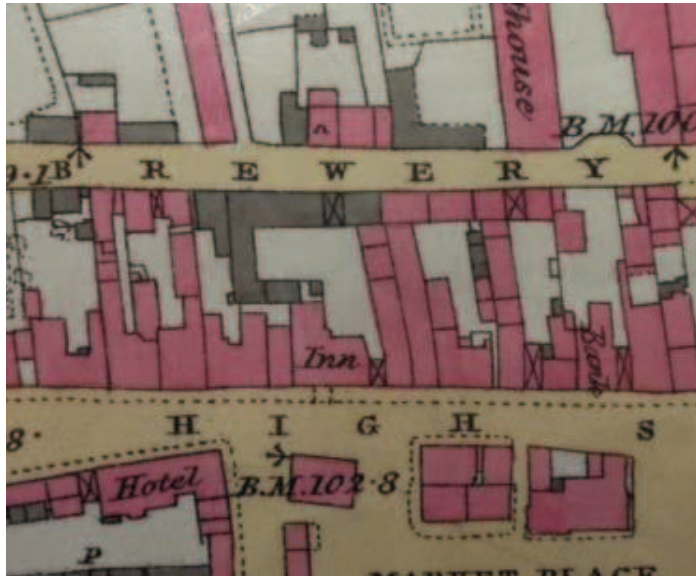
Ordnance Survey Maps:

C.5. The larger-scale (1:500 (shown right), 25":1 mile and 1:2,500) and mid-scale maps (6":1 mile and 1:10,560) show the Crown Hotel yard as enclosed by buildings with access to the Market Square and Brewery Lane (later called Church Street) provided by passageways – as indicated by the "X" annotation on the maps..



The southern passageway is within the main stonework of the public house – and is now the subject of a planning application which precipitated the current modification application. The northern passageway passed through wooden buildings (as evidenced by the different colouration on the

1st Edition 25" map, shown below) and was situated towards the eastern side of the yard (opposite the Smithy). The route is consistently shown along the same line on all the 25" maps between 1881 (1st Ed.) and 1974 (4th Ed.)



1863-93 Biggleswade Highways Board Minutes [Hi.B.BW.1-3] and,

1910 Finance Act Valuation Maps [DBV3/175 (1-10, /174, /190) and Valuation Books [DBV1/17-18]

C.6. The Crown Hotel is coloured pink on the 1:500 scale valuation map and given the Assessment number 191. The Valuation Book gives the owners as the brewery Wells & Winch Ltd. in the occupation of Mr. Cecil Gilbert. No deduction for public rights of way is recorded and no part of the property is excluded from the valuation.



1892-8 Deeds to Crown Hotel [G.K./13-16, 26]

C.7. The deeds do not make any reference to any public or private right of passage through the property.

1898 Sale catalogue for Crown Hotel and New Inn [G.K./1/36/c]

C.8. The sale catalogue briefly describes the property (Crown Hotel) but does not make any reference to any public or private right of passage through the property.

1949-57 Biggleswade Urban District Council Minutes [UDBwM 1/13-15 Minute Book]

- C.9. No record is made of any works to or presence of any public right of way through the Crown Hotel yard.

1952-3 Survey of public rights of way by Biggleswade Town Council

- C.10. As part of the National Parks and Access to the Countryside Act 1949 process of surveying public rights of way, Biggleswade Town Council surveyed the urban area in early 1953 after it was designated a “fully developed area” – or “excluded area”. The survey map held by Central Bedfordshire Council does not show any route through the Crown Hotel’s yard.



Biggleswade History Society photographs [Pamph 130 Bx1] and photo of Crown Inn [X 758/1/2 19-23]

- C.11. This booklet shows historic pictures of Biggleswade. Whilst the entrance is visible obliquely in some photographs, these do not give any indication as to any public status

History of the Market House Café [CRT/130/Big/37]

- C.12. This leaflet gives a summary of the history of the Market House Café located centrally within the Market Square. It states that the building in which the café is situated was probably built to house the cattle driven into the town on the ground floor with upper floors used as drovers’ lodgings. Huge droves of cattle were driven into the market each day. The assertion of Mrs. Jane Croot of the Biggleswade History Society is that these had come down Church Path from Cow Fair lands and the Common and then through the Crown yard or had been driven up from the railway station.

BCC Excluded Area survey

- C.13. In 1996-7 the former County Council invited local groups to survey and record those routes it considered public in the Biggleswade excluded area. The volunteers recorded 38 potential footpaths and 3 possible BOATs. The route through the Crown Hotel yard was identified as one of the footpaths to be claimed as a public right of way.

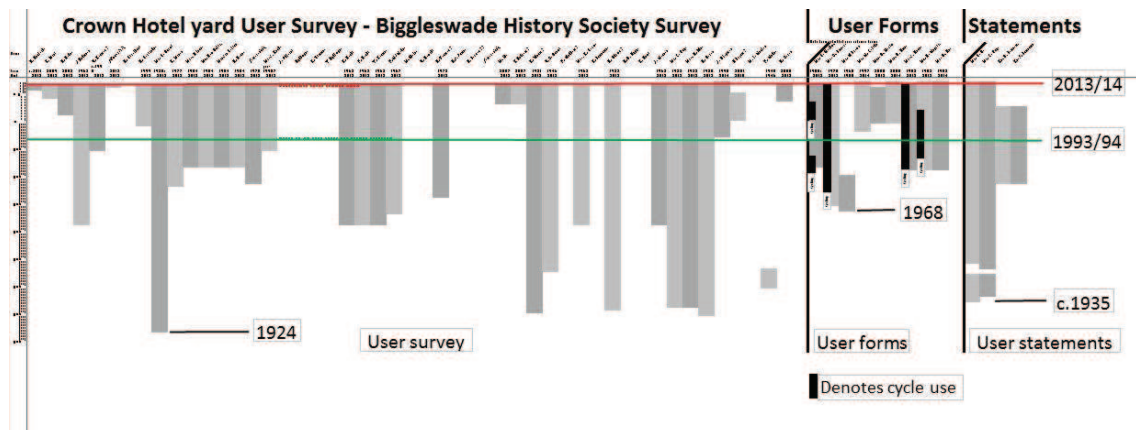
APPENDIX D

User Evidence

- D.1. In late October 2014 Mrs. Jane Croot, the editor for the Biggleswade History Society, canvassed 51 generally elderly residents living close to the Crown Hotel as well as people collecting their children from St. Andrew's Lower School. Thirty three of those surveyed have stated that they have used the Crown Hotel yard route between 1992 and 2013. This is the "*relevant period*" for deemed dedication under Section 31 of the Highways Act 1980 (see Appendix B). Furthermore, the results, whilst lacking in detail (and in some cases legibility) give a picture of public use of the Crown Hotel yard as a public thoroughfare from at least as early as the 1930s.
- D.2. The applicant has supplied nine user evidence forms which detail public use of the route through the Crown Hotel's yard.

Name	Start	End	Duration	Remarks
Mr. D. Woodward	1982	2013	Over 25 years	Used on foot (1980 – 1987 monthly then occasional to 1995 then monthly between 2001-2007 and Used by bicycle monthly (for period: 1982-87 and occasionally between 2001-2007
Mr. K. Emmerson	1970	2013	38 years	Used fortnightly on foot (1970-2013) and by bicycle (during period 1975-2013)
Mr. M. Brawn	1968	1980	22 years	Used weekly on foot until 1975 and then monthly thereafter
Mr. M. Griffiths	1997	2014	17 years	Used daily on foot
Mrs. C. Woodward	2000	2012	12 years	Used monthly on foot
Mrs. C. Amos	2000	2014	14 years	Used daily on foot
Mr. J. Norris	1983	2013	20 years	Used weekly both on foot and by bicycle
Mr. A. Mapletoft	1983	2013	20 years	Used weekly on foot and used weekly by bicycle during period 1987-2004
Mr. C. Day	1983	2014	31 years	Used weekly on foot

- D.3. The chart below summarises the breadth of public use - as evidenced by the user survey, user evidence forms and additional statements of use. The relevant period for deemed dedication of the claimed bridleway is between 1993 and 2013. As can be seen, there is a significant amount of public use during this period.

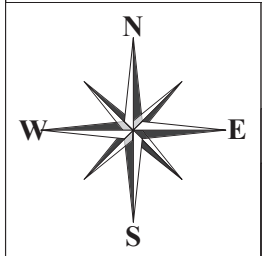
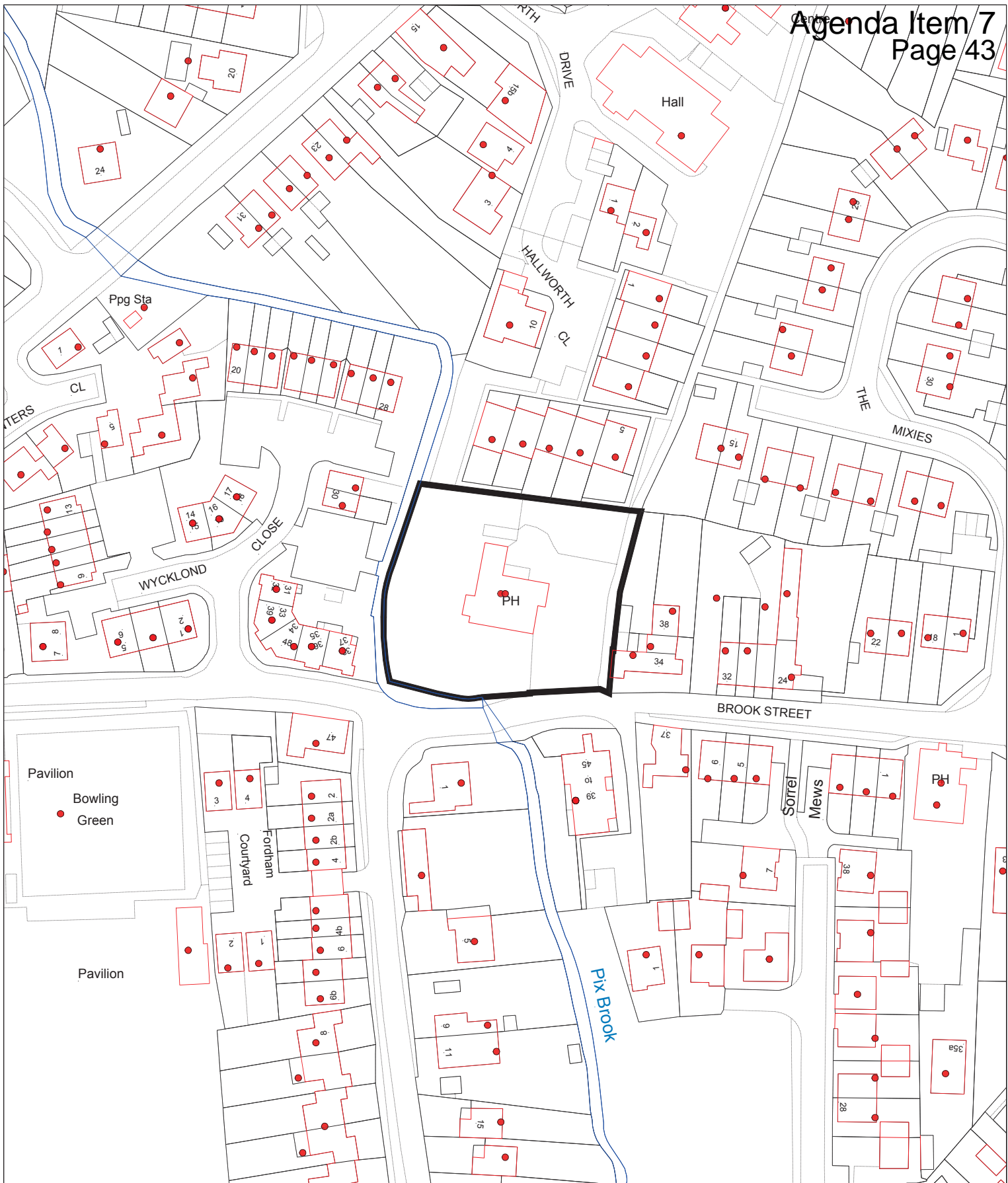


Relevant 20 year period: 1993/4 – 2013/14

- D.4. The use of the claimed route on foot by all nine people bolsters the public use within the relevant 20 year period as evidenced by the Biggleswade History Society’s survey. More importantly it provides the necessary detail relating to user “as of right”; none of the nine users who submitted statements reported either being challenged or seeing prohibitive signs on the route. None were interrupted in their use prior to the security fencing being erected. Unfortunately none of the users have given a precise date for the erection of this fencing – believed to be in late November or early December 2013.
- D.5. The use of the claimed route by four cyclists: one fortnightly for the full 20 years, one weekly for the full 20 years, one weekly for the first 10 years of the relevant period and the other occasionally for six years during the middle of the relevant period. This indicates there was at least limited public use of the claimed route by bicycle. The case of *Whitworth v Secretary of State for Environment, Food and Rural Affairs 2010] EWHC QBD 738 (Admin)* concerned limited levels of public user. The stated use provides a qualifying degree of public user by bicycle. Bridleways and restricted byways both permit the public to lawfully cycle along them. The subsequent appeal case of *Whitworth and Others v Secretary of State for Environment, Food and Rural Affairs [2010] EWCA Civ 1468*, established that any deemed dedication permitting the public to cycle over the claimed route should be of the lowest class of highway that permits the public to lawfully cycle – i.e. a bridleway (see Appendix B).
- D.6. Letters received from a Mr. D. Ball state that the Biggleswade Urban District Council (“the BUDC”) carried out publicly funded repairs to the route sometime in the late 1940s or 1950s and that the route was considered a public route by that council at that time. Mr. Ball recalls that the owners, the Wells and Winch Ltd. brewery, disputed this status though, claiming it to be private. The BUDC records show that Mr. Ball was employed by the BUDC during this period but no independent corroborating evidence has yet been found in the BUDC minutes for the work that Mr. Ball describes being carried out or of the alleged dispute as to the route’s status.

- D.7. During a telephone interview with Mr. Ball, he recalled that there was a school on Church Street (previously Brewery Lane) next to the old Fire Station. The school is shown on the 1926 3rd Edition of the Ordnance Survey 25":1 mile map. People used to access the school by cutting through the Crown Hotel yard from the High Street. Additionally there were quite a few small shops on Church Street (cobblers etc.) which people access from the High Street via the Crown Hotel yard.
- D.8. Before the second world war Cowfair Lands was one of the centres of population in Biggleswade. Many people walked from there southwards along Chapel Fields to the town centre and accessed the High Street and Market Square via the Crown Hotel's yard. At this time the current Abbot's Walk was the gated yard of Franklin's Corn Merchants and was never a through-route until much later. Mr. Ball recalls that the Crown Hotel was also used by many coaches and horses before the war (as was the New Inn's yard opposite).
- D.9. Mr. Ken Page, life president of the Biggleswade History Society, submitted a statutory declaration to Biggleswade Town Council in January 2015 in which he described his extensive knowledge of the Crown Hotel and recollections of his use of the route. In it he recalls that he and his friends regularly used the Crown Hotel's yard route in the 1930s as a pedestrian route to get to and from the junior school in Church Street. The claimed route was also used by brewery workers going to and from the brewery in Church Street (previously called Brewery Lane). Mr. Page states that he has no knowledge of the route ever being closed or public use challenged in his lifetime until the erection of the security fencing in early 2014.
- D.10. Mr. Page states that some of his ancestors were dairymen and he was told that long ago drovers herded cattle south from Biggleswade Common along Sun Street and then into Chapel Fields and through the Crown yard into the Market Square. Another cattle trail came northwards from Topley's Hill (Langford), via Holme Green and Palace Street to the Market Square. These probably existed until the railway came to the town in 1850. Mr. Page states that the Crown Hotel's yard provided access to the cattle markets.

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 27:January:2015
Map Sheet No

Application No. CB/14/01589/FULL

Scale: 1:1250

Pig & Whistle, 40 Brook Street, Stoford, SG5 4LA

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Item No. 7

APPLICATION NUMBER	CB/14/01589/FULL
LOCATION	The Pig And Whistle, 40 Brook Street, Stotfold, Hitchin, SG5 4LA
PROPOSAL	Demolition of existing PH and redevelopment of the site as 7 No. houses with associated landscaping and parking.
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Amy Lack
DATE REGISTERED	07 May 2014
EXPIRY DATE	02 July 2014
APPLICANT	Mr O'Sullivan
AGENT	arc7
REASON FOR COMMITTEE TO DETERMINE	Cllr Brian Saunders - Called in at the request of Stotfold Town Council who consider the proposal to represent an overdevelopment of the site and the design of the dwellings to fail to reflect the style and design of existing dwellings in the immediate locality.
RECOMMENDED DECISION	Full Application - Approval

Reason for Recommendation

The wholesale redevelopment of the existing public house site with residential units is considered acceptable in principle.

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.

The proposal is it 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). This application was originally considered by the Development Management Committee (DMC) at its meeting on 24 September 2014. Members resolved to defer the determination of the application to obtain independent advice on the viability of the development, and for further consideration of the layout and design of the proposal.

Background

The Council commissioned BPS surveyors to review the viability assessment that was submitted with the application. Their report concluded that, contrary to the

claims of the applicant that based on the evidence provided, that the development was capable of providing affordable housing and remaining viable. BPS sought clarification in respect of a number of points and the information provided still remains, in their view inconclusive, providing an inadequate basis from which meaningful conclusions about the viability of the scheme could be drawn. As such they were unconvinced that the site cannot generate additional contributions towards affordable housing. Upon review of the report the applicant considers it to be fundamentally flawed and maintains that should affordable housing provision have been made the scheme would not be viable.

However, notwithstanding the above the Committee are advised that The Department for Communities and Local Government (DCLG) published revised planning guidance in November relating to Section 106 obligations imposed on small scale developers. Accordingly the updated National Planning Policy Guidance (NPPG) now advises that contributions for affordable housing and tariff-style planning obligations (section 106 obligations) are not to be sought from small-scale and self-build developments of 10 or less dwellings as is the case for this proposal (see section 11 of the main body of the officer report below).

The Committee requested that further consideration is given to the layout and design of the proposal, although both of these elements are fundamentally unchanged. The agent has however liaised closely with internal consultees to accommodate their suggestions to improve the scheme. Accordingly no objections to the development have been raised towards this final iteration before DMC and the recommendation is one of approval subject to conditions.

Site Location:

The application site comprises the Pig and Whistle public house, a large attractive two storey building sitting central to the site, with a car parking area to the east, Brook Street defining the boundary of the site to the south, to the west the site boundary is demarcated by Pix Brook the land adjacent to which is currently used as a beer garden by the public house, to the north is a recently developed single storey sheltered housing block comprising nine, two bedroom bungalow terrace dwellings and one, three bedroom detached dwelling on the former Hallworth House site. To the east are Nos. 34, 36 and 38 Brook Street beyond the public footpath which runs hard to the boundary of the site, linking Brook Street to the residential development of The Mixes and Hallworth Drive beyond.

The site is located within the defined settlement envelope, just south of the town centre of Stotfold. It is not located within a designated conservation area and the subject building is not listed.

The Application:

The application seeks planning permission for the wholesale redevelopment of the site. The existing public house building is to be demolished and seven, two and a half storey residential units erected, comprising: five, three bedroom semi-detached dwellings; one, four bedroom semi-detached dwelling; and one, four bedroom detached dwelling.

Vehicular access to the site will remain from Brook Street on the southern boundary

of the site, slightly further west than the existing arrangement. A semi-detached pair of houses will sit on the eastern side of the access adjacent to the existing public footpath along the eastern boundary of the application site. The remaining five units will address the new access road into the site from its western side and back onto Pix Brook to the west.

The access road is terminated by a single storey car port structure, making provision for six car parking spaces, along the northern boundary of the application site.

Cycle parking and refuse/recycling storage provision is made within the private garden areas of each plot.

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

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

There is no planning history for the application site that is relevant to its redevelopment with residential dwellings or any other use other than as a public house.

Representations: (Parish & Neighbours)

Stotfold Town Council No objection.

Neighbours No third party representations have been received with respect to the revised plans. The following and the comments received to the application as originally submitted from the owner/occupiers of the following addresses in objection to the development:

- 17 The Mixies
- 26 The Mixies
- 34 Brook Street
- 63 Hitchin Road

The concerns raised by the representations received can be summarised as follows:

- The application will result in the loss of a community facility of which Stotfold is in short supply and the creation of additional housing and Stotfold does not need any more housing, it needs facilities;
- The site is prone to flooding from the brook in bad storms so this number of houses is too great for the plot of land;
- Privacy of residents in 'The Mixies' will be compromised;
- The proposal will result in additional traffic and pressure upon Brook Street;and
- The construction of the development will be disruptive and there is concern with respect to subsidence and vibration impacting upon the integrity of nearby old buildings.

A third party representation has been received in support of the demolition of the existing public house from the owner/occupier of the following address:

- 38 Brook Street

Their comments can be summarised as follows:

- Public house has been in decline for years, complaints have been made to the police and environmental health to the noise, disturbance and antisocial behaviour of those using the pub, its demolition is welcomed.

The above is a summary of concerns and comments raised by the representations received. Full copies of the third party representations and consultation responses can be viewed on the application file.

Consultations/Publicity responses

Highways No objection subject to conditions.

This is a revision to the layout to the previous plans. Please be aware that the cycle parking provision is incorrect with parking for only two cycles per dwelling, instead on one space per bedroom and two short stay spaces, but this can be dealt with by a condition.

The proposal is for five, three bedroom dwellings and two, four bedroom dwellings and associated parking and turning provision. Access is taken from the modified access to the car park for the Pig and Whistle pub. Access is via Brook Street, which is now a 20mph at the point of access and has one way traffic coming from the east.

The indicated rumble strip is not required as the ramp to the shared space would slow any vehicles down. Be aware that the rumble strip could cause a noise issue to the dwellings adjacent to it.

Archaeology No objection subject to a condition to agree an archaeological investigation.

The amendments do no change the comments I have already made on this application. 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 any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The parameters for the evaluation will be set by the archaeological advisors for the Local Planning Authority and the approved archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach a condition.

Environment Agency No objection.

The site is located partly within Flood Zone 2/3 on the western side but the Pix Brook watercourse is within the IDB jurisdiction.

The site is located above a Principal Aquifer but this proposal is not considered high risk.

Internal drainage board No objection. The development will result in a reduction of surface water discharging directly into Pix Brook.

Conditions should be imposed to require storm water design and construction proposal are adequate before the development commences.

Landscaping No objection subject to the imposition of a condition to require the implementation of landscaping and its maintenance. This response was further to the applicant providing an amended scheme following the initial comments below to the reconsultation of the amended scheme:

The layout plan shows a 1.8 high timber 'hit n miss' fence running along the western site boundary immediately adjacent to the Pix river. The enclosure of the Pix with fencing but without landscape buffer is not acceptable in terms of design and environment along this length of the river.

The existing tree planting along this edge should be retained in the public realm and not within private control, therefore;

- The proposed 1.8m high timber 'hit n miss' fencing should be relocated back from the Pix river with a minimum 2m offset and avoiding damage to tree roots.

Also:

- The location of the refuse and cycle store at Plot 1 on the site boundary fronting Brook Street is not acceptable - the proposed field hedge mix should be continued along this boundary.
- A planting schedule describing planting - trees and shrubs - is required.

Ecology In considering the submitted Ecological Appraisal I am satisfied that no bat interest has been identified on site so the proposal to demolish the Pig & Whistle PH will not impact on a protected species.

The report notes 'The most significant feature is the Pix Brook... which requires protection' Hence the brook corridor should be a focus for enhancement. The use of 1.8m high fencing of any sort will not enhance the corridor. I concur with the Landscape officers' recommendation that the proposed 1.8m high timber 'hit n miss' fencing should be relocated back from the Pix river with a minimum 2m offset and avoiding damage to tree roots. This will preserve the brook corridor and also serve to address another concern regarding plot 3 where the canopy of the sycamore (as shown on the landscape plan) takes up 50% of the outside space of the property and it is likely that the owner would wish to remove this. Moving the fence will allow this tree to remain in the public realm.

The report states in 8 that 'Mitigation and enhancement suggestions are made and so long as these are carried out, no significant or major impacts from this development are expected Therefore I advise that mitigation and enhancements recommended in 7.2.1

and 8.2.2 of the Ecological Appraisal are conditioned.

The soft landscape plan supplied shows 5 bat boxes positioned on dwellings and I approve of this proposal but would ask that the boxes on plots 6 and 7 are moved to the western elevation as a northerly aspect is not appropriate as it will not allow the boxes sufficient opportunity to warm up.

Rights of way There is a Public footpath (stotfold footpath No. 11) running along the eastern boundary of the site. At present the legal line of the footpath does not follow the used line i.e. the tar path everyone walks on. As part of another application in Stotfold and in order to correct anomalies on the path, this footpath will be subject to a diversion order this year. I intend to move the present legal line of the footpath affecting this application marginally eastwards such that it will lie in the centre of the used route i.e. the tarred path.

The applicant can not develop over the present legal line of the footpath until this has taken place but is, if permission is granted, able to develop on land not under the legal width of the footpath . In this context, please consider the width of the footpath to be 2 metres. As this anticipated move will help remove any problem from the applicant, I do not expect any opposition to the diversion.

Trees and landscape New revised plans have been received with regards to this site.

Principle change would seem to be the rearrangement of the parking to the north edge of the site to provide an oak framed covered parking area and in doing so moving the proposed planting of Acer platanoides 'Globosum' to a position where their proximity to the parking areas is less likely to cause a conflict. Looking at this area and the proposed planting it would seem that it will be in an area where maintenance will be undertaken by a management company in that it is not located within the boundary of any of the plots. To this end I would have concerns with regards how these trees being planted as large specimens will be managed, maintained and even more importantly watered to ensure good establishment. They are a principle part of the proposed landscaping.

Repositioning of Plots 6 and 7 to the south has resulted in parking now to the rear of these Plots and changes to the landscaping.

It is still proposed that a Metasequoia Glyptostrobooides is to be planted 4 metres from the south corner of Plot 1. My previous comments regarding this choice of species and its proximity to Plot 1 along with its location on the south of the building were not well received, but it is my personal opinion only that planting this potentially very large tree so close to the building will inevitably bring it into conflict at some point in the future with the property owner, not with regards to foundation design etc but simply because of its proximity. Although a tree with an upright growth habit it will have a

canopy spread that exceeds the 4 metres between the tree and building within a short time and as such will require pruning back. As the tree matures and grows in height this problem will continue, conflicting with gutters/fascias etc. As this problem becomes harder for the owner to deal with themselves then so the consideration to remove it will increase. I believe that there is only a requirement for an owner to retain landscaping and planting for five years and after that point it could be removed, as such then the development will have lost a principal part of its landscaping.

I fully support the use of striking large trees in landscaping schemes and would always try and encourage it where it can reach its full potential without conflict. I would suggest that if this tree is to be used then it should be moved as far south and east on the plot as would be possible.

A tree being planted of this size will require substantial watering to ensure it establishes. As this will be within a private plot then what arrangements can be made to ensure that the new owner will be aware of what watering requirements will be. Should it die within the first five years then there would be a requirement to replace it. As mentioned in earlier comments, the cost of a tree of this size is very high. Can we ensure that the new owner has some idea what the requirements would be, ie supplied with the buyers pack details supplied by the developers landscape team what its maintenance and watering requirements will be to try and ensure it survives and establishes in the first five years.

Public protection

No objection

I have no objection to the proposed development but would ask that an informative is attached to any permission to make developers aware of the controls under The Control of Pollution Act 1974 with respect to hours of construction and demolition.

Contaminated land

No objection. Standard informative should land contamination be identified.

Waste services

No objection. However, The applicant will need to provide a communal bin collection point for all 7 plots at the highway boundary of Brook street as the collection vehicle will not be accessing this site.

I would propose a collection point on the corner of Plot 1, it will need to be a hard standing and sufficient in size to accommodate the following from each plot, 1 bin, 2 garden bags and 1 food caddy.

Determining Issues

The development has been assessed in the context of human rights issues and The Equalities Act (2010) and it is considered it would have no relevant implications. As such, from the consultation responses received, third party representations and from

an inspection of the application site and surrounding area the main considerations of the application are:

1. Principle of development
2. Character, context and design of external spaces
3. Residential amenity of prospective and neighbouring occupiers
4. Highway safety
5. Car Parking and Cycle Parking
6. Refuse and Recycling
7. Sustainable drainage
8. Archaeology
9. Trees and landscaping
10. Third Party representations
11. Planning obligation strategy

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' and in the local context, the proposal site is located within the settlement envelope of Stotfold. Stotfold is classified a Minor Service Centre by Policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (CSDMP) (2009) wherein accordance with Policy DM4 (Development Within and Beyond Settlement Envelopes) the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre. This is subject to the proposal according with the other relevant planning policies which shall be discussed within the main body of the report to follow.

With respect to the principle of the wholesale redevelopment of the site and the loss of a public house, Policy DM8 (Village Shops and Pubs) of the local plan states that planning permission will not be permitted for a change of use resulting in the loss of a pub unless:

- there are other facilities performing the same function within easy walking distance of the village community, and
- the applicant provides evidence that there is no prospect of the use continuing even if permission is refused.

The closest pub to the application site is 'The Stag' less than 100 metres from the Pig and Whistle, which like the subject public house is a small wet led pub, but in a very good state of repair having been refurbished to a high standard.

Stotfold also has the benefit of The Chequers, operated by brewers Greene King and The Fox & Duck. Both of these public houses provide a food service in addition to wet trade. Also within the town centre is The Crown, another small wet trade establishment. As such, notwithstanding the loss of the Pig and Whistle as proposed by this application, Stotfold is considered to remain well served by public houses.

A viability appraisal for the public house has been submitted with the application. This concludes that the pub is incapable of operating at a net profit before tax and is only capable of operating at a marginal break-even level before any property cost. There is no surplus in this business to cover any costs of occupying the property. This assessment deems the Pig and Whistle unviable and with no prospect of its use as a public house continuing even if planning permission for this proposal was refused.

It is therefore considered that demolition of the public house and replacement with seven houses is in principle acceptable and in accordance with Policy DM8 and generally supported by the National Planning Policy Framework (2009).

Notwithstanding the principle of the development having been accepted, careful consideration of 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 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.

2. Character, context and design of external spaces

During pre-application discussions and throughout the course of the application as originally submitted there had been concern raised by the Council's Ecological and Landscaping officers with regard to the design response of the scheme to the site in the context of Pix Brook and Brook Street. Since the application was last before the DMC for consideration further discussions between consultees and the agent have resulted in amendments which have the Council's Ecological and Landscaping officers approval, most notably the hit and miss fencing has been moved and dropped in height and that the bat boxes have been relocated as requested.

It is acknowledged that there is no prevailing or uniform character along the street scene of Brook Street. The proposed development, in a cul-de-sac arrangement will effectively create what will be read as a new street, emphasised by the development on the west side of the access road into the site by virtue of its orientation, turning its side to the established existing development along Brook Street and instead addressing the newly created access road into the site. Revisions to the scheme further to initial comments as part of the consultation of the application has resulted in a stronger address of the proposed buildings with Brook Street, by repositioning Plots 6 and 7 southwards towards the road to better align with the established building line of No.34 immediately adjacent to the east on the opposite side of the public footpath. The on site car parking provision for these two units has been relocated to the rear of each plot as opposed to their frontage. This has significantly improved the presence and interaction of the new development with the street scene. The other significant amendment to the scheme is the termination of the vista up the access road with a shared single storey car port structure. This results in a more positive 'end' to the newly created access and has softened and broken up what was previously a layout dominated by car parking.

The proposal will undoubtedly close down views of Pix Brook running along the west of the site. Where currently the garden area to the front, side and rear of the existing building allows for a more open view across site frontage to the brook the introduction of the proposed units, boundary fencing and the associated required provisions of cycle parking and refuse/recycling storage, along with other domestic paraphernalia will not contribute so positively. This will change the character of the open watercourse edge, to a feature that the development turns its back on and encloses. However, it should be noted that the play equipment and seating in association with the pub on this garden land and street furniture and railings that interrupt the view of the brook from the street do not currently provide a rural setting to the banks of the brook. The altered setting to the watercourse is not considered reason enough to constrain the development. The layout proposed makes best use of the space available and will provide much needed housing provision.

Subject to the careful selection of materials, and detailing the design and styling of the proposed dwellings is considered acceptable. The proposed development will form a cluster of housing with a common theme that will not have any adverse impact upon the character, appearance, or local distinctiveness of the surrounding area. The layout has been improved upon earlier iterations considered at the pre-application stage and as originally submitted.

Subject to conditions to control the material detailing (condition 2) and secure the delivery of landscaping (conditions 13 and 14) the development is considered to be in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Residential amenity of prospective and neighbouring occupiers

Neighbouring occupiers

The relationship between the proposed buildings and the existing neighbouring properties is considered acceptable.

To west and south the nearest residential properties are beyond Pix Brook and Brook Street respectively and as such are sufficiently removed from the application site as not to be adversely impacted upon by any overbearing presence, loss of light or reduced privacy.

To the north is the relatively new single storey sheltered housing development. This building has low, sloped roof profile, the only element of the building which rises above the closed boarded fencing that currently defines the common boundary between the application site and this neighbouring development. The single storey car port structure is proposed to this north edge of the site, which, by virtue of the good screening provided by the boundary treatment, its low level height and that it will not be a habitable space, its unlikely to have any adverse impact upon the residential occupiers of this neighbouring building. The closest proposed dwelling to the sheltered accommodation is Plot 5 to the northwest of the application site. A separation distance of 13 metres is afforded between the two buildings at their closest point. Only two secondary windows are proposed on the north flank of this building above ground floor level, serving an en suite

bathroom at first floor level and a stairwell at second floor level. Given the relatively short distance of the neighbouring building to the common boundary with the application site and the height closed boarded fencing that demarcated this boundary it is unlikely that occupiers will experience any significant loss of privacy from overlooking. However, the presence of a high two and a half storey building introducing windows in closer proximity to the boundary than the existing relationship with the residential accommodation on the upper floor of the public house will have the potential for a heightened perception of being overlooked. Accordingly a condition is recommended to ensure that the window openings at first and second floor level on the north facing flank wall of plot 5 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 16).

To the east Nos. 34, 36 and 38 Brook Street back onto the public footpath which separates the western boundary of these neighbouring properties from the eastern boundary of the application site. Plot 7 sits closest to these neighbouring properties with a separation distance of 2 metres afforded between the east flank wall of the building on Plot 7 and the rear wall of a single storey rear addition to No.34 (the southern most of the three existing neighbouring properties) that sits hard its west boundary and the public footpath. These do not benefit from any windows with an outlook towards the proposed development. Only No.36 and 38, the two properties north of No.34 have the benefit of windows with westward outlook directly towards the application site at first floor level. A separation distance of approximately 10 metres will be afforded between the east flank of Plot 7 and the rear windows of No.36. The north facing windows on the rear elevation of the semi-detached pair of Plots 6 and 7 will only afford oblique views across to the rear of No.38, and to a lesser extent No.36. This relationship is considered acceptable. The presence of a two and a half storey development across the application site will undoubtedly have a significant presence, however the layout of the site, orientation of the buildings on their plots and distances involved are considered acceptable, demonstrating a sympathy to the surrounding existing built form.

To ensure a satisfactory relationship between the development and the existing dwellings to the east a condition is recommended to ensure that the window opening at first floor level on the east facing flank wall of plot 7 shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows must be fixed shut (condition 17).

Prospective occupiers

The relationship between the proposed dwellings to one another is considered acceptable. Orientated and internally laid out so that where openings face one another at a closer proximity, mutual overlooking is between secondary windows serving bathrooms or stairwells and as such there is unlikely to be any significant adverse impact upon the privacy of prospective neighbouring occupiers. The internal space and private amenity space afforded to the curtilage of each dwelling accords with the guidance provided in the Central Bedfordshire Council Design Guide (2014).

For the above reasons the proposed development is considered to have successfully recognised and addressed the constraints of the site by providing an adequate level of residential amenity for the existing neighbouring and prospective occupiers of the development thereby according with policy DM3 which seeks to provide high quality developments. Further to which the proposal is considered to bring forward the residential development of this site contributing positively to making places better for people as required by the NPPF (2012).

4. Highway safety

A single access from Brook Street is proposed into the application site to serve all of the proposed units. This is positioned slightly west of the location of the existing access. The proposed residential scheme is unlikely to generate a greater number of movements to and from the site than the existing public house use. Since the submission of the planning application Brook Street now has only one way traffic coming from the east which is restricted to 20 mph. The Council's Highway Officer consulted on the proposals has raised no objection with respect to highway safety subject to conditions to ensure that the surface finish, visibility and provision of car parking spaces are acceptable and with respect to highway safety is considered to comply with policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Car Parking and Cycle Parking

Car parking provision across the site complies with the Council's current car parking standards. Parking provision for the semi-detached dwellings is made within their curtilage, with provision for the detached house made within the proposed car port structure immediately adjacent to its plot along with visitor car parking, two of these three spaces disabled accessible.

All units have the benefit of secure and covered cycle parking, details of which are to be secured by condition (condition 11). Accordingly the proposal makes adequate parking provision across the site which complies with the Council's current standards and will not give rise to any adverse impact upon highway safety, thereby according with policy DM3 of the Core Strategy and Development Management Policies 2009).

6. Refuse and Recycling

There is sufficient space within the curtilage of each of the dwellings to accommodate the storage of refuse and recycling bins in accordance with the Council's current waste strategy to the rear garden area of each dwelling, ensuring that there is not any adverse impact upon the character and appearance of the street scene. A wheelie bin collection point is required and has not been demonstrated on the submitted plans. It is considered there is space to make such provision in an acceptable manner and as such it is recommended a condition be imposed to require this (condition 10).

7. Sustainable drainage

The Council's Landscape Officer consulted on the proposal raises concern at the

applicant's intention for surface water from the site to discharge directly into Pix Brook. Pix Brook falls within the jurisdiction of the internal drainage board who have raised no objection to the development, satisfied that the development will actually result in a reduction of surface water discharging directly into the brook and therefore represents an improvement on the existing use of the site.

The Environment Agency identify that the application site as being located partly within Flood Zone 2/3 on the western side but does not consider the development will pose any significant flood risk to prospective occupiers or neighbours to that extent that the development proposals for the site would be unacceptable in this regard.

8. Archeology

The proposed development site lies within the historic core of Stotfold Brook End (HER 17163) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

The Archaeological officer consulted on the proposal is in agreement with the conclusions of archaeological desk-based assessment and heritage report submitted with the application (*The Brigantia Archaeological Practice, P Turnbull, 3rd June 2014*) *Heritage Asset Assessment* (Heritage Network, September 2012) which concludes that the proposed development site retains potential for the survival of archaeological remains of any period, and that there is a possibility that, at least over parts of the site, they might be reasonably well preserved. As such, 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. However it is not considered that this should present an over-riding constraint on the development subject to the imposition of a condition (condition).

Accordingly, subject to a condition being imposed to ensure that archaeological investigative works take place prior to the development of the site in accordance with policy DM13 of the Core Strategy and Development Management Policies 2009 and Central Government guidance provided within the NPPF (2012).

9. Trees, landscaping and ecology

There is little of vegetation on the site. At the pre-application stage an early mature Walnut tree, located close to the west side of the existing building was identified as having amenity value and that reconfiguration of the site should have retained this as an important landscape feature. However, this tree was not afforded any protection by a tree preservation order and the site is not located within a conservation area and the applicant removed the tree prior to the submission of the planning application.

The proposed landscaping scheme is generally considered acceptable and provides some softening and interest to the development. However, the Council's Landscape Officer does have some reservations with respect to the choice of planting and its location, management and maintenance. These are not however reasons to resist the development and it is considered that the imposition of condition will ensure that an acceptable landscaping scheme can

be secured which will enhance the scheme (conditions 13 and 14).

With respect to Ecology the Council's Ecology Officer is satisfied that the submitted Ecological Appraisal identifies no bat interest at the site and as such the proposal to demolish the existing building will not impact on a protected species. An informative is recommended to ensure the applicant is aware that should bats be found to be present all works must cease and Natural England contacted. In addition this it is considered necessary to impose a condition to protect the brook during the demolition and construction phases of the development from pollution (condition 18).

10. Third Party representations

The third party representations received raised concerns that cover a significant range of issues. The material planning considerations have been addressed within the main body of the report above.

The concerns raised with respect to the structural integrity of neighbouring buildings and the potential for the demolition and construction phases of the development, if approved, to be likely to cause damage and also give rise to health concerns of nearby local residents are not material considerations for the local planning authority in the determination of a planning application. Notwithstanding this, the Council's Public Protection team have been consulted on the proposals for the site and raised no concern with respect to noise, disturbance or health implications.

11. Planning obligation strategy

Since this proposal was last before the Development Management Committee on the 24 September 2014, The Minister of State for Housing and Planning produced a written statement on 28 November 2014 which reads;

“Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.”

Following this the Department for Communities and Local Government (DCLG) published revised planning guidance relating to Section 106 obligations imposed on small scale developers.

The updated National Planning Policy Guidance (NPPG) now outlines that infrastructure contributions through planning obligations should not be sought from developers. Accordingly, contributions for affordable housing and tariff-style planning obligations (section 106 obligations) are not to be sought from small-scale and self-build developments.

Paragraph 12 of the NPPG states that contributions should not be sought:

- in all areas – from developments of 10 units or less and which have a maximum combined gross floorspace of up to 1000sqm;

The 10 unit threshold has been introduced purely in relation to s106 planning obligations so it does not impact on the definition of 'major development' in other

planning legislation. Correspondingly, where development takes place under the 10 unit threshold it has been acknowledged that some planning obligations may still be needed for the development to be acceptable in planning terms. So while obligations should not be sought to contribute to affordable housing or pooled funding 'pots', local planning authorities can still require:

- obligations for site-specific infrastructure to make the site acceptable; and
- contributions to fund measures facilitating development that could otherwise not go ahead due to regulatory or EU requirements (Paragraph 20, NPPG).

Neither of the above two statements are considered to be relevant to this proposal.

Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 states that in relation to plan-making the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State. As such, given the changes to Central Government Guidance outlined above there is now no planning policy requirement for the applicant to make infrastructure contributions or provide affordable housing. However, notwithstanding this the applicant has confirmed that they are still prepared to make the financial contributions as offered previously. This amounts to £78,990 and it is recommended that it is split in the following way:

Education facilities - £32,407.00

Affordable Housing - £15,645

Sustainable transport - £3,153.00

Leisure, Open Space and Green Infrastructure - £27,068

Community facilities - £441.00

Waste management - £276.00

Members are advised that this offer can carry little or no weight in planning terms given the above change to planning policy at a national level. However, given that the monies would be used on local infrastructure, the offer from the applicant would have the effect of making the development sustainable in the context of the impact it will have on local schools and on other community facilities. As such, it is recommended that the offer from the applicant be accepted.

Recommendation

That Planning Permission be granted subject to 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 **No development shall commence until such time as details 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 DM3 of the Core Strategy and Development Management Policies 2009).

- 3 Prior to the first occupation of any of the dwellings hereby approved the modified junction of the proposed vehicular access with the highway shall be fully constructed in accordance with the approved details. Thereafter it shall be retained and maintained as first constructed in perpetuity.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 4 Prior to the first use of the access hereby approved 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 metres measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 5 Prior to the first occupation of the residential development hereby approved the proposed vehicular access shall be surfaced in bituminous or other similar durable material and 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 (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 6 Prior to the first use of the modified access hereby approved, any existing access within the frontage of the land to be developed (to the frontage of plot 6 and plot 7), not incorporated in the access hereby approved shall be closed in a manner to be agreed in writing with the Local Planning Authority.

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 DM3 of the Core Strategy and Development Management Policies 2009).

- 7 Prior to the first occupation of the development hereby approved full details of the demarcation/signage for the two visitor parking spaces shall be submitted to and approved in writing by the local planning authority. Thereafter the agreed signage shall be implemented prior to the first occupation of the development hereby approved and shall remain as agreed thereafter.

Reason: To provide adequate visitor parking provision (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the car port accommodation on the site shall not be used for any purpose, other than as car port 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 DM3 of the Core Strategy and Development Management Policies 2009).

- 9 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, turning area, width of the public footpath and its location/layout, vehicle parking provision and bay dimensions illustrated on the approved drawing no. 825.001P Revision E and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 10 **No development shall commence until such time as full details of a refuse collection point located outside of the public highway has been submitted to and approved by the Local Planning Authority. Thereafter the agreed scheme shall be fully implemented prior to occupation of any dwellings hereby approved and shall be retained thereafter.**

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 11 Prior to the first occupation of the residential units hereby approved full details of the design of the structures proposed for the secure and covered cycle storage and storage of refuse and recycling bins shall be submitted to

and approved in writing by the local planning authority. Thereafter the approved storage provision shall be fully implemented prior to the first occupation of the residential units hereby approved and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking and refuse/recycling storage to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport and that it is in keeping and character with the surrounding area in respect to its design and appearance (Policy DM3 of the Core Strategy and Development Management Policies 2009).

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

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 13 **No development shall commence until such time as full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, play equipment);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 14 **All hard and soft landscape works shall be carried out in accordance with the approved details, and to a reasonable standard in accordance with the relevant recommendation of the appropriate British Standard or other recognised code of good practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority in writing. The**

maintenance shall be carried out in accordance with the approved schedule. Any trees or plants that are part of the approved landscaping works, within a period of five years after planting, are removed, die or become in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives its written consent to any variation.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 15 **No development shall take place until a written scheme of archaeological investigation that adopts a staged approach and includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. Thereafter 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 and to secure that protection and management of archaeological remains preserved in situ within the development (policy CS15 of the Core Strategy and Development Management Policies 2009).

- 16 The window openings at first and second floor level on the north facing flank wall of Plot 5 hereby approved shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows shall be fixed shut. Thereafter these windows shall remain as first installed in perpetuity.

Reason: To protect the amenities of neighbouring occupiers (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 17 The window opening at first floor level on the east facing flank wall of Plot 7 hereby approved shall be first installed with obscure glazing only, and any opening shall be at least 1.7 metres above the internal finished floor level or the windows shall be fixed shut. Thereafter this window shall remain as first installed in perpetuity.

Reason: To protect the amenities of neighbouring occupiers (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 18 For the entire duration of the demolition and construction phases of the development hereby approved the length of the perimeter with Pix Brook shall be fenced to prevent and accidental loss of polluting material over the bank.

Reason: To protect the water course from pollutants (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; 825.001P/E; 825.002P/D; 825.103P; 825.104P; 825.105P; 825.106P/A; 825.107P; 825.108P; 825.200P; 825.201P; 825.202P; 825.203P; 825.204P/A

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

Notes to Applicant

1. Please note that the unnumbered drawing submitted in connection with this application has been given a unique number by the Local Planning Authority. The number can be sourced by examining the plans on the 'View a Planning Application' pages of the Council's website www.centralbedfordshire.gov.uk.
2. The applicant is advised that the watercourse on the boundary of/passing through this site is under the statutory control of the Bedfordshire and River Ivel Internal Drainage Board. In accordance with the Board's byelaws, no development shall take place within 7 metres of bank top, without the Board's prior consent. This includes any planting, fencing or other landscaping.
3. 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.
4. The applicant is advised that if during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, they should notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use. Further information can be obtained from Andre Douglas on Tel. 0300 300 4404.
5. The applicant is advised that all bat roosts are protected by law whether they are in occupation or not. If bat roosts are found in the building before or during demolition, work must stop immediately and contractors should contact a licensed bat ecologist. If bats are found, then all works must stop and contact with the local Natural England office will be made. No works likely to affect bats should continue until Natural England have been consulted and it may then be necessary to obtain a European Protected Species (EPS) Licence.
6. The applicant is advised that no works associated with the construction of the modified 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 modified 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.

7. 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
8. 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.
9. The applicant is advised that if it is their 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.
10. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
11. The applicant is advised that no construction or demolition activities which are audible at the site boundary shall be carried out outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 Saturdays and at no time on Sundays, Bank or Public Holidays. For further information contact Pollution@centralbedfordshire.gov.uk.

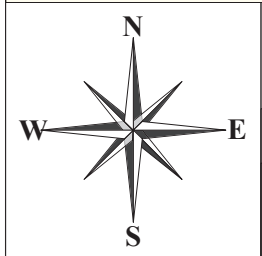
It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 27:January:2015
Grid Ref: 501576; 224498

Application No.
CB/14/03056/FULL

Scale: 1:5000

Land at Bedford Road, Houghton Regis

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Item No. 08

APPLICATION NUMBER	CB/14/03056/FULL
LOCATION	Land at Bedford Road, Houghton Regis
PROPOSAL	Comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure including car parking, drainage, pumping station, hard and soft landscaping, footway/cycleways, children's play space and informal public open space.
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs Goodchild & Jones
CASE OFFICER	Louise Newcombe
DATE REGISTERED	01 August 2014
EXPIRY DATE	21 November 2014
APPLICANT	Taylor Wimpey
AGENT	DLP Planning Consultants
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan and Town Council objection to a Major application
RECOMMENDED DECISION	That the Development Infrastructure Group Manager be authorised to GRANT planning permission subject to the prior consultation of the Secretary of State, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, and satisfactory completion of a Section 106 Agreement and subject to conditions.

1. Summary of Recommendation:

- 1.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm.
- 1.2 The site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. In recognition of the lengthy history of policy support for the proposed strategic allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation area, it is considered that the planning context within which the application site sits is such that it would not serve any of the five the purposes of including land within the Green Belt to resist the development on Green Belt grounds. There are also a number of other factors and site specific considerations which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

- 1.3 The development would represent a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan.
- 1.4 Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

2. Site Location

- 2.1 The site is located wholly within the designated Green Belt. It is an open arable field of 6.84 ha currently comprising grassland, unmanaged scrub and trees, located to the north of Houghton Regis, on the eastern side of the A5120 Bedford Road. The site is situated in close proximity to residential development, with the Tithe Farm area of Houghton Regis located to the south and east and with the dispersed settlement of Bidwell located to the north west. The site boundary to the north, east and south consist of a combination of trees and hedgerows. The site is bounded to the south by a row of TPO trees and the Gospel Hall at Dell Mount.
- 2.2 The site exhibits an undulating gradient which generally slopes from the north east to the south west of the site.
- 2.3 The application site is traversed by three public footpaths, known as Footpaths 10, 17 and 45. Footpath 17 crosses the site in an east-west direction, linking to the Tithe Farm area. Footpath 45 connects Bedford Road to the land located to the east of Bidwell, via the application site. Footpath 10 connects Footpath 45 to Bedford Road.
- 2.4 The site is located directly to the south of the recently approved Houghton Regis North (Site 1) outline planning application, which was granted outline planning permission for up to 5,150 dwellings.
- 2.5 The application site is located within the Houghton Regis North Strategic Allocation, as identified in the emerging Development Strategy for Central Bedfordshire. The Houghton Regis North Strategic Allocation has been previously identified in the withdrawn Luton and South Central Bedfordshire Joint Core Strategy, which has been endorsed for Development Management purposes. Due to the location of the application site, it is also subject to the approved Houghton Regis (North) Framework Plan.
- 2.6 In landscape terms the site falls within the National Character Area 110:Chilterns and Bedfordshire and Cambridgeshire Claylands character areas.

3. The Application

3.1 The full planning application is for a comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure including car parking, drainage, pumping station, hard and soft landscaping, footway / cycleways, children's play space and informal public open space.

3.2 Along with the plans, the application is supported by the following documents:

- Design and Access Statement (March 2014)
- Topographical Survey (December 2012)
- Phase 1 Habitat Survey (August 2014)
- Heritage Desk Based Assessment (April 2014)
- Transport Assessment (Travel Plans) (January 2015)
- Environmental Statement and Non-Technical Summary (July 2014)
- Draft Heads of Terms (July 2014)
- Statement of Community Involvement (August 2014)
- Flood Risk Assessment (July 2014)
- Planning Statement (July 2014)
- Landscape Visual Impact Assessment (December 2014)
- Public Art Strategy (July 2014)
- Landscape Management and Maintenance Plan (July 2014)
- Arboricultural Impact Assessment and Arboricultural Method Statement (December 2014)
- Building For Life Assessment (April 2014)

3.3 The planning application was revised following the initial consultation period and following negotiations with Officers. The following details were subsequently submitted:

- Revised Layout
- Swept Path Analysis drawings
- Revised Landscape Management and Maintenance Plan
- Revised Landscape and Visual Impact Assessment
- Tree Protection Plan
- Design Statement for North Houghton Regis Framework Plan
- Arboricultural Impact Assessment and Method Statement
- Revised Soft and Hard Landscape Proposals
- Revised house types
- Revised garage designs
- Revised street scene drawings

4. Relevant Policies

National Planning Policy Framework (NPPF) (2012)

- Section 1: Building a strong, competitive economy
Section 4: Promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design
Section 8: Promoting healthy communities

- Section 9: Protecting Green Belt land
- Section 10: Meeting the challenges of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies (2004)

- Policy SD1 Sustainability Keynote Policy
- Policy BE8 Design Considerations
- Policy H4 Providing Affordable Housing
- Policy T10 Controlling Parking in New Development
- Policy R10 Children's Play Area Standard
- Policy R11 Provision of New Urban Open Space in New Residential Developments
- Policy R14 Protection and Improvement of Informal Recreational Facilities in the Countryside
- Policy R15 Retention of Public Rights of Way Network

(Having regard to the NPPF, the age of the plan and the general consistency with the NPPF, policies SD1, BE8, R10, R11, R14 and R15 are still given significant weight. Other South Bedfordshire Local Plan Review policies set out above carry less weight where aspects of those policies are out of date or not consistent with the NPPF).

Minerals and Waste Local Plan (2005)

- Policy W4 Waste minimisation and management of waste at source

Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

- Policy WSP5 Including waste management in new built development

The Emerging Central Bedfordshire Development Strategy (June 2014)

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 2 Growth Strategy
- Policy 3 Green Belt
- Policy 19 Planning Obligations and the Community Infrastructure Levy
- Policy 20 Next Generation Broadband
- Policy 21 Provision for Social and Community Infrastructure
- Policy 22 Leisure and open space provision
- Policy 23 Public Rights of Way
- Policy 24 Accessibility and Connectivity
- Policy 25 Functioning of the Network
- Policy 26 Travel Plans
- 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 36 Development in the Green Belt
- Policy 43 High Quality Development
- Policy 44 Protection from Environmental Pollution
- Policy 45 The Historic Environment
- Policy 47 Resource Efficiency

Policy 48	Adaptation
Policy 49	Mitigating Flood Risk
Policy 50	Development in the Countryside
Policy 56	Green Infrastructure
Policy 57	Biodiversity and Geodiversity
Policy 58	Landscape
Policy 59	Woodlands, Trees and Hedgerows
Policy 60	Houghton Regis North Strategic Allocation

(Having regard to the NPPF, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State in October 2014 and the Examination Hearings are due to start in February 2015).

Luton and South Central Bedfordshire Joint Core Strategy (2011)

- Adopted by CBC Executive for Development Management Purposes on 23 September 2011

Supplementary Planning Guidance / Other Documents

- Houghton Regis (North) Framework Plan (2012)
- Revised Central Bedfordshire Design Guide (2014)
- Central Bedfordshire Sustainable Drainage Guidance SPD (2014)
- Central Bedfordshire Leisure Strategy (2014)
- Planning Obligations Strategy for Southern Central Bedfordshire (2009)
- Central Bedfordshire and Luton Local Transport Plan 2011-2026 (LTP3)
- Managing Waste in New Developments SPD (2005)
- South Bedfordshire District Landscape Character Assessment (2009)

5. Planning History

There is no direct planning history relevant to this site however the following application relates to neighbouring land to the north and east of the application site that also forms part of the proposed North Houghton Regis Strategic Allocation:

CB/12/02613/OUT Up to 5,150 dwellings (use class C3); up to 202,500 sqm gross of additional development in use classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home); D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Outline planning permission (HRN1).

Luton Borough Council was subsequently granted permission to apply for Judicial Review in respect of this development. However, the claim was dismissed in the Court Judgement dated 19/12/2014. The appeal process in relation to the Judgement

is currently ongoing.

On land to the west of the application site on the opposite site of Bedford Road at Land to the rear of The Old Red Lion the following application is currently under consideration and included on the same Committee Agenda as this application:

CB/14/03047/OUT Development of up to 62 dwellings, access, public open space and other associated works on land to the rear of the Red Lion Public House, to the west of Bedford Road, Houghton Regis

6. Representations

Parish & Neighbours

Houghton Regis Town Council

Original comments:

The Town Council objects on the following grounds:

- The application is not in accordance with the Houghton Regis Strategic Urban Extension Plan. The site had been identified as part of the green open space network with Bidwell to remain like a hamlet.
- The development would be in conflict with the Houghton Regis (North) Framework Plan.
- The development would conflict with the Green Belt plan.
- The development would greatly increase traffic on an already busy road. The development would lead to many junctions in close proximity to each other.
- It is believed that the land contains a number of springs.
- Bedford Road is not wide enough to accommodate bus stops. Lay-bys will need to be created.
- Separate access from Bedford Road for 5 dwellings is inappropriate and will add to the number of junctions, increasing traffic problems.
- The housing mix is unacceptable – 40% of the development being four bedroom properties is too high.
- Access to the school is in the wrong place.

Comments following receipt of revised documents:

The Town Council objects on the following grounds:

- The application is not in accordance with the Houghton Regis Strategic Urban Extension Plan. The site had been identified as part of the green open space network with Bidwell to remain like a hamlet.
- The development would be in conflict with the Houghton Regis (North) Framework Plan.
- The development would greatly increase traffic on an already busy road. As the development proposes two

access points, there would be six junctions as a result.

- Bedford Road is not wide enough to accommodate a roundabout to act as a traffic calming measure.
- If bus lay-bys will not be created then the bus stops would add further traffic congestion.
- The housing mix is unacceptable – 40% of the development being four bedroom properties is too high.
- Access to the school is in the wrong place.

Neighbours / Others: Representations from 4 neighbouring properties / interested parties have been received as detailed below.

Representation on behalf of Bidwell Gospel Hall Trust:

- Object due to omission of tree report and method statement relating to the protection of the trees on the southern boundary, absence of indication of boundary treatment, no acknowledgement that the trust premises are in daily use and it will be essential to protect the amenities of future occupiers of the proposed properties through adequate screening and separation
- Refer to tree protection measures, appropriate boundary treatment, and ensuring adequate precautions are taken relating to noise.

Representation from Optimis Consulting Ltd (September 2014) :

- Consider that the extensive site history as well as the existing HRN1 consent proves that exceptional circumstances exist to release this land from the Green Belt
- Very Special Circumstances can be demonstrated given this progress of bringing forward land within the allocation
- Location identified as potentially contributing to housing delivery and separately identified as contributing to delivery
- Residential development at this location should be supported
- The proposals will significantly assist in the early delivery of housing within the overall allocation
- Proposals will make a significant contribution to defining the character and improving amenity in the immediate area and the route along Bedford Road
- Suggests that the Council fully addresses the proposed extent of the 30mph speed limit and gateway feature and the provision of pedestrian access along the full boundary of the application

site along Bedford Road

Representation from resident at 8 Roslyn Way:

- Transport Assessment within the application seems to ignore enforceable traffic calming measures on the Bedford Road from High Street junction northwards towards the site.
- Excessive speeding is common place, flashing 30mph signs are ineffective, measures need to be taken to force drivers to comply with set speed limits

Representation from 91 Churchfield Road:

- No real objections to the building of the new dwellings, hope the area and trees immediately behind their property will be pollarded to assist the maintenance

Consultations/Publicity responses:

This table summarises the responses received which can be viewed in full on the planning application file.

CBC Archaeology	The development will not affect the significance of either the heritage assets with archaeological interest or any of the designated heritage assets and therefore no objection raised
Buckingham and River Ouzel Internal Drainage Board	The site is outside the Board's district. Confirmation should be sought from Anglian Water that a suitable surface water sewer exists and can satisfactorily accommodate the additional flows from the site
CBC Countryside Access Service (CAS)	Raised queries regarding future maintenance of open space, SUDS design and maintenance, public art maintenance, limited provision of open space within the development, does not fit the criteria for CAS to maintain in the future
CBC Sustainable Drainage Engineer	Echoes the Environment Agency's comments that a more sustainable approach to the management of surface water on site would have been preferred to the use of underground storage crates. Given the restrictions on permeability and topography and that there is compliance with Anglian Water's

	<p>preferred run off rate this is still a viable solution.</p> <p>The ponds should be sufficient to mitigate flood risk posed through exceedance of the crates.</p> <p>The developer should make provisions to ensure maintenance plans are provided for any private source control components, such as the areas of permeable paving, and that future owners will be made aware of their role.</p>
CBC Ecologist	<p>No objection to the proposals. Comments made regarding concern over hedgerows within rear gardens, bat and bird nesting, lighting, suggestions made for tree species and comments received on the suitability and management of the open space.</p>
CBC Education	<p>Education contribution required for early years, primary and secondary levels.</p>
Environment Agency	<p>Removed their original objection following receipt of further information. Note that Anglian Water have accepted the run-off rates.</p>
Highways Agency	<p>No objection. The housing numbers proposed as part of this development and therefore the trip rates have already been taken into account and assessed as part of the Houghton Regis development Framework. Therefore no comments.</p>
CBC Highways	<p>No objection.</p> <p>Subject to a suitable contribution towards the Woodside Link and conditions, in traffic generation terms no objection is raised.</p> <p>The proposed layout is acceptable and minor amendments or omissions can be dealt with through conditions</p> <p>The proposed access arrangement and traffic management features are sound subject to detail design and safety audit.</p>
CBC Housing Development Officer	<p>No objection to provision of 30% affordable homes. Suggests a tenure split of 63% affordable rent and 37% intermediate tenures to be dispersed</p>

	through the site.
CBC Landscape Officer	<p>No objections to the principle of development on this site. Concerns raised regarding:</p> <ul style="list-style-type: none"> - Conformity with the Framework Plan – green infrastructure corridor enhancement between Bidwell and Houghton Framework needs to be included / embraced, the landscape corridor offset along Bedford Road needs to be wider with development set back, GI links across the site need to be indicated - The landscape character assessment of areas - Wider visual and landscape impacts - Inclusion of boundary trees and planting within rear gardens - Boundary planting reinforcement and screening of site - Pumping station integration - Compliance with the CBC Design Guide - SuDS proposals and POS provision
CBC Leisure, Play and Open Space	<p>Sets out the open space requirements for this development in accordance with the Leisure Strategy and Standards Details of the play area to be finalised. Contributions sought for off-site provision of indoor sports, outdoor sports and green infrastructure.</p>
CBC Local Transport Plan	No comments received
Luton Borough Council	No comments received
NHS England	<p>Welcomes the opportunity for health needs from the development to be part of a legal agreement. Details provided regarding the existing practice and needs generated from the proposed development. Calculations are provided for a financial contribution.</p>
CBC Planning Policy	No objection – accords with the Framework and there may be very special circumstances that outweighs the harm to the green belt.

CBC Public Art	No objection. Detailed comments provided on the submitted Public Art plan. To be secured through imposition of condition.
CBC Public Protection	No objection subject to a condition for an acoustic assessment and noise attenuation measures where required to address road traffic noise concerns from Bedford Road for internal and external areas of dwellings.
CBC Rights of Way	Welcomes that the development proposes to provide the Public Footpaths through the open space and retain the links to the existing housing of Houghton Regis and future development as part of HRN1. Proposed crossing of Bedford Road is welcomed. Need to control surfacing and future maintenance through condition or Legal Agreement.
CBC Sustainable Growth	No objection subject to conditions for energy efficiency measures.
CBC Sustainable Transport	No objection subject to securing cycle parking and travel plan details and contributions to sustainable transport within the Legal Agreement.
SUSTRANS	No comments received
CBC Trees and Landscape	<p>After originally requesting an Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Constraints Plan to support the application, the following comments were raised:</p> <ul style="list-style-type: none"> - Relationship of large trees in proximity to properties can cause future conflict - Rear gardens incorporating hedgerows has not been addressed - Drawbacks of particular tree species - No concerns regarding the statements submitted.
CBC Waste	Refer to Council waste management for new development documents, seeks

	adequate storage, collection and tracking for waste. Contributions for waste containers required from flats and dwellings.
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7. Determining issues

The main determining issues for the application are considered in the following sections;

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire
5. Compliance with the Houghton Regis (North) Framework Plan
6. The Green Belt and assessment of the potential “very special circumstances” that may arise
7. Environmental Statement
8. Design
9. Access and Transport
10. Trees and Landscape (including open space)
11. Socio-economic impacts
12. Impact on Historic Environment
13. Ecology and biodiversity
14. Ground conditions and contamination
15. Noise and pollution
16. Flooding and drainage
17. Energy efficiency
18. Waste
19. Utilities
20. Infrastructure requirements and planning obligations

8. Consideration of issues

8.1 Compliance with the Adopted Development Plan for the Area

- 8.1.1 As set out within the Planning and Compulsory Purchase Act 2004 (section 38(6)) and the Town and Country Planning Act 1990 (section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraphs 2, 11, 196 and 210 of the NPPF. The development plan is defined in section 38(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area”.
- 8.1.2 The Development Plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council’s Minerals and Waste Local Plan: Strategic Sites and Policies

(2014).

- 8.1.3 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development in the Green Belt. This is the fundamental land use issue in relation to both the Development Plan and the NPPF and is dealt with in full in Section ?? of this report. All other relevant policy considerations under the Development Plan are addressed below.
- 8.1.4 Policy BE8 lists a number of design considerations that development should generally take into account. The submitted layout, landscaping and house types will result in a residential development that will achieve a high quality design relating well to its context and the surrounding area. This is discussed in further detail in Section ?? of this report. The application is therefore considered to be compliant with Policy BE8.
- 8.1.5 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning obligations are required to ensure that, amongst other matters, occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.
- 8.1.6 This policy was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. Recent work for the Development Strategy supports a requirement of around 30% of affordable housing within new developments. Therefore this policy is considered to be out-of-date and it is recommended that limited weight is afforded to Policy H4 in respect of occupancy and the indicative affordable housing target.
- 8.1.7 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. Revised parking standards are contained within the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10.
- 8.1.8 Policies R10 and R11 set out the requirements for play areas and formal and informal open spaces. The standards set out in the Central Bedfordshire Leisure Strategy which was adopted as technical guidance for Development Management purposes in March 2014 supersede previous requirements set out within Policies R10 and R11 and the weight to be attached to the standards in Policies R10 and R11 is diminished. The provision of play areas and open space is appraised in Section ?? below.
- 8.1.9 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to

urban areas. The policy is directly relevant to the planning application site and should be afforded substantial weight in reaching a decision. The application has identified the existing rights of way, opportunities for enhancements to the network and new connections which can be provided through the development to improve recreational access to the countryside. The proposal therefore complies with the requirements of Policy R14.

- 8.1.10 Policy R15 seeks the retention of the existing public rights of way. There are three public footpaths that cross the site and others within proximity. Diversions of the footpaths and enhancements are planned for in connection with the development and the treatment of, and maintenance of these routes can be secured to meet the aims of this policy.
- 8.1.11 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new developments. A Construction Management Plan can secure by condition, the details of excavated material re-use within the site where possible and the layout provides for adequate collection areas and provision for turning for collection vehicles. A financial contribution has been agreed by the applicants towards providing waste receptacles for all dwellings and can be secured through legal agreement. As such the proposed development is considered to be compliant with these waste policies.

8.2 Compliance with the National Planning Policy Framework

- 8.2.1 For the reasons set out in the previous section, it is necessary to consider this planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.

Building a strong, competitive economy

- 8.2.2 The development of housing and the provision of appropriate infrastructure alongside support for local shops and services and employment relating to the construction of the development contribute to building a vibrant economy for Houghton Regis.

Promoting sustainable transport

- 8.2.3 The application has been submitted with a supporting Transport Assessment and Travel Plan. The site is well related to the local highway network with convenient access to the M1, Luton and Dunstable by car. There are public transport routes along Bedford Road and in proximity to the site there is a link to the Luton and Dunstable guided bus link.

Suitable contributions are proposed towards provision and enhancement of strategic level highways works, public transport, footpath and cycleway network improvements and traffic calming along Bedford Road.

Delivering a wide choice of high quality homes

- 8.2.4 The Design and Access statement sets out the mix of housing types and detailed plans of all the proposed house types have been submitted with the application. A range of dwelling sizes and types are proposed. 30% of housing on site is proposed to be affordable which assists in the provision of homes for all. There are no development viability constraints which prevent full policy compliant Affordable Housing in this case and this would be secured through an appropriately worded Legal Agreement.

Requiring good design

- 8.2.5 The application includes a comprehensive Design and Access Statement which has been informed through detailed discussions with officers. Aspects of the detailed design proposals are assessed below.

Promoting healthy communities

- 8.2.6 The provision of hard and soft landscaping, footways/cycleways, play space and informal public open space on site is proposed. These areas are considered appropriate to the scale of the proposals, having regard to the site's location in relation to existing facilities and services in the area. Appropriate financial contributions are sought for green infrastructure of a more strategic scale and in order to mitigate for the impact of the development on facilities and services such as schools, healthcare, local sports and leisure facilities, community facilities and emergency services.

Protecting Green Belt land

- 8.2.7 This is part of the core planning principles set out within the NPPF. Within the Green Belt there is a presumption against residential development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Meeting the challenge of climate change, flooding and coastal change

- 8.2.8 The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with national described standards.

- 8.2.9 The submitted Design and Access Statement sets out that the scheme has been designed to enable a minimum Code for Sustainable Homes Level 3 which helps tackle the causes of climate change and that all dwellings are designed in accordance with Building Regulations Part L. Responsibly sourced, sustainable materials are also detailed.

- 8.2.10 The application site and its immediate surroundings lie within Environment Agency Flood Zone 1. All sources of flooding have been considered within the submitted Flood Risk Assessment and the site will not be at risk of flooding or exacerbate the risk of flooding to third parties. The drainage strategy for the development is also in accordance with the hierarchy for sustainable surface water disposal.

Conserving and enhancing the natural environment

- 8.2.11 The application was submitted with comprehensive documents detailing

landscaping and biodiversity. Various proposals for landscape and biodiversity are included within the proposed development to conserve and enhance the natural environment.

Conserving and enhancing the historic environment

- 8.2.12 The application has considered the potential impacts on the historic environment and there will be no more than a negligible adverse impact on these assets.

8.3 The weight applied to the Luton and South Bedfordshire (L&SBDC) Joint Core Strategy

- 8.3.1 The L&SBDC Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic element of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the evidence that supported the Joint Core Strategy remains supportive of the growth agenda for the area.

- 8.3.2 For this reason, Central Bedfordshire Council endorsed the L&SBDC Joint Core Strategy and its evidence base as guidance for Development Management purposes on 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of this application.

- 8.3.3 The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere in this report including in the next section dealing with the emerging Development Strategy for Central Bedfordshire.

8.4 The weight to be applied to the emerging Development Strategy for Central Bedfordshire

- 8.4.1 The Central Bedfordshire Development Strategy document has been submitted to Secretary of State 24 October 2014 with the first Examination hearings scheduled for early February and later ones for April this year.

- 8.4.2 The Development Strategy is not yet adopted policy and does not currently form part of the Development Plan but as submitted deals with the development needs for the area beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy also seeks to be consistent with the NPPF. To that end, it is considered that its housing supply policies that define a required quantum of development and policies regarding new infrastructure to support development and its delivery are more up-to-date and should be given greater weight than those

equivalent to or missing from the adopted SBLPR (2004) and the L&SBDC Joint Core Strategy.

- 8.4.3 Policy 60 of the emerging Development Strategy specifically sets out the requirements for the Houghton Regis North Strategic Allocation. The application site lies within Site 1 of 2 identified in the policy.
- 8.4.4 The policy also details opportunities to assist Houghton Regis through the delivery of supporting infrastructure including items such as new transport routes and green infrastructure.
- 8.4.5 The planning application conforms closely to the Council's policy direction in this regard and the site forms part of the significant urban extension to Houghton Regis that the Council considered a key part of its Development Strategy. The planning application has been designed to integrate with the existing settlement and align closely with the details of this policy, and it is appropriate to conclude that the planning application has taken full account of this policy and is broadly compliant with it for reasons set out below.
- 8.4.6 The compliance of the proposed development with other policies is discussed in the detailed consideration of issues below.

8.5 Compliance with the Houghton Regis (North) Framework Plan

- 8.5.1 The Council prepared and adopted the Houghton Regis North Framework Plan for Development Management purposes in October 2012. The Framework Plan drew from the evidence base produced for the previously withdrawn L&SBDC Joint Core Strategy and from the work then underway for the Development Strategy for Central Bedfordshire. It provides a broad framework for the urban extension to assist potential developers in formulating subsequent planning applications and is a material consideration in determining these.
- 8.5.2 The vision for the development set out in the Framework Plan seeks to ensure that any development connects with its surroundings, helps form new communities, contributes to a sustainable future, emphasis design, provides new business and employment opportunities and protects and enhances the area. A Plan was developed to show where the main elements of development and supporting infrastructure (roads, community facilities, open space areas, schools, commercial areas, housing etc) were potentially to be located.
- 8.5.3 Houghton Regis Town Council has raised objection in principle to development on this site on the grounds that development in this location is not in accordance with the Houghton Regis (North) Framework Plan however no detail has been provided as to how it is considered it does not accord.
- 8.5.4 The proposal is considered to be broadly in accordance with the Houghton Regis North Framework Plan by providing open space within the western part of the site adjacent to Bedford Road and by responding to the local footpath network to provide links through the site. The open space and

landscaping is considered to accord with the network of Green Infrastructure shown on the Plan to provide connections and access to the countryside and other future development areas. The built development is set back from the frontage of the site to form a swathe of green corridor tapering the amount of development close to the settlement edge allowing a transition of open space and green frontage thereby creating a gateway to the development and Houghton Regis.

8.6 The Green Belt and assessment of the potential “very special circumstances” that may arise

8.6.1 Paragraph 83 of the NPPF states:

“...Once established Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of a local plan.”

8.6.2 In the Judgement handed down 19 December 2014 by the Judge in the recent HRN1 Judicial Review case held that this paragraph may be a material consideration in considering whether the proposal should be refused on the grounds of prematurity (in advance of the emerging Development Strategy in this case).

8.6.3 The emerging Development Strategy has been submitted for examination but has not yet been adopted. Government guidance contained within the National Planning Practice Guidance advises that, in the context of the NPPF and the presumption in favour of sustainable development, prematurity is unlikely to justify the refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

8.6.4 The application site forms part of a larger proposed allocation which comprises a key element of the housing provision and overall growth strategy planned to accommodate the needs of a growing population in the area. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan would serve no good purpose, other than to delay much needed housing. In relation to this specific application, the development proposed is not so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development. It is considered that the proposed development does not meet the tests for constituting premature development (set out in the Planning Practice Guidance) that should be refused planning permission in light of its scale and relationship with the adjacent HRN1 permission.

8.6.5 Section 9 of the NPPF and specifically paragraphs 87, 88 and 89 provide that within the Green Belt all development is inappropriate (and thus can be permitted only in ‘very special circumstances’) unless it is one of the types of development or buildings set out as exceptions. The residential development proposed through this application does not qualify as one of the exceptions set out within the NPPF and therefore is considered to

constitute 'inappropriate development'.

The harm to the Green Belt caused by the 'inappropriate development' proposed

8.6.6 The site subject of this planning application lies wholly within the approved Green Belt for the area. Policy 60 of the emerging Development Strategy proposes that the Green Belt in the area to the north of Houghton Regis and south of the proposed new A5-M1 link road is removed to make way for the proposed urban expansion. There is a substantial body of evidence through that process which has concluded that it is appropriate to remove the Green Belt designation in this area to allow for the urban expansion within which the application is set. However, this policy is not yet in place.

8.6.7 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serve five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

8.6.8 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.

- *To check the unrestricted sprawl of large built-up areas*

8.6.9 The site adjoins the existing settlement boundary of Houghton Regis. The site also shares its countryside boundary with that of the HRN1 development. It is considered that the site sits at the edge of the wider area which forms an almost seamless urban conurbation comprising Luton, Dunstable and Houghton Regis. Development of this site will not significantly alter that character and does not result in harm by significant sprawl of this large built-up area. Within the context of the proposed Strategic Allocation including the other planned and committed development within the allocation area, the site would no longer serve any Green Belt value in terms of preventing the sprawl of the existing large built-up area.

- *To prevent neighbouring towns merging into one another*

8.6.10 The HRN1 development and proposed allocation of the Houghton Regis North site (as set out in the Framework) sets a clear edge to Houghton Regis. This site will not result in harm through the merging of neighbouring towns.

- *To assist in safeguarding the countryside from encroachment*

8.6.11 As stated above, the site, whilst currently comprising a rural fringe agricultural field would, with consideration to the planning permission for development of the land to the north and north west as part of Houghton Regis North 1 development, constitute a field surrounded by development. The site would be bounded by the existing built form of Houghton Regis and the consented development of site HRN1. The application site in the future will most likely be substantially visually enclosed through the development of this site and therefore not likely to result in significant harm through encroachment. However, on the basis that HRN1 is not yet implemented or developed, the proposed development will encroach upon the countryside and will be harmful to the Green Belt on this basis.

- *To preserve the setting and special character of historic towns*

8.6.12 It is not considered that the historic setting and special character of Houghton Regis and any of its heritage assets would be affected by the proposed development. The site is also adequately separated from nearby Grade II listed buildings to ensure their settings and special character is preserved. As such there is no special character that would be harmed by this development.

- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

8.6.13 The Luton/Dunstable/Houghton Regis conurbation does contain areas where urban regeneration is encouraged and where economic renewal is of particular importance. These areas were identified in the former Luton and South Bedfordshire Core Strategy and regeneration of those areas remain important objectives in current and emerging policy documents. This includes the areas also covered by Master Plans at Houghton Regis and Dunstable Town Centres.

8.6.14 This additional site is part of the wider North Houghton Regis allocation that addresses housing need for the local and wider Council area which is outside the existing urban area.

8.6.15 Development of this site would reduce the need to develop other greenfield sites and therefore encourage the recycling of derelict and other urban land.

8.6.16 It is not considered that the proposed development would cause harm to this Green Belt objective to assist urban regeneration

8.6.17 The proposal would be harmful to the Green Belt due to its inappropriateness, and its impact on openness as it would presently involve development outside of the existing built-up area, encroaching into the existing countryside.

Other harm:

8.6.18 The site is currently an open arable field and is identified as grade 3 agricultural land. This is land with moderate limitations. The Agricultural Land Classification system classifies land into five grades. The best and most versatile land is defined as Grades 1, 2 and 3a. The NPPF within paragraph 112 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land in preference to that of a higher quality should be sought. It is considered that the loss of this area of agricultural land would constitute only minor harm.

8.6.19 The site is visible in public views from Bedford Road and from the surrounding public rights of way. The development would result in the loss of openness of the site which constitutes 'other' harm to be considered in the assessment of the proposed development.

8.6.20 The NPPF states:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

8.6.21 It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified. This is the primary decision that the Council will need to reach before considering other material considerations.

Do 'very special circumstances' exist?

8.6.22 The Agents set out within their Planning Statement the following as very special circumstances in this case to be considered in view of outweighing the harm to the Green Belt:

- There is clear need for development of land in the Green Belt outlined through the successive emerging Development Plans created since 2001 which have identified the area in which the application site is located as being suitable for removal from the Green Belt through the redrawing of the Green Belt boundary around the allocation. The Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding the suitability of the allocation or its removal from the Green Belt.
- There has been a continued commitment by the Local Planning Authority to the development of the Houghton Regis urban extension through the production of the Houghton Regis North Framework Plan in 2012, which was adopted for Development Control purposes in advance of the adoption of the emerging Development Strategy.
- Outline planning permission has been granted for the HRN1 allocation.

- If the subsequent Development Plan documents had reached adoption stage, then the application site would already have been allocated for residential development and removed formally from the Green Belt. Delay or refusal of the application on Green Belt grounds until the adoption of the emerging Development Strategy and the formal confirmation of the planning allocation will only delay much needed housing delivery.
- The proposed development accords with the Council's broad objectives in relation to housing delivery.
- The proposed development can be successfully integrated with the existing settlement and the future urban extension northeast of Bedford Road.
- The development and uses proposed can be delivered independently from the wider allocation including affordable housing and improvements to the surrounding public access network.
- The development includes significant community benefits by providing an improved footpath network connecting to HRN1 and the centre of Houghton Regis, a crossing to the adjacent Public House and HRN2 development and improved access through to Tithe Farm Primary School.
- The site is within a sustainable location and does not require strategic infrastructure to make it sustainable
- The development proposal is available now, deliverable within 5 years and viable. The viability is such that the development proposal seeks to provide policy compliant affordable housing.

Do such circumstances 'clearly outweigh' the potential harm caused by the inappropriateness of the development and any other harm?

Evolution of planning policy

8.6.23 As noted, the site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the site allocation for North Houghton Regis in the emerging Development Strategy to accommodate the needs of a growing population in the area. It is acknowledged that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy. Notwithstanding the current status of the emerging Development Strategy, there is considered a strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future.

8.6.24 Within this context, outline planning permission has been granted for the development of the largest parcel of the proposed HRN allocation (HRN1). This permission has been upheld in a Court judgement relating to Luton

Borough Council's application for Judicial Review. Whilst the appeal process in respect of this decision is ongoing, at the present time the HRN1 planning permission still stands and establishes that Green Belt land north of Houghton Regis can be developed. The planned A5/M1 link road and Woodside Link road projects were formally approved by the Secretary of State for Transport approved with the granting of Development Consent Orders in September 2014. Preliminary works in relation to the A5/M1 link road have now commenced. The application site is also closely related to the development of Bidwell West which comprises the largest land parcel forming part of HRN Site 2. An outline hybrid planning application in respect of Bidwell West has now been submitted (January 2015).

- 8.6.25 The recent planning decisions and other committed development within the allocation area have also altered the planning context within which the application site sits. This is an important consideration in terms of the very special circumstances test.

Housing need

- 8.6.26 In line with the NPPF, there is a need to boost significantly the supply of housing. Taken as an individual consideration, housing need is not an overriding factor sufficient to clearly outweigh Green Belt harm. However given the emphasis placed within the NPPF on the need to boost significantly the supply of housing this is an important consideration in terms of the very special circumstances test.

Other circumstances put forward

- 8.6.27 The applicant's case for very special circumstances refers to the site being able to be delivered independently from the wider allocation and includes the provision of affordable housing, improvements to the public access network and significant community benefits.
- 8.6.28 Subject to any development viability considerations, all developments within the proposed allocation would be required to provide appropriate contributions to mitigate their individual impact on infrastructure and support the delivery of the wider planned application. This is a policy requirement under emerging Policy DSCB 60. Where aspects of individual developments would fulfil baseline policy requirements, these should not be considered very special circumstances to outweigh Green Belt harm. In particular, a scheme of access and highways improvement works along Bedford Road and funding to mitigate the impact of planned development on infrastructure provision would be required in any event as part of the proposed urban extension.
- 8.6.29 It is accepted that the site is in a sustainable location which is accessible to local centres and existing facilities and services. Whilst this is relevant to the allocation of the wider HRN site as a strategic development site, in the context of the current proposal it is not the case that Green Belt considerations should be outweighed by the broader, general presumption in favour of sustainable development under national and local planning policy.
- 8.6.30 The availability, deliverability and viability of the proposed development of

this site is a positive aspect of the application but one that is not afforded significant weight compared to the Green Belt harm.

8.6.31 The loss of this site as agricultural land would only constitute minor harm that is not afforded significant weight.

8.6.32 It is therefore considered that these other circumstances carry very limited weight in the very special circumstances test.

Conclusion:

8.6.33 The proposed development would give rise to limited Green Belt harm due to its inappropriateness. Under the terms of the NPPF, substantial weight is to be attached to any Green Belt harm.

8.6.34 However in this case, in recognition of the lengthy and continued policy support for the proposed HRN allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation, it is considered that the circumstances set out above have altered the planning context within which the application site sits such that it would no longer serve any of the five purposes of including land within the Green Belt (NPPF paragraph 80) to resist the development within the allocation area on Green Belt grounds.

8.6.35 There are also a number of other factors including the provision of a policy compliant level of affordable housing, improvements to the public access network and significant community benefits which weigh positively in favour of the proposal. The site specific issues are discussed below in this report.

8.6.36 Taking all of the factors set out cumulatively, it is considered that very special circumstances exist which are sufficient to clearly outweigh the Green Belt harm identified.

8.7 The Environmental Statement

8.7.1 As noted in the Section 3 of this report the planning application has been accompanied by an Environmental Statement (ES). The ES was scoped formally by the Council in a letter dated 13 December 2013.

8.7.2 The ES is considered to assess each issue satisfactorily for the purposes of the 2011 Regulations. Clearly it is for the Council to consider whether it agrees or disagrees with the conclusions reached in each part of the ES and then to assess the impacts arising against planning policies and material considerations. This is undertaken under each specific issue considered in this report.

8.8 Design

8.8.1 The proposed development would provide a range of two, two and a half

and three storey properties. The density would be slightly lower than the adjoining residential development on the Tithe Farm estate, at approximately 30 dwellings per hectare, when considering the developable site area. Red and brown brickwork, with occasional instances of light coloured paint and render and dark coloured weather boarding are identified as the proposed construction materials.

- 8.8.2 The development would take design cues from the surrounding residential development, as identified in the Design and Access Statement. As the surrounding area is not considered to have significant design or architectural merit, the applicant has used local villages for additional design elements.
- 8.8.3 The proposed dwellings would respond to the topography of the land, taking into account the position of existing footpaths. The development would also integrate several established tree buffers to the south and west of the site.
- 8.8.4 The site has a steep, undulating landscape, which typically allows views out of the site to the north and west, towards land identified within the Houghton Regis North Strategic Allocation. Due to the steep nature of the site there are no significant views into the site.
- 8.8.5 The layout of the development would create a clear street hierarchy, with prominent vistas, which will provide highly legible routes with views terminated by larger buildings, connected to small cul-de-sacs. The secondary routes would also be adoptable as shared space. The layout of the development would create public access routes with high levels of natural surveillance. The combining of the main pedestrian and vehicular access routes also serves to limit opportunities for crime. The layout of the site is also considered to allow access for disabled and elderly persons, and for those with prams and pushchairs, through all public areas within the site.
- 8.8.6 The eastern boundary of the site would be approximately 11.0 metres away from the nearest residential property along Churchfield Road/Dell Road. The rear gardens of the proposed dwellings would provide an additional gap between the proposed and existing development. The tree buffer along this boundary will be largely retained, reducing any impact in terms of being unduly overbearing or in terms of privacy to neighbouring residents
- 8.8.7 The western boundary of the site borders Bedford Road for approximately 270.0 metres. The remaining section of the western boundary of the site is located to the east of a row of dwellings along Bedford Road, including No.1 to No.6 Bedford Road and Highfield House. The proposed dwellings would be at set back by at least 20.0 metres from the existing residential development.
- 8.8.8 The southern boundary would border the Gospel Hall. A tree belt is located on the boundary of the site. This row of trees will be retained, providing a buffer between the sites. The Gospel Hall is located approximately 11.5 metres from the boundary of the application site.

- 8.8.9 The detailed layout of the proposed development identified that the development would provide sufficient back to back distances to preserve the amenity of residents within the site and in adjoining residential areas. The development would provide adequate garden sizes.
- 8.8.10 In summary the proposal is in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 43 of the emerging Development Strategy for Central Bedfordshire. The design accords with the Revised Central Bedfordshire Council Design Guide (2014) and would not result in a detrimental impact upon the character and appearance of the area or the street scene and no significant detrimental impact on residential amenity of future or existing occupiers. As such the design is considered acceptable.

8.9 Access and Transport

- 8.9.1 National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.
- 8.9.2 Paragraph 32 of the NNPF states that where developments generate significant amounts of movement, decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that: “development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.”
- 8.9.3 This section of the report details the existing transport and baseline situation (i.e. the existing transport conditions), related key strategic transport schemes and the proposed development transport impacts.
- *Existing transport / baseline situation:*
- 8.9.4 The site is located off the A5120 Bedford Road which is a single carriageway road with a speed limit of 40mph from the current northern urban edge of Houghton Regis. The site is currently in agricultural use and, as such generates minimal traffic.
- 8.9.5 Three junctions situated within close proximity to the site were identified by the Local Highway Authority for assessment and thus constituting the local highway network of interest: -
- Junction 1 – Bedford Road / Thorn Road – Simple priority junction;
 - Junction 2 – Bedford Road / High Street – Mini roundabout;
 - Junction 3 – Tithe Farm Road / High Street / The Green – Mini roundabout

- 8.9.6 It is acknowledged within the submitted Transport Assessment that the planned construction of the A5-M1 Link Road and Woodside Link (scheduled for construction in 2015-17), will lead to a significant change in traffic patterns experienced on the local highway network and that congestion experienced on Bedford Road and High Street is expected to decrease as a result
- 8.9.7 The operational highway assessment for all three junctions demonstrates they are currently operating above their theoretical capacity limits during the 2013 baseline traffic conditions. This is supported by site observation.
- 8.9.8 There are currently regular bus services operating along Bedford Road and Tithe Farm Road. Two unmarked bus stops exist adjacent to, and opposite Roslyn Way. These are approximately 100m from the site access. The services along Tithe Farm Road provide connectivity with the Luton Dunstable busway.
- 8.9.9 Leagrave is the nearest railway station approximately 7km from the site.
- 8.9.10 There are three public footpaths that traverse the site and there is a continuous footway along the west side of Bedford Road running past the site. There is currently no pedestrian footway on the eastern side of the carriageway adjacent to the site and no formalised pedestrian crossings exist to enable the safe and efficient crossing of Bedford Road. The site is within reasonable walking distance of local facilities and services at Houghton Regis High Street including Tithe Farm lower school and All Saints Academy secondary school and a supermarket (Morrisons).
- 8.9.11 The National Cycle Network (NCN) Route 6 runs through Houghton Regis and is approximately 2km from the application site. The shared use path along the busway is also within access from the site at a distance of approximately 1.1km away.
- *Related Key Strategic Transport Schemes*
- 8.9.12 There are two key strategic transport schemes highlighted in the LTP3 within the Houghton Regis areas. These are the A5-M1 Link Road and the Woodside Link (connection from the new M1 J11a to Poynters Road).
- 8.9.13 The A5-M1 Link road has been designed to act as a Northern Bypass of the town between the A5 and the M1 via a new junction (11a) on the motorway. Traffic forecasting has identified a significant traffic reduction in and around Dunstable and Houghton Regis, including up to 19% on High Street North, 12% on High Street South, 30% on the A5120 Bedford Road and 22% on the A5.
- 8.9.14 The Woodside Link will connect the new M1 J11a to Poynters Road and will also link the Woodside Industrial Estate to the M1 removing heavy goods vehicle traffic from Houghton Regis and Dunstable. While this authority has committed to the Woodside Link with funding contributions through Department for Transport local growth fund bid, the remaining shortfall is to be underwritten by the Council. As a result contributions will

need to be sourced from developments which will be able to be progressed due to that relief.

- 8.9.15 The LTP3 indicates that funding contributions are to be sought from developers to deliver essential transport infrastructure provision in the area and address the challenges of increased congestion, air quality and traffic in the future.
- 8.9.16 Allowance was made for the development of this site within the HRN1 traffic forecasts and modelling.
- *Proposed site access arrangements:*
- 8.9.17 Following negotiations with CBC Highways, a mini-roundabout was agreed for the formation of the proposed site access. The alignment was considered in view of the existing Roslyn Way junction to the south. A condition is suggested to be imposed to secure the final details of this junction through the associated Highways works covered under the S.278 Highways Agreement.
- 8.9.18 The layout is considered to be acceptable. Access and appropriate turning and manoeuvring space for refuse collection vehicles has been fully considered within the layout and is considered acceptable.
- *Proposed development traffic generation:*
- 8.9.19 The submitted Transport Assessment forecasts vehicle trip generation from the proposed development being 99 trips during the AM peak and 118 trips during the PM peak hours. These trip rates do not take into account any improvement that may occur as a result of traffic calming and Travel Plan measures As such they are considered to be adequately robust and represent a 'worst case' scenario.
- 8.9.20 The Highway Agency and Central Bedfordshire Council consider that the Highway Network as it stands (and considering the unprecedented growth of housing in the area) needs improvement. As a result, both the M1-A5 Link and the Woodside Links have been proposed and approved.
- 8.9.21 The proposed development would result in an increase in traffic exiting Bedford Road onto the High Street by approximately 10%. The Local Highway Authority acknowledges that the network will be considerably under strain until the time of the opening of the strategic links (2017). At the time of opening the network will be significantly relieved.
- 8.9.22 Due to the traffic generation from the application site being included within the model for HRN1 and due to the number of dwellings proposed, there is an immaterial and imperceptible difference to the overall traffic flows between the "with development" and "without scenarios.
- *Woodside Link:*
- 8.9.23 The Council has committed to the Woodside Link with funding contributions through Department for Transport growth fund bid. The remaining shortfall is to be underwritten by the Council. The Council is seeking appropriate

contributions through appropriate S.106 Agreements from development sites which will benefit, in traffic relief terms, as a result of the construction of the Woodside Link.

- 8.9.24 A contribution has been sought and agreed with the applicants for a significant financial contribution (£778,885) to the Woodside Link based on trip generation levels from this development.
- *Construction traffic:*
- 8.9.25 A Construction and Environmental Management Plan will be secured through imposition of condition. This will include the details for routes and times for construction related traffic.
- *Car parking:*
- 8.9.26 The proposed development includes a range of parking solutions. Parking within the curtilage of the dwelling in the form of garages, car ports and private driveways generally accessed from the front or side of the properties. The use of rear parking courtyards has been completely avoided. Discreet courtyards provide some off-road parking for the apartment elements of the scheme. Parking areas have been designed so that they are well positioned for visual surveillance from surrounding dwellings.
- 8.9.27 Visitor parking is provided in accordance with the Design Guide and are appropriately located throughout the site.
- 8.9.28 The proposed development in terms of the car parking provision is considered acceptable.
- *Pedestrians / cycles:*
- 8.9.29 A new footway is proposed from the development site to the existing footway on Bedford Road. A new pedestrian crossing is to be provided midway between the new site access junction and the junction at Roslyn Way which is welcomed by the Council. One of the representations received on the application seeks an additional public footway along the frontage of the site north of the access along Bedford Road. The A5120 in this location comprises a verge and hedge upon a bank that precludes the provision of an adopted footway. Officers have therefore negotiated the inclusion of a footway south from the site into the settlement of Houghton Regis to enable the development to have improved linkages to the services within the town. Consideration should also be given to the larger HRN Sites 1 and 2 development that are likely to provide improvement works along Bedford Road as will smaller sites
- 8.9.30 A potential new pedestrian link to Tithe Farm School is shown on the submitted layout. This is shown as potential only due to the future plans for the school's redevelopment under the HRN1 obligations. These are as yet unknown. To allow for the potential future provision of this link this has been detailed within the suggestion contributions to be secured through a S.106 Legal Agreement.
- 8.9.31 A new footway link to Tithe Farm Road, via Dell Road and Churchfield

Road is proposed in the south east corner of the site to improve pedestrian and cycle accessibility.

- 8.9.32 Existing public rights of ways (FP10, FP17 and FP45) that currently cross the site are to be improved by incorporating them into the proposed pedestrian network within the development. The applicant has formally applied for a diversion of these footpaths. Final details of the footpaths will be secured through an appropriately worded condition.
- 8.9.33 Cycle parking is provided and incorporated within large garages associated with the dwellings and within communal stores for the proposed apartments. Final details of the cycle parking provision for future occupants and visitors to the development are to be secured as part of the Travel Plan condition.
- 8.9.34 The proposed footpath and cycle arrangements have been discussed at some length with officers and the proposed development is considered acceptable as it promotes pedestrian safety, the traffic calming of Bedford Road and sustainable non-car modes of transport.
- *Public Transport:*
- 8.9.35 Contributions towards the provision of new bus stop facilities has been agreed for the two existing ‘unmarked’ bus stops closest to the site adjacent and opposite to Roslyn Way. The facilities will include shelters, seating and Real Time Passenger Information.
- *Bedford Road works:*
- 8.9.36 The Transport Assessment sets out the proposed highway improvements to Bedford Road: -
- Raised pedestrian crossing north of the High Street Junction
 - Raised table Bidwell Hill / Bedford Road priority junction
 - Vehicle activated “SpeedViser” signs
 - Mini-roundabout at Roslyn Way
 - Raised pedestrian crossing between Roslyn Way and the site access
 - Mini-roundabout at the site access
 - Relocating the 30mph speed limit and associated gateway feature
 - Re-configuration of Road markings
- *Travel Plan:*
- 8.9.37 A travel plan has been submitted with the application and is in accordance with the Council’s requirements however some further clarification is sought as such a condition is recommended to secure this.
- *Sustainable Transport infrastructure contributions:*
- 8.9.38 The following works / contributions have been secured with the applicant:
- Upgrades to the rights of way across the site
 - Design in footway / cycleway links to Tithe Farm Lower School
 - Cycle and footway improvements on Tithe Farm Road to High

- Street, Houghton Regis
- Bus service support
- Bus stop upgrades
- Travel Plan Measures – continuation of Travel Choices project for 5 years
- Provision of Bedford Road works

8.9.39 In conclusion it is considered that with the alteration to the character of Bedford Road, the proposed crossing facilities, footway and footpath provision and links, the Woodside link and bus service contributions and Travel Plan, the proposed development is sustainable in these respects. In light of the NPPF it is considered that opportunities for sustainable transport modes have been addressed, safe and suitable access to the site can be achieved for all people and improvements within the network will effectively address the impacts of the development. As such it is considered that the residual cumulative impacts of the development are acceptable and would not be considered to be severe. The proposed development is in accordance with policy R15 of the South Bedfordshire Local Plan Review and policies 23, 24, 25, 26, 27 and 28 of the emerging Development Strategy for Central Bedfordshire.

8.10 Trees, Landscape, Open Space and Green Infrastructure

Trees and Landscape:

- 8.10.1 Retention of existing boundary planting, supplemented by additional native tree and shrub planting has been proposed along all of the site boundaries. Along the northern boundary this assists in maintaining the existing quality of view from the public rights of way within the local landscape.
- 8.10.2 The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan are considered acceptable by the Trees and Landscape Officer.
- 8.10.3 A representation received through the consultation process mentioned the pollarding of trees along the shared boundary with the properties in Churchfield Road. The submitted Landscape Management and Maintenance Plan sets out how the hedgerows and trees will be managed through the development.
- 8.10.4 With respect to the orientation of the dwellings and inclusion of hedgerows which has been raised as a concern through some of the CBC consultee comments, the dwellings front onto the proposed new road, with those adjacent to the site boundaries arranged to be either flank-on or back to back with the perimeter. The design of the application site would not have been successful if dwellings were fronting the boundaries and avenues of hedgerows and trees would have taken priority over the design aspirations for the site to accord with the Framework Plan.
- 8.10.5 The applicants have confirmed that a covenant will be in place for home owners to retain and maintain the protected hedgerows. This is set out within the submitted Landscape Management and Maintenance Plan. This is considered acceptable and is not significant to warrant a reason for

refusal on these grounds.

Open Space provision:

- 8.10.6 CBC Leisure considers that the layout provides sufficient on-site open space against the requirements of CBC Leisure Strategy 2014. The central location proposed for the play area and open space facilities is welcomed, it provides a central focus for the development, allows a buffer between the formal equipment and houses, and provides a mix of green space and play / recreation facilities. The details of the play equipment and associated maintenance can be secured by condition.

Maintenance of open space:

- 8.10.7 Future maintenance arrangements for the proposed open space and footpath links which would be provided would need to be secured through a S106 Legal Agreement.

Green Infrastructure:

- 8.10.8 Blue Waters Woodland, Houghton Quarry SSSI and Houghton Hall Park are recognised as important recreational destinations that require investment to cope with the increase in recreational pressure as a result of the development. These sites represent the informal recreation site, the strategic scale urban park and the strategic scale nature / countryside facility that are nearest to the proposed development. A financial contribution towards these sites has been agreed with the developer and would be included within the S106 Legal Agreement.

- 8.10.9 The proposed development is in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 57 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

8.11 Socio-economic impacts

- 8.11.1 This element of the assessment considers social and demographic effects (changes to the local population and the implications for social and community infrastructure, education and healthcare provision) and economic effects (changes in employment, residential expenditure and fiscal effects).

- 8.11.2 The supporting Economic Assessment Model submitted with the planning application identifies that through the construction phase of the development there will be 423 total jobs provided (direct and indirect jobs) and within the operational phase 57 jobs through demand for services from the increased population.

- 8.11.3 The construction phase of the development will generate a total of £33.1m additional value to the local area (gross) in terms of goods and services. Once fully developed a total additional value of £2.6m would be provided, retail expenditure of £1.8m, New Homes Bonus of £1.2m and associated Council Tax receipts.

- 8.11.4 It is estimated that the development would result in 406 new patients. The

closest GPs to the site are currently working over-capacity due to the size of their premises.

- 8.11.5 In terms of school places, additional capacity will be required to manage the resulting increase in pupils. The development is within the catchment areas of Houghton Regis Academy and All Saints secondary schools, where a deficit of places is expected from 2016 onwards.
- 8.11.6 The delivery of 169 dwellings over a 3 year period is estimated to represent 2.5% of the annual housing target. The 50 affordable dwellings would also contribute to the affordable housing target for southern Central Bedfordshire to 2031. The effects are considered of moderate beneficial significance.
- 8.11.7 By way of mitigation to address the socio-economic effects identified, suitable financial contributions towards the delivery of primary, secondary and mental healthcare would need to be secured by Legal Agreement. In line with the advice of Central Bedfordshire Council Education, a financial contribution towards the provision of early years and secondary education would be required.
- 8.11.8 Overall it is considered that the proposed development will create a beneficial socio-economic impact and is acceptable in this regard.

8.12 Historic Environment

- 8.12.1 The NPPF identifies within paragraph 128 that, where a site has potential to include heritage assets with archaeological interest, local authorities should require developers submit an appropriate desk-based assessment and, where necessary, a field evaluation. This position is echoed by Policy 45 of the emerging Development Strategy for Central Bedfordshire.
- 8.12.2 The applicant has submitted a Heritage Assessment and an archaeological field evaluation. An Archaeology Officer has considered these documents and has concluded that the development will not affect the significance of either the heritage assets with archaeological interest or any of the designated heritage assets. As such no objection has been raised.
- 8.12.3 In summary the proposal is in accordance with Policy 45 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

8.13 Ecology and biodiversity

- 8.13.1 The NPPF identifies within paragraph 109 that the planning system should contribute to and enhance the natural and local environment by a number of factors. This includes *“minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*.
- 8.13.2 This stance is further detailed in Policy 57 of the Council’s emerging

Development Strategy. This Policy identifies that:

“The Council will seek a net gain in biodiversity and geodiversity and support the maintenance and enhancement of habitats, identify opportunities to create buffer zones and restore and repair fragmented biodiversity networks.”

- 8.13.3 The applicant has submitted an Environmental Statement, which has been considered by the Council’s Ecology Officer. The Officer has largely agreed with the submitted material, approving point 1.7.7, relating to bird nesting, and point 1.7.8, relating to lighting, within the Environmental Statement. The Officer also welcomes proposals to reinforce hedges with native species. The species for landscaping are also welcomes.
- 8.13.4 While the Officer has not objected, the Officer has raised several points of note. One such point is that the development should include bat and bird boxes within the public realm of the development. It is considered that bat and bird boxes can be included via a condition, if the application is approved.
- 8.13.5 The Officer has also identified that there is a risk of light spill. The Officer identifies that this should be minimised, with directional lighting used to prevent illumination of boundary features. The details of the lighting features will be controlled by a condition, if the planning application is approved.
- 8.13.6 The Officer has also asked for clarification regarding the details of the landscape management plan. The Officer has also raised concerns regarding future maintenance of a number of trees which will fall within the residential garden of the proposed dwellings. It is considered that these details can be required as part of any S106 Agreement, if the application is approved.
- 8.13.7 In summary the proposal is in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 57 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

8.14 Ground conditions and contamination

- 8.14.1 A geo-environmental site assessment has been undertaken at the site to assess the existing environmental setting of the application site and the potential impact of the proposed development on the geology of the site. This identifies potential contamination and pollutants on the site. Remediation will be required prior to development taking place. A condition is recommended to secure and agree a programme for the mitigation and remediation to deal with contaminated material.
- 8.14.2 The application is considered to be in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policies 43 and 44 of the emerging Development Strategy.

8.15 Noise and pollution

- 8.15.1 The proposed development would be located adjacent to Bedford Road, a main route connecting Houghton Regis and Toddington. A Public Protection Officer has identified that, due to the location of the road, the application site will be subject to excessive noise from traffic. In order to mitigate this issue a condition has been recommended to that a scheme of noise attenuation measures is submitted prior to commencement, if the application is approved.
- 8.15.2 The neighbouring Gospel Hall has submitted a representation noting that their activities and use of the site. These would require assessment to determine if acceptable noise levels can be reached for the external and internal living areas of the adjacent proposed dwellings. Of particular note is the external ventilation and extraction equipment they have on the building. The hall is sited approximately 11.0 metres from the shared boundary with the proposed development. This boundary consists of significant tree planting and is also to be enhanced through additional proposed planting.
- 8.15.3 The applicant is confident that measures can be provided where necessary to mitigate any noise impact from the equipment and that this will not impact on the layout. A condition is recommended accordingly for submission of a noise assessment and any required mitigation to be approved by the Local Planning Authority.
- 8.15.4 As such, the development is not considered to present an unacceptable adverse impact in terms of noise and pollution and is therefore in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire.

8.16 Flooding and drainage

- 8.16.1 The application site is located outside of Flood Zones 2 and 3. The Environment Agency have identified that, while they do not object to the proposed development, they do note some points of concern regarding their preference for more sustainable methods (discussed below). It must also be noted that the Buckingham and River Ouzel Internal Drainage Board have not raised any objections.
- 8.16.2 The applicant has identified that, for the majority of the drainage network, only engineered or hard solutions are proposed, including trapped gullies, pipe networks and underground tanks. The surface water drainage strategy has shown that underlying conditions are such that both shallow and deep bore soakaways are not appropriate on the site. There are no watercourses or drainage ditches on or adjacent to the site which surface water could be discharged to. The tank farms are designed to accommodate the majority of the storage required during a 1 in 30 year storm and will be adopted by Anglian Water. The remaining attenuation is provided in the ponds, and attenuation crates. Water will then be discharged via a flow control (to comply with the Anglian Water stipulated run-off rate) into the existing sewer which lies to the north of the site.

- 8.16.3 The run-off rate modelled through the proposed drainage strategy is 19.6l/s compared to the calculated greenfield run off rate on the site of 43.64l/s. The proposed development and drainage strategy will therefore increase the sustainability credentials of the site by approximately 55%.
- 8.16.4 While the Environment Agency have stated their preference for more sustainable features to sustain water at the source or on the surface, they have acknowledged the constraints of the high groundwater onsite and the awkward nature of the topography.
- 8.16.5 As such, the proposed development will not create an unacceptable adverse impact in terms of flooding and drainage. With consideration that more sustainable drainage features are not suitable, the proposed development would be in general accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy Policy 48 and Policy 49 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

8.17 Energy Efficiency

- 8.17.1 The NPPF provides broad support and encouragement for responding to climate change, encouraging energy efficiency improvements.
- 8.17.2 The emerging Development Strategy for Central Bedfordshire provides further detail on this position, identifying in Policy 47 that:

“All new residential developments will be required to demonstrate how they will:

- *Meet higher water efficiency standards of 110 litres of water/person/day in every new home built provide a 10% of their energy consumption from renewable and low carbon sources”*

- 8.17.3 The application contains a Design and Access Statement, which includes a Sustainability Statement. This document identifies that all dwellings will be built to a minimum of Code for Sustainable Homes Level 3. The development will include rain water storage, such as rain water butts, as well as energy efficient boilers and energy efficient lighting throughout.
- 8.17.4 As such the application is considered to comply with Policy BE8 of the South Bedfordshire Local Plan and Policy 47 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

8.18 Waste

- 8.18.1 The proposed development would have three refuse collection strategies across the site, dependent upon the nature of the dwelling.
- 8.18.2 The flat refuse strategy identifies that occupants of the flats would be able to carry their refuse to an enclosed refuse store located in close proximity to the building.
- 8.18.3 The house refuse strategy would be split into two sections. Where

dwellings share a refuse collection point, there will be a specific area to collect refuse from. In all other locations, dwellings would have their bins collected from the side of the road.

- 8.18.4 A Waste and Recycling Officer has identified that that all communal bin stores will need to be a maximum of 10.0 metres from the middle of the road in order to allow collection. The layout of the development, and the location of the refuse collection points, would comply with the Officer's comments.
- 8.18.5 The Waste and Recycling Officer has also identified that the individual dwellings would need to store bins in the rear of their properties rather than in the front. The layout and design of the residential development would accommodate this method of storage.
- 8.18.6 As such the development would not present an unacceptable adverse impact in terms of waste and recycling and would comply with the requirements of Policy BE8 of the South Bedfordshire Local Plan and Policy Policy 43 of the emerging Development Strategy. The proposal accords with the Revised Central Bedfordshire Council Design Guide (2014).

8.19 Utilities

- 8.19.1 The application is supported by a Foul Sewerage and Utilities Report. The Report and assessment confirms that the relevant utility providers have been contacted and they have confirmed that there is currently capacity within their networks to supply the site with all of the necessary utilities.
- 8.19.2 As such the development is considered to be in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 49 of the emerging Development Strategy for Central Bedfordshire.

8.20 Infrastructure requirements and planning obligations

- 8.20.1 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) require that S.106 planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. S.106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 8.20.2 Without prejudice to the eventual determination of the planning application, negotiations have been held with the applicants in order to determine the extent of the obligations required to make the development acceptable in consultation with the service providers. These negotiations have been held in line with the advice within the Regulations. Other relevant matters will be addressed via specific planning conditions.
- 8.20.3 The Legal Agreement would need to achieve the following:
 - Provision of affordable housing at 30% of the overall residential development and the tenure mix.

- Establish obligations in respect of site management (e.g. by a Management Company) including long term management and maintenance arrangements in relation to areas of informal green space and associated footpaths, planting, drainage features and play spaces.
- Secure the Travel Plan details and ensure monitoring of this.
- Provision of off-site highway works to Bedford Road
- Various financial contributions in order to offset the impact of the development on various local facilities and services.

8.20.4 The contributions set out below to mitigate the infrastructure impacts of the development have been calculated having regard to the Planning Obligations Strategy for Southern Central Bedfordshire and the R122 tests of the Community Infrastructure Regulations and in consultation with the service providers:

INFRASTRUCTURE ITEM	AMOUNT
Strategic Transport Infrastructure (Woodside Link)	£778,885
Education	£1,532,227.84
Primary Healthcare	£104,928.72
Secondary Healthcare	£107,923
Mental Healthcare	£1,984
Sustainable Transport Initiatives	£93,279
Public Transport Subsidy	£82,000
Indoor Sport and Leisure	£136,011
Outdoor Sport	£136,980
Countryside Recreation Space and Green Infrastructure	£134,626
Social and Community Infrastructure	£88,960
Waste Management	£25,012
Emergency Services (Police)	£39,344
TOTAL	£3,380,976.56

8.20.5 The planning obligations set out above are considered to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and therefore meet the tests for planning obligations set out in paragraph 204 of the NPPF and Part 11 of the 2010 CIL Regulations.

8.20.6 The applicant has agreed to meet these costs in full in order to offset the impact of the development on infrastructure and services in line with the emerging Development Strategy policy 19 and the Council's Planning Obligations SPD. There are no development viability constraints which would prevent full planning contributions, including full affordable housing provision, being secured in this case.

9. Other Matters

Response to representations –

- 9.1 The issues raised within the consultation responses and representations received in relation to the planning application have been addressed within this report.

Human Rights Issues –

- 9.2 In assessing and determining this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity impacts, further action is not required. This planning application is not considered to present any human rights issues.

Equality Act 2010 –

- 9.3 In assessing and determining this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

Crime and Disorder Act 1998 –

- 9.4 Section 17 of this Act places a duty on local authorities and the police to cooperate in the development and implementation of a strategy for tackling crime and disorder. Officers are satisfied that the proposed development is of a design that can assist in preventing crime and disorder in the area.

10. Conclusions

- 10.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm.
- 10.2 The site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. In recognition of the lengthy history of policy support for the proposed strategic allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation area, it is considered that the planning context within which the application site sits is such that it would not serve any of the five the purposes of including land within the Green Belt to resist the development on Green Belt grounds. There are also a number of other factors and site specific considerations which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.
- 10.3 The development would represent a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan.

- 10.4 Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.
- 10.5 For these reasons the proposed development is considered to constitute sustainable development and accords with the Development Plan. There are no other material considerations that indicate that permission should not be granted. As stated in paragraph 14 of the NPPF, the application should therefore be approved without delay subject to the recommended obligations and conditions.

Recommendation

That the Development Infrastructure Group Manager be authorised to GRANT planning permission subject to the prior consultation of the Secretary of State, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, and satisfactory completion of a Section 106 Agreement and subject to conditions.

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 construction of the dwellings shall commence, notwithstanding the details submitted with the application, until details of all external materials to be used for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 3) **No development other than that required to be carried out as part of an approved scheme of remediation shall take place until conditions (a) to (c) below have been complied with, unless otherwise agreed in writing by the Local Planning Authority.**

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (c) has been complied with in relation to

that contamination.

(a) Submission of a Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(b) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(c) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (b).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 44 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 4) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
 - a) Construction Activities and Timing;
 - b) Plant and Equipment, including loading and unloading;

- c) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- d) **Details of site compounds, offices and areas to be used for the storage of materials;**
- e) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- f) **Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP during development).**

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 44 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 5) **No development shall commence until a detailed surface water drainage scheme for the site based on the agreed Flood Risk Assessment (FRA) Bedford Road, Houghton Regis Level 1 Flood Risk Assessment July 2014 (ref. GBR/JR/E/16927/B4) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved details before the development is completed.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 49 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 6) **No development shall commence until a scheme for off-site highways improvement works along Bedford Road has been submitted to and approved in writing by the Local Planning Authority which includes the following elements:**

- **Raised pedestrian crossing north of the High Street Junction**
- **Raised table Bidwell Hill / Bedford Road priority junction**
- **Vehicle activated "SpeedViser" signs**
- **Mini-roundabout at Roslyn Way**
- **Raised pedestrian crossing between Roslyn Way and the site access**
- **Mini-roundabout at the site access**
- **Relocating the 30mph speed limit and associated gateway feature**
- **Re-configuration of Road markings**

The approved scheme shall be implemented in full prior to the initial

occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed highways improvement works are appropriate and proportional to the mitigation required and are constructed to adequate standards in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policies 25 and 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 7) Prior to construction of the dwellings hereby approved, details of the provision of bat and bird boxes and bricks shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide new habitat creation within the new development in accordance with Policy 57 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 8) **Both prior to, and during development, all tree protection measures, and working method procedures, shall be carried out in strict accordance with the “Arboricultural Method Statement”, which forms Section 4 of the supporting document “Arboricultural Impact Assessment and Method Statement”, as prepared by ACD (Document Ref. TWSM19146aia_ams) and dated 10th December 2014.**

Reason: To ensure that a satisfactory standard of working practice is implemented that safeguards the trees from damage incurred during development works, so as to ensure the health, safety, amenity and screening value of the retained trees in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 9) **No development shall commence until all tree protection fencing and ground protection has been erected and positioned in strict accordance with the specifications shown on the Tree Protection Plan (Dwg No. TWSM 19146-03), which forms Appendix 1 of the supporting document “Arboricultural Impact Assessment and Method Statement”, as prepared by ACD (Document Ref. TWSM19146aia_ams) and dated 10th December 2014. The tree protection fencing and ground protection shall remain securely in place throughout the entire course of development.**

Reason: To ensure that a satisfactory standard of tree protection is maintained both prior to, and throughout the course of development, so as to prevent damage to the rooting system, rooting medium and canopy spread of retained trees, thereby safeguarding their health, safety, amenity and screening value in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 10) Prior to the construction of the dwellings hereby approved, a landscaping scheme to include all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following completion and/or first use of

any separate part of the development (a full planting season means the period from October to March).

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 57 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 11) Prior to the construction of the dwellings hereby approved, a detailed refuse collection strategy in accordance with the details within the Design and Access Statement (March 2014) for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy BE8 of the South Bedfordshire Local Plan, Policy WSP5 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014) and Policy 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 12) Prior to laying out of the landscaping areas a scheme detailing on-site equipped play provision within the SLAP for children aged 3-6 years and for the LEAP for children aged 6-10 years to meet the Council's policy standards and facility requirements for play provision. The approved scheme shall be implemented prior to the first occupation of any part of the development.

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policies BE8 and R10 of the South Bedfordshire Local Plan and policies 22 and 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 13) Prior to the commencement of development, a scheme for the provision of public rights of way shall be submitted to and approved in writing by Central Bedfordshire Council to include:**

- **The design of access and public rights of way routes (to include landscaping, widths and surfacing)**
- **Proposals for diversion of public rights of way (where necessary)**
- **The temporary closure and alternative route provision (where necessary) of an existing right of way.**

The public rights of way scheme submitted should be in accordance with the approved Rights of Way Standards and Guidance.

Reason: In the interests of amenity of pedestrians and other non motorised users and to ensure safety of users is not compromised by the traffic associated with the development in accordance with policy R15 of the South Bedfordshire Local Plan and policies 23 and 24 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 14) Prior to the construction of the dwellings hereby approved 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 approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with policies 43, 44 and 57 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 15) No development shall commence until full details of the Pumping Station have been submitted to and approved in writing by the Local Planning Authority. These details shall include all external materials and associated hard and soft landscaping. The Pumping Station shall be implemented in accordance with the approved details.**

Reason: In the interest of visual and landscape amenity in accordance with policy 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 16) No development shall commence until a scheme of noise attenuation measures which will ensure that internal noise levels from road traffic noise sources shall not exceed 35dB LAeq, 07:00 - 23:00 in any habitable room or 30 dB LAeq 23:00 - 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from external road traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason: To prevent nuisance from noise in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 44 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 17) Prior to the construction of the dwellings hereby approved on plots 1, 12, 13, 14, 15, 16, 17 and 18, the applicant shall submit in writing for the written approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure that internal noise levels from the Gospel Hall noise sources shall not exceed 35dB LAeq, 07:00 - 23:00 in any habitable room or 30 dB LAeq 23:00 - 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from the Gospel Hall noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.

Reason: To prevent nuisance from noise in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 44 of the Development Strategy

for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 18) The development hereby approved shall not be occupied until a Public Art Strategy 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 within the timeframe set out in the Strategy approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting local distinctiveness and creating a sense of place, in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 19) The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the council, such a Travel Plan to include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.
- Details of provision of cycle parking in accordance with council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
 - Site specific travel and transport information
 - Travel vouchers
 - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site
 - Copies of relevant bus and rail timetables
- Details of the appointment of a travel plan co-ordinator.
- An Action Plan listing the measures to be implemented and timescales for this.

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

Reason: In the interests of promoting sustainability and the use of non-car modes of transport in accordance with policy 26 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 20) Before any of the accesses are first brought into use, a triangular vision splay shall

be provided on each side of all private means of access from individual properties within the site and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path.

The vision splay so described and on land under the applicant's control shall be maintained in perpetuity 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 in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 21) Visibility splays shall be provided at all means of access from individual properties within the site on the estate road. The minimum dimensions to provide the required splay lines shall be 2.0m measured along the centre line of the private means of access from its junction with the channel to the through road and 25m on the cursory roads and 43m on the main spine road measured from the centre line of the access along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at the junctions and to make the accesses safe and convenient for the traffic which is likely to use them in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 22) Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site and shall be maintained thereafter free of any obstructions to visibility.

Reason: To provide adequate visibility at road junctions in the interest of road safety in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 23) No development shall take place until the detailed plans and sections of the proposed roads, 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 final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 24) The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in10).

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 25) Prior to occupation of the dwellings hereby approved, 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 dwellings in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 26) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), 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 minimising the potential for on-street parking which could adversely affect the convenience of road users in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 27) 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 alterations to the carports hereby permitted, including the insertion of a garage door, roller shutter or gate, shall be carried out unless permission has been granted by the Local Planning Authority for that purpose.

Reason: To control the external appearance of the building in the interests of the highway safety of the area in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 28) Prior to construction of the roads hereby approved details of the proposed highway lighting within the development shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until that lighting has been installed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the safety of road users in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission

Version June 2014.

- 29) Prior to the construction of the roads hereby approved details of the junctions between the segregated highway and shared surface highway within the application site have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until those proposals have been constructed in accordance with the approved details.

Reason: To ensure that the proposed junctions do not cause a hazard to vulnerable users of those highways in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 30) Prior to the construction of the internal roads hereby approved details of the means of access from Bedford Road shall be submitted to and approved in writing by the Local Planning Authority. The access shall be established in accordance with the approved details prior to the initial occupation of any part of the development and retained as such thereafter.

Reason: To ensure that the proposed access to the site from Bedford Road is constructed to adequate standard in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 25 and 43 of the Development Strategy for Central Bedfordshire Pre-Submission Version June 2014.

- 31) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

12114/P/101, 12114/P/102 Rev.C, 12114/P/103, 12114/P/104, 12114/P/105 Rev.A, 12114/P/106 Rev.A, 12114/P/107 Rev.A, 12114/P/108 Rev.A, 12114/P/109 Rev.A, 12114/P/110 Rev.A, 12114/P/111 Rev.A, 12114/P/112 Rev.A, 12114/P/113 Rev.A, 12114/P/114 Rev.A, 12114/P/115 Rev.A, 12114/P/116 Rev.A, 12114/P/117, 12114/P/118 Rev.A, 12114/P/119 Rev.A, 12114/P/120 Rev.A, 12114/P/121 Rev.A, 12114/P/122 Rev.A, 12114/P/123 Rev.A, 12114/P/124 Rev.A, 12114/P/125 Rev.A, 12114/P/126 Rev.A, 12114/P/127 Rev.A, 12114/P/128 Rev.A, 12114/P/129 Rev.A, 12114/P/130 Rev.A, 12114/P/131 Rev.A, 12114/P/132 Rev.A, 12114/P/133 Rev.A, 12114/P/134 Rev.A, 12114/P/135 Rev.A, 12114/P/136 Rev.A, 12114/P/137 Rev.A, 12114/P/138, 12114/P/139, 12114/P/140 Rev.A, 12114/P/141 Rev.A, 12114/P/142, 12114/P/143, 12114/P/144 Rev.A, 12114/P/145 Rev.A, 12114/P/146 Rev.A, 12114/P/147 Rev.A, 12114/P/148 Rev.A, 12114/P/149, 12114/P/150, 12114/P/151, 12114/P/152, 12114/P/153, 12114/P/154, 12114/P/155, 12114/P/156, 12114/P/157, 12114/P/158, 12114/P/159 Rev.A, 12114/P/160 Rev.A, 12114/P/161 Rev.A, 12114/P/162 Rev.A, 12114/P/163 Rev.A, 12114/P/164, 12114/P/166, 12114/P/167, 12114/P/168, 12114/P/169, 12114/P/170 Rev.A, 12114/P/171 Rev.A, 12114/P/172 Rev.A, 12114/P/173 Rev.A, 12114/P/174 Rev.A, 12114/P/175 Rev.A, 12114/P/176 Rev.A, 12114/P/177 Rev.A, 12114/P/178, 12114/P/179, 12114/P/180 and TWSM1914-03.

Reason: For the avoidance of doubt.

Notes to Applicant

- 1) This permission relates only to that required under the Town & Country Planning

Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

- 2) 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).
- 3) Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
- 4) The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
- 5) The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- 6) The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
- 7) The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 8) In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:
 - a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - b) Confirmation of the critical storm duration.
 - c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are

to be submitted in accordance with BRE digest 365.

- d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
 - e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.
 - g) Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.
- 9) 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.
- 10) 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.
- 11) The application is advised to ensure that the definitive legal line of any public right of way is mapped at the earliest opportunity and that no development should take place on or near a public right of way unless the necessary statutory legal process (where necessary) has been completed in accordance with:
- i. An order made, confirmed and certified under the provisions of Section 247 of the Town and Country Planning Act 1990.
 - ii. An order made, confirmed and certified under the provisions of the Highways Act 1980
 - iii. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a right of way.

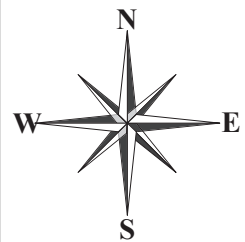
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

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 and during the determination period 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: 27:January:2015

Grid Ref: 501272; 224375

Application No.
CB/14/03047/OUT

Scale: 1:5000

Land to the rear of The Old Red Lion, Bedford Road,
Houghton Regis

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Item No. 09

APPLICATION NUMBER	CB/14/03047/OUT
LOCATION	Land to the rear of The Old Red Lion, Bedford Road, Houghton Regis
PROPOSAL	Development of up to 62 dwellings, access, public open space and other associated works on land to the rear of the Red Lion Public House, to the west of the Bedford Road, Houghton Regis
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs Mrs Goodchild & Jones
CASE OFFICER	Adam Davies
DATE REGISTERED	1 August 2014
EXPIRY DATE	31 October 2014
APPLICANT	Beechcroft Land Limited
AGENT	Hunter Page Planning
REASON FOR COMMITTEE TO DETERMINE	Departure from Development Plan and Town Council objection to a major application
RECOMMENDED DECISION	That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to conditions.

Summary of Recommendation

The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm.

The site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. In recognition of the lengthy history of policy support for the proposed strategic allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation area, it is considered that the planning context within which the application site sits is such that it would not serve any of the five the purposes of including land within the Green Belt to resist the

development on Green Belt grounds. There are also a number of other factors and site specific considerations which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

In combination with existing and planned green infrastructure, the proposal would facilitate the creation of a swathe of multifunctional open space west of Bedford Road. This represents a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan. Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

Site Location:

The site is located wholly within the designated Green Belt. It comprises a 3.18Ha parcel of undeveloped land located to the west of the A5120, Bedford Road, adjacent to the Grade II listed Old Red Lion Public House. Immediately to the west and north west of the site lie Bluewater Wood and an area of wet woodland managed by Houghton Regis Town Council. To the north there are small parcels of agricultural/paddock land and a number of existing residential properties grouped along Bedford Road. To the south, the site is bordered by public open space associated with existing residential properties along Plaiters Way and the adjoining streets.

There are a number of definitive rights of way running broadly east-west on the northern side of the site. These connect with the wider rights of way network across Bedford Road to the east and through Bluewater Wood to the west via Public Footpath 3. The primary used route follows the line of the Chiltern Way from Bluewater Wood, along the access track north of the site and continues as Public Footpath 45 east of Bedford Road.

The site forms part of the proposed North Houghton Regis Strategic Allocation (HRN), as set out within the emerging Development Strategy for Central Bedfordshire, which proposes that this land be excluded from the Green Belt. The land forms part of the site proposed to be allocated as HRN Site 2. Due to the location of the application site, it is also subject to the approved Houghton Regis (North) Framework Plan.

The Application:

Planning permission is sought for residential development served by vehicular access from Bedford Road and the provision of public open space and other associated works.

All matters, except those relating to access, are reserved for subsequent approval. As such the precise details of the siting, design, landscaping and appearance of the development would need to be determined at the approval of reserved matters stage. However the outline permission would establish specific fixed parameters for the development including the distribution of land uses, the maximum number of dwellings to be provided and the point of access off the Bedford Road.

Following initial consultation on the proposal, the application has been subject to amendment in December 2014 and the revised application has been subject to further consultation. Planning permission is now sought for up to 62 dwellings. A total of 30% of the dwellings provided would be affordable homes. The land use parameter plan shows that the residential development would be provided within the southern part of the site and land to the north and west of this would provide public open space adjoining Bluewater Wood, public open space at Plaiters Way and the woodland managed by the Town Council. Together with the proposed access road, the total development area would comprise 1.5Ha and 1.6Ha of public open space would be provided.

An indicative layout plan has been submitted as part of the application showing a proposed residential layout of 62 detached, semi detached and terraced dwellings and flats with associated parking. This comprises a mix of 1, 2, 3 and 4 bedroom dwellings. The layout plan also shows the provision of an informal footpath within the western part of the site between the existing public open space at Plaiters Way and the public footpaths bordering Bluewater Woodland to the west.

The following has been submitted in support of the application:

- Planning Statement (June 2014)
- Design and Access Statement (July 2014)
- Landscape and Visual Appraisal (July 2014)
- Ecological Assessment (July 2014)
- Flood Risk Assessment and Drainage Strategy (July 2014)
- Transport Assessment (July 2014)
- Travel Plan Statement (July 2014)
- Heritage Statement (July 2014)
- Archeological Written Scheme of Investigation (March 2014)
- Statement of Community Involvement (July 2014)
- Legal Advice Note in respect of policy considerations relating to Green Belt and the Houghton Regis North Framework Plan (September 2015)
- Noise Exposure Report (November 2014)
- Planning Statement in respect of Green Belt policy considerations and the Very Special Circumstances test (December 2014)
- Archaeological Trial Trench Evaluation (January 2015)

The Council has undertaken a formal screening exercise in order to establish whether an Environmental Impact Assessment (EIA) is required to support the

application. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 the Council has adopted the opinion that an EIA is not required (Screening Opinion dated 3 September 2014).

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Section 1: Building a strong, competitive economy

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

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 natural environment

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies (SBLPR)

Policy SD1: Sustainability Keynote Policy

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

Policy H4: Providing Affordable Housing

Policy R10: Children's Play Area Standard

Policy R11: Provision of New Urban Open Space in New Residential Developments

Policy R14: Protection and Improvement of Recreational Facilities in the Countryside

Policy R15: Retention of Public Rights of Way Network

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 Policies SD1, BE8, R11, R14 and R15 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.

Minerals and Waste Local Plan (2005)

Policy W4: Waste minimisation and management of waste at source

Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

Policy WSP5: Including waste management in new built development

Emerging Development Strategy for Central Bedfordshire (DSCB)

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 3: Green Belt

- Policy 19: Planning Obligations and the Community Infrastructure Levy
- Policy 20: Next Generation Broadband
- Policy 21: Provision for Social and Community Infrastructure
- Policy 22: Leisure and open space provision
- Policy 23: Public Rights of Way
- Policy 24: Accessibility and Connectivity
- Policy 25: Functioning of the Network
- Policy 26: Travel Plans
- Policy 27: Parking
- Policy 28: Transport Assessments
- Policy 29: Housing Provision
- Policy 30: Housing Mix
- Policy 31: Support an Ageing Population
- Policy 32: Lifetime Homes
- Policy 34: Affordable Housing
- Policy 36: Development in the Green Belt
- Policy 43: High Quality Development
- Policy 44: Protection from Environmental Pollution
- Policy 45: The Historic Environment
- Policy 47: Resource Efficiency
- Policy 48: Adaptation
- Policy 49: Mitigating Flood Risk
- Policy 50: Development in the Countryside
- Policy 56: Green Infrastructure
- Policy 57: Biodiversity and Geodiversity
- Policy 58: Landscape
- Policy 59: Woodlands, Trees and Hedgerows
- Policy 60: Houghton Regis North Strategic Allocation

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 and the Examination Hearings are due to commence in February 2015

Luton and Southern Central Bedfordshire Joint Core Strategy - adopted by CBC Executive for Development Management purposes on 23 September 2011.

Supplementary Planning Guidance

Houghton Regis (North) Framework plan - adopted by CBC Executive for Development Management purposes on 2 October 2012.

Central Bedfordshire Design Guide - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Leisure Strategy - adopted by CBC Executive as technical guidance for Development Management purposes on 18 March 2014.

Central Bedfordshire Sustainable Drainage Guidance - adopted by CBC Executive as technical guidance for Development Management purposes on 22 April 2014.

Planning Obligations Strategy for Southern Central Bedfordshire adopted 23 October 2009

Managing Waste in New Developments SPD (2005)

South Bedfordshire District Landscape Character Assessment (2009)

Central Bedfordshire and Luton Local Transport Plan 2011-2026 (LTP3)

Planning History

The following application relates to neighbouring land east of Bedford Road which also forms part of the proposed North Houghton Regis Strategic Allocation:

CB/12/03613/OUT Up to 5,150 dwellings (use class C3); up to 202,500 sqm gross of additional development in use classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Outline planning permission (HRN1).

Luton Borough Council was subsequently granted permission to apply for Judicial Review in respect of this decision. However, the claim was dismissed in the Court Judgement dated 19/12/2014. The appeal process in relation to this Judgement is currently ongoing.

CB/14/03056/FULL Comprehensive development providing 169 residential units (including affordable housing) with associated infrastructure including car parking, drainage, pumping station, hard and soft landscaping, footway/cycleways, children's play space and informal public open space. Under consideration. Included on the same DM Committee Agenda.

The following planning history relates to the adjoining public open space at Plaiters Way and the associated residential development at Bedford Road and Bankside Close:

SB/00/00015 Erection of 12 dwellings with garages, access road and use of adjoining land as public open space. Full planning permission. Implemented.

In addition to the above, there is an extensive planning history relating to the Old Red Lion Public House for various extensions, alterations and signage.

Representations:

- | | |
|-------------------|--|
| Town Council | 05/09/2014:
Object to the access as this will increase the amount of traffic accessing and egressing an already busy, dangerous road in close proximity to a bend. Further object to the principle on the grounds that it is not in accordance with the Houghton Regis Strategic Urban Extension Plan and framework plan as the site has been identified as part of the green open space network; it would be in conflict with the current Green Plan; and the land is liable to flooding through ground springs. |
| | 06/01/2015:
The above objections regarding additional traffic, the Houghton Regis (North) Framework Plan and flood risk are restated. No objection is raised in relation to Green Belt considerations. |
| 8 Roslyn Way | 21/08/2014:
Additional traffic calming would be required to enforce the reduced vehicle speeds on Bedford Road from the town centre. |
| Bidwell Farmhouse | 22/08/2014: <ul style="list-style-type: none">• Concern is raised regarding the cumulative impact of this development together with other development and the loss of existing green spaces which have been planned to be retained/undeveloped as part of the proposed urban extension.• Given existing traffic levels on Bedford Road, and other planned development in the area which will also increase traffic, the proposal would have a negative effect on people's ability to travel freely and their quality of life. New roads provided as part of the planned urban extension are unlikely to change this and there will still be congestion on |

Bedford Road.

- Given the scale of planned development in the area, concern is raised regarding the cumulative impact on natural drainage which could affect older properties not built to current building standards for foundations and drainage.

David Lock Associates 04/09/2014:

- Object on behalf of clients promoting development on more appropriate sites within Central Bedfordshire.
- The application states that there are very special circumstances to justify the grant of planning permission. However the Government policy is clear that the single issue of housing need is unlikely to outweigh Green Belt harm.
- Whilst the applicant refers to other issues which weigh in support of the proposal, it is apparent that unmet housing need is the principal consideration relied upon and the other issues raised are not weighty.
- The limited number of dwellings proposed limits the applicant's ability to demonstrate very special circumstances. So too does the non-conformity with the Houghton Regis (North) Framework Plan which identifies green infrastructure in this area. Notwithstanding this, limited weight should be attached to the Framework Plan ahead of the adoption of the Development Strategy given the objections to the proposed allocation.
- Any approval of the proposal should post-date any removal of the site from the Green Belt.
- Approval of the application should also depend upon a resolution of its non-conformity with the Framework Plan.

3 Bidwell Farm Barns 18/09/2014:

- Concern is raised regarding the cumulative impact of this development together with other development and the loss of existing green spaces which have been planned to be retained/undeveloped as part of the proposed urban extension.
- Given existing traffic levels on Bedford Road, and other planned development in the area which will also increase traffic, the proposal would have a negative effect on people's ability to travel freely

and their quality of life. New roads provided as part of the planned urban extension, car share indicatives, cycling and public transport are unlikely to change this and there will still be congestion on Bedford Road particularly when the M1 is blocked.

Optimis Consulting

13/01/2015:

- The development is acceptable in principle as it accords to DSCB Policy 60 and the indicative principles of the Houghton Regis (North) Framework Plan.
- The proposals would have been better viewed in the context of a comprehensive scheme for the development of Bidwell village as a whole.
- The highway proposals put forward are inadequate but highway considerations need to be considered in a wider context.
- The present 30mph speed restriction would need to be extended north of the application site on Bedford Road and a suitable gateway feature should be provided to mark the change in road conditions.
- In the context of the larger planned allocation, the 30 mph speed limit should be extended further north, up to the planned A5/M1 link road.
- Optimis Consulting represent a consortium of landowners within Bidwell village promoting a comprehensive scheme to provide an additional 500 dwellings within the village. Optimis intend to hold a public consultation event and submit proposals to the Council as part of the Call for Sites procedure.
- There is a danger that piecemeal development along Bedford Road may not serve the broader aims of the allocation. A comprehensive scheme for Bidwell may enhance the wider development by delivering key infrastructure including improvements to Bedford Road.

Consultations/Publicity responses

CBC Countryside
Access

28/08/2014:

- It is understood the area is identified as a green corridor by the Houghton Regis (North) Framework Plan.
- The application is not accompanied by information to satisfy future maintenance arrangements for the

- proposed public open space.
- Clarification is required regarding the creation of informal linkages with adjoining open space and any boundary planting/fencing to be provided.
 - The site would not fit the criteria for the Countryside Access Service to maintain in the future.
 - Tree surveys should be undertaken.
 - Detailed SUDs proposals would be required. A number of concerns are raised regarding the indicative layout plan and the relationship between dwellings facing the natural play area within the public open space at Plaiters Way.
 - This could give rise to complaints from future residents if housing is too close to children's play areas.
 - In order to mitigate against increased use of Bluewater Wood and the Plaiters Way open space, the development would need to provide appropriate funding for surrounding recreation sites.
 - The development should not impede existing rights of way around the site.

05/01/2015:

The revised application does not address the above detailed comments and these still stand.

CBC Rights of Way

26/08/2014:

- Concern is raised that the proposal is not in line with the Houghton Regis (North) Framework Plan which identifies this area as part of the planned green infrastructure network.
- It would be necessary to clarify the future maintenance arrangements for the proposed open space and footpath links.
- Tree surveys should be undertaken and any necessary tree works should be carried out to ensure retained trees within the proposed open space do not present a safety hazard.
- The development should provide appropriate funding for surrounding recreation sites.
- It should be ensured that there is good visibility at the proposed access onto Bedford Road from the adjacent public rights of way which cross the road immediately to the north of the proposed access.

- The development will need to provide for good width footpaths on Bedford Road to connect with the public rights of way north of the vehicular access.
- A formal road crossing on the line of the used right of way here would be useful.
- Consideration should be given to any impact on the surrounding rights of way during the construction period and as a result the provision of utilities and services. Access to Bluewater Wood would be required at all times.

30/12/2014:

The revised application does not alter the above advice in relation to public rights of way.

CBC Leisure

29/12/2014:

Sufficient informal open space is proposed but no play facilities are proposed. Detailed proposals for on site play provision are required or the development should provide funding towards other planned play areas in the area.

CBC Landscape

10/09/2014:

The site forms a key landscape/green infrastructure within the Houghton Regis (North) Framework Plan and built development is not in accordance with this. The site is a well treed, scrubby screened glade integral to the surrounding woodland. There is an ambience of remoteness and tranquillity given the relationship to the existing urban edge. The retention of existing landscape structures and habitats needs to be promoted.

02/01/2015:

There appears to be no difference between the original application and the revised proposal. Built development on the site is not acceptable.

CBC Ecology

03/09/2014:

- The area includes a mix of habitats including open grassland, woodland, hedgerows and scrub.
- Records exist of a number of protected species and species of principal importance in the area.
- The Ecological Appraisal examines relevant surveys but mitigation and enhancement has not been adequately addressed.
- Ten trees are identified as offering potential for bat roosting and it is proposed that these be retained.

However, based on the indicative plan submitted, the tree line/hedgerow retained on the southern boundary would form part of residential gardens of housing in this part of the site. Lighting from houses would impact on commuting routes for bats and even the loss of hedgerow species.

- The phase 1 habitat survey identifies a number of grassland species which indicate the site is an important area of grassland connected to the wider habitat network.
- Substantial wildlife corridors should be maintained and strengthened through this site. Creatures relying on this link across Houghton Regis (North) require a continuous connected route with minimal risk of harm or disturbance.
- That the site is currently inaccessible to the public results in less disturbance to wildlife.
- Whilst opportunities for enhancements such as wetland areas and grassland management are identified, due to the overall loss of habitat and this impacts associated with the development due to disturbance, the proposal would not result in a net gain in biodiversity.

29/12/2014:

There appears to be no difference between the original application and the revised proposal. The previous comments above still stand.

20/01/2015:

Notwithstanding the strong reservations regarding the proposal, should planning permission be granted it would be appropriate to secure survey data referred to within the Ecological Assessment for the application in order to inform suitable habitat mitigation and enhancement measures for the development. This could be dealt with by condition.

CBC Tree and
Landscape

16/09/2014:

- Concern is raised regarding the indicative layout and the close proximity to important planting on the southern boundary of the site.
- This would result in pressure to heavily prune trees and hedging on this boundary, to the detriment of their health and visual amenity. This is also likely to be conflict between ground constraints and built development close to these trees and hedgerows.

- The final layout should be based on the above and below ground constraints identified as part of a tree survey. Therefore a Tree Protection Plan and Arboricultural Method Statement would be required as part of any detailed application.

CBC Public Art

11/09/2014:

The application falls below the threshold requirement for public art. No comment.

CBC Housing
Development

13/08/2014:

- Support the application as it would provide 20 affordable homes in line with current policy requirements for 30% affordable housing provision.
- The Strategic Housing Market Assessment (SHMA) indicates a tenure split of 63% affordable rent and 37% intermediate tenures. On the basis of this application this would equate to the requirement of 13 units of affordable rent and 7 units of intermediate tenures
- The units should be dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness.
- The development should meet the Code for Sustainable Homes Level 3 and meet all HCA Design and Quality Standards.

16/12/2014:

- Based on the revised proposal for up to 62 units, the provision of 30% affordable housing would equate to 19.5 units and this would be rounded to 20 units.
- The previous comments in respect of tenure split, layout and built standards are therefore restated.

CBC Public Protection

14/08/2014:

- Concerns are raised regarding the close proximity of housing to the neighbouring public house and the potential for future noise disturbance for residents as a result of this.
- Further consideration needs to be given to the likely and known sources of noise, their impact on residents and mitigation.

09/01/2015:

- There are solutions to this issue and the Councils

preferred approach is to increase separation so that noise is no longer a problem through a revised layout.

- Alternatively the internal layout within any dwellings can be designed to mitigate the noise or through the use of high insulating fascades (enhanced glazing and ventilation etc). However this would necessitate that any windows be fixed shut and alternative forms of trickle and purge ventilation would be required.
- Likewise, noise standards would also be applied to residential gardens and detailed proposals would not be acceptable where the scheme would not meet the relevant standards.

CBC Contaminated
Land

08/09/2014:

No objection. Recommends standards planning conditions in respect of land contamination due to the presence of historic landfill in the area.

CBC Waste

06/09/2014:

Detailed proposals in respect of the following would be required:

- Communal bin store locations for flats, to include designs for store layout
- Proposed collection points for individual dwellings
- Tracking details using the Council's current collection vehicle dimensions

The development would need to provide funding to offset the impact on CBC waste and recycling services.

CBC Archaeology

04/09/2014:

- The proposed development site includes part of the medieval settlement of Bidwell and a post-medieval boundary earthwork. It is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. It is also within the setting of a number of Scheduled Monuments, including: Thorn Spring Moated Site, Maiden Bower hillfort, Totternhoe Knolls motte and bailey castle, Tilsworth Manor moat, Warren Knoll medieval motte and Conger Hill, Toddington motte and bailey castle.
- The Heritage Statement does not contain the results of trial trenching the need for which was identified at the pre-application stage and in the

Written Scheme of Investigation.

- There is a brief consideration of the setting of the Thorn Spring moated site Scheduled Monument but little consideration of the contribution of the setting to the significance of the Monument and little evidence to support the conclusion that the impact of the proposed development on its setting will be low to negligible. The Assessment does not provide any information on the impact of the development on the setting of the other Scheduled Monuments.
- There is insufficient information on the heritage assets with archaeological interest or the designated heritage assets in the application to be able to assess the impact of the development on archaeology and identify an appropriate mitigation strategy.
- Recommend refusal.

23/01/2015:

- A report on an archaeological field evaluation has now been submitted and the application now conforms with paragraph 128 of the NPPF.
- The evaluation has identified features dating to the late Iron Age period likely to be related to settlement activity and land division (pits and ditches), and remains of post-medieval occupation including a boundary ditch and at least two cottages.
- This does not represent an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets.
- This can be achieved by the investigation and recording of any archaeological deposits that may be affected by the development in the form of an open area excavation, the post-excavation analysis of any archive material generated and the publication of a report on the works.
- It is recommended that this be secured by a planning condition.

CBC Sustainable
Transport

21/08/2014:

- The site is within easy distance of the strategic road network. It is close to a range of facilities including Houghton Regis and Dunstable town centres, lower and secondary school provision in

Tithe Farm, north Houghton Regis and Bedford Road, and employment opportunities at Woodside Industrial Estate and Houghton Hall Park. The nearest railway station is Leagrave. The Luton Dunstable busway provide easy access to Luton and mainline London stations. The development would also be closely connected to Bluewater Woodland, open space at Plaiters Way, the surrounding rights of way network and new facilities and development planned in the area.

- Cycle parking will be required within the curtilage of properties in line with CBC cycle parking guidance.
- Road hierarchy should encourage walking and cycling. Proposed footways/cycleways to connect with existing rights of way and neighbouring developments would need to be of a standard to facilitate safe and convenient walking and cycling.
- Development along this part of Bedford Road will require the provision of a crossing facility between neighbouring development sites.
- It will be necessary to widen the existing footway along the site frontage to connect with existing and planned/improved footways on Bedford Road.
- Appropriate traffic calming proposals would also need to be planned in connection with other developments on Bedford Road.
- The application does not fully acknowledge existing travel choices including the extensive network of paths which have been implemented recently as parts of Central Bedfordshire's Travel Choices programme.
- Due to high traffic volumes on local roads, it is essential that opportunities for segregated travel by bicycle are maximised.
- Reference is made to existing bus services along Bedford Road which are mainly subsidised and for which the future is uncertain. Busway service E to Toddington is under review, the Dial a Ride service 74 and the Buzzer Buses service 169 only have funding until March 2015. Funding for ongoing bus provision in the area will therefore be required.
- A travel plan statement has been submitted which proposes the following mitigation measures: suitable pedestrian and cycle access for the site; secure cycle parking; a residents notice board adjacent to the site access; residents welcome

packs; targets and monitoring; new bus stop post and flags; a travel plan coordinator; and a personalised journey planning for residents.

- It is anticipated that travel plan measures including smarter choices and public transport would be provided by the local authority as an extension to Central Bedfordshire Travel Choice's programme and would need to be secured by way of a funding contribution secured in connection with any permission.

CBC Highways

23/01/2015:

- The Transport Assessment provides a reasonable representation of the site and the transport context including its relationship to the A5, the M1, Luton airport, Bedford Road (A5120), local retail and services including health care, education, footways and cycleways and public transport.
- The Transport Assessment highlights the road safety record of Bedford Road (3 serious and 4 slight accidents). This appears to be associated with vehicle speeds and lack of forward visibility. Carriageway width may also be relevant.
- Traffic data collected in support of the Transport Assessment has not been provided as an appendix to the Assessment. It is questioned why speed data is not provided.
- The Transport Assessment refers to local car ownership. It is questioned how this is helpful as it is not related to dwelling type or parking demand.
- Reference is made to other sites within the allocation area and feedback received in relation to public consultation. However it does not identify the need for developments to contribute towards the delivery of the Woodside Link road.
- The Transport Assessment sets out relevant planning policy and guidance but does not refer to specific CBC highways guidance.
- The Transport Assessment examines the likely impacts associated with a development of up to 70 units. *[OFFICER NOTE: The revised application seeks outline permission for up to 62 dwellings]*
- The proposed vehicular access is described as 6m wide with footways.
- The Transport Assessment describes two different levels of parking provision for the site. One of these would be substandard and would not comply

with the Council's parking standards. The submitted layout is indicative and is not considered. *[OFFICER NOTE: The revised application includes and amended layout (indicative) showing parking provision to meet current parking standards as under the Council's Design Guide]*

- It is proposed to provide a scheme of traffic calming on Bedford Road comprising a change in speed limit and 'dragon's teeth' road markings. Given nature of the road and available accident data, additional traffic calming features may be required.
- The predicted trip generation rates provided in the Transport Assessment appear low (5.024 trips per dwelling, per day). However the traffic generated by the development needs to be considered within the context of the traffic impacts of the allocation as a whole.
- The highway network needs improvement as it stands and in recognition of the planned housing growth in the area. As a result the A5/M1 link and Woodside Link roads have been proposed and approved. Housing developments will need to support the delivery of highway network improvements and contributions towards the Woodside Link will be sought.
- The site is within an acceptable walking and cycling distance of three primary schools and food stores and other points of interest.
- A contribution towards public transport would be required.
- It is accepted that the development would not affect the free flow of traffic on Bedford Road but right turning traffic accessing the site from Bedford Road would cause delay to southbound traffic.
- The traffic figures provided are acceptable based on current circumstances but do not account for the HRN1 development or the A5/M1 developments.
- Other traffic calming features which could be provided in connection with other developments can not be considered to provide mitigation for this development until these features are provided.
- The Transport Assessment is lacking in its analysis of the cumulative impact of the proposal

with other developments and does not provide capacity information in respect of the Thorn Turn or High Street junctions with Bedford Road. Whilst the A5/M1 link is acknowledged, the Transport Assessment does not highlight the relevance of the Woodside Link.

- Whilst the proposed development is not considered such a significant vehicle generator as to warrant a refusal on traffic congestion, it should be acknowledged that Bedford Road is already congested and the Thorn Road and the High Street junctions are over capacity.
- For that reason a contribution should be sought towards the deliver of planned highway network improvements in the area. Failure to agree upon a contribution would warrant refusal on highway grounds.

26/01/2015:

- Bedford Road is a classified road subject to a 40mph speed limit in this location. There is a narrow footway on the west side of Bedford Road. Street lighting is substandard and the carriageway is narrow. Bedford Road is a busy road carrying over 10,000 vehicles per day.
- The application proposes a simple priority junction. It is proposed to extend the existing 30mph speed limit to the north of the site. This will not be self governing with the provision of road markings alone.
- The provision of additional by lay-bys on Bedford Road could aid traffic calming but could add to congestion. This should be considered as part of the final scheme of highway improvements. A road safety audit should be undertaken before the improvements are agreed.
- The proposed access would appear to be sound.

CBC Local Planning and Housing 20/01/2015:

- The site is located within Bidwell, north of Houghton Regis. It is within the proposed North Houghton Regis Strategic Allocation but is within the Green Belt.
- Planning permission has been granted for development of HRN1. A planning application in respect of Site 2 (Bidwell West) is expected soon. *[OFFICER NOTE: An outline hybrid planning*

application relating to Bidwell West has now been submitted (January 2015)]

- The strategic allocation was identified in the withdrawn Joint Core Strategy. The plan was not withdrawn due to any disagreement between the joint Councils in relation to the allocation of the site. The proposed allocation is now reaffirmed through the emerging Development Strategy.
- A number of factors were considered in the determination of the HRN1 application including; Green Belt harm; the immediate housing and economic need for the area and over the next 20 years; the history of policy support for the strategic allocation since 2001; that the site had been identified as suitable for removal from the Green Belt as part of successive Development Plans; and that the scale of the development offered significant benefits.
- These factors are important in the consideration of the proposals for the development of HRN Site 2 which includes this site. It would need to be demonstrated that very special circumstances exist to support the development in the Green Belt and that proposals conform to the Houghton Regis (North) Framework Plan.
- The case for very special circumstances advanced in support of the current application are very similar to those considered in relation to HRN1, other than the significant contribution which HRN1 will provide towards the delivery of the A5/M1 link road.
- When taken collectively, the factors weighing in favour of the current application, including its relationship to the adjoining Site 1 and 2 of the allocation, are considered very special circumstances sufficient to outweigh the harm to the Green Belt.
- The Houghton Regis (North) Framework Plan has been prepared in support of the emerging Development Strategy and is adopted for Development Management purposes. The Framework Plan is a high-level strategic document that identifies the indicative location of infrastructure and land uses.
- The application site lies within an area identified on the Framework Plan diagram to provide a green corridor including Bluewater Wood. Residential

development is not envisioned in this location but the development would facilitate green connections and integrate with the existing urban form of Houghton Regis. This corridor would need to include paths to enhance connectivity.

- The site is near existing development at Bidwell but the proposed would be separated by adjoining land and would not harm the identity and character of Bidwell.
- No specific comments regarding this site have been raised in relation to consultation on the Development Strategy.
- Relevant comments in relation to the development of Site 2 include the development is inappropriate and unsustainable in the Green Belt; there is a requirement for a masterplan for Site 2; Bidwell Farm has a separate identity as identified in the Framework Plan; and other comments supporting the development or various landholdings around Bidwell and that sites outside the allocation could assist in the early delivery of housing.
- The proposal contributes to the aims of the Framework Plan and partially accords with it. Remaining open space needs to be safeguarded.
- The advice in relation to very special circumstances is restated.

CBC Conservation and
Design Officer

No comments received.

Environment Agency

12/08/2014:

- Recommend refusal.
- No Flood Risk Assessment has been submitted in support of the application.
- Whilst the site is within Flood Zone 1 and defined as having a low probability of flooding, the scale of the development dictates that it may present risks of flooding on or off site if surface run-off water is not appropriately managed.
- It is noted that the site is above a Principal Aquifer but it is not considered that the proposal is high risk. The contamination risks to controlled waters should follow the requirements of the NPPF and EA guidance.
- If infiltration SUDs are considered, it would need to be demonstrated that these would not pose a risk to controlled waters. On an adjacent site it has

been suggested that ground conditions would prevent infiltration drainage. This can be satisfactorily addressed by way of a planning condition.

- Further detailed guidance on the design of SUDs proposals and ground water protection is provided.

29/08/2014:

- Having reviewed the submitted Flood Risk Assessment, the proposal is considered acceptable subject to a condition to secure the approval and implementation of a detailed surface water drainage scheme to prevent the increased risk of flooding, improve and protect water quality and improve habitat and amenity.
- Detailed advice on the requirements for the drainage scheme is set out.

Highway Agency 17/12/2014:
No objection.

Luton Borough Council No comments received.

Determining Issues

The main considerations of the application are;

1. Compliance with the Adopted Development Plan for the Area
2. Compliance with the National Planning Policy Framework
3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy
4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire
5. Green Belt considerations
6. Compliance with DSCB Policy 60 and relationship to Houghton Regis (North) Framework plan
7. Leisure, open space provision, green infrastructure
8. Housing mix and design considerations
9. Transport and highways
10. Archaeology
11. Ground conditions and flood risk
12. Other matters
13. Planning obligations
14. Conclusions

Considerations

1. Compliance with the Adopted Development Plan for the Area

- 1.1 The Planning and Compulsory Purchase Act 2004 at section 38 (6) provides that that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.2 The National Planning Policy Framework sets out this requirement:
“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.” (para. 2)
- 1.3 The Framework also states:
*“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an **up-to-date Local Plan** should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”* (para. 12)
- 1.4 Therefore the structure of the report is dictated by the need for the Committee to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application.
- 1.5 The formal Development Plan for this area comprises the South Bedfordshire Local Plan Review (SBLPR) 2004, the Minerals and Waste Local Plan (2005), and Bedford Borough, Central Bedfordshire and Luton Borough Council’s Minerals and Waste Local Plan: Strategic Sites and Policies (2014).
- 1.6 The site falls within the Green Belt defined by the proposals map for the South Bedfordshire Local Plan Review 2004. Within the Green Belt no exception for major development is made and the proposal is therefore inappropriate development in the Green Belt. Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full under Section 5 of this report. All other relevant policy considerations under the Development Plan are addressed below.

- 1.7 Policy BE8 lists a number of design considerations that development proposals should reflect. Having regard to the submitted land use parameter plan it is considered that the proposed residential development is capable of achieving a high quality design at the reserved matters stage which would relate well to the adjoining public open space and woodland. The application is therefore considered in compliance with Policy BE8.
- 1.8 Policy T10 sets out the considerations that apply when looking at the provision of car parking in new developments. Revised parking standards are contained in the Central Bedfordshire Design Guide which was adopted as technical guidance for Development Management purposes in March 2014. For these reasons, it is considered that very little weight should be given to Policy T10.
- 1.9 Policy H4 sets out the terms of the provision of affordable housing and requires that such provision will be sought from developments of over 1 hectare in size. Planning Obligations are required to ensure that, amongst other matters, that occupancy is restricted to people in need within South Bedfordshire. No specific target amount is included within the policy, though there is an indicative target level stated in the supporting text of the policy of 20%.
- 1.10 This policy was established before 2004 and before the substantial work that was undertaken in preparation of the subsequent Luton and South Bedfordshire Core Strategy (withdrawn but adopted by CBC for Development Management purposes in 2011) and as taken forward by the emerging Central Bedfordshire Development Strategy. Recent work for the Development Strategy supports a requirement of around 30% of the development for affordable housing purposes. Therefore this policy is considered to be out-of-date and it is recommended that limited weight is afforded to Policy H4 in respect of occupancy and the indicative affordable housing target. Instead, the affordable housing policy in the emerging Central Bedfordshire Development Strategy, which would normally require 30% affordable housing as part of qualifying developments, is of greater relevance and the application is assessed in terms of its compliance with this policy below.
- 1.11 Policies R10 and R11 set out the requirements for play areas and formal and informal open spaces. The standards set out in the Central Bedfordshire Leisure Strategy, which was adopted as technical guidance for Development Management purposes in March 2014, supersede previous requirements set within Policies R10 and R11 and the weight to be attached to the standards in Policies R10 and R11 is diminished. The provision of play areas and open space is addressed below.
- 1.12 Policy R14 seeks to improve the amount of informal countryside recreational facilities and spaces, including access, particularly close to urban areas. The

policy is directly relevant to the planning application site and should be given substantial weight in reaching a decision. The application has identified the existing rights of way, opportunities for enhancements to the network and new pedestrian and cycle connections which can be provided in connection with the development to improve recreational access to the countryside. The proposal therefore complies with the requirements of Policy R14.

- 1.13 Policy R15 seeks the retention of the existing public rights of way. There are a number of established public rights of way around the site. Additional and improved footways and cycleway can be provided in connection with the development and financial contributions towards the enhancement of routes outside of the application site can be secured by Legal Agreement to meet the policy aims of Policy R15.
- 1.14 Policy W4 of the Minerals and Waste Local Plan relates to minimising waste generated as part of the development. This is echoed in policy WSP5 which relates to waste management in new built developments which seeks sufficient and appropriate waste storage and facilities in all new developments. Provision for adequate collection areas and suitable turning arrangements for collection vehicles can be secured as part of subsequent detailed applications at the reserved matters stage. A detailed waste management scheme and financial contributions towards the provision of waste receptacles for all dwellings can be secured in connection with the development. The proposed does not therefore conflict with the aims of Policies W4 and WSP5.

2. Compliance with the National Planning Policy Framework

- 2.1 For the reasons set out above, it is necessary to consider the planning application against the NPPF as a significant material consideration. In the following paragraphs, the proposal is considered against each relevant statement of NPPF policy.
- 2.2 **Building a strong, competitive economy**
The development of housing and the provision of appropriate infrastructure alongside support for local shops and services and employment relating to the construction of the development contribute to building a vibrant economy for Houghton Regis.
- 2.3 **Promoting sustainable transport**
The application is supported by a Transport Assessment and Travel Plan Statement. The site is well related to the local highway network with convenient access to the M1, Luton and Dunstable by car. There are public transport routes along Bedford Road and in proximity to the site there is a link to the Luton and Dunstable guided bus link.

2.4 Delivering a wide choice of high quality homes

The indicative layout plan for the proposed residential development shows a broad mix of likely housing types. Should permission be granted, the detailed proposals to be submitted at the reserved matters stage should demonstrate that a suitable variety of housing will be provided. It is appropriate to ensure that variety in general market housing is provided for and the reserved matters scheme(s) should reflect the latest available information on such requirements. The proposal seeks to provide for on-site affordable housing at 30% of the total residential provision and this would be secured through Legal Agreement. In relation to this, it is relevant to note that there are no development viability constraints which would prevent full affordable housing provision in this case.

2.5 Requiring good design

The application is in outline and therefore detailed design matters will be for later consideration. However, the NPPF promotes good design at every level. Aspects of the design proposals and parameters are assessed in more detail below. However, it is considered that the proposed residential development is capable of achieving a high quality design at the reserved matters stage which would relate well to the adjoining public open space and woodland.

2.6 Promoting healthy communities

The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. This includes schools, health facilities, formal and informal play areas and access to shops and leisure facilities. The level of open space proposed as part of the application is considered appropriate to the scale of the development. The need for suitable play provision can be dealt with by planning condition and addressed at the reserved matters stage. Appropriate financial contributions to offset the impact of the development on facilities and services such as schools, healthcare, local sports and leisure facilities and emergency services can be secured by Legal Agreement.

2.7 Protecting Green Belt land

The protection of the Green Belt forms part of the core planning principles set out within the NPPF and this is fundamental policy consideration. Within the Green Belt there is a presumption against residential development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly

outweighed by other considerations.”

- 2.8 **Meeting the challenge of climate change, flooding and coastal change**
The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively supporting energy efficiency consistent with nationally described standards. Opportunities for implementation of sustainable design and construction principles and the incorporation of renewable energy sources and low-carbon technologies as part of the development will need to be considered in the context of subsequent detailed submissions. The site is not located in an area at risk from flooding (Flood Zone 1). The application is accompanied by a Flood Risk Assessment which demonstrates that, subject to a condition to secure the approval and implementation of a detailed surface water drainage scheme, the development would not give rise to an increased risk of flooding.
- 2.9 **Conserving and enhancing the natural environment**
The application was submitted with a Landscape and Visual Appraisal and an Ecological Assessment addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. The proposal would result in the partial loss of undeveloped scrub land. Retention of the site as undeveloped land may prove beneficial in terms of some biodiversity aims. However the development proposal represents an opportunity to secure an important element of accessible multi-functional open space to connect with the existing open space adjoining the site and the planned green infrastructure for the wider allocation area. Appropriate habitat mitigation, enhancement and conservation measures could also be secured for the retained green space in connection with the development. It is highly unlikely that any of these benefits could be realised without some form of development on this site in order to facilitate this. In balancing policy objectives in relation to the natural environment, it is considered that the proposal is compatible with NPPF principles in this respect.
- 2.10 **Conserving and enhancing the historic environment**
The application site is adjacent to the Grade II listed Old Red Lion Public House. The Council's Conservation and Design Officer has raised no objection to the proposed development in response to formal consultation on the application. Having regard to the established pattern of development around the application site and the wooded scrub land screening between the application site and the neighbouring Public House, it is not considered the proposal would be detrimental to the historic setting of the Old Red Lion. The site is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. The submitted Archaeological Evaluation details the results of a geotechnical survey undertaken in May

2014 and trial trenching investigations undertaken in October and November 2014. Subject to further investigation and recording which can be secured by condition and carried out in connection with the development, the proposal satisfies NPPF requirements with respect to the historic environment.

- 2.11 As stated, Green Belt is the fundamental land use issue in the relation to both the Development Plan and the NPPF. For this reason Green Belt considerations are dealt with in full below. The proposal is considered compliant with all other relevant planning principles and aims under the NPPF.

3. The weight applied to the Luton and South Bedfordshire Joint Core Strategy

- 3.1 The L&SCB Joint Core Strategy was prepared by the Luton and South Bedfordshire Joint Committee in the period between 2007 and 2011. It sought to replace the strategic elements of the South Bedfordshire Local Plan and Luton Borough Plan and to take forward the growth agenda promoted for this area through the East of England Regional Plan and associated policy documents. The Joint Core Strategy was submitted for Examination and part of that process was completed before the document was ultimately withdrawn in 2011 on the grounds that Luton Borough Council no longer wished to pursue its adoption. However the evidence that supported the Joint Core Strategy remains supportive of the growth agenda for the area.
- 3.2 For this reason, Central Bedfordshire Council endorsed the L&SCB Joint Core Strategy and its evidence base as guidance for Development Management purposes on the 23rd August 2011 and has incorporated the majority of this work within the new Central Bedfordshire Development Strategy. As Development Management guidance, the Joint Core Strategy does not carry the same degree of weight as the adopted Development Plan but is a material consideration in the assessment of the application.
- 3.3 The details of the endorsed policies are not dealt with in this section as relevant aspects of the Joint Core Strategy are dealt with in greater detail elsewhere within this report including in the next section dealing with the emerging Development Strategy for Central Bedfordshire.

4. The weight to be applied to the emerging Development Strategy for Central Bedfordshire

- 4.1 The Central Bedfordshire Development Strategy document has been submitted to Secretary of State 24 October 2014 with the first Examination hearings scheduled for early February and later ones for April this year.

- 4.2 The Development Strategy for Central Bedfordshire is not yet adopted policy, but as submitted deals with the development needs beyond the period of the currently adopted Development Plan, the SBLPR (2004). The Development Strategy also seeks to be consistent with the NPPF. To that end, it is considered that its housing supply and infrastructure policies are more up-to-date and should be given greater weight than the related SBLPR (2004) and the L&SCB Joint Core Strategy.
- 4.3 Policy 60 of the emerging Development Strategy specifically sets out the requirements for the Houghton Regis North Strategic Allocation. Approximately 7,000 dwellings are anticipated to be delivered as part of the allocation as a whole. The application site forms part of Site 2 of 2 of the allocation. The policy also details opportunities to assist Houghton Regis through the delivery of supporting infrastructure including items such as new transport routes and green infrastructure.

5. Green Belt considerations

- 5.1 The site forms part of the proposed North Houghton Regis Expansion allocation, as set out within the emerging Development Strategy for Central Bedfordshire. However, at the present time until the Development Strategy is adopted, the land falls within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 83 of the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.
- 5.2 The emerging Development Strategy has been submitted for examination but has not yet been adopted. Government guidance contained within the National Planning Practice Guidance advises that, in the context of the NPPF and the presumption in favour of sustainable development, prematurity is unlikely to justify the refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 5.3 The application site forms part of a larger proposed allocation which comprises a key element of the housing provision and overall growth strategy planned to accommodate the needs of a growing population in the area. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy and the formal confirmation of the planning allocation in the Development Plan would serve no good purpose, other than to delay much needed housing. In relation to this specific application, the development proposed is not so substantial that to grant permission would undermine the plan-making process by

predetermining decisions about the scale, location or phasing of new development.

5.4 Within the Green Belt there is a presumption against residential development which is considered inappropriate development. The protection of the Green Belt forms part of the core planning principles set out within the NPPF and is the fundamental policy consideration. Substantial weight is to be attached to any Green Belt harm.

5.5 Green Belts serve five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and

to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.6 The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.

5.7 *To check the unrestricted sprawl of large built-up areas*
The site is located outside of the existing settlement boundary of Houghton Regis which forms an almost seamless urban conurbation with the wider areas of Luton and Dunstable. The site is closely related to the residential development at Plaiters Way which defines the existing settlement boundary, the existing development grouped along Bedford Road including the adjacent public house. Within the context of the proposed Strategic Allocation including the other planned and committed development within the allocation area, the site would no longer serve any Green Belt value in terms of preventing the sprawl of the existing large built-up area.

5.8 *To prevent neighbouring towns merging into one another*
The site does not serve any Green Belt function in terms of preventing the merging of neighbouring towns.

5.9 *To assist in safeguarding the countryside from encroachment*
At the present time, the proposed development would represent an encroachment upon the countryside. The proposed Strategic Allocation is planned to substantially enclose the application site and the immediately adjoining land, the site would constitute an area of scrub land surrounded by the extended built up area. Within this context the site would not serve any Green Belt function in terms of safeguarding the countryside.

5.10 *To preserve the setting and special character of historic towns*
The site is not identified as important to the setting or special historic

character of Houghton Regis.

- 5.11 *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

The proposal would not constitute the reuse of derelict or other urban land. However the need for dedicated regeneration strategies for the area has long been recognised as successive planning policy documents which support the strategic allocation as a whole which is planned to support a broad range of regeneration objectives for the wider urban area. Resisting development of the site would not serve this Green Belt function.

- 5.12 The proposal would be harmful to the Green Belt due to its inappropriateness, and its impact on openness as it would presently involve development outside of the existing built-up area, encroaching into the existing countryside. The NPPF states:

- 5.13 *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*

- 5.14 It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified.

The applicant’s case for very special circumstances

- 5.15 The application sets out that the weight to be attached to the protection of the Green Belt in this location is significantly reduced due to a number of factors. These are summarised as follows:

- The site has been promoted in successive emerging development plans for more than 10 years as suitable for removal from the Green Belt to be brought forward for development. The planning pedigree of the site was acknowledged by the Secretary of State for Communities and Local Government in determining that the HRN1 outline planning application would not be ‘called in.’ In granting outline planning permission for the development of HRN1, the Council acknowledged that successive Local Planning Authorities have sought substantial housing and employment development within a national, regional and sub-regional context of planning policy and that the HRN1 development conforms to the NPPF and the emerging Development Strategy where the current development plan is not up to date.
- The development of HRN Site 2, which includes the application, site is essential as HRN1 will deliver fewer affordable homes than required and, overall, could deliver fewer dwellings than expected.
- These circumstances provide certainty that the HRN allocation will be removed from the Green Belt.

- The development would not result in harm by the further merging of towns and would provide relatively minor encroachment into the open countryside. There is no special character which would be harmed by the development as the site is self contained and the proposal does not conflict with the objective of urban regeneration.

5.16 Within this context, the application sets out the issues which the applicant considers to constitute very special circumstances in favour of the application proposal with reference to the Committee Report in respect of the HRN1 outline application. These are summarised as follows:

- There is a clear, urgent need for development of land in the Green Belt in order to meet immediate housing and economic need for the area identified now and for the next 20 years.
- Successive emerging development plans since 2001 have identified the application site and land around it as being suitable for removal from the Green Belt. The Joint Core Strategy was not abandoned due to any disagreement between the joint Councils regarding the application site. Its intended removal from the Green Belt and allocation for residential and commercial development was supported by both Councils.
- The emerging Development Strategy re-affirms the Houghton Regis North allocation to meet the urgent need for development which the proposal can contribute to in the short term and in advance of the delivery of housing as part of HRN1.
- The Council has shown its continued commitment to the development of Houghton Regis through the adoption of the Houghton Regis North Framework Plan in advance of the adoption of the emerging Development Strategy.
- The proposed development would provide much needed affordable housing to offset the massive shortfall in affordable housing for the area.
- No formal development plan has been adopted since 2004, despite the continuing identification of the site in emerging policy documents. If subsequent development plans had reached adoption stage, the application site would already have been allocated for residential development and formally removed from the Green Belt. Delaying a decision or refusing the planning application on Green Belt grounds until the adoption of the Development Strategy would serve no good purpose other than to delay much needed housing and (construction) employment opportunities for the area.
- The development would deliver highway improvements to complement other planned enhancements to Bedford Road.
- The development would contribute funding towards neighbouring wildlife habitats.
- The site is within a sustainable location within walking distance of the Town Centre.

- The site is visually contained as compared with other sites within the emerging allocation.
- The development would contribute funding towards the neighbouring public open space at Plaiters Way and would overlook the existing children's play area, thereby enhancing security.

5.17 The case is restated in the additional Planning Statement submitted in December 2014 to support the revised application. Relevant Green Belt policy considerations and the case for very special circumstances are also addressed as part of the Legal Advice Note (December 2014) which has been submitted to support the application.

Assessment of the case for very special circumstances

5.18 Evolution of planning policy

As noted, the site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the site allocation for North Houghton Regis in the emerging Development Strategy to accommodate the needs of a growing population in the area. It is acknowledged that there is a substantial body of evidence from work on previous plans underpinning the overall growth strategy. Notwithstanding the current status of the emerging Development Strategy, there is considered a strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future.

5.19 Within this context, outline planning permission has been granted for the development of the largest parcel of the proposed HRN allocation (HRN1). This permission has been upheld in a Court judgement relating to Luton Borough Council's application for Judicial Review. Whilst the appeal process in respect of this decision is ongoing, at the present time the HRN1 planning permission still stands and establishes that Green Belt land north of Houghton Regis can be developed. The planned A5/M1 link road and Woodside Link road projects were formally approved by the Secretary of State for Transport approved with the granting of Development Consent Orders in September 2014. Preliminary works in relation to the A5/M1 link road have now commenced. The application site is also closely related to the development of Bidwell West which comprises the largest land parcel forming part of HRN Site 2. An outline hybrid planning application in respect of Bidwell West has now been submitted (January 2015).

5.20 The recent planning decisions and other committed development within the allocation area have also altered the planning context within which the application site sits. This is an important consideration in terms of the very special circumstances test.

5.21 Housing need

In line with the NPPF, there is a need to boost significantly the supply of

housing. Taken as an individual consideration, housing need is not an overriding factor sufficient to clearly outweigh Green Belt harm. However given the emphasis placed within the NPPF on the need to boost significantly the supply of housing this is an important consideration in terms of the very special circumstances test.

5.22 Opportunities to support planned objectives for the HRN allocation

The applicant's case for very special circumstances refers to opportunities for positive contributions to neighbouring open space and wildlife habitats as well as enhancements to Bedford Road.

5.23 Subject to any development viability considerations, all developments within the proposed allocation would be required to provide appropriate contributions to mitigate their individual impact and support the delivery of the wider planned allocation. This is a policy requirement under emerging DSCB Policy 60. Where aspects of individual developments would fulfil baseline policy requirements, these should not be considered very special circumstances to outweigh Green Belt harm. In particular, a scheme of highways improvements and 'civilisation' works along Bedford Road and funding to offset the impact of planned development on the green infrastructure network would be required in any event as part of the proposed urban extension.

5.24 Notwithstanding this, it is acknowledged that the proposal does present an opportunity to secure an important element of multi-functional open space to connect with the existing open space adjoining the site and the planned green infrastructure for the wider allocation area. Whilst this matter is addressed in greater detail below, this factor is considered important in terms of the case for very special circumstances under this application.

5.25 Other circumstances put forward

Although the application contends that the site is visually contained, the site is visible in public views from Bedford Road, the public right of way to the north and potentially from Bluewater Wood and the other open space adjoining the site. It is important to note the impact upon the Green Belt does not simply relate to visual considerations and under the terms of the NPPF, the proposal would constitute inappropriate development which is by definition harmful to the Green Belt.

5.26 It is accepted that the site is in a sustainable location which is accessible to local centres and existing facilities and services. This is relevant to the allocation of the wider HRN site as a strategic development site, but in the context of the current proposal it is not the case that Green Belt considerations should be outweighed by the broader, general presumption in favour of sustainable development under national and local planning policy.

5.27 It is therefore considered that these two factors carry less weight in the very

special circumstances test.

Conclusions

- 5.28 The proposed development would be harmful to the Green Belt due to its inappropriateness. It would also give rise to harm by reason of its impact on openness. Under the terms of the NPPF significant weight is to be attached to this harm.
- 5.29 However, in recognition of the lengthy history of policy support for the proposed HRN allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation, it is considered that the circumstances set out above have altered the planning context within which the application site sits such that it would not serve any of the five the purposes of including land within the Green Belt to resist the proposed development on Green Belt grounds. There are also a number of other factors and site specific considerations which weigh in favour of the proposal.
- 5.30 Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

6. Compliance with DSCB Policy 60 and relationship to Houghton Regis (North) Framework plan

- 6.1 In terms of the requirements for HRN Site 2 as set out in DSCB Policy 60, the proposal would deliver against the broad objective to provide new housing in this area and would provide for 30% affordable housing.
- 6.2 The Houghton Regis (North) Framework Plan sets out the Council's general expectations on how the aims of the urban extension may take physical form and defines a vision for the development of the extension to Houghton Regis.
- 6.3 The Framework Plan diagram and supporting text set out the key land uses to be provided as part of the proposed urban extension. Employment, commercial, education provision and other development uses are not planned for in this location and can be accommodated in appropriate locations as part of the application for the largest land parcel of HRN Site 2 known as Bidwell West.
- 6.4 The Framework Plan also provides for a number of elements of essential infrastructure required in connection with the proposed allocation. These include a range of open spaces providing parks and gardens, natural and semi-natural green space (including green corridors), informal open space,

provision for children and young people (play areas), outdoor sport pitches and courts, allotments and community gardens.

- 6.5 The application site is located in an area which incorporates a mix of habitats including open grassland, woodland, hedgerows and scrub. A number of records exist for protected species and species of principal importance in this area. It is therefore essential that connectivity to these features is maintained and enhanced. In this context the Framework Plan identifies this part of the Bidwell area as providing an opportunity to deliver a major element of this open space and provide strategic green links with existing green infrastructure adjoining and close to the site. This includes Bluewater Wood, the public open space at Plaiters Way and the wet woodland to the north of the site, presently managed by Houghton Regis Town Council. The Framework Plan also sets out an aspiration to connect this open space with a green corridor to be retained/provided along Bedford Road and green links to the east of Bedford Road.
- 6.6 Houghton Regis Town Council has raised objection in principle to development on this site on the grounds that development in this location is not compatible with the Houghton Regis (North) Framework Plan and the objective to provide green space in this part of the proposed allocation. The consultation responses received from CBC's Countryside Access, Rights of Way and Ecological Officers also raise concerns regarding this and CBC's Landscape Officer considers that built development on the site is not acceptable. One of the third party responses objecting to the application also raises concerns regarding compliance with the Framework Plan.
- 6.7 The fundamental purpose of the Framework Plan is to set broad aspirations for key elements of the allocation and to guide the development as a whole. It is important to note that the Framework Plan is intended as a strategic document based on the constraints and opportunities for the proposed allocation. As such it should not be read as an exact masterplan document. Its purpose is not to closely define the exact extent of open space, housing development or other land uses.
- 6.8 In accordance with the Framework Plan a broad swath of multifunctional open space running east-west is envisioned in this location. Subject to this being achieved, it is not the case that the Framework Plan precludes all housing development on this site or that development in this location should be regarded as unacceptable in terms of delivering against the strategic objectives for the HRN allocation.
- 6.9 Various alternative layouts for the development of this site have been considered at the pre-application stage and in the early stages of the planning application. Under previous proposals, the retained open space would have been relatively limited and constrained by the proposed housing development which would have occupied the majority of the site. In response

to this, Officers have at various stages raised concerns that the proposed residential development would unacceptably compromise the opportunity to provide the scale and type of strategic open space envisioned for this area. In response to this, the applicant has revised the application in order to reduce the developable area as compared with previous proposals for the site. The revised application now proposes that more than half of the site would be retained as public open space. This would directly connect with the adjoining open space at Plaiters Way, Bluewater Wood and the neighbouring woodland to the north. This would form part of a broad swath of multi-functional open space running east-west across HRN Site 2.

- 6.10 Should the Committee be minded to refuse planning permission, and should a refusal be upheld at any subsequent appeal, the site would ultimately remain undeveloped. Whilst this may prove a positive outcome against some biodiversity aims, the present land use would not deliver against any broader aspirations for accessible open space or green infrastructure and would not secure multi-functional open space as envisioned in this location as part of the Houghton Regis North Framework Plan. Given that the site is within separate ownership to other land within the allocation area it is highly unlikely that any of these broader aspirations could be realised without some form of development on this site in order to facilitate this.
- 6.11 The current scheme would deliver strategic connections between the existing and planned green infrastructure and is capable of delivering the multi-functional open space envisioned for this area. This represents a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan.

7. Leisure, open space provision, green infrastructure

- 7.1 CBC Leisure considers sufficient open space is proposed against the requirements of CBC's Leisure Strategy. In connection with the development it is proposed to provide a contribution towards the provision of play equipment in the area. This would be in lieu of the provision of on site play facilities. Due to the scale of the proposed development, its relationship to the neighbouring natural play area at Plaiters Way and other children's play facilities which would be provided as part of the proposed allocation, this is considered appropriate in this case. A financial contribution towards play provision can be secured through Legal Agreement in connection with other funding towards leisure provision for the area.
- 7.2 Should planning permission be granted, future maintenance arrangements for the proposed open space and footpath links which would be provided within the site would need to be secured as a planning obligation.
- 7.3 The advice the Council's Ecological Officer in relation to biodiversity and

wildlife habitats is noted. In particular, concern is raised regarding the relationship between the proposed housing development and the existing hedgerow and trees which would be retained along the southern boundary of the site. The Tree and Landscape Officer has raised similar concerns regarding the potential negative impacts of the development on the health and amenity value of trees and hedgerow along the southern boundary.

- 7.4 For the purposes of this outline application the submitted layout plan should be treated as indicative and would not be fixed as part of any outline planning permission. In line with the advice of the Tree and Landscape Officer the detailed layout of any reserved matters proposal would need to be informed by the constraints imposed by any important trees and hedgerows to be retained within the undeveloped areas of the site. In particular, the proposed layout submitted at the reserved matters stage would need to provide for a degree of separation between the housing area and the boundary planting. The Council's Ecological Officer has advised that, should Committee be minded to grant, a detailed scheme of habitat mitigation, enhancement and conservation measures informed by ecological survey data could be secured by condition.

8. Housing mix and design considerations

- 8.1 Detailed design, scale and layout does not form part of the outline application and would be subject to later reserved matters applications in the event that planning permission is granted. The submitted layout plan is indicative and would not form part of the planning permission. Subsequent detailed proposals would need to address the detail within the scheme, and ensure that solutions and measures would be adopted to ensure the consideration of privacy, relationships between dwellings, garden spaces and relationships with access roads, footpaths and public spaces.
- 8.2 However the indicative layout has been considered in relation to the Council's Design Guide in order to satisfy whether the developable area proposed is capable of accommodating up to 62 units and whether the proposal is capable of achieving a well designed layout having regard to positive placemaking and urban design principles.
- 8.3 In relation to parking requirements, the indicative proposal would comply with the Council's minimum parking standards. In terms of garden sizes, there are a significant number of plots which do not meet the minimum depth standard of 12 metres as would be required for all 3 and 4 bed dwellings. However in terms of garden area, almost all plots exceed the minimum area standard, some considerably. The indicative plan shows a significant number of 3 and 4 bedroom dwellings. The final mix of dwelling types approved at the reserved matters stage would need to be designed to ensure that the detailed proposal achieves a good standard of design

against the Council's design standards.

- 8.4 In relation to bin storage and collection arrangements, the detailed advice of CBC Waste is noted. A detailed waste management scheme can be secured by condition.
- 8.5 The Council's Public Protection Officers have noted the close proximity of the neighbouring public house/restaurant and that this would give rise to the potential for noise disturbance to future residents. In recognition of this, a Noise Exposure Assessment report has been submitted in support of the application. This sets out the results of manual and automated noise monitoring undertaken on the application site to examine the current and likely noise disturbance associated with the public house. It is proposed that this could be satisfactorily addressed through the submission of a scheme of attenuation measures which could be secured by condition. In addition to this, Public Protection have advised that the potential for noise disturbance could be reduced by careful design at the detailed stage including consideration as to the type and layout of dwellings provided adjacent to the public house and the design and position of garden areas.
- 8.6 In addition to this, any subsequent reserved matters proposal would need to demonstrate a satisfactory relationship between the adjoining public open space and new housing fronting onto or adjacent to it in terms of building orientation. It would also need to be informed by physical constraints imposed by the retained trees and hedgerows around the site and provide for a degree of separation between the proposed housing and the southern boundary.
- 8.7 As noted, having regard to the established pattern of development around the application site and the wooded scrub land screening between the application site and the neighbouring Public House, it is not considered the proposal would be detrimental to the historic setting of the Old Red Lion.
- 8.8 The development would provide on-site affordable housing at 30% of the total residential provision. The provision of affordable housing, including the tenure mix can be secured through Legal Agreement. There are no development viability constraints which would prevent full affordable housing provision in this case.
- 8.9 Therefore the proposed developable area is capable of accommodating up to 62 dwellings and it is considered that the proposed residential development is be capable of meeting the Council's Design Guidance at the reserved matters stage.

9. Transport and highways

- 9.1 National and local planning policy relating to transport and access promotes sustainable development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times.
- 9.2 Paragraph 32 of the NPPF states that where developments generate significant amounts of movement, decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- 9.3 The existing transport and baseline situation (i.e. the existing transport conditions), related key strategic transport schemes and the proposed development transport impacts are set out below.

Existing transport / baseline situation

- 9.4 The site is located off the A5120 Bedford Road which has a speed limit of 40mph from the current northern urban edge of Houghton Regis. Further south on Bedford Road vehicle speeds are restricted to 30mph. The site is currently undeveloped scrub land and as such generates minimal traffic.
- 9.5 It is known that Bedford Road is already congested at peak times. The Bedford Road / Thorn Road priority junction and Bedford Road / High Street mini roundabout are already operating over capacity in current traffic conditions.
- 9.6 The road safety record for Bedford Road includes three serious and four slight accidents which are considered to be associated with vehicle speeds and lack of forward visibility and carriageway width.
- 9.7 There are currently regular bus services operating along Bedford Road and Tithe Farm Road. Two unmarked bus stops exist adjacent to and opposite Roslyn Way. These are within 400m from the site. The services along Tithe Farm Road provide connectivity with the Luton Dunstable busway. Leagrave is the nearest railway station, approximately 7km of the site.
- 9.8 There is an existing pedestrian footway on the western side of the carriageway adjacent to the site. The site is within reasonable walking distance of local facilities and services at Houghton Regis High Street including Tithe Farm lower school and All Saints Academy secondary school and a supermarket (Morrisons).
- 9.9 The National Cycle Network (NCN) Route 6 runs through Houghton Regis and is approximately 2km from the application site. The shared use path

along the busway is also within access from the site at a distance of approximately 1.1km away.

Related Key Strategic Transport Schemes

- 9.10 There are two key strategic transport schemes relevant to the consideration of the local highway network in the Houghton Regis area. These are the A5-M1 Link Road and the Woodside Link.
- 9.11 The A5-M1 Link road has been designed to act as a Northern Bypass of the town between the A5 and the M1 via a new M1 Junction 11a. Traffic forecasting has identified a significant traffic reduction in and around Dunstable and Houghton Regis, including up to 19% on High Street North, 12% on High Street South, 30% on the A5120 Bedford Road and 22% on the A5.
- 9.12 The Woodside Link is planned to connect the new M1 Junction 11a to Poynters Road, Dunstable and will also link the Woodside Industrial Estate to the M1 removing heavy goods vehicle traffic from Houghton Regis and Dunstable.
- 9.13 It is acknowledged that the A5-M1 Link Road is scheduled to open in 2017 and this will lead to a significant change in traffic patterns experienced on the local highway network. Together with the Woodside Link road, which is expected to open within a similar time frame, this is planned to reduce local congestion including on Bedford Road.
- 9.14 Funding contributions are to be sought from developers to deliver essential transport infrastructure provision in the area and address the challenges of increased congestion, air quality and traffic in the future.

Proposed development impacts

- 9.15 The Transport Assessment examines the likely impacts associated with a development on this site of up to 70 units. However the revised application now seeks permission for a reduced proposal of up to 62 dwellings which would have a lesser highways impact than the scheme considered as part of the Transport Assessment.
- 9.16 CBC Highways consider that the predicted trip generation rates provided in the Transport Assessment are low (5.024 trips per dwelling, per day). However the traffic generated by the development needs to be considered within the context of the traffic impacts of the allocation as a whole. The Transport Assessment is also lacking in its analysis of the cumulative impact of the proposal with other developments and does not provide capacity information in respect of the Thorn Turn or High Street junctions with Bedford Road.
- 9.17 Notwithstanding this, the proposed development is not such a significant trip

generator as to warrant a refusal on traffic congestion grounds when considered within the context of the existing congestion issues. It is acknowledged that the highway network needs improvement in order to address existing road congestion and to respond to planned growth within the area.

- 9.18 Accordingly the proposed development would need to support the delivery of highway network improvements. A contribution has been sought and agreed with the applicants for a significant financial contribution to the Woodside Link based on trip generation levels from this development.
- 9.19 Similarly developments will be expected to contribute towards funding of sustainable transport initiatives and public transport services. These are agreed as detailed below.
- 9.20 In connection with the proposed allocation, a number of enhancements would be required in order to improve road conditions on Bedford Road and to mitigate the additional traffic impacts of the planned developments. Having regard to the present road conditions, and in recognition of existing safety issues, the proposed development would need to deliver various safety improvements and traffic calming measures. This is likely to include an extension of the existing 30mph speed restriction area north of the site, additional road markings and other gateway features to highlight the change in speed restrictions and the provision of an improved footway/cycleway west of Bedford Road. Depending upon other planned improvements for Bedford Road which may be delivered in connection with other developments in the allocation, the provision of additional bus lay-by features will also need to be considered. The final scheme of improvement works would need to be informed by a road safety audit. A detailed scheme of road improvement works can be secured by condition. Additionally, the proposed point of access is considered acceptable subject to final construction details being submitted pursuant to planning condition.

10. Archaeology

- 10.1 The application site includes part of the medieval settlement of Bidwell and a post-medieval boundary earthwork. It is located in a rich archaeological landscape including evidence of occupation from Neolithic to Saxon periods later prehistoric and Roman occupation and medieval settlement. It is also within the setting of a number of Scheduled Monuments.
- 10.2 The Council seeks to conserve, enhance, protect and promote the enjoyment of the historic environment by requiring applications that affect heritage assets with archaeological interest or which affect potential heritage assets with archaeological interest to give due consideration to the significance of those assets, and ensure that any impact on archaeological

remains, which occur as a result of a development are appropriately mitigated.

- 10.3 The application is accompanied by a Heritage Statement providing an assessment of the significance of key heritage assets and archaeological interests in the area. Investigative trial trenching was undertaken in October and November 2014 in accordance with the submitted Written Scheme of Investigation. This has identified features dating to the late Iron Age period likely to be related to settlement activity and land division (pits and ditches), and remains of post-medieval occupation including a boundary ditch and at least two cottages.
- 10.4 In connection with the development further investigation and recording of any archaeological deposits that may be affected by the development should be undertaken. It is recommended that this be secured by condition.

11. Ground conditions and flood risk

- 11.1 CBC Contaminated Land has highlighted the presence of historic landfill activity in the area of the application site. However any potential risk to health can be satisfactorily addressed through the submission of a contamination Desk Study and, where shown to be necessary, further site investigation, remediation and validation. These can be secured by condition.
- 11.2 Houghton Regis Town Council has raised concerns that the land is liable to flooding through ground springs. The site is within Flood Zone 1 and defined as having a low probability of flooding. Having regard to the submitted Flood Risk Assessment and the advice of the Environment Agency, it is not considered that the proposed development would give rise to an increased risk of flooding. A full surface water drainage scheme for the site, including where appropriate, detailed SUDs proposals in line with CBC's Sustainable Drainage Guidance would need to be secured by condition.

12. Other matters

- Human Rights*
- 12.1 In assessing and determining this planning application, the Council must consider the issue of Human Rights. Article 8, right to respect for private and family life, and Article 1 of Protocol 1, right to property, are engaged. However, in balancing human rights issues against residential amenity impacts, further action is not required. This planning application is not considered to present any human rights issues.

Equality Act 2010

12.2 In assessing and determining this planning application, the Council should have regard to the need to eliminate unlawful discrimination. This application does not present any issues of inequality or discrimination.

Crime and Disorder Act 1998

12.3 Section 17 of this Act places a duty on local authorities and the police to cooperate in the development and implementation of a strategy for tackling crime and disorder. Officers are satisfied that the development is capable of achieving a design that can assist in preventing crime and disorder in the area.

13. Planning Obligations

13.1 Having regard to the above, various planning obligations would need to be secured by Legal Agreement. Principally, the Legal Agreement would need to achieve the following:

- Provision of **affordable housing** at 30% of the overall residential development and the tenure mix.
- Establish obligations in respect of **site management** (e.g. by Management Company) including long term management and maintenance arrangements in relation to areas of informal green space and associated footpaths, planting and drainage features.
- Various **financial contributions** in order to offset the impact of the development on various local facilities and services.

13.2 The costs of mitigating the impacts associated with the proposed development have been calculated having regard to the Planning Obligations Strategy for Southern Central Bedfordshire and in consultation with various service providers. A full list of financial contributions is set out below:

STRATEGIC TRANSPORT INFRASTRUCTURE	£276,527
EDUCATION	£543,394.29
PRIMARY HEALTHCARE	£38,502
SECONDARY HEALTHCARE	£35,216
MENTAL HEALTHCARE	£1,984
SUSTAINABLE TRANSPORT INITIATIVES	£20,984.62
PUBLIC TRANSPORT SUBSIDY	£30,070
INDOOR SPORT AND LEISURE	£44,330
OUTDOOR SPORT AND LEISURE	£38,254

COUNTRYSIDE RECREATION SPACE AND GREEN INFRASTRUCTURE	£43,834
SOCIAL AND COMMUNITY INFRASTRUCTURE	£27,962
WASTE	£6,510
POLICE	£12,834
TOTAL	£1,120,401.91

- 13.3 The planning obligations set out above are considered to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and therefore meet the test for planning obligations as under paragraph 204 of the NPPF and Part 11 of the 2010 CIL Regulations.
- 13.4 The applicant has agreed to meet these costs in full in order to offset the impact of the development on local infrastructure and services in line with DSCB Policy 19 and the Council's Planning Obligations SPD. There are no development viability constraints which would prevent the necessary planning obligations, including full affordable housing provision, being secured in this case.

14. Conclusions

- 14.1 The application site is located within the Green Belt and would be harmful to the Green Belt due to its inappropriateness and its impact on openness. In line with national planning policy, substantial weight is to be attached to Green Belt harm.
- 14.2 The site is located in an area identified for growth in successive emerging development plans since 2001 and is part of the proposed North Houghton Regis Strategic Allocation in the emerging Development Strategy identified to accommodate the needs of a growing population in the area. In recognition of the lengthy history of policy support for the proposed strategic allocation; the substantial body of evidence from work on previous plans underpinning the overall growth strategy; the strong likelihood of a strategic allocation being formalised as part of the Development Plan in the future; and the recent planning decisions and other committed development within the allocation area, it is considered that the planning context within which the application site sits is such that it would not serve any of the five the purposes of including land within the Green Belt to resist the development on Green Belt grounds. There are also a number of other factors and site specific considerations which weigh in favour of the proposal. Taken together, these factors are considered very special circumstances sufficient to clearly outweigh the harm identified.

- 14.3 In combination with existing and planned green infrastructure, the proposal would facilitate the creation of a swathe of multifunctional open space west of Bedford Road. This represents a meaningful contribution to the delivery of the planned allocation, consistent with the aims of the Houghton Regis (North) Framework Plan. Subject to suitable mitigation, no significant environmental impacts would result from the proposed development or due to the impact on local services and facilities. In all other respects the proposal is considered to be in conformity with the adopted Development Plan policies, the emerging Development Strategy for Central Bedfordshire, and national policy contained in the National Planning Policy Framework.

Recommendation

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement to secure planning obligations as summarised in this report and subject to conditions:

RECOMMENDED CONDITIONS

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

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

- 2 Application for approval of the reserved matters, shall be made to the local planning authority before the expiration of three years from the date of this permission. The development shall begin no later than two years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) Beechcroft Land Ltd v1 11th July 2014 has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall include a restriction in run-off and surface water storage**

on site as outlined in the FRA. The scheme shall subsequently be implemented prior to any occupation of the development in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 4 No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:
- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
 - b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

Reason: To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 5 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:
- a) Where shown to be necessary by any Phase 2 Desk Study required in connection with the conditions attached to this permission, 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.
 - b) A validation report demonstrating the effectiveness of any remediation scheme (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 6 **No development shall commence until a scheme of noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to protect internal noise levels and external noise levels in outdoor amenity areas from external road traffic and noise sources associated with the Old Red Lion Public House. The scheme shall be informed by the details required by Condition 1 of this permission in respect of the type and layout of dwellings to be provided, the design and position of garden areas and the degree of separation between the residential development and the public house and road traffic. Any works which form part of the approved scheme approved shall be completed and, unless otherwise agreed in writing by the Local Planning Authority, the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason: To protect the amenity of any future occupiers in line with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 7 **A new means of access shall be provided from Bedford Road as shown on Drawing No. AP100. No development shall commence until construction details of this junction have been submitted to and approved in writing by the Local Planning Authority. The access shall be established in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.**

Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 8 **No development shall commence until a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority which includes the following elements:**
- a) Measures to reduce vehicle speeds on Bedford Road to 30mph including appropriate traffic calming features**
 - b) A roadway lighting scheme along the extended 30mph scheme**
 - c) Rights of way improvements and connectivity to establish shared footpath/cyclepaths connecting the development to the existing urban area of Houghton Regis to the south and the existing rights of way connecting with Bedford Road to the north of the site**

The approved scheme shall then be implemented in full prior to the first occupation of the development.

Reason: To ensure that the proposed highways improvement works are appropriate and proportional to the mitigation required and are constructed to adequate standard and that public rights of way are protected, enhanced and promoted as part of the development in accordance with Policy R15 of the South Bedfordshire Local Plan Review and Policies 23 and 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 9 No development shall commence until a scheme of habitat mitigation, enhancement and conservation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the following ecological survey data undertaken in support of the Ecological Assessment (July 2014) forming part of the application:
- a) Three on-site bat activity surveys undertaken between the months of April and October to cover Spring, Summer and Autumn seasons. One or more of these surveys should comprise a dusk/dawn survey in line with BCT survey guidance.
 - b) One on-site reptile survey undertaken between the months of April and June.

The outcomes of the ecological survey data shall in turn inform the details required by Condition 1 of this permission and the scheme of habitat mitigation, enhancement and conservation measures shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

Reason: To safeguard existing trees on site in accordance with Policy 57 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 10 The details required by Condition 1 of this permission shall include an Arboricultural Method Statement and Tree Protection Plan. The development shall be carried out in accordance with the approved statement and plan.

Reason: To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 11 The details required by Condition 1 of this permission shall include a detailed waste management scheme for the residential units in that area. The waste management scheme shall include details of refuse storage and recycling facilities and provision of turning facilities for waste collection vehicles. The

scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 12 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:**

- a) **Construction Activities and Timing;**
- b) **Plant and Equipment, including loading and unloading;**
- c) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- d) **Details of site compounds, offices and areas to be used for the storage of materials;**
- e) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- f) **Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP during development).**

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

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

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy BE8 of South Bedfordshire Local Plan and Policy 43 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 14 The details required by Condition 1 of this permission shall include a scheme detailing the proposed boundary treatments including the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the approved residential units are first occupied.

Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014.

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers AP01; AP02; and AP100.

Reason: For the avoidance of doubt.

Notes to Applicant

- 1 This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
- 2 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).
- 3 Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
- 4 The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

- 5 The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- 6 The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
- 7 The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 8 In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:
 - a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - b) Confirmation of the critical storm duration.
 - c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
 - d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.
 - e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.
 - g) Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

- 9 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.
- 10 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.

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 and during the determination period 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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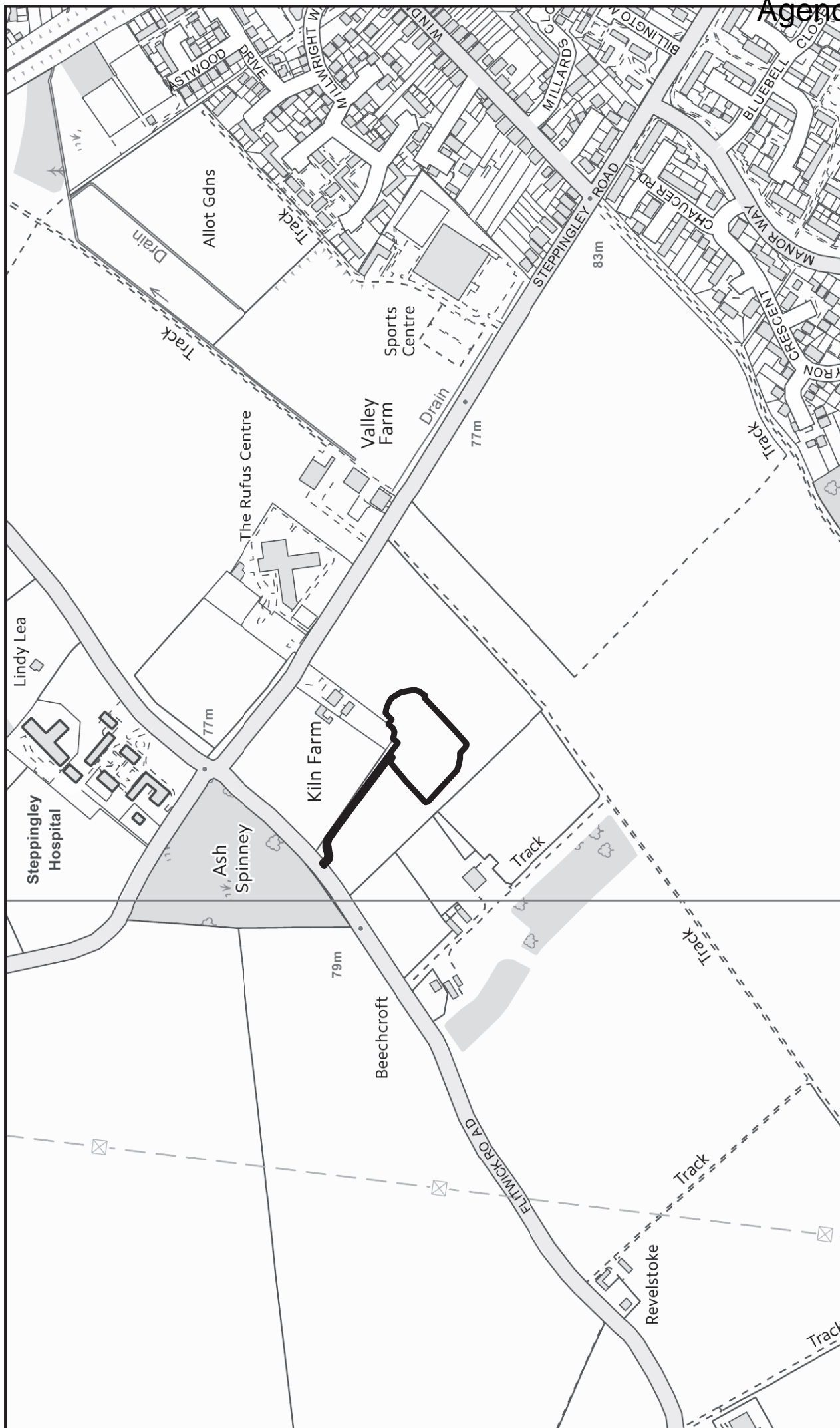
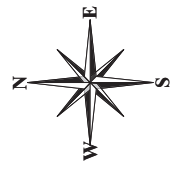


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Application no. CB/14/04605/MW
Kiln Farm, Steppingley Road, Flitwick

Date: 27 January 2015

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Item No. 10

APPLICATION NUMBER	CB/14/04605/MW
LOCATION	Kiln Farm, Steppingley Road, Flitwick, Bedford, MK45 1AH
PROPOSAL	Removal of condition 6 and variation of condition 4 of permission CB/09/06977/MW to retain the access to the site as built.
PARISH	Steppingley
WARD	Flitwick
WARD COUNCILLORS	Cllrs Chapman, Gomm & Turner
CASE OFFICER	Natalie Chillcott
DATE REGISTERED	28 November 2014
EXPIRY DATE	27 February 2015
APPLICANT	Mr McAtavey
AGENT	Broughton Beatty Ltd
REASON FOR COMMITTEE TO DETERMINE	Contrary to policy (intrusion in the Green Belt) and there is no need for the entrance, other than for farm use.
RECOMMENDED DECISION	Granted

Site Location:

The 0.32ha site has an arable paddock landuse and is located southwest of Kiln Farm. Access to the site is gained from a field entrance on Flitwick Road, 120m from the Flitwick Road/ Steppingley roundabout. It is the field entrance to the site which forms the subject of this application.

The site is located within the South Bedfordshire Green Belt, within an Area of Great Landscape Value, outside the settlement envelope for Flitwick.

Background:

In June 2009 permission was granted to raise the ground level in two separate areas of Kiln Farm using inert materials from the site. This planning permission (CB/09/00816/FULL) restricted the type of material that could be used to raise the ground level to clean, inert materials. The permission required a scheme to be submitted for the reinstatement of the land and required the development to be completed within two years from the date of the permission.

In April 2010 permission was granted for the importation of sub-soil material to raise the ground level of the field to fulfil the requirements of planning permission CB/09/00816/FULL. This application (CB/09/06977MW) indicated that waste would need to be imported onto the site to enable the ground levels to be raised to the recognised and agreed level. This proposal was subsequently permitted and required vehicular access to the site to be gained via the existing access onto Flitwick road. The planning permission allowed the entrance to the site to be widened to accommodate HGVs entering and leaving the site, and required the temporary vehicular access to be reinstated to its former condition as an agricultural field entrance within 6 months of the commencement of the development. A condition also required a double staggered row of hawthorn whips (60cm – 90cm) to be planted where the section of roadside hedgerow had been removed.

The field which was the subject of the two applications described above has been restored and is in its final year of aftercare. However, during a routine monitoring visit to the site it was discovered that the works required under condition 6 of planning permission CB/09/06977/MW in relation to the field entrance had not been carried out. The officer informed the applicant of the breach of condition 6 and explained that either the site entrance must be reinstated and the planting done, as required under the condition; or the development must be regularised. The applicant has therefore decided to apply to regularise the development.

The Application:

Condition 6 states:

“Within 6 months of the date of commencement of the development, the temporary vehicular access shall be reinstated to its former condition as an agricultural field entrance by carrying out the following works, unless otherwise approved in writing by the Local Planning Authority:

- a) Remove the temporary surface provided pursuant to condition 5 of this permission and replace those topsoils which were stripped in order to accommodate that surface;
- b) Where the section of roadside hedgerow has been removed to accommodate the widened temporary access pursuant to condition 4 of this permission, plant a double staggered row of hawthorn whips (60cm – 90cm) at a rate of 5 per metre so as to reduce the access to its approximate former width of 3.5 metres.

Reason: In the interest of road safety and rural amenity and for the avoidance of doubt. (Policies GE23 of the MWLP).”

The proposal seeks to remove this condition.

The proposal also seeks to amend condition 4 which states:

“The temporary access to the site shall have a minimum width of 5 metres and radius of 6 metres.

Reason: In the interest of road safety and for the avoidance of doubt (Policy GE23 of the MWLP).”

The proposal seeks to vary this condition by removing the words “The temporary” from the condition to ensure consistency with the remaining conditions.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Minerals and Waste Local Plan (2005) (MWLP)

GE1 Matters to be addressed in planning applications
GE5 Protection of Green Belt land
GE8 Protection of AGLV
GE9 Landscape protection and Landscaping
GE10 Protection/enhancement of trees and woodland

GE13 Species and habitat protection and enhancement
GE18 Disturbance
GE23 Transport: suitability of local road network
GE26 Restoration

**Minerals and Waste Local Plan: Strategic Sites and Policies (2014)
(MWLP:SSP 2014)**

MWSP1 Presumption in favour of sustainable development

Planning History

CB/09/00816/FULL	Raising of ground levels using materials from the site- Part Retrospective.
CB/09/06977/MW	Importation of sub soil material to raise ground level of field to allow completion of planning permission CB/09/00816/FULL
CB/10/01931/MWS	Approval of details pursuant to condition 5 of planning permission no. CB/09/06977/MW for surfacing of temporary vehicular access and arrangements for surface waster to be intercepted and disposed of so that it does not discharge onto the highway.
CB/10/02040/MWS	Scheme of aftercare pursuant to condition 15 of planning permission no. CB/09/06977/MW

**Representations:
(Parish & Neighbours)**

Steppingley Parish
Council

Strong objection:

Background: This property has an unfortunate planning history where the owner has previously carried out works without permission and has only sought permission retrospectively under threat of enforcement action. It is understood also that he caused the land to become contaminated with diesel waste and that investigation was carried out by CBC with regard to this, although the outcome of such inquiry is not known.

Application CB/09/00816/Full correctly conceded that the land in which the new house was built is arable paddock yet since developing the new house, the owner has treated the surrounding land as domestic property.

The use of night time illumination, including uplighting, on the new house, as well as its outbuildings and indeed the boundary walls to the property has already been the subject of complaint to CBCC by Steppingley Parish Council in the context of earlier planning applications yet the owner determinedly pursues the continued urbanisation of this farm. The present application appears to be merely an extension of this process.

Biodiversity – The previous application CB/09/00816, to which this application relates, stated that there was no likelihood of adverse effect upon conserved species or habitats thereof. We consider that such assertion to be incorrect. Indeed it would certainly be incorrect to approach the present application on the footing that there is no wildlife impact assessment required. The road and land adjacent to this site is affected by the reptile population during the breeding season – toads and frogs are readily to be seen in the vicinity of the entrance to Flitwick Road which is proposed by the present application to be rendered a permanent route to the applicant's land. Given that this is an area where crested newts are often found (and specific measures were taken in relation thereto most recently in the construction of the new roundabout and as to development also in Froghall Road) we consider it essential that a full biodiversity survey be procured by the applicant and that any application of this nature must include detailed proposals as to avoiding any damage to the same.

Lapse of existing permission deprives CBCC of power to vary – It does not appear that the development permitted by CB/09/06977 was in fact commenced in accordance with condition 2 thereof and it was not completed within the 6 months mandate contained in condition 3. It cannot be correct in principle for CBCC to remove existing conditions since to do so would lend support to the waiver of compliance with conditions 2 and 3.

Change of Agricultural Access entrance in substance is sought – The application seeks removal of a condition as to temporary access in the grant of a permission to import subsoil (CB/09/06977) to the land. There was no grant of permission to enlarge the field access; the condition merely imposes, to accommodate the permission granted, and for safety reasons, a minimum width of the temporary access. The owner has yet to comply with such condition. In seeking the removal of condition 6, the application proceeds on the fallacious conclusion that permission to enlarge the field access has been granted where it has not. The applicant is seeking to achieve a grant of permission to construct a permanent access to Steppingley Road, “by the back door”.

No change of circumstances which could justify removal of conditions – As is recorded in the terms of Condition 6 of CB/09/06977, such CBCC resolved to impose on the grant an obligation to reinstate the agricultural field entrance “*in the interest of road safety and rural amenity*” and in order to comply with the policies therein referred to. The land in question remains within the Green Belt and is an important feature of the character and environs of Steppingley Parish. Its rural amenity value thus remains precisely the same today as that which it possessed in April 2010 at the time of the grant. Similarly there can be no basis for contending that whilst removal of the entrance on road safety grounds was correctly conditioned in 2010, such safety considerations have ceased to exist. It would be inconsistent for CBCC to uphold the request to remove condition 6 since to do so would run contrary to a determination already made by it. In substance, the present application seeks to appeal CBCC’s earlier determination nearly 5 years after the event.

Impact on rural amenity and character – quite apart from the issue of inconsistency discussed in the previous paragraph, independently of such matter, SPC objects to the proposed development of this field access on the ground that it is an unwarranted intrusion into the Green Belt and that it will significantly adversely impact upon the rural character of the neighbourhood. SPC is very concerned as to the creeping urbanisation into the valuable rural qualities of this area which is enjoyed for free recreation by many from the local towns of Flitwick and Ampthill. Such users include walkers, horse riders and cyclists. Such qualities are recognised in the 2006 Steppingley Parish Plan to which CBCC has previously been referred (copy available on the Village website).

We ask CBCC to refuse the application.

Flitwick Parish Support the application

Consultations/Publicity responses

Neighbours The planning application was publicised by way of a site notice, press advert and notification of 7 neighbours by letter. No responses were received as a result of this publicity.

Cllr Chapman Both Steppingley and Flitwick Councils are very worried about this and I would ask that unless you are going to refuse it out of hand I would like it to come to Committee
There is no need for this exit at all other than as a farm exit and it should on no account be allowed to be made any more permanent.

CBC Landscape
Officer

The landscape officer raises no objections to the permanence of the gateway. The gateway is not a material change to the landscape character.

The proposal means that short sections of replacement hedge would not be planted. As the site is close to the junction, I think there is an advantage in having the gate set back and the dimension of the gateway is acceptable. However, the roadside hedge is closely mown and without any hedgerow trees.

As an alternative to the hedge planting, the officer has requested the planting of three hedgerow trees along the frontage. There may be scope to grow a tree by encouraging growth from the hedge itself, or by planting new trees adjacent to the hedge. Care would need to be taken to ensure the view to the road sign is not obscured. Field maple, oak, wild cherry or hornbeam would be suitable species.

The trees would enhance landscape character and create a link to the ash spinney opposite.

In terms of the grass -seeding and establishment - this looked fine although management in the spring will be required to control the spread of thistles - either mechanical cutting or a weed wipe.

CBC Highways
Officer

There are no highway reasons why the improved field access should not remain as is. Please note that this response does not imply that improvements and or modifications will not be required should the applicant pursue further development of the site.

Determining Issues

The main considerations of the application are;

1. Presumption in favour of sustainable development
2. Development within the Green Belt
3. Landscape Protection
4. Highways

Considerations

Presumption in favour of sustainable development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan comprises the policies contained in the Bedford Borough, Central Bedfordshire, Luton Borough Minerals and Waste Local Plan: Strategic Sites and Policies (MWLP:SSP), the saved policies from the Bedfordshire and Luton Minerals & Waste Local Plan 2005 (MWLP), the Core Strategy and Development Management document and Site Allocations document and saved policies from the Mid Bedfordshire Local Plan.

Whilst yet to form part of the Development Plan, the emerging policies from the Central Bedfordshire Development Strategy will also be considered.

The National Planning Policy Framework (NPPF), published in March 2012, does not change the statutory status of the development plan in decision making as set out in Section 38(6). At the heart of the NPPF is a presumption in favour of sustainable development in an economic, social and environmental context and, for decision-makers, this means "...approving development proposals that accord with the statutory development plan without delay" unless material considerations indicate otherwise.

The NPPF (para 12) states that "proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise." While paragraph 14 requires the LPA to "approve development proposals that accord with the development plan without delay." (NPPF para 14).

Others matters

Steppingley Parish Council expressed a number of concerns, some related to the proposal (development within the Green Belt and impact on rural amenity, character and biodiversity); while others do not, (land contamination with diesel waste, lighting of the house and the suggestion that the applicant treats the site as domestic property, rather than as arable paddock). The proposal can only be judged on its planning merits and therefore only concerns relating to planning matters connected with the proposal will be considered in this report.

Green belt

Steppingley Parish Council suggests that the current field entrance is an unwarranted intrusion into the Green Belt and it significantly adversely impacts on the rural character of the neighbourhood. The parish also fear that the development may lead to the "creeping urbanisation into the valuable rural qualities of the area."

Chapter 9 Protecting Green Belt Land from the NPPF describes the five purposes of the Green Belt and includes:

"to check the unrestricted sprawl of large built-up areas" and
"to assist in safeguarding the countryside from encroachment".

The essential characteristics of Green Belts are their openness and their permanence.

Whilst the emerging CBC Development Strategy extends the Green Belt Boundary in some areas it does not propose to remove the site or adjacent fields from the Green Belt. This means should any proposals come forward to develop the site or the surrounding area in the future, the proposal would need to be considered against Green Belt policy. It is important to recognise that the current application can only be determined on its planning merits, it cannot be judged against what development may or may not come forward in the future.

MWLP(2005) Policy GE5 Protection of Green Belt land supports the NPPF and requires minerals and waste development to be carried out to high environmental and restoration standards and to preserve the openness of the Green Belt.

Whilst the proposal can be considered to be development within the Green Belt, it does not jeopardise the 5 purposes of the Green Belt, in addition, whilst the NPPF

considers the construction of most types of new buildings to be inappropriate development within the Green Belt, it explicitly states that “engineering operations” and “local transport infrastructure which can demonstrate a requirement for a Green Belt location” are not inappropriate within Green Belt. On this basis the LPA does not consider the widening of the field entrance to be inappropriate.

In summary, the NPPF does not consider the proposal to be inappropriate development within the Green Belt; the proposal does not reduce the openness of the Green Belt and in this regard it is in conformity with MWLP policy GE5. For these reasons the proposal is consistent with Green Belt policy.

Landscape

Policy GE9 Landscape protection and Landscaping requires development proposals to be sympathetic to local landscape character and should minimise any adverse impact on the landscape character.

The CBC Landscape Officer was consulted on the application and raised no objection to the proposal. The officer suggests that as the site is close to the junction, there is an advantage in having the gate set back and considers the current dimension of the field entrance to be acceptable. However, the landscape officer recognises that the proposal would result in short sections of replacement hedge not being done. To compensate for this she has asked for three hedgerow trees such as field maple, oak, wild cherry or hornbeam to be planted along the frontage, adjacent to the hedge, taking care not to obscure the view of the road sign. The new trees would enhance landscape character and create a link to the ash spinney opposite.

On the proviso that the three trees are planted as described by the landscape officer, the proposal would not lead to an adverse landscape impact and as such is in conformity with MWLP policy GE9 Landscape protection and Landscaping.

Biodiversity

Steppingley Parish council note that the road and land adjacent to the site is affected by a reptile population during the breeding season and that toads and frogs have been seen in the vicinity of the entrance to Flitwick road. For this reason the Parish council has asked for a full biodiversity survey be submitted. As the proposal would cause less disruption to reptiles than the reinstatement of the field entrance, it is not considered that a biodiversity survey is needed.

Disturbance

As the proposal seeks to retain the entrance to the site, no disturbance from noise, vibration, dust or mud on the highway (MWLP 2005, GE policy18) would be caused by the development. It is notable that no objections have been received from local residents or Flitwick Parish Council. In fact, it is likely that more disturbance would be caused should permission be refused as noise, dust and vibration may be created while the width of the field entrance is reduced. For the reasons listed above the proposal is considered to be in conformity with MWLP(2005) policy GE18
Disturbance.

Highways

The officer report written for application CB/09/06977MW gives a number of reasons for condition 6 and includes “In the interest of road safety policy GE23”. For this reason the Highways Officer was consulted on the current application. Whilst the condition relating to the widening of the site entrance was due to highway safety reasons, as the Highways Officer raised no objection to the application and the existing access does

not appear to have created any highway safety issues since it was built in 2010, it is not considered that it is in conflict with policy GE23 "Transport: suitability of local road network".

Conclusion

The proposal has been considered against Green Belt Policy, Landscape Impact, the potential for disturbance and highway impact and is considered to be in accordance with the Development Plan. There are no material considerations to suggest that the development should not be allowed.

Human Rights /Equalities Act

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

Recommendation

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

RECOMMENDED CONDITIONS / REASONS

- 1 Planning permission shall extend to the area edged with a thick black line on the attached Plan No. CB/09/06977/MW-1 and the development shall be carried out in accordance with the planning application dated 5/01/10 and the accompanying information, except where modified by other conditions of this permission.
Reason: To define the permission and allow for minor amendments.
- 2 The development shall be carried out in accordance with details shown on Drawing Nos. 7768/EW21 Rev. A and 7768/EW22 (received on 5/01/10) and shall be completed within 6 months from the date of commencement, which shall include spreading of the indigenous topsoils, ripping and grass seeding (but excluding aftercare requirements).
Reason: To ensure that a good standard of restoration is achieved within an acceptable timescale (Policies GE5 and GE26 of the MWLP)
- 3 The access to the site shall have a minimum width of 5.0 metres and radius of 6 metres.
Reason: In the interest of road safety and for the avoidance of doubt (Policy GE23 of the MWLP)
- 4 The scheme for the surfacing of the vehicular access no. CB/10/01931/MWS as approved by letter of approval dated 7th September 2010 shall be maintained for the life of the development.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site onto the highway in the interest of highway safety. (Policy GE18 of the MWLP)
- 5 Vehicular access to the site shall only be gained via the existing access on Flitwick Road, shown on Drawing No. 7768/EW21 Rev A received 5/01/10.
Reason: In the interests of highway safety and for the avoidance of doubt (Policy GE23 of the MWLP)
- 6 Adequate precautions shall be taken at all times to prevent the deposit of mud and debris onto the highway.
Reason: In the interests of highway safety. (Policy GE18 of the MWLP)
- 7 Only inert waste materials comprising soils and subsoils and which are free from contamination shall be imported to the site.
Reason: To protect the quality of controlled waters. (Policy GE20 of the MWLP)
- 8 No vehicle shall enter or leave the site in connection with the development

hereby permitted and no operations authorised or required under this permission shall take place on site except between 0800 and 1700 Monday to Fridays, and no activity whatsoever shall take place on Sundays or Public Holidays.

Reason: To safeguard local amenity (Policies GE5 & GE18 of the MWLP)

- 9 In order to avoid damage to soil structure, topsoil handling shall only be carried out under suitable conditions when the material is in a dry and friable (non-plastic) condition.
Reason: To ensure a satisfactory restoration of the site (Policy GE26 of the MWLP)
- 10 Upon completion of importation of inert soil materials pursuant to this permission, all of the indigenous stripped soils stockpiled on site shall be spread to an even depth over the landraised area.
Reason: To ensure the satisfactory restoration of the site to a condition suitable for agricultural use (Policies GE6 & GE26 of the MWLP)
- 11 Upon completion of importation of soil materials pursuant to this permission, the landraised area and the whole of the means of access to the highway shall be ripped to a depth of 300mm at 300mm centres and all risings comprising non soil, stone or vegetable matter and all stone risings measuring in excess of 150mm in any direction shall be removed.
Reason: To ensure satisfactory restoration of the site (MWLP Policies GE5 & GE26)
- 12 The landraised area and the whole of the means of access to the highway shall be grass seeded using the following "Horse & Pony Paddock" seed mix comprising:
- Respect Perennial Ryegrass 44%
 - Foxtrot Perennial Ryegrass 24%
 - Herald Creeping Red Fescue 16%
 - Scots Timothy 8%
 - Rossa Meadow Fescue 8%
- Reason: To ensure a satisfactory restoration of the site (MWLP Policy GE26)
- 13 The scheme for aftercare no. CB/10/02040/MWS as approved by letter from the Council dated 2nd December 2010 which:
- (a) Provides an outline strategy, in accordance with Annex B of MPG7, for the 2-year aftercare period specifying the steps to be taken and the period during which they are to be taken, and including provision for treatment of the surface, any remedial drainage/ underdrainage, filling of any depressions and an annual progress meeting.
- (b) Provides for a detailed annual programme, in accordance with Annex B of MPG7, to be submitted to the Local Planning Authority not later than 1 month prior to the annual aftercare meeting.

shall be implemented for a period of 2 years at the end of completion of restoration.

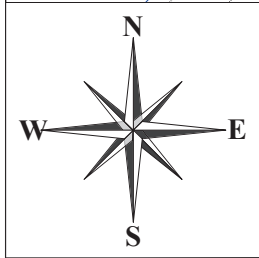
Reason: To provide for the satisfactory management of the site (Policy GE27 of the MWLP)

- 14 Within 6 months from the date of this permission three hedgerow trees made up of the following species: Field maple, oak, wild cherry or hornbeam shall be planted along the site frontage- within 2 metres from the hedge planting.
These trees shall not obscure the view of the road sign.
Reason: Landscape benefit. MWLP policy GE9 Landscape protection and Landscaping.

Notes to Applicant

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31
Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant and representatives of the parish councils and Ward member 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: 27:January:2015
Grid Ref: 498415, 239416

Application No:
CB/14/04585/FULL

Scale: 1:1250

Westmead Farm, Sheep Tick End, Lidlington

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Item No. 11

APPLICATION NUMBER	CB/14/04585/FULL
LOCATION	Westmead Farm, Sheep Tick End, Lidlington, Bedford, MK43 0SF
PROPOSAL	Erection of a replacement detached dwelling.
PARISH	Lidlington
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Robinson
DATE REGISTERED	21 November 2014
EXPIRY DATE	16 January 2015
APPLICANT	Mr A Mullan
AGENT	GC Planning Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Bastable for the reasons set out by the Parish Council:
	<ul style="list-style-type: none">• The application is outside of the Parish Settlement Policy Area.• The proposed replacement dwelling is not on the original dwelling site.• The proposed the dwelling is also significantly larger than the original dwelling.• The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied as well.• The supporting plans fail to demonstrate exact intended location of the replacement dwelling which is of a concern to the Parish Council.• The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.• There is no reference in the application title or the supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.
RECOMMENDED DECISION	Full Application - Recommended Approval

Reasons for call in:

- The application is outside of the parish Settlement Policy Area
- The proposed replacement dwelling is not on the original dwelling site.
- The proposed dwelling is also significantly larger than the original dwelling.
- The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied as well.
- The supporting plans fail to illustrate the exact intended location of the replacement dwelling which is of a concern to the Parish Council.
- The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.
- There is no reference in the application title or supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.

Summary of recommendation:

The application is for a replacement dwelling house and is recommended for approval. It is considered that the replacement dwelling is of the same design, and within the same curtilage as a replacement dwelling that was granted planning permission in 2014. It is considered that the differing location on the site does not make a material difference such as to demonstrate harm which would warrant the refusal of this application. It is considered to be in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies and in accordance with the principles set out within the National Planning Policy Framework.

Site Location:

The application site is Westmead Farm, Sheep Tick End, in Lidlington, the site is located outside any settlement envelope.

There is an existing modest two bedroom property located more than 100 metres behind the line of rural dwellings which front this part of Sheep Tick End. The existing dwelling is of single storey utilitarian design.

To the south is a field and dwellings fronting Sheep Tick End, to the north are 3 holiday let former barns under construction, and there is open countryside to the west and east.

The Application:

Planning permission is sought to demolish the existing 2 bed bungalow and replace it with a Potton Style 1.5 storey 3 bedroom dwelling house.

Planning permission was granted on appeal for a dwelling in this location (CB/14/00560/FULL). The application moves the proposed dwelling house some 5

metres to the west, to allow the owner to continue to live in the existing dwelling during the construction of the proposed dwelling.

RELEVANT POLICIES:

National Planning Policy Framework

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

- CS1: Development Strategy
- CS14: High Quality Development
- DM3: High Quality Development
- DM4: Development Within and Beyond Settlement Envelopes
- DM15: Biodiversity

Submitted Development Strategy for Central Bedfordshire

Policy 43 High Quality Development.

Supplementary Planning Guidance

Design Guide for Central Bedfordshire

Planning History

MB/09/00092/LDCE	Certificate of Lawful Development for a single dwelling house (existing). Appeal Allowed October 2009.
CB/11/04254/LDCP	Certificate of Lawful Development (Proposed), single storey side extension. Approved February 2011.
CB/14/00560/FULL	Erection of a replacement detached dwelling. Appeal allowed 20.08.14

**Representations:
(Parish & Neighbours)**

- | | |
|----------------|---|
| Parish Council | <ul style="list-style-type: none"> • The application is outside of the parish Settlement Policy Area • The proposed replacement dwelling is not on the original dwelling site. • The proposed dwelling is also significantly larger than the original dwelling. • The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied |
|----------------|---|

as well.

- The supporting plans fail to illustrate the exact intended location of the replacement dwelling which is of a concern to the Parish Council.
- The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.
- There is no reference in the application title or supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.

Neighbours None received

Consultations/Publicity responses

Highways No objection subject to condition

Site Notice No comments received

Determining Issues

The main considerations of the application are;

1. The Principle of Development
2. Impact on the character and appearance of the surrounding area
3. Residential amenities of existing and future residents
4. Other Issues

Considerations

1. The Principle of Development

The application site is located beyond any settlement envelope.

The supporting text to Policy DM4 refers to the replacement of existing dwellings.

The existing built footprint within the site comprises:

Bungalow: 8.1 metres by 6.3 metres. Total floor area 51 sqm. Height - 4.3 metres.

The proposed footprint would comprise:

House: 12.9 metres by 8 metres, with an additional 2 metre projection. Total

ground floor area 109 sqm. Height -7.7 metres.

The dwelling is the same design as that approved on appeal under application reference CB/14/00560/FULL, however the dwelling has been relocated on the site, to allow the existing dwelling to remain during the construction of the proposed. It is considered that the principle of a replacement dwelling of this design, on this site has been established.

The Planning Inspector in August 2014 considered a replacement dwelling house of this size and design on this site to be in accordance with Policies DM3 and DM4 of the Core Strategy. He also had regard to the policies within the emerging Development Strategy and the National Planning Policy Framework. A copy of that decision is appended to this report.

2. Impact on the character and appearance of the surrounding Area

The existing house is located in a relatively isolated position, approximately 152 metres set back from Sheep Tick End. Views of the existing dwelling are not prominent from this location.

Impact of the proposed dwelling on the character and appearance of the surrounding area:

It is considered due to the scale of the proposed dwelling that it would not have a significant impact, resulting in harm to the character of the surrounding countryside, which is rural and open.

3. Residential amenities of neighbouring properties

Due to the isolated position of the site it is considered that the development would not have a significant impact upon any neighbouring residential property, the closest back to back distance would be over 120 metres, well in excess of current guidance relating to privacy distances.

It is considered due to the design of the proposal and the location of the site that no residential amenity would be significantly impacted upon in terms of loss of privacy, light, outlook or the causing of an overbearing impact.

No neighbour comments have been received in relation to this application.

4. Other issues

Highway Safety:

The proposed house would have the opportunity to provide a satisfactory level of parking and would be accessed via an existing access. No significant additional traffic would be generated and as such there are no highway safety issues. The Highways Officer suggested a number of conditions, however these were not imposed by the Planning Inspectorate for a dwelling in this location, and therefore they are not considered necessary in this instance.

The removal of the existing dwelling house:

The principle of moving the approved dwelling some 5 metres, to an alternative location within the site, is considered acceptable in principle, providing a condition requiring the removal of the existing dwelling is attached. This is suggested in the associated documents, submitted with the planning application. The applicant suggests that a condition requiring the removal of the existing dwelling within 1 month of occupation would be appropriate, however it is considered that an application to remove the existing dwelling prior to occupation would have greater enforceability, and therefore greater clarity in planning terms. It is considered that the reason for imposing a condition would be to stop an additional residential unit becoming established, and therefore it is appropriate to only allow one residential unit to be occupied at any time.

Parish Comments and Reasons for Call in:

- *The application is outside of the parish Settlement Policy Area.*

This is true, however replacement dwellings outside defined settlements are not considered inappropriate development in principle.

- *The proposed replacement dwelling is not on the original dwelling site.*

The replacement dwelling, would be within the same curtilage as previously defined approved replacement dwelling house, it would be approximately 5 metres to the west of the approved replacement dwelling.

- *The proposed dwelling is also significantly larger than the original dwelling.*

The replacement dwelling house, is exactly the same size as the dwelling that has been approved as a replacement dwelling on this site.

- *The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied as well.*

The existing dwelling on this site is not subject to a "tourist only" occupancy condition, it is a standard residential dwelling house.

- *The supporting plans fail to illustrate the exact intended location of the replacement dwelling which is of a concern to the Parish Council.*

An additional plan has been sought which clearly illustrates the relationship with the existing dwelling house on this site.

- *The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.*

This is a matter for the enforcement team to look into, and should not have a bearing on the determination of this application.

- *There is no reference in the application title or supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.*

The description of the development is for a "replacement dwelling house" a condition requiring the demolition of the existing dwelling on the site is recommended to the Committee.

Recommendation

That Planning Permission be approved subject to 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 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 760/01A, 760/02A, Drawing Number 2, 1A, 2A, 3A, 4A, E12A.

Reason: For the avoidance of doubt.

- 3 **No development shall commence on site until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To protect the rural character of the surrounding area.

- 4 Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwelling hereby permitted unless planning permission is granted.

Reason: To protect the rural character of the surrounding area.

- 5 Notwithstanding the provisions of Class E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no buildings or other structures erected or constructed within the curtilage of the dwelling hereby approved unless planning permission is granted.

Reason: To protect the rural character of the surrounding area.

- 6 Prior to the occupation of the replacement dwelling hereby approved, the existing dwelling as shown on plan number 760/02A shall be demolished and all materials resulting from the demolition shall be removed from the site.

Reason: To ensure that an additional residential property is not established within the open countryside, in the interest of protecting the rural character of the area.

Notes to Applicant

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

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

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

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Appeal Decision

Site visit made on 30 July 2014

by **Ian McHugh DipTP MRTPI**

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

Decision date: 20 August 2014

Appeal Ref: APP/P0240/A/14/2218781

Westmead Farm, Sheep Tick End, Lidlington, Bedford, MK43 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adrian Mullan against the decision of Central Bedfordshire Council.
 - The application Ref CB/14/00560/FULL, dated 13 February 2014, was refused by notice dated 15 April 2014.
 - The development proposed is erection of replacement detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a replacement detached dwelling at Westmead Farm, Sheep Tick End, Lidlington, Bedford, MK43 0SF, in accordance with the terms of the application Ref CB/14/00560/FULL, dated 13 February 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SC01-03/P1; 14-006 Drawing No:1 Rev A; 14-006 Drawing No:2 Rev A; 14-006 Drawing No:3 Rev A; 14-006 Drawing No:4 Rev A; 14-006 Drawing No:E12 Rev A.
 - 3) No development shall commence on site until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwelling hereby permitted unless planning permission is granted.
 - 5) Notwithstanding the provisions of Class E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the

equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no buildings or other structures erected or constructed within the curtilage of the dwelling hereby approved unless planning permission is granted.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the countryside and the surrounding area.

Reasons

3. The appeal site comprises a detached single-storey bungalow, which is situated outside of the settlement envelope, within the countryside. It is located some 70-100m from the rear boundaries of existing residential properties, which form a line of ribbon development fronting Sheep Tick End. The area is characterised mainly by two-storey dwellings of varying styles and ages, although single-storey bungalows have also been built in the locality. The appeal site is only partially visible from the public highway, due to its distance from Sheep Tick End and the existence of tree screening on its southern side.
4. The existing bungalow on the appeal site has the benefit of a Certificate of Lawful Development (Existing) for a single dwelling, which was granted on appeal in October 2009 (APP/P0240/X/09/2101325). In addition, a Certificate of Lawfulness (proposed) for a single-storey side extension was granted in February 2012. The extension has not been constructed. The planning history of the site is a material consideration that I have taken into account in reaching my decision.
5. The proposal is to erect a replacement dwelling. This would be a detached two-storey building with first-floor accommodation in the roof area. It would be significantly larger than the existing dwelling in terms of its height and footprint. Consequently, it would have a greater visual impact on the site and on its surroundings. In addition, the proposal shows an existing residential curtilage that the Council contends is significantly larger than the garden area that was included in the October 2009 certificate. The garden area defined in the certificate was pointed out to me during my site visit and was agreed by both parties.
6. It is a statutory requirement that proposals for new development must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Act 2004). In that regard, the Council contends that the proposal would conflict with Policies DM3 and DM4 of the adopted Central Bedfordshire Core Strategy and Development Management Policy Document 2009 (CS). It considers that the proposal would have a harmful effect on the countryside due to the size of both the replacement dwelling and its curtilage.
7. The Council also states that the proposal would conflict with paragraph 17 of the National Planning Policy Framework (the Framework). In that regard, one of the bullet points of paragraph 17 states that planning should recognise the intrinsic character and beauty of the countryside.

8. Policy DM3 states that all proposals "will be appropriate in scale and design to their setting". Policy DM4 refers to replacement dwellings, but neither this policy nor its preamble gives any guidance as to the scale or size of the replacements. It does, however, provide guidance in respect of extensions to residential curtilages. I shall return to this matter later. In addition, there is no reference to replacement dwellings in the Framework other than to those within the Green Belt, which does not apply in this case.
9. Whilst the proposed dwelling would be viewed separately from the other dwellings in the locality, the main built form in the vicinity of the appeal site comprises two-storey houses with pitched roofs. These vary in scale, size and appearance, but some are substantial properties in terms of their height and mass. The overall height of the proposed dwelling would be similar to that of many modern two-storey dwellings, although its eaves height would be relatively low. In the context of the existing development in the area, I am not persuaded that the proposed dwelling would appear out of character with its surroundings, or that it would be harmful to the appearance of the countryside. The design, which incorporates steeply pitched roofs and the use of traditional materials (i.e. brick and tile), reinforces my view.
10. With regard to the proposed curtilage of the dwelling, I acknowledge that it would be significantly larger than that covered by the Certificate of Lawfulness. Policy DM4 of the CS states that extensions to gardens will be permitted provided they are limited in scale and they do not harm the character of the area. The preamble to the policy also states that such extensions would normally be where the existing garden is very restricted or where it would be a "natural rounding off". I accept that neither of these situations applies to the appeal proposal and therefore there is some conflict with this policy.
11. However, in my opinion, the proposed curtilage would not be overly large in relation to the new dwelling. In addition to the provision of private amenity space, it would be able to satisfactorily accommodate car parking and vehicle manoeuvring areas. Whilst the curtilage occupies land that was formerly part of the adjoining field, I am not persuaded that the loss of this open grassed area to residential curtilage has a significant or unacceptable impact on the appearance or integrity of the countryside. The imposition of appropriately worded planning conditions would also ensure that any further development within the curtilage is controlled through the removal of permitted development rights.
12. For the reasons given above and taking into account all other matters raised, I consider that the proposal would not have an unacceptably harmful effect on the character and appearance of the countryside and the surrounding area. It would, therefore, accord with Policy DM3 of the CS, which requires new development (amongst other things) to be of high quality design and to be appropriate in scale and design to its setting. Whilst there would be some conflict with Policy DM4 of the CS regarding the enlarged curtilage, I conclude that this conflict is outweighed by the material considerations referred to in paragraph 11 above.

Conditions

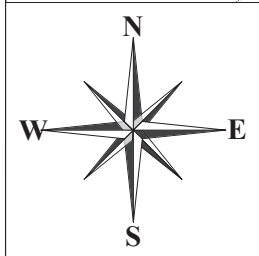
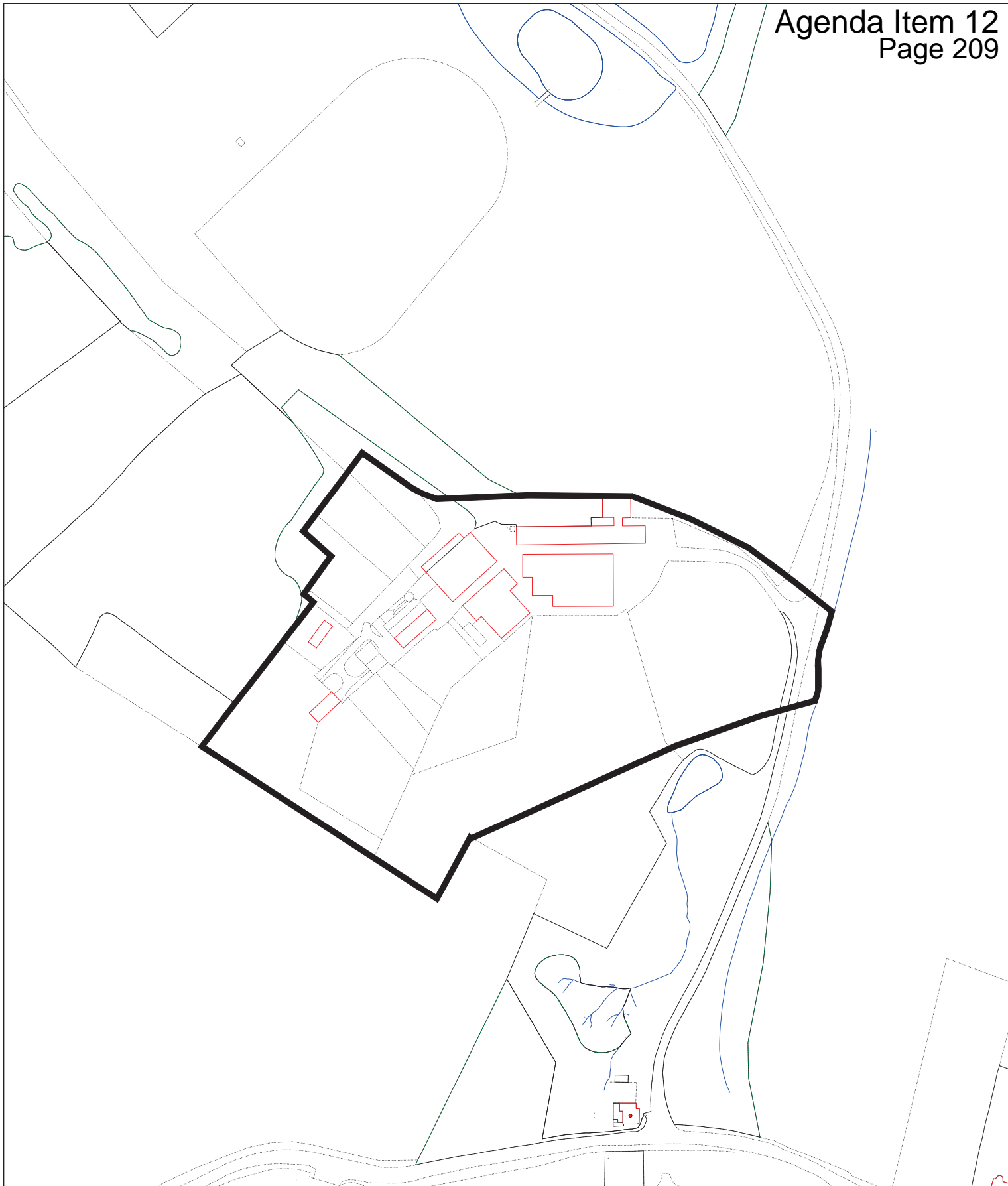
13. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the recently published Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
14. To ensure a satisfactory external appearance, a condition requiring the submission of samples of the external materials to be used is also imposed.
15. The Council has suggested conditions to remove permitted development rights in respect of Classes A and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modifications). This would prevent extensions and alterations to the dwelling; and the erection of buildings or other structures within the curtilage, without first obtaining planning permission from the Council. I consider that these are reasonable and necessary in order to control the visual impact of further development on the appearance of the countryside.

Conclusion

16. For the above reasons, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR



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Date: 27:January:2015

Map Sheet No

Application No:
CB/14/04532/Full

Scale: 1:2500

Todington Manor, Park Road, Todington, LU5 6HJ

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Item No. 12

APPLICATION NUMBER	CB/14/04532/FULL
LOCATION	Toddington Manor, Park Road, Toddington, Dunstable, LU5 6HJ
PROPOSAL	Demolition of existing buildings (education/leisure use further to permission reference SB/TP/93/0854) and erection of an ancillary leisure building to Toddington Manor (for C3 use)
PARISH	Toddington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Judy Self
DATE REGISTERED	09 December 2014
EXPIRY DATE	03 February 2015
APPLICANT	Trustees of the Toddington No.2 Settlement c/o Baccatta Trustees Ltd
AGENT	Rural Solutions Ltd
REASON FOR COMMITTEE TO DETERMINE	Large scale development within the Green Belt (Departure)
RECOMMENDED DECISION	Full Application – Approval recommended

Summary of Recommendation

Toddington Manor is a Grade II Listed Building set within its own parkland and outside any settlement envelope. The development is within the South Bedfordshire Green Belt and an Area of Great Landscape Value (AGLV). However this is a previously developed site and the single building would replace a number of derelict buildings. The modern concrete building would be clad in timber and a green (Sedum) roof would cover the entire building. The building would be set within a modified and enhanced landscape setting and is not considered to have a greater impact on the openness of the Green Belt or Area of Great Landscape Value, having regards to paragraph 89 of the NPPF and Policy 36 of the emerging Development Strategy for Central Bedfordshire.

There will be no adverse impact upon the setting of the Grade II Listed Toddington Manor or the parkland associated with Toddington Manor. 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 Policy BE8 of the South Bedfordshire Local Plan Review Policies. The proposed development is acceptable with regards to highway safety in accordance with the Local Transport Plan: Appendix F - Parking Standards.

Site Location:

Toddington Manor is located north-west of Toddington village and due east of the M1. Harlington Road connects the village with the M1 and the application site is accessed via Park Road, which is just off Harlington Road.

The Manor is a Grade II Listed Building set within its own parkland. The site is within the South Bedfordshire Green Belt and an Area of Great Landscape Value.

Behind the proposed site the land slopes up to form a hill. Opposite, directly north of the site and beyond a bank of trees, the topography drops down to the cricket field and pavilion.

Pre-application discussions have taken place.

The Application:

Demolition of the existing leisure and educational buildings and erection of an ancillary leisure building for Toddington Manor (C3 use). The building makes provision for the following: tennis court, spa & swimming pool, art exhibition space and car & helicopter storage.

- The existing floorspace at the application site is 2794 sqm (5 large buildings; 2 sheds and 1 stable all to be demolished). The proposed floorspace is 2810 sqm with a basement of 796 sqm.
- The existing hardstanding areas at the application site is 3600 sqm (to be removed). The proposed hardstanding will be 2141 sqm, of which 1366 is grasscrete.
- The proposed leisure building measures 7.5m in height (in-line with the cricket pavilion spire) and would not exceed the ridge height of the of the original buildings.

The application was accompanied by the following documents: Planning Statement; Design & Access Statement and a Landscape Statement & Archaeology statement.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

7: Requiring good design

9: Protecting Green Belt Land

11: Conserving and enhancing the natural environment

12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

Policy SD1 - Sustainability principles

Policy BE7 - Historic parks and gardens

Policy BE8 - Design considerations

Policy NE3 - Area of Great Landscape Value

Nb. (In accordance with Annexe 1: "Implementation", paragraph 215, of the National Planning Policy Framework, policies BE8 is considered to be broadly consistent with the NPPF and have therefore been given significant weight in the determination of this application.

Emerging Development Strategy for Central Bedfordshire

Policy 1: Presumption in favour of Sustainable Development

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 45: The Historic Environment

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.

Technical Planning Guidance

- Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes)

Planning History

No planning history specific to the site

Representations: (Parish & Neighbours)

Toddington Parish Council	No objection
Adjacent Occupiers	None to date. Any comments subsequently received will be reported on the Late Sheet and at Committee.
Site Notice Posted	21/12/14
Advertised	2/1/15

Consultations/Publicity responses

Comments from the Conservation Officer	<p>Pre application advice given for this proposal which was supportive of the demolition of the existing buildings which are considered not to make a positive contribution.</p> <p>The replacement leisure building although contemporary in design is considered unlikely to affect the setting of a Grade II Listed Toddington Manor.</p> <p>The history of the historic parkland is not a designed landscape and has retained its field and woodland patterns from sixteenth century. The proposed site is not visible from any public rights of way and therefore the impact on the historic parkland is considered to be minimal.</p>
Comments from the Tree & Landscape Officer	<p>I have examined the plans and documents relating to this application, and on the basis of the information provided have no objections subject to a standard landscape planting condition being imposed.</p> <p>It should be advised that the indicative planting, as illustrated on the site plan, shows Ash being planted. Such trees are presently covered by a movement restriction order in response to <i>Chalara (ash dieback)</i> disease, and should therefore be omitted from any future scheme.</p> <p>I also suggest that a tree planting mixture is used that should be</p>

reasonably diverse to meet the challenges of climate change, yet be species which reflect the parkland surroundings, and a size that maintains a sense of scale and proportion to the characteristic parkland setting.

Comments from the
Landscape Officer

I have no objections to the proposals on landscape grounds - landscape character and visual impact. The inclusion of a green roof linked to a SuDS system are really positive features.

Comments from the
Archaeology Officer

The proposed development site lies within an area of gardens and other features (HER 97) associated with Toddington Manor (HER 5313, LB 967/8/362: Grade II) and under the terms of the *National Planning Policy Framework* (NPPF) these are heritage assets with the archaeological interest. Toddington Manor is a designated heritage asset with architectural interest.

Toddington Manor (HER 5313, LB 967/8/362: Grade II) as it stands today is early post medieval in date with a number of 18th, 19th and 20th century additions, and it lies within grounds that were landscaped in the post-medieval period. The remains of the landscaping, as well as the structures associated with the manor before the landscaping, have been observed on air photos and some are recorded on maps dating from the 16th to the 19th centuries. Many of the cropmarks visible on air photos can be identified as features appearing on a map of the manor dating to 1581, for example the buildings and yard of what may have been a farmstead serving the manor can be seen as both cropmarks and earthworks on air photos. It has also been suggested that there may be a deserted medieval village on the site. A gateway relating to the manor is no longer extant (HER 957) neither is the medieval manor house (HER 5313).

This application is accompanied by a document entitled *Toddington Manor Bedfordshire: Landscape and Archaeology Context for New Building Proposals* (DCLA, November 2014) and suggests that it has been prepared to address comments made by Archaeology Team on pre-application CB/14/00080/PAPC. The document represents a partial assessment of the history of the site and seems to largely be based on the review of historic map evidence. It does not however represent an archaeological desk-based assessment, which is actually what was requested at the pre-application stage. The document concludes that the historic maps do not suggest that any archaeological remains survive at this location. Unfortunately, I cannot agree with the conclusions drawn by this document. Archaeological remains are features which are most commonly found beneath the ground and which can date from the Palaeolithic through to the modern period, this means that the majority of the remains recorded by excavation do not date to the historic period and do not appear on maps. The Agas map of 1581 which seems to be the primary source for the *Toddington Manor Bedfordshire: Landscape and Archaeology Context for New Building Proposals* is a valuable piece of early post medieval mapping, nevertheless it remains a subjective interpretation of what the landscape looked like at this time.

Therefore, one should be wary of using it to claim that no archaeological remains relating to the manor complex will survive at the site.

In the wider area there are a number of Historic Environment Record (HER) entries that relate to the Saxon, medieval and post medieval landscape, which indicate that this area has archaeological potential for a number of reasons. If an archaeological desk-based assessment had been undertaken for this development, the known archaeological resource would have been picked up.

This application proposes the demolition of the existing buildings (largely agricultural barns and leisure buildings) and the erection of a new leisure complex related to Toddington Manor. The new complex will include a basement.

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 *Draft 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 erection of the existing buildings at this site may have had some impact upon the surviving archaeological resource. However, recent research elsewhere in Bedfordshire has demonstrated that while such remains may have suffered some truncation, they have not always been entirely destroyed. The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear; (Wade 2000, 24-25, Oake 2007, 14 and Medlycott 2011, 70), locating and understanding the development of manorial sites that may not have been enclosed by features such as moats (Edgeworth 2007, 100), and gathering data about the origins and history of parks and gardens, identifying their surviving features and considering the social and economic aspects of designed landscapes (Gilman, Gould and Green 2000, 36-39 and Oake et al 2007, 15-16) are all local and regional archaeological research objectives.

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 specified condition to any permission granted in respect of this application.

This request is in line with the requirements of Chapter 12 of the NPPF and policy 45 of the *Draft Development Strategy for Central Bedfordshire* (pre-submission version, June 2014).

Comments from the Ecology Officer

Having read through the submitted documents I have no objections to the proposal for the demolition of existing buildings and the construction of a leisure building. However, given the varied ecological interest in the site a number of requirements will need to be met to prevent harm to protected species and to ensure a net gain for biodiversity is delivered.

The impact on bats from the proposals are unclear, 7.15 of the Phase 1 survey and bat inspection report states that bats are likely to be utilising the disused commercial farm buildings for foraging and night time feeding and that buildings would appear to be occupied by a small number of bats at any time of year. 8.4 goes on to state that damage and destruction of bat roosts can only occur under an EPS licence which will require a mitigation scheme.

The separate November 2014 GCN report details necessary mitigation and compensation to support a licence application to allow works to the farm buildings which could impact on the known GCN pond on the site. This report details a number of additional enhancements to be included with the proposals which are welcomed. These include the provision of a green roof on the new leisure building and additional meadow habitat. Similar details on measures to support a licence application for the potential loss of bat roosts would also be required.

English Heritage

No objection

Comments from the Highways Officer

The proposed development is described as an ancillary residential building, for the benefit of the residents of the Manor House and is unlikely to give rise to a material change in traffic movements to and from the site. Hence the proposal is unlikely to have an adverse impact on the local road network once completed.

I would suggest that a condition is imposed regarding the submission of details for preventing site debris from being deposited on the public highway.

Comments from the Rights of Way Officer

I have no objections to this proposal and my response to the letter from Ridge consultants dated 14th January 2015 and DCLA notes

and accompanying updated drawings) is as following:

- Planting: yes, this seems fine. I was just checking the position of the new hedge.
- Drainage and cable: again this is fine – useful clarification
- Deposited soil: what is proposed is acceptable to me. I welcome the fact that the deposition site has been adjusted to avoid the footpaths.

Public protection	Any comments received will be reported on the 'late sheet' and at committee
Cranfield Airport	Any comments received will be reported on the 'late sheet' and at committee
Airfield Environment office, London Luton Airport	Any comments received will be reported on the 'late sheet' and at committee

Determining Issues

The main considerations of the application are;

1. The principle of development and the visual appearance and impact upon the Green Belt and Area of Great Landscape Value (AGLV)
2. Impact upon the site and setting of the listed building
3. Impact on neighbouring amenity
4. Other issues

Considerations

1. ***Principle of Development***

Protecting the openness of the Green Belt and the Area of Great Landscape Value (AGLV)

The proposal site is located within the green belt and thus has implications on the Green Belt policy. Paragraph 9 of the NPPF and echoed in Policy 36 of the emerging Development Strategy states that there is a presumption against inappropriate development in the Green Belt and planning permission will only be granted where the very special circumstances outweigh harm to the Green Belt.

The proposal comprises a new Leisure Building within the larger existing grounds of Toddington Manor. The proposed building would provide ancillary services to the Manor House. The building makes provision for the following: tennis court, spa & swimming pool, art exhibition space and car & helicopter storage.

A key consideration for proposed development in the Green Belt and its impact on openness is the potential intensity of activity associated with it. The existing (extant) use of the application site provides for a potentially very intensive use, educational and leisure use. The proposed use is for an ancillary leisure building to Toddington

Manor. It is a private residential use and the applicants state that the building would contain the low intensity activity within its walls; other than the occasional visitation by a single helicopter which would land on the adjacent landing area as identified on plan no. 131543-A-115 (A).

It is located in the south part of the land, directly to the south of the Cricket Pitch and north of the Manor Lodge/Gatehouse and replaces existing low quality asbestos bearing contaminant buildings which are derelict.

The justification given for allowing the demolition of the existing buildings and the erection of a the building for leisure purposes ancillary to Toddington Manor is Paragraph 89 of the National Planning Policy Framework:

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Previously Developed Land within the National Planning Policy Framework is defined 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.

It is accepted that this land is occupied currently by permanent structures and planning permission was approved on part of the site for educational and leisure purposes and for a fork lift display area and storage. It is therefore considered to be a brownfield site under the definition within the National Planning Policy Framework.

On deciding whether the proposal would, '*have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*', the proposed building would consolidate the existing footprint of a number of buildings into one building and seeks to use the natural fall of the site from south to north to sink the building into the landscape.

Whilst it is acknowledged that the new building would be extremely large in scale, it

would be no higher than the current buildings and would be set within a modified and enhanced landscape setting. The modern concrete building would be clad in timber with wooden louvered shutters and panels to the windows and doors. A green (Sedum) roof covers the entire area of the building to minimise the hard-standing landscape.

In policy terms the proposal is considered to comply with Paragraph 89 of the NPPF and Policy 36 of the emerging Development Strategy. The proposal is acceptable to the Council's Landscape Officer and as such the proposal is not considered to harm the openness of the Green Belt or the Area of Outstanding Landscape Value.

2. *Impact upon the site and setting of the listed building*

Toddington Manor House is a Grade II listed building set within its own parkland. The site is some distance from the conservation area within the centre of Toddington.

No objection has been raised by the Conservation Officer to the removal of the large utilitarian buildings with a single large timber clad leisure building. The replacement leisure building although contemporary in design is not considered to affect the setting of a Grade II Listed Toddington Manor.

English Heritage have not raised an objection and the proposal is therefore considered to preserve the setting of the listed building and the parkland associated with Toddington Manor.

3. *Impact on residential amenity*

Toddington Manor stands in isolation a considerable distance from the nearest residential property. There would therefore be no significant harm to residential amenity.

4. *Other issues*

Tree & Landscape Officer

No objection has been raised by the Tree & Landscape Officer (subject to the specified pre commencement condition which requires the submission of a landscaping scheme) and as such the proposal is considered to acceptable in this regard.

Landscape Character & Area of Great Landscape Value

Discussions have taken place during the determination of the application. No objection has been raised by the Landscape Officer (subject to a pre-commencement 'materials' condition) and as such the proposal is considered to acceptable in this regard.

Archaeology

No objection has been raised by the Archaeology Officer (subject to the specified pre commencement condition which requires the submission of a written scheme of archaeological investigation) and as such the proposal is considered to acceptable in this regard.

Ecology

No objection has been raised by the Ecology Officer (subject to a pre commencement condition) and as such the proposal is considered to be acceptable in this regard.

Highway Safety

Toddington Manor is accessed off Park Road and the tarmac driveway will serve the proposed new building as well as the Manor house.

No objection has been raised by the Highways Officer (subject to a pre commencement condition requiring a method statement which would prevent site debris from being deposited on the public highway) and as such the proposal is considered to acceptable in this regard.

Public rights of Way

Two public footpaths cross through the Toddington Manor Parkland and discussions have taken place during the determination of the application. No objection has been raised by the Public Rights of Way Officer and as such the proposal is considered to be acceptable in this regard.

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.

Personal use of a helicopter

The use of a helicopter for private / personal use does not require planning consent. However, landing sites which are located in built up areas may require special permission from the Civil Aviation Authority because of safety regulations. Cranfield and London / Luton Airports have been consulted during the determination of the application.

Notifying the Secretary of State

Local planning authorities must inform the Secretary of State if they intend to approve an application in the Green Belt where the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more. The Secretary of State has 21 days from that date in which to decide whether or not to call in the application. The local authority cannot grant planning permission until that time is up unless notified before the expiry of 21 days that the application will not be called in.

In summary

The development is within the South Bedfordshire Green Belt and an Area of Great Landscape Value. However this is a previously developed site and the single building would replace a number of derelict buildings. The timber clad building, under a green (Sedum) roof would be set within a modified and enhanced landscape setting. Given the topography and location of the site the building would not have a greater impact on the openness of the Green Belt or Area of Great Landscape Value, having regards to paragraph 89 of the NPPF and Policy 36 of the emerging Development Strategy for Central Bedfordshire.

There will be no adverse impact upon the setting of the Grade II Listed Toddington Manor. And 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 BE8 of the South Bedfordshire Local Plan. The proposed development is acceptable with regards to highway safety in accordance with the Local Transport Plan: Appendix F - Parking Standards.

Recommendation

That approval is recommended 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, notwithstanding the details submitted with the application, until the following details 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.**

- **Samples of materials for external finishes - especially concrete and timber**
- **Exterior lighting character and location - if applicable**
- **Specification for restoration of area receiving spoil.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.

- 3 **No demolition or 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.

- 4 **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.

- 5 **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.

- 6 **No development shall take place until full details of mitigation, conservation and/or enhancement measures for protected species have been submitted to and approved in writing by the Local Planning Authority. These measures shall include:**
- **Species surveys to determine the possible presence of particular protected species previously specified by the Local Planning Authority, where necessary these will be required to inform an EPS licence application.**
 - **details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing for breeding, (ii) in the process of breeding or (iii) rearing young;**
 - **mechanisms to enhance identified existing wildlife habitats through the development process.**

The works shall be implemented in accordance with the approved details.

Reason: To ensure all impacts from development on biodiversity are taken into account and mitigated.

- 7 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

Proposed

131543-A-100 (site location); 131543-A-110 (Demolition plan); 131543-A-115 A (Site plan); 131543-A-118 A (Basement plan); 131543-A-119 A (Ground floor plan); 131543-A-120 A (East & West elevation); 131543-A-121 B (South elevation); 131543-A-122 B (North elevation); 131543-A-125 (section).

Existing

13346-500-01T (Site survey); 13346-500-01T-S1 (Topographical survey 1 of 2); 13346-500-01T-S2 (Topographical survey 2 of 2); 13081-100-20GF (barn 1 survey); 13081-100-20GF (barn 2 survey); 13081-100-20GF (barn 4 survey); 13081-100-20GF (barn 3&5 survey); 13081-100-21E (barn 1 elevations); 13081-100-21E (barn 2 elevations); 13081-100-21E (barn 3 elevations); 13081-100-21E (barn 3 elevations); 13081-100-21E (barn 5 elevations)

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

Notes to Applicant

1. 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.
2. Note from the Tree & Landscape Officer

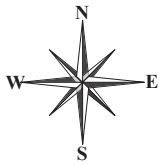
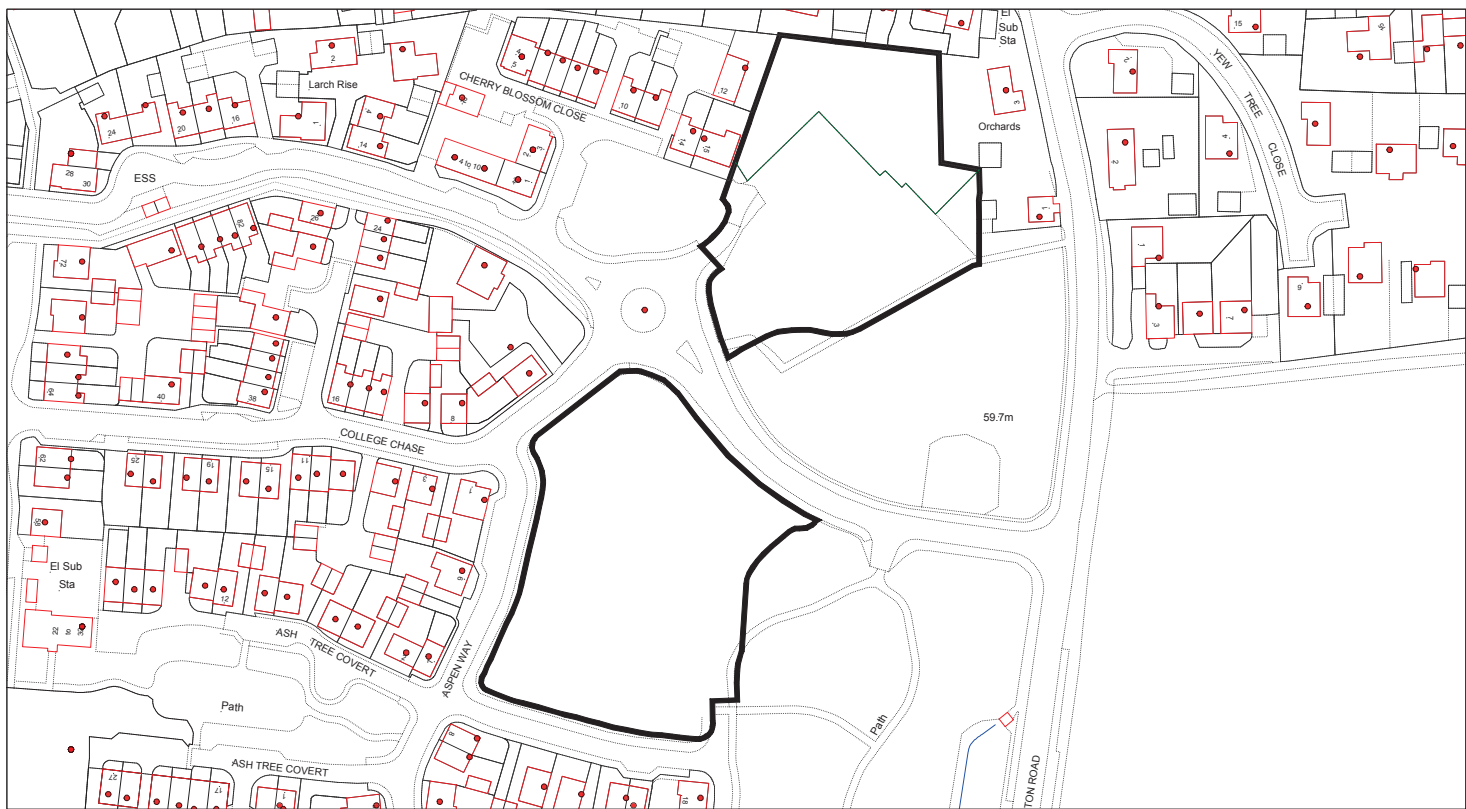
Ash trees are presently covered by a movement restriction order in response to Charlara (ash dieback) disease, and should therefore be omitted from any landscaping scheme (re: condition 5). It is also recommended that a tree planting mixture is used that should be reasonably diverse to meet the challenges of climate change, yet be species which reflect the parkland surroundings, a size that maintains a sense of scale and proportion to the characteristic parkland setting.

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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Date: 27:January:2015

Map Sheet No

Scale: 1:1500

Application No. CB/14/02717/FULL

Land West of Barton Road, Silsoe

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Item No. 13

APPLICATION NUMBER	CB/14/02717/FULL
LOCATION	Land to the West of Barton Road, Silsoe
PROPOSAL	Mixed use development including 18 No. residential dwellings on the southern section of the site and 5no. mixed use commercial premises (use classes A1, A2, A3, B1(a)) with 5no.apartments above together with associated parking and access.
PARISH	Silsoe
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Ms Graham
CASE OFFICER	Samantha Boyd
DATE REGISTERED	29 July 2014
EXPIRY DATE	28 October 2014
APPLICANT	Bloor Homes (South Midlands)
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Cllr Call- in. Cllr Graham Major Development - Parish Council objection.
RECOMMENDED DECISION	Full Application - Recommendation: That Planning Permission be granted subject to the following conditions, the expiry of the advert in the local press and completion of the S106 Agreement

Reasons for Recommendation

The proposal partly falls within site allocation MA9 of the Site Allocations Document for 380 dwellings, community facilities, B1 employment uses and a conference centre. The applicant has demonstrated that there is no reasonable prospect of an end user for the B1 uses and conference centre and as such these uses are considered to be no longer viable. Therefore the proposal for housing and 5 small commercial units is considered acceptable in principle and meets the requirements of Policy CS7 for Affordable Housing provision. As such the proposal is acceptable and complies with Policy DM4 and Policy CS7 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012)

Furthermore, the proposal, by virtue of its siting and scale is considered to be appropriate for this location and provides a level of parking to the Council's standards therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012).

Site Location:

The application site is on the edge of the new development that once formed the former Cranfield University campus in Barton Road Silsoe. The site is currently

being developed with housing, community facilities and a school and is an allocated site with outline and reserved matters planning consents granted over recent years. The part of the site that forms this application is located to the eastern most part of the site and is within the land that was granted outline consent for B1 office development and a conference centre.

The Application:

Planning permission is sought for the erection of 18 dwellings and 5 commercial units with 5 flats above. The application site is split into two parcels of land, separated by the access road to the new development. On the southern parcel of land 18 dwellings are proposed. The dwellings comprise a mixture of detached and terraced dwellings together with a two bedroom bungalow in the centre of the site.

The northern parcel of land proposes 5 commercial units for A1, A2, A3 and B1(a) uses each with a flat above within two blocks of two storey buildings. Parking is included for both the residential and commercial units with a new access formed off the existing roundabout at the junction of Mander Farm Road and Aspen Way.

The proposal includes the provision of 8 Affordable Housing units; three are within the residential parcel and the remainder are the 5 flats above the commercial units.

There have been a number of revised plans submitted during the application process. This report relates to the latest submitted revised plans which seek to address any concerns raised by consultees.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

- Section 3 - Supporting a prosperous rural economy
- Section 4 - Promoting sustainable transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring good design
- Section 8: Promoting healthy communities

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

- CS1: Development Strategy
- CS2: Developer Contributions
- CS3: Healthy and Sustainable communities
- CS14: High Quality Development
- CS16: Landscape and Woodland
- CS17: Green Infrastructure
- CS18: Biodiversity and Geological conservation
- DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape and Woodland

DM16: Green Infrastructure

DM17: Accessible Greenspaces

Supplementary Planning Guidance

Design in Central Bedfordshire: A guide for development

Central Bedfordshire Council's Emerging Development Strategy 2014

Policy 38 Within and beyond settlement boundaries

Policy 43 High quality development

Policy 30 Housing Mix

Policy 34 Affordable homes

Policy 58 Landscape

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

Design in Central Bedfordshire (Revised March 2014)

Planning Obligation Strategy (updated 2009)

Planning History

MB/08/02402/OUT	Mixed use development including residential, Class B1 Business, Lower School, Community Sports Hall, Outdoor Sports facilities and pitches, open space and means of access.
CB/12/02404/RM	Approved October 2009 Reserved Matters of Appearance, Landscaping, Layout & Scale for development including residential, Class B1 Business, Lower School, Community Sports Hall, outdoor Sports Facilities & Pitches, Open Space & means of access (pursuant to outline planning permission MB/08/02402/OUT dated 08/10/2009) (commercial development only) - Withdrawn
CB/14/03844/RM	Reserved Matters: Revision to plots 13, 15, 16, 17, 20, 22, 27, 28, 76, 81 & 83 of the permitted reserved matters approval CB/11/02639/RM including an additional plot 28A,

- CB/12/00894/RM following outline consent MB/08/02402/OUT dated 08/10/2009 for the Mixed use development including residential, Class B1 Business, Lower School, Community Sports Hall, Outdoor Sports facilities and pitches, Open Space and means of access. Granted 23/12/14
Reserved Matters: Appearance, Landscape, layout and scale for community building (pursuant to outline permission MB/08/02402/OUT dated 08.10.2009. Granted 27/4/12
- CB/11/02639/RM Reserved Matters: Erection of 344 dwellings pursuant to outline planning permission MB/08/02402 dated 8 October 2009. Granted

**Representations:
(Parish & Neighbours)**

- Silsoe Parish Council Object to planning application -
Supersedes a previous application for 18 commercial and business units.
The original planning consent for these units required that they be marketed for a period of 3 years after which the developer would make alternative proposals. The Parish Council have been aware that there was little or no interest in these units. Subsequent conversations with the CBC Planning Department discussed the possible options. Its was evident that CBC was keen to maintain opportunities for employment. The Parish Council put forward a proposal to :-
- relocate the existing village shop,
 - to limit the possibility of larger retail development,
 - the provision for a residential/nursing home accommodation with some sheltered housing.
- Having considered the above application Silsoe Parish Council wishes to object to the granting of planning permission.

Objections summarised -

- 2 and a half storey properties no in keeping,
- barrier should be in place at junction of shared surface,
- not enough visitor parking,
- village already has commerical premises available in Wrest Park, concerned premises would exceed need,
- increase in volume of traffic through village,
- lack of customer and business parking in commercial section,
- no provision for turning larger vehicles,
- impact from traffic on Cherry Blossom Close,
- no amenity space for residents of flats,
- design prevents public access to Orchard,
- additional landscaping to reduce overlooking,

- increase in noise from commercial units,
- pedestrian walkway and street lights in poor condition,
- no provision for accessible dwellings.

The detailed response from the Parish Council dated 15 August 2014 will be set out in full in the Late Sheet.

Parish Council comments on revised plans dated 22/01/15.

We are satisfied the points raised in discussion have been actioned.

Neighbours

58 letters received from neighbours objecting strongly to the development. Comments are summarised below -

- green space is at the heart of the development
- provides place for children to play
- additional traffic close to existing properties
- overlooking from new houses
- purchased house as it overlooks the green
- purchased house as it is a no through road
- noise from building work
- over provision of houses in Silsoe
- no need for 5 commercial premises in Silsoe
- object to commercial development for reasons of noise, lack of parking, additional traffic
- will lose privacy from front of houses
- this development has overloaded Silsoe
- there should be plans for health care in this development
- who will fund and operate the new community building
- no consultation with the majority of village
- no involvement of Parish Council
- increased pressure on High Street
- negative impact on village
- the Orchard and wildlife will be affected
- residents were made to believe the area would be undeveloped
- disproportionate development for Silsoe village

Site notices displayed 07/08/14
Application advertised 30/01/15
as Departure

Consultations/Publicity responses

Tree and Landscape Officer I have looked at the proposed development application and although it would still seem to take away from the original intention to keep a good separation from Barton

Road by providing a decent buffer of landscaping I guess inevitably proposals would be made to infill in particular the south site. As such with suitable landscape and boundary treatment detail there would be no objections.

With regards to the north site that incorporates the business units and flats I do have a number of concerns.

To the north of this site there is an orchard area that at present is in good condition and very much a feature of this area, an area which throughout all discussions with all development of the entire estate was considered an area of importance. Orchards are very much in the public eye as regards awareness of their importance both in aesthetic terms and also their ecological value. Nowhere in the Design and Access Statement could I see any reference to what proposals with regards to maintenance, its future or management. The site shows the boundary line as including this orchard area as such I assume it would then become under the ownership of the new site owners. The site will comprise of mixed small businesses, and affordable housing. As such it is quite likely that maintenance of the grass and trees could be minimal.

There is no indication as to how this orchard area is to be sub divided, will it be incorporated into private gardens/areas or kept as one open space for the use of all living or working on the site.

I do have real concerns for the future of this area and would much prefer to see it separated from the development area by fencing, or similar and its maintenance incorporated into the maintenance of public areas for the rest of the entire estate public areas.

Orchard area is to be fenced off throughout development at a distance and detail that would be in line with BS5837 : 2012. ie Heras type fencing erected to protect the orchard from damage either by plant and material storage, root compaction or direct damage.

Can we have more detail of how this orchard area is to be retained and managed. Ideally remove it as part of the development site.

Full landscape, boundary and maintenance details will be required for both sites.

Economic Development

From an Economic Development Perspective, I can confirm that we are satisfied that the marketing requirements were complied with. Likewise, I would

support the employment generating uses proposed within the development recognising both the economic impact of housing and non B uses so would not object to the application.

The concern I would raise is that this is another example of loss of employment land to other uses, and while on a site by site basis in isolation the justifications for this are valid, I am becoming concerned as to the cumulative impact this is having on enabling local availability of employment opportunities and choice of commercial premises

LDF Team

The site is included within the larger MA9 allocation in the Site Allocations DPD for the North and has been allocated in line with the planning permission for the redevelopment of the former Cranfield University site as Silsoe, Policy MA9 allocated the site for a mixed use development including 380 dwellings, B1 office space and community facilities. The part of the allocation that makes up the proposed site was set aside for a conference centre.

The proposal includes 22 residential dwellings, of which 5 will be affordable housing. In addition, 5 retail units and residential flats are proposed. Overall, the proposed retail units would offer less employment than that previously proposed through a conference centre.

The proposal for residential and retail units is contrary to local policy, in that B1 office space would not be provided on site as detailed in the policy. However, the development of the retail and residential development would be in line with national policy, as outlined in the NPPF, and the emerging local policy contained within the Development Strategy. The NPPF states that where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

The developers have briefly states in their Design and Access Statement in section 2 that they have undertaken a credible period of marketing for the commercial uses which have failed to secure any suitable interest. They also state that marketing process has indicated that a

scheme for local facilities to support the existing and new population has been more attractive.

There has been no evidence submitted with this application as to demonstrate the extent of marketing that has been undertaken and any details thereof to demonstrate that B1 uses are not viable on this site.

In conclusion, although the proposals for the site are contrary to Policy MA9, they are compliant with the NPPF and the approach taken in the emerging Development Strategy. As stated above, it does still need to be demonstrated that B1 use is not viable on this site and the proposed retail units should compliment the existing offer in Silsoe and provide new facilities.

Education Officer No objections subject to relevant contribution towards education needs

Housing Development This application provides for 5 affordable homes which is
Team not in accordance with our current policy requirement of 35%. I would expect to see 35% affordable housing or 8 affordable units. The Strategic Housing Market Assessment (SHMA) indicates a tenure split of 63% affordable rent (5 units) and 37% intermediate tenures (3 units). 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.

Beds and River Ivel We have no comments to make on the application.
Drainage Board

Sustainability Officer The proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Resource Efficiency. The proposed development is over the threshold of 10 dwellings set in the policy DM1 and therefore should deliver 10% of the development 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 L 2013 of the Building Regulations. The proposed development should comply with the new Part L 2013 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).

The commercial development is below the threshold of 1000m², and therefore there is no policy requirement for this development to be built to a specific BREEAM rating, but I would encourage delivery of higher sustainability credential than just meeting the Building Regulations requirements.

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 a Level 3 of the Code for Sustainable Homes standard (105 litres per person per day).

I would expect a Sustainability Report to be submitted in a support of condition discharge. The report should include calculations necessary to demonstrate how the above policy standards requirements will be met.

Public Protection
Contamination

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

Public Protection - Noise

In principle I have no objection to the proposal providing that the following conditions are imposed in order to mitigate any potential environmental impacts.

- No A3 use class hereby permitted shall be brought into operation until a scheme for protecting sensitive receptors from food preparation and cooking odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter unless an alternative scheme has been approved in writing by the Local Planning Authority.
- No use class (A1, A2, A3 and/or B1) shall be brought into operation until a scheme for protecting residential dwellings from noise from fixed plant machinery and equipment has been submitted to and approved in

writing by the local planning authority. 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 commercial premises shall not be used except between 07.00hrs and 22.00hrs Monday to Saturday and 08.00 to 18.00hrs Sundays and Public Holidays, without the prior agreement in writing of the Local Planning Authority.
- Deliveries by commercial vehicles shall only be made to or from the site between 07.00 hours and 21.00 hours Monday – Saturday, and between 08.00 hours and 18.00hours Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority

Play/Open Space Officer

Highways

I trust that this information is self-explanatory.

No objections - difficult to justify S106 contributions given previous requirements of outline and dwelling numbers.

I refer to the application for residential and mixed use development and to the revised plans relating to refuse vehicle tracking movements. I make the following observations on behalf of the highway authority.

Whilst I note that the front door to plot 352 remains from the main estate road I can confirm that all the other issues contained in my previous email response have been addressed.

In these circumstances I confirm that there is not any highway safety or capacity reasons why the development should not be granted planning approval. In these circumstances the following conditions and advice notes are recommended.

Condition 1/. The proposed development shall be carried out and completed in all respects in accordance with the vehicle access, parking and manoeuvring areas illustrated on the approved plan SM-N521-SL-01 rev I and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

C2/. Before the premises on the Northern Parcel 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. Unless agreed otherwise with the Local Planning Authority arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

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

C3/. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the Southern Parcel 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.

C4/. Development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

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

C5/. 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.

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.

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The impact on the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Planning Obligations
6. Any other issues

Considerations

1. The principle of the development

The application site forms part of the wider site allocation MA9 of the Site Allocations DPD for the North for the redevelopment of the former Cranfield University site. Policy MA9 allocated the site for a mixed use development including 380 dwellings, B1 office space and community facilities. In October 2009 Outline consent granted permission for a mixed use development to include residential, Class B1 business, a lower school, a community hall with outdoor sports facilities and pitches, open space and access.

Following the approval of the Reserved Matters a large number of residential properties have been constructed and occupied, and the community building is near completion.

The part of the allocation that forms this proposal was set aside for a conference centre and B1 business units. Under the terms of the S106 Agreement with the Outline application, the applicant was required to market the business units for three years and provide monthly reports of the marketing campaign.

Loss of employment land

While the proposal would result in the loss of the employment allocation at the site, given the time that has passed since the outline consent was granted, it is necessary to consider changes in the market. The proposed commercial units would result in some employment generation although an end user for the units has, at present, not been secured.

In accordance with the S106 agreement 3 year marketing timescale for the existing approved B1 use and conference centre, this time period has passed and it appears that there is no real prospect of the business units being occupied. It is worth noting that the Community building would provide a small element of employment on the development, as would the school. Paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use should be regularly reviewed and where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

Affordable housing

The proposal would provide 8 affordable housing units. These would take the form of two, 2 bedroom dwellings and one, 3 bedroom dwelling within the southern portion of the site and five flats above the commercial units. The proposal would therefore meet the requirements of Policy CS7 which seeks to provide 35% Affordable Housing.

The proposal includes the provision of a two bedroom bungalow for open market housing which is considered to be a positive benefit of the proposal.

While the proposal would result in the loss of employment land, the applicant has demonstrated the employment use of the site would not be viable. The proposed housing and commercial units would provide some element of employment across the site, albeit small, and meets affordable housing targets in accordance with Policy CS7 and therefore the principle of the development is considered to be acceptable.

2. The impact on the character and appearance of the area

The wider development has been subject to a Design Code in order to ensure the development reflects the local vernacular. The southern parcel of the site reflects the design of the dwellings on the adjacent development and includes a mixed palette of render and brick properties, black weatherboard to the garages and ivory painted brickwork. The frontage of the site, viewed from Barton Road, is designed to mirror the gateway buildings at the main southern entrance to the development. The existing village green area would remain and additional landscaping is proposed along this street elevation. On the roundabout, the dwellings would be set back from the road frontage with green space to the front. The remainder of this part of the site lies opposite the existing dwellings within the development.

The northern parcel comprises two blocks, two storeys in height. The buildings are designed with a hipped roofline and rendered and painted brickwork walls together with design features such as a projecting tile course and black painted railings. The roof would be red coloured pan tiles. The external appearance of the buildings are considered to be in keeping with the properties along Mander Farm Road and therefore acceptable.

There have been many objections to the proposed development. Residents have commented that Silsoe should not be subjected to more development and the green open area to the front of the development should remain. However there is outline consent to develop both parcels of land with commercial B1 business units, therefore it was always the intention that these areas would be developed as part of the wider development.

The public orchard area to the northern of the commercial units would be retained.

Overall the proposal is considered to be acceptable in terms of its impact upon the character and appearance of the existing development and Silsoe as a whole.

3. Neighbouring amenity

The proposed dwellings would be set away from the existing residential properties being opposite them and separated by the existing public highway. Given this separation no loss of light or overbearing impact would occur. There would be first and ground floor windows facing the existing dwellings, however the windows would face front elevations which are already within the public domain, as such an element of overlooking already exists.

It is acknowledged that there is currently an area of open space which provides a good outlook for the surrounding dwellings, however as noted above the site already has outline consent for offices therefore the principle of developing this part of the site has already been established. On balance, residential properties of a similar scale and design to the existing are likely to have less impact on amenity than buildings constructed for B1 purposes.

The commercial units and flats would be located adjacent to the properties in Cherry Blossom Close. Nos 15 and 12 would be most affected by the proposal given the proximity of the development, to the side of these properties. The side elevation of block A includes 3 first floor windows that would face towards the rear garden and side elevation of the adjacent dwellings. Block A is located approximately 15m from the boundary shared with the adjacent properties, separated by the existing trees within the Orchard. There would be an element of overlooking towards these properties, however given the distance involved and the existing mature trees, any overlooking is unlikely to be significant.

The access and parking would be to the east of this neighbouring property and therefore some disturbance from comings and goings to the site is inevitable.

While there would be some impact on the amenities of the adjacent properties, the proposal would not result in significant harm in terms of overlooking, overbearing, loss of light and noise. The proposal is therefore acceptable in accordance with Policy DM3 of the Core Strategy.

4. Highway considerations

The proposal meets the parking requirements as set out in the Council's Design Guide for residential and visitor parking. Garages are also to be constructed to the recommended sizes.

Access to the residential part of the site is from Aspen Way with a small private access off Mander Closer serving three of the dwellings. Access to the commercial area would be from the existing roundabout.

There are no objections from a highways point of view and turning/ parking is acceptable.

5. Planning obligations

Under the outline application, S106 contributions were agreed and calculated for

up to 380 dwellings. The applicant has also constructed the community sports building to a high specification to the approval of Central Bedfordshire Council and as part of the S106 terms, will ensure that the sports pitches and lower school approved under the outline are delivered.

The approved dwellings, together with those proposed under this application are well below the 380 dwellings threshold, therefore it is not considered reasonable to seek further tariff based S106 contributions. However as the original S106 agreement was signed in November 2009, there is justification to seek additional contributions towards education given the time that has passed and the increased identified need. The applicant has agreed that a contribution towards early years, lower, middle and upper school provision is not unreasonable and therefore will be included within a new S106 agreement.

Also included with the S106 agreement will be the provisions for the affordable housing requirement. The Parish Council have suggested the inclusion of a clause within the S106 agreement which requires the commercial units to be marketed towards local businesses in the first instance, over a specified period. However it is felt that this arrangement would be too restrictive and therefore should not be included in order to ensure future occupation of the units is given the best opportunity.

6. Any other issues

In terms of landscaping, protection of trees would be required as would additional landscaping along the site boundaries which can be secured via a condition together with details on the landscaping and maintenance of the Orchard area.

Human Rights/Equalities Act

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

Recommendation

That Planning Permission be granted subject to the following conditions, the expiry of the advert in the local press and completion of the S106 Agreement :

RECOMMENDED CONDITIONS / REASONS

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until details of the existing and final ground and slab levels of all buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 3 **No development shall take place until a detailed landscaping scheme to include all hard and soft landscaping and particularly new planting to the eastern boundary of the southern parcel of the site and the eastern boundary of the northern parcel of the site.**

A scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme will be submitted to and approved in writing by the Local Planning Authority with the proposed landscaping scheme. 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 in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 5 Both the residential and commercial development hereby approved shall be constructed in the external materials as set out on the submitted plans unless otherwise agreed in writing by the Local Planning Authority. The development shall accord with the approved details.

Reason: In the interests of visual amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 6
- No A3 use class hereby permitted shall be brought into operation until a scheme for protecting sensitive receptors from food preparation and cooking odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in

accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter unless an alternative scheme has been approved in writing by the Local Planning Authority.

- 7 **No use class (A1, A2, A3 and/or B1) shall be brought into operation** until a scheme for protecting residential dwellings from noise from fixed plant machinery and equipment has been submitted to and approved in writing by the local planning authority. 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: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 8 The commercial premises shall not be used except between 07.00hrs and 22.00hrs Monday to Saturday and 08.00 to 18.00hrs Sundays and Public Holidays, without the prior agreement in writing of the Local Planning Authority.

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

- 9 Deliveries by commercial vehicles to the commercial units shall only be made to or from the site between 07.00 hours and 21.00 hours Monday – Saturday, and between 08.00 hours and 18.00hours Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

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

- 10 **No development shall commence at the site before details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: In the interest of sustainability.

- 11 The proposed development shall be carried out and completed in all respects in accordance with the vehicle access, parking and manoeuvring

areas illustrated on the approved plan SM-N521-SL-01 rev I and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

- 12 Before the premises on the Northern Parcel 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. Unless agreed otherwise with 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

- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the Southern Parcel 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.

- 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.**

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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SM-N521-LP-01, SM-N521-SL-01 REV I, SM-521-MP-01 REV E, N521-204 REV A, SE02 REV A, 20137_03_101 REV I455.C_PL01 REV A, ARD-A.C_PL01 REV A, 3B5P-2B4P_PL01, 453.C_PL02 REV A, 3B5P-2B4P_PL02, 453.C_PL01 REV A, 453.C_PL03 REV A, 411.C-PL01 REV A, 450.C_PL01 REV A, XL-GAR.01.CB REV A, XL-GAR.02.CB REV A, XL-GAR.03.CB REV A, XL-GAR.04.CB, 2BB_PL01, 455.C_PL01 REV A, ARD-

FAR-BESP.C-PL04, ARD-FAR-BESP.C-PL03, ARD-FAR-BESP.C-PL02, ARD-FAR-BESP.C-PL01, BIKA02.e REV D, BIKB01.e REV C, BIKB02.e REV C, BIKA01.e REV C, BIKB.p REV A, BIKA.p REV A

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

Notes to Applicant

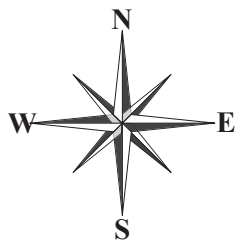
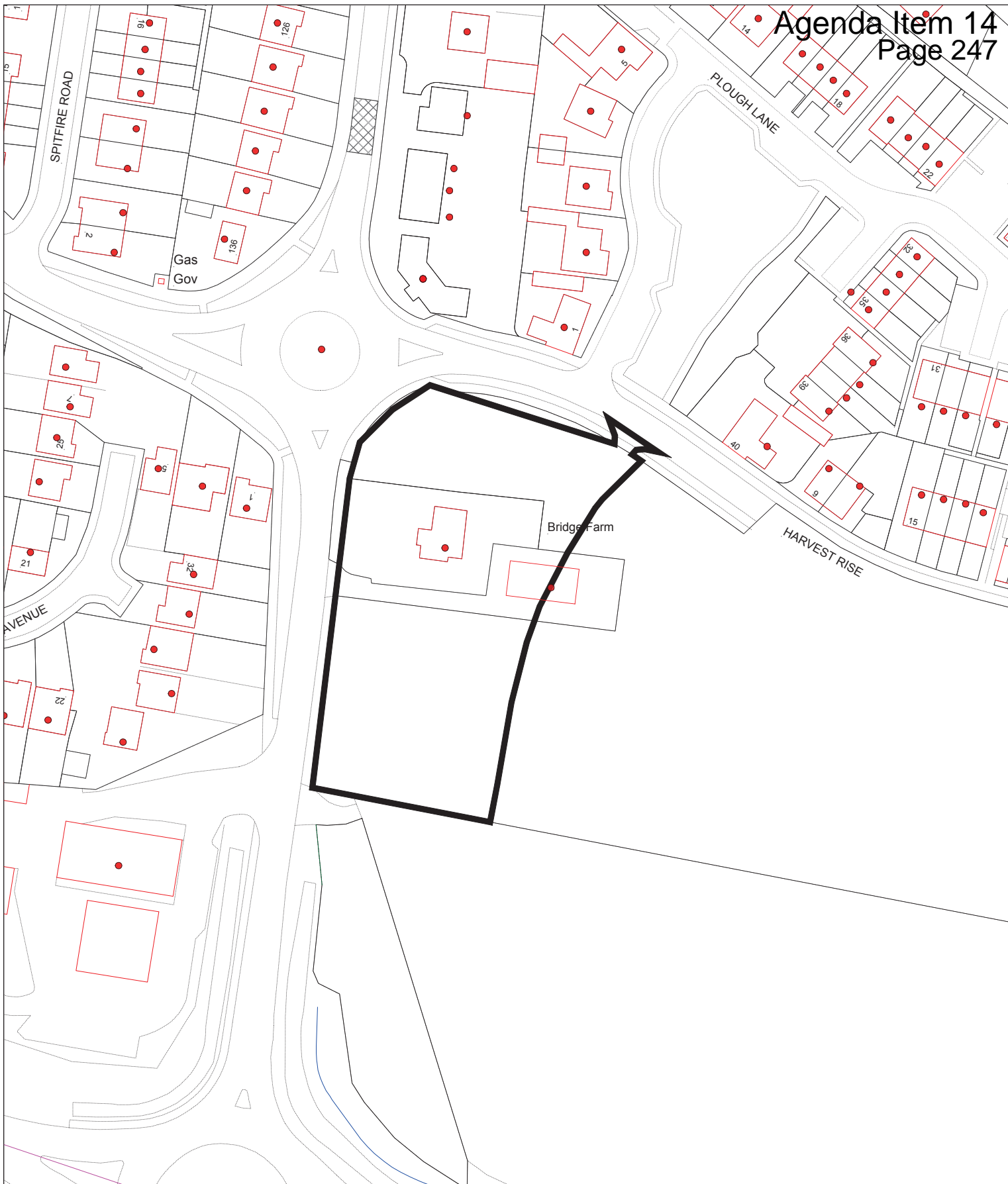
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant 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.
3. 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.
4. 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

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

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

DECISION

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Date: 27:January:2015

Map Sheet No

Application No. CB/14/04324/OUT

Scale: 1:1250

Bridge Farm, Ivel Road, Shefford, SG5 4LA

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Item No. 14

APPLICATION NUMBER	CB/14/04324/OUT
LOCATION	Bridge Farm, Ivel Road, Shefford, SG17 5LB
PROPOSAL	Outline Application: Development of a care home (Class C2) with associated works and site access
PARISH	Shefford
WARD	Shefford
WARD COUNCILLORS	Cllrs Birt & Brown
CASE OFFICER	Samantha Boyd
DATE REGISTERED	07 November 2014
EXPIRY DATE	06 February 2015
APPLICANT	Castleoak Care Developments
AGENT	AKA Planning
REASON FOR COMMITTEE TO DETERMINE	Major Development - Objection from Town Council
RECOMMENDED DECISION	Outline Application - Approval Recommended subject to the expiry of the advertisement in the local press

Reason for recommendation

The proposal is contrary to Policy MA6 of the Council's Site Allocations Development Plan Document (adopted April 2011) which allocated 5 hectares of land at Bridge Farm Shefford for a minimum of 70 dwellings and 2 hectares of employment land to be developed for uses compatible with the neighbouring residential area. However the proposed Care Home is considered to outweigh the departure from policy as it would provide a facility for which there is an identified demand in this location. The proposal would also generate a high level of job provision for the local community. It would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, the proposal is in conformity with Policies DM3, DM4 and CS3, CS5 and CS9 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework.

Site Location:

The Bridge Farm site is located on the southern edge of Shefford. It lies to the north of the A507 and to the east of Ivel Road.

The site forms one part of a larger site allocated for mixed use development for residential and employment. The employment area forms the southern half of the site with the residential area to the north which is currently under construction and partly occupied.

To the west of the site is Ivel Road, one of the main routes into Shefford. On the opposite side of Ivel Road there is existing residential development. This comprises recent and ongoing redevelopment of the former Shefford Town Football Club and

residential development from the late 1990's. On the junction with Ivel Road and the A507 there is a petrol filling station with a small Tesco convenience store.

Immediately to the south of the site is agricultural land separating the site from the A507 which runs in an east west direction around the perimeter of Shefford. To the east of the site and beyond lies agricultural land.

The Application:

The proposal seeks outline consent for a Care Home (C2 Use) of approximately 60 bedrooms together with landscaping and parking. A new access is proposed from the existing residential estate road.

Indicative drawings have been submitted to illustrate the proposed layout. The drawings show the Care Home development as being on 1.2ha of land to the front part of the site (to the west) with parking and landscaping.

While the indicative plans illustrate the proposed scale and design of the proposal, at this stage detailed consent is only sought for access.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 11: Conserving and enhancing the natural environment

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

CS1: Development Strategy

CS2: Developer Contributions

CS3: Healthy and Sustainable communities

CS4: Linking Communities - Accessibility and Transport

CS5: Providing a range of housing

CS9: Providing jobs

CS14: High Quality Development

CS16: Landscape and Woodland

CS17: Green Infrastructure

CS18: Biodiversity and Geological conservation

- DM2: Sustainable construction of New Buildings
- DM3: High Quality Development
- DM4: Development Within and Beyond Settlement Envelopes
- DM9: Providing a range of transport
- DM14: Landscape and Woodland
- DM15: Biodiversity
- DM16: Green Infrastructure
- DM17: Accessible Greenspaces

Central Bedfordshire Council's Emerging Development Strategy 2014

- Policy 38 Within and beyond settlement boundaries
- Policy 43 High quality development
- Policy 30 Housing Mix
- Policy 31 Supporting and ageing population
- Policy 32 Lifetime homes
- Policy 34 Affordable homes
- Policy 58 Landscape

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

Design in Central Bedfordshire (revised 2014)

Planning History

- | | |
|------------------|---|
| CB/12/01123/OUT | Outline Application: Commercial development for B1 office floor space up to 3, 247 sq. metres after demolition of existing buildings at the site with all matters reserved. Granted 29/11/12 |
| CB/12/01125/Full | Erection of 85 dwelling with associated garaging. Granted 29/11/12 |
| CB/14/02182/OUT | Outline: Outline: Proposed mixed-use development on 1.83ha of agricultural land to provide: - up to 49 dwellings, including 17 on-site affordable housing units, together with ancillary car parking, open space and landscaping on 1.34ha; and - a care home on 0.49ha. Refused 16/10/14
Development Management Policies Document 2009. |

CB/14/03159/Full Proposed development to construct 49 no. dwellings, including 17 no. on-site affordable housing units, together with ancillary car parking, open space and landscaping, and associated highway, access and infrastructure works. Refused 18/11/14

**Representations:
(Parish & Neighbours)**

Shefford Town Council	Objection - Inadequate on site parking. Yellow lines should be painted round the surrounding area and enforcement should be in place.
Neighbours	One letter received - Supportive of proposed use of land but do not appear to have addressed detail of parking, layout, landscaping and acoustic fence to reduce noise levels.
Site Notice displayed	20/11/14
Advertised in Press	30/1/15

Consultations/Publicity responses

Social Care and Housing Thank you for providing me with the opportunity to comment on the above planning application. Please find below the views of the Meeting the Accommodation Needs of Older People (MANOP) Team.

Demand
The Council uses the 'More Choice, Greater Voice' forecast model to estimate demand for residential care. According to this model an area should provide 65 residential care home places and 45 nursing care home places per 1000 people over 75. The proposed residential care home falls within the Ivel Valley locality. Ivel Valley covers 8 wards and includes Shefford, Biggleswade, Sandy and Arlesey. According to the model there will be demand for an additional 49 care home places in Ivel Valley by 2020. In addition the Council intends to replace capacity in three homes that it owns within the Ivel valley area. This increases the requirement by 105 places to 154. Currently in Ivel Valley there is one approved planning application for a care home at Kings Reach, Biggleswade but development has not yet commenced. Therefore, notwithstanding the approved home in Biggleswade, we consider that such a scheme would be meet a demonstrable need within the Ivel Valley locality.

Location
The preferred location for residential care homes for older

people is one within an existing settlement that allows for access to community facilities and also for the community to interact with the home. Location can be equally significant in relation to both staff and visitors being able to access the home easily. Therefore the location of a home close to transportation links is to be encouraged.

That having been said we are aware that homes in more rural locations can also be popular and successful but in these circumstances the applicant may need to demonstrate how they will deliver access to the home through the submission of a travel plan.

We are also aware that home operators generally have a preference for homes with a main road frontage in order to create a visible 'presence' for the home and developments which lack this may prove difficult to market.

The proposed care home is part of a wider development area. It appears that the location has good road, cycle and bus links to nearby settlements.

Design and Layout

The Care Quality Commission ensures compliance with physical standards which relate to room sizes, provision of en-suite bathrooms and the amount of communal space. Homes which do not meet these standards will not be registered and cannot operate.

In addition to the legal requirements there are also design and layout options which are considered to be good practice and which should be encouraged.

These include:

- Sufficient usable outdoor space to include areas which can be accessed by people with impaired mobility and used safely by people with cognitive impairments such as dementia.

- Room layouts within the building which lend themselves to people living and being cared for in small groups.

- Communal spaces within the building where private individual and small group activities can take place.

- Corridors are of varying widths and which end with meaningful spaces

- Room doors which are not opposite to each other.

- Maximising the availability of natural light throughout the building

- Low window sills which allow residents who are sitting or lying in bed to see outside.

It should be noted that research into good design for

older people, especially those with dementia is ongoing and we encourage developers to keep abreast of the latest developments and incorporate these into their designs if at all possible.

Many such design matters are very low cost, especially if incorporated into the building at the design or construction stage. We understand that some aspects of internal layout may be outside the control of the Planning Authority but nonetheless would urge applicants for care homes to take into account best practice when designing buildings. Central Bedfordshire Council has produced a summary document to assist with this and copies can be provided on request.

We note that the application is in outline but with plans indicating the design and layout of the proposed building. Having reviewed the submitted plans we would make the following suggestions:

The corridor ends without a quiet room should be modified to provide a small seating area to act as a focal point.

The internal layout should be adjusted if possible to avoid long corridors and a 'tunnel' effect.

The internal layout should be adjusted so that room doors on opposite sides of a corridor do not face each other directly.

Summary

Our view is that the home would be meeting a demonstrable need and is in an acceptable location. The proposed layout meets legal requirements and has some positive design features. We support the application and would ask that the applicant is informed of our detailed comments in the 'Design and Layout' section and requested to consider incorporating them into the scheme which they bring forward for approval of reserved matters.

Internal Drainage Board On the basis that surface water discharge from this development is to be restricted to the equivalent of 3 litres per second per developed hectare, the Board has not further comments to make.

Environment Agency No objections to the development

Highways Officer Thank you for the consultation dated 12th November. I make the following observations on behalf of the highway authority in relation to this application for outline permission for a care home and apologise for the delay in formally responding.

Clearly, given the history of the site there is no fundamental highway objection to the principle of the

proposal.

Although the application is for outline approval the means of access is for determination now with all other matters reserved for subsequent approval.

Despite this the application is supported by a plan for indicative purposes. I can confirm that I am content with the access arrangements together with the level of on site vehicle parking and manoeuvring provision. In this respect the supporting Transport Assessment includes an assessment of the parking demand undertaken using the TRICS database and the parking accumulation assessment indicates that the level of parking provided is sufficient to accommodate maximum demand.

Again, as with the previous application for the mixed use proposal over the entire site, no specific mention has been made to the requirement to provide a pedestrian link and raised pedestrian zebra crossing of Ivel Road between the site and the convenience store south of the site. Whilst I assume that this is a matter that can be detailed at reserved matters stage I have recommended inclusion of a Grampian condition to ensure that the provision is not overlooked between the various applications.

Ecology Officer

I have read through the ecological appraisal and subsequent bat report and I am satisfied that the proposals will not impact on a protected species. I note that a landscaping plan will be submitted and welcome the retention of the existing hedgerow, I would hope to see native species used for the hedgerow to reflect those found locally. The care home itself could also include some provision for biodiversity in the form of 3 integrated bird/bat boxes on the southerly elevation and 2 integral bird boxes on the north western elevation. This would support the NPPF requirement for development to deliver a net gain for biodiversity.

Economic Development
and Regeneration

I welcome the development of the care home and recognise the employment this will create (though I did think it was a 70 bed home) I would note that the reduction in beds would reduce the employment numbers somewhat. (hard to estimate job numbers for care homes but 1 to 1 bed is something I have seen (though could be higher)

I would still wish for an element of employment to be on site, recognising our flexible B and non b space approach, As such, and as previously noted I would support the scheme, if B1 element is taken forward, on the basis that

this does go some way to the equivalence of jobs numbers we discussed. If the B1 (and we can be flexible on design, layout- small units would be better) does not go ahead I would not support.

Local Development
Framework Team

The application site is part of a mixed use site which was allocated to meet the housing and employment needs of Central Bedfordshire. The adopted Plan for the North of Central Bedfordshire, the Core Strategy and Development Management Policies DPD (2009) describes Shefford as a small town which has received a high degree of housing growth. Local employment land provision has not kept pace and a number of employment sites have been redeveloped for housing. The majority of the local workforce therefore commutes out of the town to work. The Core Strategy seeks to redress this balance by allocating mixed use housing and employment sites to help reduce out commuting and make housing growth more sustainable. This approach was also welcomed by the Highways Authority and the Highways Agency in an attempt to reduce traffic generation particularly as the A507 and the A1 which would be impacted by development in this part of Central Bedfordshire. As a result the Core Strategy identifies a need for 2-4 hectares of employment land in Shefford.

In order to meet this employment need, Policy MA6 in the Site Allocations DPD (2011) allocates Land at Bridge Farm for a minimum of 70 dwellings and 2 hectares of employment land to be developed for uses compatible with the neighbouring residential area.

This application concerns the southern part of the land allocated by policy MA6 for B1 employment, with the northern parcel granted planning permission for 85 dwellings under planning application CB/12/02235/FULL.

An outline application for 1.82 hectares of commercial B1 space (CB/12/01123/OUT) was approved in November 2012 for the southern parcel of land which is now being considered in this application. The Section 106 agreement for this application required a three year marketing strategy, and three years have not yet passed. CBC Economic Development has confirmed that there is local need and evidence of demand for employment land and interest in the site from a local business wishing to vacate their current site.

A recent planning application (CB/14/03159) for the land

adjoining this site to the east was refused planning permission for 49 dwellings. The reasons for refusal included that the residential use would result in the loss of a safeguarded employment site which is unacceptable.

Whilst we could be more flexible about the types of employment use on this site providing they are compatible with residential, we do not consider a care home to be suitable alternative as there is evidence that local businesses do want to expand or relocate in this area. Therefore we consider this application is contrary to the Core Strategy and Site Allocations document which are the current adopted plans for this part of Central Bedfordshire. There is local need for employment land in Shefford and as such its loss to a care home should be resisted.

Housing Land Supply Position

The Development Strategy for Central Bedfordshire will be the new Local Plan for the district and will, once adopted, replace the existing suite of documents which make up the current development plan. Until then, the Core Strategy and Development Management Policies DPD (2009) continues to carry weight and should be used when determining applications in the north of Central Bedfordshire.

The Council published its SHLAA and Housing Trajectory in June 2014. The delivery rates within the Housing Trajectory have in the main been supplied by agents and developers and through site visits. There is no reason to assume that these are not a realistic estimate of annual delivery. The latest housing trajectory, available to view of the CBC website, shows that the Council has a 6.21 year supply of housing.

The application states that the provision of the care home would contribute to the Council's 5 year housing supply. The NPPF sets out a presumption in favour of sustainable development. It states that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five years supply of deliverable sites." Evidence shows that the Council can demonstrate a 5 year supply against its up-to-date objective assessment of housing need. Paragraph 14 (bullet 4) of the NPPF should therefore not be engaged and the relevant policies in the Core Strategy should be applied.

For the reasons set out above, we object to the proposal

for a care home on this site.

Public Protection - Noise

A noise assessment had been submitted in respect of the residential part of the site, which identified road traffic noise as the dominant noise source. Therefore I would suggest that the following condition is applied to any permission granted to protect the future occupiers of the care home.

“Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external road traffic noise sources shall not exceed 35dBLAeq, 0700-2300 in any habitable room or 30dBLAeq 2300-0700 inside any bedroom, and that external noise levels from external road traffic noise sources shall not exceed 55dBLAeq 1hr in any outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local planning authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.”

As the proposed care home is to located close to residential property and has a kitchen and plant room shown on the plans I would suggest the following condition to protect occupiers of these residential properties.

“All plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dB below the existing background level (or 10dB below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.”

Noise from construction activities on site is likely to have an impact on residents living near to the development. This aspect should be covered as part of a construction code of practice.

Public Protection
Contamination

- Due to the previous use of the site, and it being the responsibility of the developer to make the site safe and suitable for use, I would expect to attach the following

conditions to any permission granted:

Condition "1"

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 report documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling and adhering to BS 10175.

Condition "2"

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 the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme with 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. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also 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.

Sustainability Officer

Reason: To protect human health and the environment
The proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Resource Efficiency. The proposed development therefore should achieve at least 10% energy demand from renewable sources and meet BREEAM Excellent rating.

I note that the applicants propose to achieve BREEAM very good, however this is below policy standard and I would urge to deliver this scheme to BREEAM excellent standard.

Sustainability Statement provides information on the proposed sustainability measures to be included in the scheme. I would recommend that in addition to the proposed measures, the following issues are included:

- overheating and cooling as part of health and wellbeing;
- passive design to lower energy demand and ensure thermal comfort
- consideration of green roof as part of SuDS / passive design / ecological improvements

The full planning application should be supported by a BREEAM Design stage assessment demonstrating achievement of BREEAM excellent.

Should the planning permission be granted I would expect the following conditions to be attached:

- BREEAM excellent rating to be achieved;
- 10% energy demand of the development to be secured from renewable or low carbon sources.

Tree and Landscape Officer

Proposal is for the demolition of existing buildings and construction of a new Care Home and associated infrastructure.

Supplied with the application is a tree survey that identifies boundary hedgelines and four existing trees on site. The four trees identified include three Yew trees that have been maintained as a clipped feature of the existing site forming an arch to access the existing farmhouse, along with an early mature Walnut that is located

between the Yews. Pre application advice did suggest that it would be positive to try and include these boundary trees as part of any development application, but realistically it would be hard to include them except as a standalone feature. The application proposes their removal.

Hedgelines to the south and west boundary are to be retained and are indicated on supplied survey as having tree protection fencing erected as part of any development. It also states that there is an intention of planting 37 new trees on site and indicates new hedgeline to the north boundary.

As part of any full application we will require full landscape and planting details to include a comprehensive and imaginative selection of trees and shrub planting to compliment the final use of this land. We will look for large specimen trees in suitable areas along with standard tree planting. Species, sizes and densities of planting along with a landscape management plan will be required.

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The effect upon the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. All other matters

Considerations

1. The principle of the development

The adopted Plan for the North of Central Bedfordshire, the Core Strategy and Development Management Policies DPD (2009) identified a need for 2.4 hectares of employment land in Shefford to balance the recent and planned housing growth with the need to provide jobs. In order to achieve the identified growth needs, Policy MA6 of the Council's Site Allocations Development Plan Document (adopted April 2011) allocated 5 hectares of land at Bridge Farm Shefford for a minimum of 70 dwellings and 2 hectares of employment land to be developed for uses compatible with the neighbouring residential area.

Policy CS9 sets out the Council's commitment to providing employment opportunities within the district, near to towns and in sustainable locations. In Shefford, local employment land provision has not kept pace with the housing growth and a number of employment sites have been redeveloped for housing. The majority of the local workforce therefore commute out of the town for work. The Core Strategy seeks to redress this balance by allocating mixed use

housing and employment sites to help reduce out commuting and make housing growth more sustainable. This approach was also welcomed by the Highways Authority and the Highways Agency in an attempt to reduce traffic generation particularly on the A507 and the A1 which would be impacted by development in this part of Central Bedfordshire.

In November 2012 the northern parcel of the site was granted planning permission for 85 residential dwellings, garages and associated works under reference number CB/12/01125/Full. The residential development is under construction and partly occupied.

Outline consent has also been granted for 1.82 hectares of commercial B1 Office space, approved under reference number CB/12/01123/OUT in November 2012 for the southern section of the site which is the subject of this application. The Section 106 agreement for application CB/12/01123/OUT required a three year marketing strategy in order to bring forward occupiers for the site, however three years have not yet passed. In addition, CBC Economic Development has confirmed that there is some evidence of demand for employment land and interest in the site from a local business wishing to vacate their current site. It is felt that while no future occupiers have come forward, the fact that the site has generated interest over the previous two years, potentially an occupier could come forward within the three year marketing period. Paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use should be regularly reviewed and where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

In this case the marketing information submitted by the applicant has been carefully considered. The need to market the site for a reasonable period of time, as set out in the Section 106 Agreement should be balanced against the benefits of proposal and the prospects of the site being used for its intended employment land allocation.

Demand

The proposed residential care home falls within the Ivel Valley locality. Ivel Valley covers 8 wards which includes Shefford, Biggleswade, Sandy and Arlesey.

According to the forecast modelling there will be demand for an additional 49 care home places in Ivel Valley by 2020. In addition the Council intends to replace capacity in three homes that it owns within the Ivel valley area. This increases the requirement by 105 places to 154. Currently in Ivel Valley there is one approved planning application for a care home at Kings Reach, Biggleswade but development has not yet commenced.

Therefore, notwithstanding the approved home in Biggleswade, the proposed scheme would meet a demonstrable need within the Ivel Valley locality.

The preferred location for residential care homes for older people is one within an existing settlement that allows for access to community facilities and also for the community to interact with the home. Location can be equally significant in relation to both staff and visitors being able to access the home easily.

Therefore the location of a home close to transportation links is to be encouraged. Home operators generally have a preference for homes with a main road frontage in order to create a visible 'presence' for the home and developments which lack this may prove difficult to market.

The proposed care home is part of a wider development area. It appears that the location has good road, cycle and bus links to nearby settlements. It is therefore considered to be an acceptable location for a care home. However while there is an identified need for the Care Home and the location is considered to be acceptable, the proposal need to be weighed carefully against the loss of the employment land and the requirements of Policy MA6.

The provision of a care home on the site is not considered to prejudice proposals for B1 uses coming forward on the remainder of the site. B1 use is considered to be compatible with adjacent residential use.

Job provision

The proposed Care Home would provide around 60 full-time equivalent jobs. Although the majority would be on a part time basis (it is estimated there would be 47 part time posts and 38 full time), the proposed care home would provide employment for up to 85 people. Shefford is fairly centrally located within Central Bedfordshire, therefore it is anticipated that the jobs created would provide employment for local residents. However, whilst creating employment, the proposal is not in accordance with Policy MA6 as the proposal does not fall within B1 use class.

Conclusion

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (and Section 70 (2) of the Town and Country Planning Act 1990) requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is outside of any defined Settlement Envelope. Policy DM4 allows for new residential development within Settlement Envelope boundaries in order to protect the character and appearance of the open countryside.

The site allocation is also outside of the Settlement Envelope, however at the time the provision of much needed employment land was considered to outweigh the harm to the character and appearance of the countryside.

The proposal would not be wholly in compliance with site allocation Policy MA6, however the identified need for the provision of residential care places added to the level of employment the care home would provide is a material consideration.

Based on the need outlined above and the job provision, the proposal would result in a benefit to the local economy in terms of job provision and care for the elderly population. This benefit is considered to outweigh any harm to the

character and appearance of the countryside and the non-compliance with Policy MA6.

The proposed Care home is therefore considered to be acceptable in principle

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

As advised above the site is located on the edge of Shefford and outside of the existing Settlement Envelope. However the demand for the care home and the employment opportunity it would provide is considered to outweigh any harm to the character and appearance of the area.

In terms of external appearance of the building, while indicative plans have been submitted, detailed elevations, landscaping and layout would need to be approved at Reserved Matters stage. The site is in a prominent location on the edge of Shefford, as such it is expected that the building would be designed to a high standard and constructed using good quality materials. The building is proposed to be two storeys in height which is in keeping with the scale of the adjacent dwellings.

In principle the proposed care home in this location is not considered to result in harm to the character and appearance of the surrounding area.

3. Neighbouring amenity

The care home would be located to the front of the site adjacent to Ivel Road and on the corner of the junction with the access road into the new housing development to the north.

There are neighbouring residential properties opposite the proposed care home however they are separated by the public highway. The care home building would be visible to these properties however it is proposed to be two storeys in height and therefore would not appear overly dominant. It is acknowledged that the site has outline planning consent for B1 use and therefore potentially there could be commercial buildings in this location.

Detailed plans of the care home would need to be approved at Reserved Matters stage, therefore a full assessment of the impact on neighbouring amenity would be undertaken at this state.

In general the proposal is not considered to result in a significant impact on the amenity of adjacent occupiers.

4. Highway considerations

Given the history of the site there is no fundamental highway objection to the principle of the proposal.

Although the application is for outline approval the means of access is for determination now with all other matters reserved for subsequent approval.

Despite this the application is supported by a plan for indicative purposes. The access arrangements together with the level of on site vehicle parking and manoeuvring provision is considered to be acceptable. In this respect the supporting Transport Assessment includes an assessment of the parking demand undertaken using the TRICS database and the parking accumulation assessment indicates that the level of parking provided is sufficient to accommodate maximum demand.

The previous application for the mixed use proposal over the entire site included the provision of a pedestrian link and raised pedestrian zebra crossing of Ivel Road between the site and the convenience store south of the site. No specific mention has been made to the requirement to provide the crossing in this application. This is a matter that needs to be secured at outline stage, can be detailed at reserved matters stage and Highways have recommended inclusion of a Grampian condition to ensure that the provision is not overlooked between the various applications. The requirement for a safe crossing needs to be secured through this application and should be installed prior to first occupation of the care home.

5. All other matters

S106 Contributions

Given the C2 use of the care home, planning obligations would not be required as set out by the Planning Obligation Strategy.

Ecology

There are no objections to the development from an ecological point of view however a landscaping scheme and provision of bird/bat boxes would be welcomed.

Sustainability

As a care home, the proposal will be designed to meet relevant standards. In order to meet the requirement of Policy DM2 Sustainable construction of new buildings 10% energy demand of the development to be secured from renewable or low carbon sources and BREEAM excellent rating is to be achieved; this can be secured via a condition.

Human Rights/Equalities Act

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

Recommendation

That conditional planning permission be granted subject to the expiry of the advertisement in the local press, for the following reason:

Reason for recommendation

The proposal is contrary to Policy MA6 of the Council's Site Allocations Development Plan Document (adopted April 2011) which allocated 5 hectares of land at Bridge Farm Shefford for a minimum of 70 dwellings and 2 hectares of employment land to be developed for uses compatible with the neighbouring residential area. However the proposed Care Home is considered to outweigh the departure from policy as it would provide a facility for which there is an identified demand in this location. The proposal would also generate a high level of job provision for the local community. It would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, the proposal is in conformity with Policies DM3, DM4 and CS3, CS5 and CS9 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework.

RECOMMENDED CONDITIONS / REASONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development (herein called "the reserved matters") has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

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

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

- 4 **No development shall commence until a scheme of noise attenuation measures which will ensure that internal noise levels from external road traffic noise sources shall not exceed 35dB(A)eq, 0700-2300 in any habitable room or 30dB(A)eq 2300-0700 inside any bedroom, and that external noise levels from external road traffic noise sources shall not exceed 55dB(A)eq 1hr in any outdoor amenity areas, has been**

submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local planning authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.

Reason: In the interest of amenity.

- 5 All plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dB below the existing background level (or 10dB below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.

Reason: In the interest of amenity.

- 6 The Carehome hereby granted permission shall only be used for a use within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (Amended) or as subsequently amended.

Reason: To ensure that the building is used for an appropriate use in the interests of residential amenity and highway safety.

- 7 **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 report documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling and adhering to BS 10175.

Reason: To protect human health and the environment

- 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 the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme with 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. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also 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 No development shall commence at the site before details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed to achieve a very good BREEAM rating. The development shall be carried out as approved.

Reason: In the interest of sustainability.

- 10 The proposed building shall not exceed the height parameters as shown on plan F005 rev D Indicative Scale Parameters.

Reason: In the interests of visual amenity.

- 11 No development shall commence until full engineering details of the access arrangements shown on the submitted plans have been submitted to and approved by the Local Planning Authority and no development approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.

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

- 12 The building shall not be occupied until such time as a raised pedestrian

zebra crossing on Ivel Road has been provided in accordance with details to be submitted to and approved by 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.

13 Notwithstanding the detail shown on the plans submitted with the outline permission hereby approved any submission for approval of reserved matters shall include the following;

- Pedestrian and cycle linkages to existing routes including the provision of a footway along the entire highway frontage of the overall site.
- Vehicle parking in accordance with the councils standards applicable at the time of submission or otherwise agreed by the Local Planning Authority
- Provision for service vehicles to park and turn within the Care Home site
- Cycle parking and storage in accordance with the council's standards applicable at the time of submission.
- Wheel cleaning arrangements.
- Closure of any existing vehicle access within the Ivel road frontage of the site.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times.

14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers F003 rev F, F005 Rev D, Statement of Community Involvement, Arboricultural Survey 30/10/14, Interim Travel Plan October 2014, Bat Survey ref J005527, Flood Risk Assessment ref: 8684, Care Needs Assessment Report October 2014, Waste Management Plan 9V1/24/07/14), Transport Statement October 2014, Extended Phase I Habitat Survey ref J005315, Sustainability Statement July 2014, Engineering Design Philosophy October 2014, Marketing Report October 2014, Quarterly Marketing Update February 2014

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.

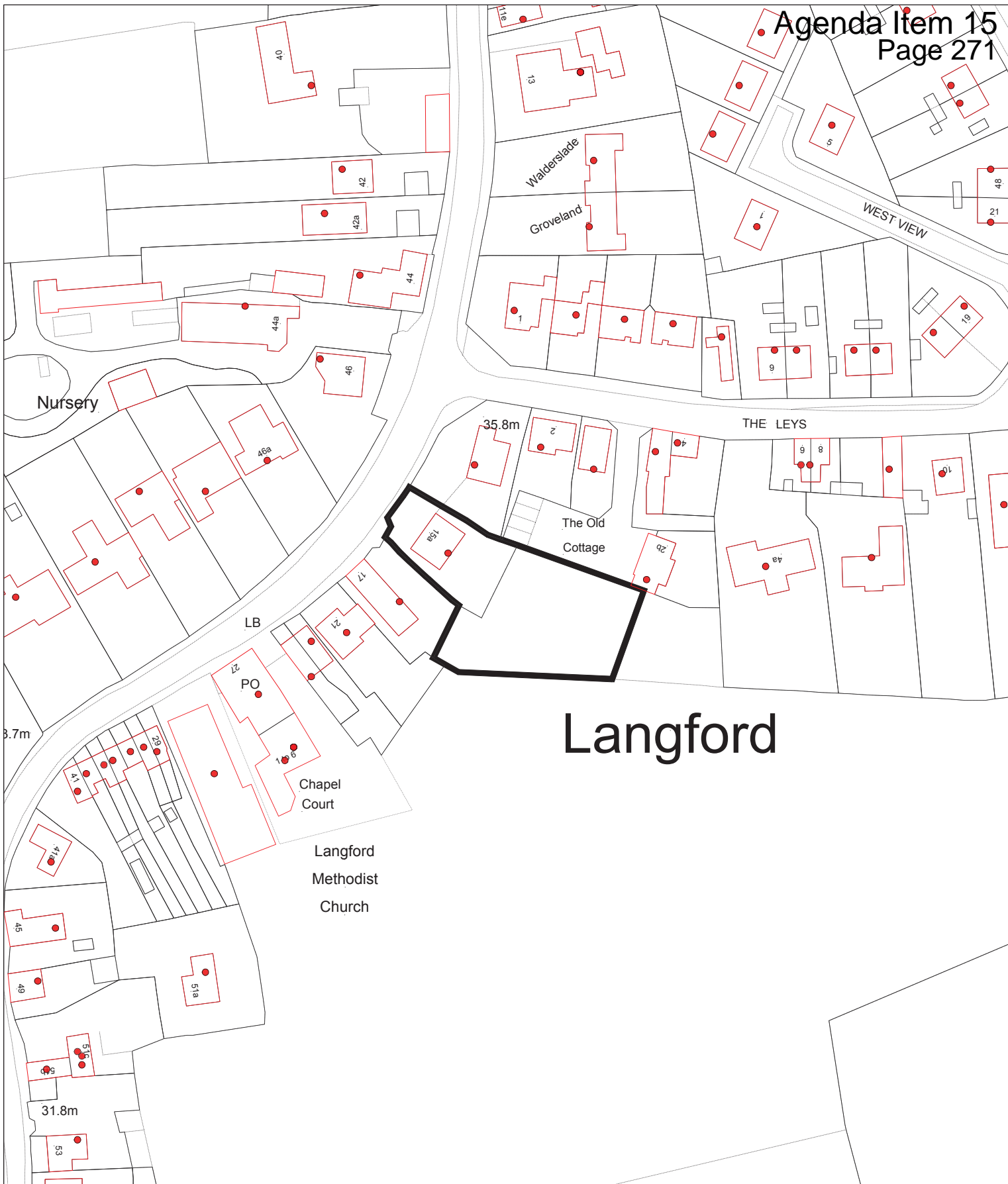
- 2. The applicant is advised that in order to comply with this permission it may be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access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

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

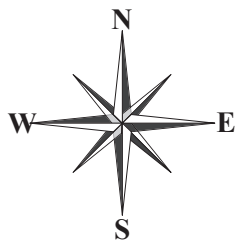
Approval of Planning permission has been recommended for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework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

DECISION

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Langford



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Date: 27:January:2015

Map Sheet No

Application No. CB/14/04856/FULL

Scale: 1:1250

15a High Street, Langford, Biggleswade, SG18 9RU

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Item No. 15

APPLICATION NUMBER	CB/14/04856/FULL
LOCATION	15A High Street, Langford, Biggleswade, SG18 9RU
PROPOSAL	Single & two storey rear extension, garage conversion, & internal alterations.
PARISH	Langford
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Mark Spragg
DATE REGISTERED	12 December 2014
EXPIRY DATE	06 February 2015
APPLICANT	Mr & Mrs J Price
AGENT	Norman Mole Associates
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Gill Clarke on the grounds of overdevelopment
RECOMMENDED DECISION	Full Application - Recommended for approval

Reason for Recommendation:

The proposal would not have a detrimental impact on the existing building or on the surrounding area and would not unduly impact on the residential amenity of neighbouring properties, whilst providing adequate parking provision. As such the proposal is considered in conformity with Policies CS1, DM3 and DM4 of the Core Strategy and Management Policies, November 2009; the Central Bedfordshire Development Strategy (Draft), and The National Planning Policy Framework 2012. It is further in conformity with the Supplementary Design Guide: Design in Central Bedfordshire, 2014.

Site Location:

The proposal site, which is located in the settlement envelope of Langford comprises a two storey 3 bedroom detached house sited towards the front part of a plot which has a rear garden extending to a depth of approximately 40 metres.

To the south of the site is No.17 High Street, whilst to the north is No.15 High Street. The garaging and turning area for properties on The Leys also abut the northern boundary. The flank wall of 2b The Leys adjoins the rear north east corner of the application site.

The Application:

Planning permission is sought to construct a part two storey, part single storey rear extension to provide two additional bedrooms with an en suite on the first floor and an enlarged kitchen and dining room on the ground floor. The extension would project 5.2m at first floor level and 9.8m on the ground floor.

It is also proposed to convert the existing integral garage to provide a gym and toilet.

The application is accompanied by a Design and Access Statement

RELEVANT POLICIES:

National Planning Policy Framework (2012)

7. Requiring good design

Core Strategy and Development Management Policies, November 2009

Policy DM3	High Quality Development
Policy DM4	Development within and beyond settlement envelopes

Development Strategy for Central Bedfordshire

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 Documents (SPD)

Design in Central Bedfordshire: September 2014 A Guide for Development

Relevant Planning History

14/03296	Single and two storey extension, garage conversion. Withdrawn.
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Representations: (Parish & Neighbours)

Langford Parish Council	Object, for the following reasons: - The increased footprint would be excessive and out of keeping with the area. - Impact on neighbouring properties on High Street and The Leys.
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Neighbours	Three letters of objection have been received, from the occupiers of 15 and 17 High Street and 2a The Leys. The comments in respect of the extensions are summarised as follows: - The extensions would dominate the original dwelling. - Out of keeping - Loss of light/privacy to and overbearing on amenities
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of No.17.

- Overbearing on No.15.

- Impact of new garage on the amenity of No.17.

Consultations/Publicity responses

None

Determining Issues

The main considerations of the application are;

1. Design and impact upon the character and appearance of the area.
2. Impact on neighbouring amenity
3. Parking and highway issues

Considerations

1. Design and impact on the character and appearance of the area.

This application follows a previous application for a larger two storey rear extension which was withdrawn.

The two storey rear extension albeit quite a large extension, would be less than the original property and being located at the rear would ensure that the original character of the property would be maintained from the public domain. The single storey extension due to its height and position would also not harm the appearance of the original property, despite its depth. It is proposed that the finish of the extensions and alterations would match that of the existing property. Due to the position of the proposed two storey extension the two storey element would be mostly screened from any views from the north, being obscured by No.15. From the south the impact of the two storey extension would also be minimal due to the set back of the building and the siting of No.17, which currently extend approximately 6m further than 15a. As such it is not considered that the proposal would result in any undue harm to the character of the surrounding area.

The proposed changes to the front of the property, with the replacement of the garage door with render and a new window, are considered acceptable and in keeping with the existing house.

2. Impact on neighbouring amenity

The proposal would provide a single storey extension extending to a depth of 9.8m. Whilst the extension would be large it would be sited approximately 2m from the rear garden boundary of No.15 and at a height of 4m. The two storey element would extend to a depth of 5.2m, and be approximately 5m from the boundary of No.15 and 15m from the rear elevation of that property. Due to the separation distance of the extensions it is not considered that any unreasonable loss of light or amenity to the occupants of No.15 would result. The only

windows proposed in the north facing elevation of the extension would be high level rooflights in the single storey part which would not cause any loss of privacy.

To the south of the site is No. 17 a two storey cottage, which is orientated towards the application site (to the north) and already faces the existing flank elevation of 15a at a distance of approximately 10m. Whilst the two storey rear extension would project a further 5.2m beyond the existing it is considered that due to the separation of the properties the additional projection would not result in any significant loss of light, particularly given the northerly orientation, or appear unduly overbearing. No first floor windows are proposed in the south facing side elevation of the extension. It is not considered that any loss of privacy would result from the proposed new ground floor windows or from the juliet balcony at the rear, however it is considered necessary to impose a condition to prevent use of the flat roofed area beyond.

Whilst comments from the occupants of No.17 have been made regarding the recently constructed detached garage and noise from vehicles using it, the new garage does not comprise part of this application.

The front elevation of 2a The Leys would be approximately 30m from the rear of the proposed extension and as such it is not considered that any loss of privacy or amenity to that property would result.

3. Parking and highway issues

The application site has a minimum of 4 parking spaces and as such there would be no parking implications arising from the proposed extension and loss of the existing integral garage.

Recommendation

That 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 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.

(Policy 43, DSCB)

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (including any Order amending, revoking or re-enacting that Order, with or without modification) no balustrading, or similar means of enclosing any part of the roof area (including any roof void) of the extension hereby permitted, shall be installed, nor shall any part of the said roof area be used as a balcony, roof garden, or similar amenity area without the grant of a further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of the occupiers of adjoining properties.
(Policy 43, DSCB).

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC001 Location Plan, 1417.01, 1417.02.

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

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

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

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