

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

**This meeting
will be filmed.***



**Central
Bedfordshire**

please ask for Helen Bell
direct line 0300 300 4040
date 1 October 2015

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 14 October 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), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, S Dixon, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, I Shingler and J N Young

[Named Substitutes:

D Bowater, Mrs C F Chapman MBE, I Dalgarno, Ms C Maudlin, P Smith, B J Spurr and T Swain]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.

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AGENDA

Welcome

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 16 September 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	<p>Planning Application No. CB/15/01362/OUT</p> <p>Address: Land off Chapel End Road, Houghton Conquest</p> <p>Outline application: of up to 125 dwellings with associated landscaping, public open space and infrastructure with all matters reserved except for access.</p> <p>Applicant: Gladman Developments</p>	15 - 50
7	<p>Planning Application No. CB/15/02273/FULL</p> <p>Address : The Long Barn, Limbersey Lane, Maulden, Bedford MK45 2EA</p> <p>Erection of new dwelling. (Paragraph 55 House)</p> <p>Applicant : Mr Tye</p>	51 - 70
8	<p>Planning Application No. CB/15/02539/FULL</p> <p>Address: Mentmore, 4 Greenfield Road, Pulloxhill, Bedford, MK45 5EZ</p> <p>Erection of detached chalet bungalow, proposed turning and parking area. Dormer windows to rear of Mentmore with parking area to front of property.</p> <p>Applicant: Mr Freeman</p>	71 - 84

18 **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

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Meeting: Development Management Committee
Date: 14th October 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**

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 14th October 2015)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Officer working group reconvened 11/09/15 to tackle all issues (fly-tipping, anti-social behaviour, etc) as well as breaches of planning control.
2	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed - high court challenge submitted	27-Sep-14	Not complied	Prosecution case being progressed. Not guilty plea submitted. Case due to be heard by the Magistrates starting 18/11/2015
3	CB/ENC/12/0174	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 submitted 01/12/14			Await outcome of appeal - Inspectors site visit on 06/08/15
4	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Kingswood Nursery appeal allowed and unauthorised occupier of The Stables dealing with pre-occupation conditions.
5	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15				Unauthorised gates erected on adjacent plot preventing use of authorised access route needs to be removed.
6	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16	Appeal received 18/09/15			Await outcome of appeal.

Planning Enforcement formal action (DM Committee 14th October 2015)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15	Appeal received 05/08/15			Appeal against Enforcement Notice received 05/08/15, await outcome of appeal. Further site visit to be made in relation to compliance with breach of condition notice.
8	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Appeal against Enforcement Notice received 05/08/15, await outcome of appeal. Further site visit to be made in relation to compliance with breach of condition notice.
9	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Site visit being arranged with Planning Officer and Agent to check compliance.
10	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Officer working group reconvened 11/09/15 to tackle all issues (fly-tipping, anti-social behaviour, etc) as well as breaches of planning control.
11	CB/ENC/13/0083	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice - Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15				New planning application received ref; CB/15/03057/Full to retain walls, gates & piers. Legal will wait until application has been determined before considering further prosecution action.

Planning Enforcement formal action (DM Committee 14th October 2015)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
12	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 dismissed	Aug-15		Appeals dismissed. Compliance periods of two months unchanged. Retail and residential use has ceased. Some areas of compliance still outstanding. Awaiting further planning application.
13	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - 1 - Erection of timber building 2 - Material change of use from agriculture to storage of motor vehicles 3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials.	12-Aug-15	12-Sep-15	12-Nov-15				Check compliance 12/11/15
14	CB/ENC/13/0607	Clements End Farm. Clements End Road, Studham, LU6 2NG	Enforcement Notice - Change of use from vehicle repairs to a mixed use for vehicle repairs and vehicle sales.	05-Jun-15	03-Jul-15	03-Sep-15	Appeal received 30/6/15			Await outcome of appeal.
15	CB/ENC/14/0056	5A - 5B King Street, Houghton Regis, LU5 5DS	Breach of Condition Notice - scheme for the parking of vehicles on the site	13-Mar-15	13-Mar-15	13-Apr-15				Site visit scheduled to verify that the approved parking scheme has been implemented.
16	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 dismissed	28-Jul-15		Second storey rear extension required to be removed end September 2015. Site visit to confirm compliance.

Planning Enforcement formal action (DM Committee 14th October 2015)

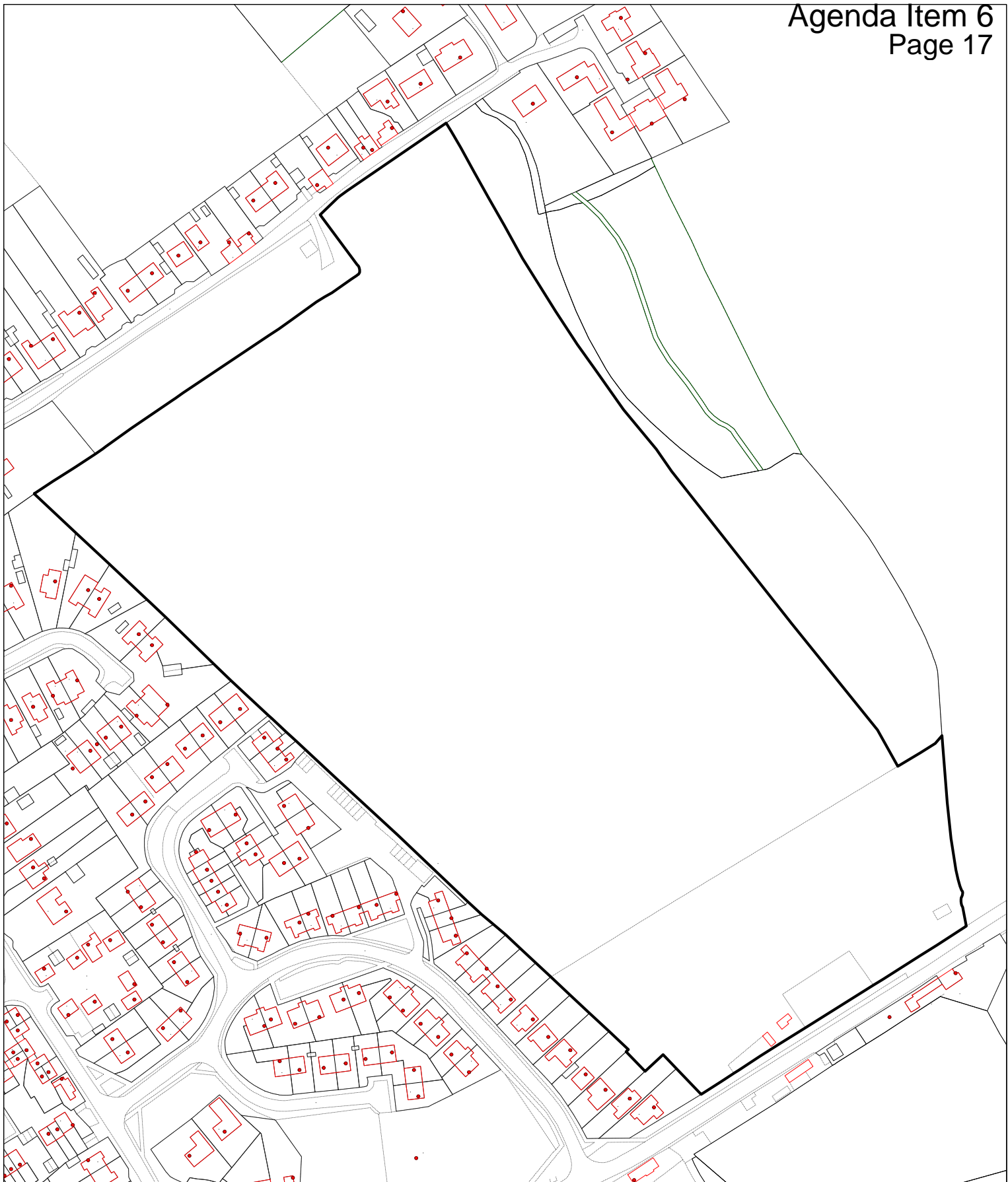
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
17	CB/ENC/14/0360	Land at Glebeland, Sharpenhoe Road, Streatley, Luton, LU3 3PS	Tree replacement notice - Felling of a sycamore tree	03-Oct-14	03-Nov-14	03-Mar-15	Appeal dismissed	08-Nov-15		Appeal against Tree Replacement Notice dismissed and Notice upheld on 08/05/2015, allowing up until 08/11/2015 for compliance.
18	CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Site visit confirms that the notice has not been complied with & the agent & owner have been informed. The agent has now stated that contractors will be instructed to carry out the required work when funds are released as the owner lives in China. The case will be reviewed in four weeks to see if any work has been commenced in compliance with the notice.
19	CB/ENC/14/0372	23 Birds Hill, Heath and Reach, Leighton Buzzard, LU7 0AQ	Untidy Land - S215	21-May-15	22-Jun-15	22-Aug-15				S215 Notice has not been complied with, however the Notice will remain in place but no further action will be taken at this time as the appearance is not considered to be so detrimental as to warrant the Council stepping in and undertaking the works.
20	CB/ENC/14/0376	6 Denbigh Close, Marston Moretaine, Bedford, MK43 0JY	Enforcement Notice - change of use of the Land from a residential dwelling to a mixed use of office and residential	13-Aug-14	12-Sep-14	12-Dec-14	Appeal dismissed	27-Oct-15		Change of use appeal dismissed. Time period for compliance extended to 6 months until the end of October 2015.

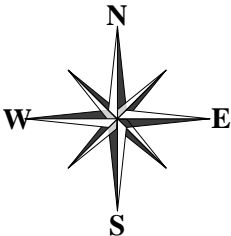
Planning Enforcement formal action (DM Committee 14th October 2015)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
21	CB/ENC/14/0378	25 High Street, Sandy, SG19 1AG	Enforcement Notice - the installation of roller shutters	13-Aug-14	12-Sep-14	12-Oct-14	Appeal decision 23/7/15.	23-Aug-15		Enforcement Notice upheld for front roller shutter. Removal required by 23/08/15. Order for the work to be carried out made and anticipated to be done in the very near future. Review compliance September 2015.
22	CB/ENC/14/0392	Land at 1 Wing Road, Linslade, LU7 2NG	Section 215 notice - untide land and buildings	29-Apr-15	29-May-15	29-Aug-15				Derelict building demolished and so S215 Notice complied with.
23	CB/ENC/14/0414	Land at Asda Store, Church Street, Biggleswade, SG18 0JS	Breach of condition notice - Hours of delivery	10-Oct-14	10-Oct-14	10-Nov-14				Advice from legal that delivery of trolleys does not breach the notice. Notice still in force and will not be withdrawn.
24	CB/ENC/14/0423	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				New planning application received ref; CB/15/03000/VOC, serving breach of condition delayed until application has been determined
25	CB/ENC/14/0485	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		08/04/2015		Ongoing discussions with legal and assets regarding the possibility of Compulsory Purchase.
26	CB/ENC/14/0539	6 Bedford Road, Moggerhanger, MK44 3RR	Enforcement Notice - Materials used affecting the appearance of the dwelling	10-Nov-14	10-Dec-14	10-Jan-2015 & 10-Feb-2015	Appeal decision 23/7/15.	23/01/2016		Appeal decision 23/07/15 - Enforcement Notice upheld, time for compliance extended to 6 months to reinstate brickwork (23/01/16).
27	CB/ENC/15/0046	Running Water Farm, Langford Road, Biggleswade, SG18 9RA	Enforcement Notice - Siting of a mobile home	13-Aug-15	14-Sep-15	14-Dec-15				Check compliance 14/12/15

Planning Enforcement formal action (DM Committee 14th October 2015)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
28	CB/ENC/15/0253	238 Grassmere Way, Linslade, Leighton Buzzard, LU7 2QH	Enforcement Notice - Change of use from amenity land to garden land by enclosure of 2.2m fence	20-Aug-15	20-Sep-15	20-Nov-15				Check compliance 20/11/15
29	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Temporary Stop Notice - Change of use to a travellers site for caravans and the laying of a hardsurface. Injunction served 22nd September 2015.	21-Sep-15	21-Sep-15					Notice ceases to have effect on the 19th October 2015
30	CB/ENC/15/0430	Land Adjacent to, Eversholt Beeches, Watling Street, Caddington	Temporary Stop Notice - Carrying out of Engineering operations on the land	23-Sep-15	23-Sep-15					Notice ceases to have effect on the 21st October 2015



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application NO CB/15/01362/OUT
	Date: 28:September:2015	
	Map Sheet No	
Scale: 1:2500	Land off Chapel End Road, Houghton Conquest.	

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Item No. 6

APPLICATION NUMBER	CB/15/01362/OUT
LOCATION	Land off Chapel End Road, Houghton Conquest
PROPOSAL	Outline application: of up to 125 dwellings with associated landscaping, public open space and infrastructure with all matters reserved except for access.
PARISH	Houghton Conquest
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	Cllr Mrs Barker
CASE OFFICER	Alex Harrison
DATE REGISTERED	13 April 2015
EXPIRY DATE	13 July 2015
APPLICANT	Gladman Developments
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Call in by Cllr Angela Barker – it is not CBC policy to grant housing of this scale outside the settlement envelope unless exceptional. This is also not on our forward plan for future growth.
RECOMMENDED DECISION	Outline Application - Approval

Reason for recommendation.

The Council cannot demonstrate a 5 year supply of deliverable housing, and therefore policies with respect to the supply of housing (including Settlement Envelopes) are deemed out of date as per paragraph 49 of the NPPF. The NPPF (paragraph 14) advises that where the development plan is absent, silent or out of date that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development. For reasons discussed in this report it is considered that, although there are adverse impacts that arise as a result of this development, the proposal does accord with relevant local and national policy in regards sustainable development, and therefore it is recommended that permission be granted.

Site Location:

The application site is a parcel of land located immediately north east of the settlement of Houghton Conquest. It is an undeveloped site of 8.37ha consisting largely of agricultural field. The site abuts Chapel End Road to the south, Mill Lane to the north and abuts residential curtilages of dwellings on Crancott Close, Stanbridge Way and Broadway to the west. The eastern boundary abuts further open countryside.

The Application:

Outline planning permission is sought for the erection of up to 125 dwellings with associated landscaping, public open space and infrastructure. The only matter for

consideration with this application is access and the remaining 4 matters of appearance, layout, landscaping and scale are reserved.

The application is accompanied with a Development Framework plan that illustrates the proposed vehicular access will be provided to the south, off Chapel End Road. A pedestrian and emergency vehicle access is proposed to the north off Mill Lane. The Framework Plan illustrates development will be served off an internal spine road with a number of secondary roads and private accesses shown running from this. Footpath links are indicated within the development and the northern extent of the site indicates that a footpath link will be provided to the existing public right of way.

The Framework Plan sets out area parameters relating to the different land uses proposed. The site is 8.38ha in size and the Frameworks allocates the following areas:

- Residential development area – 4.31ha (providing a density of 29 dwellings per hectare)
- Public Open Space – 3.93ha
- Potential nursery/forest school – 0.14ha

The application was deferred from the Development Management Committee meeting of 16 September 2015 following concerns raised regarding access visibility and the impact on on-road parking on Chapel End Road. Following the deferral of the application the applicant submitted an amended access plan which included a proposal to provide off street parking, within the application site, for the residents of Peveril and Rose Cottage. For clarification purposes the location of the proposed access has not changed. The amended plan is, at the time of drafting this report, under a reconsultation process which will expire prior to the meeting. Any representations received will be included in the late sheet.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

In particular, but not limited to:

Paragraphs, 7, 9, 11, 14, 17 and 49

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS4 Linking Communities - Accessibility and Transport

CS5 Providing Homes

CS6 Delivery and Timing of Housing Provision

CS7 Affordable Housing

CS13 Climate Change

CS14 High Quality Development

CS16 Landscape and Woodland

CS17 Green Infrastructure

CS18 Biodiversity and Geological Conservation

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development
DM4 Development Within and Beyond Settlement Envelopes
DM9 Providing a Range of Transport
DM10 Housing Mix
DM14 Landscape and Woodland
DM15 Biodiversity
DM16 Green Infrastructure
DM17 Accessible Green Spaces

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)
Sustainable Drainage Guidance SPD (April 2014)
The Leisure Strategy (March 2014)
The Mid Bedfordshire Landscape Character Assessment (2007)
Draft Central Bedfordshire Landscape Character Assessment (2015)
Houghton Conquest Green Infrastructure Plan (2010)

Planning History

The Northern extent of the site has been subject to the following previous application.

Application Number	MB/79/01176
Description	Outline Application: Residential development – 6 Bungalows
Decision	Refuse
Decision Date	28.02.1980

The southern extent of the site has been subject to these previous applications.

Application Number	MB/95/00418/FULL
Description	FULL: Continued use of land to graze horses and retention of stables.
Decision	Approve
Decision Date	16.05.1995

Application Number MB/95/01176
Description FULL: Erection of stable.
Decision Approve
Decision Date 01.11.1995

**Representations:
(Parish & Neighbours)**

Houghton Conquest
Parish Council

Green Infrastructure Plan - The proposed area of development has been marked in the Green Infrastructure Plan as an area where there is a 'desire to preserve green space between the village and Wixams'

2011 Census - The planning application suggests that without the development Houghton Conquest will become a retirement village, yet the 2011 census shows that the % of those over 65 is only 1.4% above the national average. It also shows that although a higher than national average % work from home, a higher than national average also use a car to travel to work.

Past Planning Applications - There is a past history of planning applications in this vicinity being refused with one such refusal stating 'the proposed development would constitute an expansion of the village into open countryside'

Approved Applications - There are a large number of existing approved planning applications in the Parish Boundary waiting to be built, as listed below:

- Wixams Main Settlement (Village 2, 3, and 4 within CBC only) – 2,250
- Wixams Southern Extension Allocated MA3 – 1,000
- Wixams Southern Extension, emerging policy 63 – 500
- Land at former Hostel Site (HA6) – 52 (currently being developed)
- Land at Stewartby (HO8(2)) – 120

Further development would be excessive and inappropriate.

The area is outside the village development envelope, and large numbers of residents have already demonstrated a strong opposition in written responses to the consultation,

and in person by attendance and comment at recent Parish Council meetings.

The Parish Council therefore objects to the proposal on the basis it is outside the village envelope and with existing approved applications constitutes over development and a detrimental change to village character.

Furthermore, the Parish Council supports the petition against the development submitted to Central Bedfordshire Council by residents of the Parish.

Neighbours

65 letters have been received. Of these 62 letters have been received raising the following collated objections:

- Access to public transport, hospitals, schools, shopping etc is not viable for such a large development.
- Wixams already provides substantial development and there is no need for more.
- Development is outside the village envelope on a greenbelt site and will result in a loss of agricultural land.
- Development is vast (increase in the size of the village, around 25%) and out of character for the village (numbers quoted in objections range between 630 and 740 existing dwellings)
- Site is prone to flooding.
- Increase in traffic volume will be too large. Roads are not suitable for additional traffic and the village is being used as a rat run and a roundabout needs to be in place before further traffic is encouraged.
- Village school and others are already oversubscribed with pupils taught in temporary classrooms and the applicant's assessment undervalues the anticipated pupil numbers from this development.
- Adverse effect on wildlife that thrives at the site.
- Mill Lane is a rural lane and increased activity on the Lane would be to the detriment of existing residents.
- Public transport system cannot support a worker with a normal 9-5 job and referred to stations are some miles away. Majority of new residents likely to be commuters.
- No certainty over securing contributions for infrastructure.

- Plans submitted show no details of layouts and dwellings, landscape buffer etc.
- Nursery/Forest School is annotated as potential only and not guaranteed.
- The arguments over sustainability of the location of the site as submitted by the applicant are questionable and many are made without evidence.
- It is questionable whether or not the water supply for the village is adequate enough to serve the development.
- There would be noise and disturbance from construction works and noise disturbance from the development once occupied.
- Overlooking to 55 Mill Lane

One initial letter received from the Head teacher of the Lower School who make the following comments:

- The lower school will run out of space by 2016
- School has accommodated previous development which included peoples requiring more needs than anticipated and the school is in the catchment area for new development at Kempston Hardwick and others
- New classroom would be required in September 2016.
- Early Years offering needs expanding so that 4 year olds can be separate from 2 year olds. It is not beneficial to have another nursery competing with the school offering.
- Children could benefit from Forest School facilities

A further letter was receive following the original publication of the report stating:

- The school has accommodated previous smaller developments within the village but that this has challenged the school as families have needed much additional support than anticipated.
- Also as the school has an Outstanding Ofsted graded pre-school we have plans to expand and are willing to provide new places on our site.
- My other question concerns the potential nursery/forest school, this terminology does not really state correctly (is too vague) - what exactly the developer intends. A forest school facility is

something that the current school and Early Years children could access which we would really value and appreciate whilst a nursery is in direct competition to an existing well run council supported setting. 'A Forest School is an innovative educational approach to outdoor play and learning.' The philosophy of Forest Schools is to encourage and inspire individuals of any age through positive outdoor experiences.

- Our school would become a Forest School if we had the facility implied by the developer as well as the training of members of staff. Another school suggests something different again. We need more clarity

One petition has been received containing 353 signatures objecting to the development on the following grounds:

- Development is outside of the settlement envelope.
- Size of development is detrimental to the village which will change the character and appearance of the village and will lose the community.
- No guarantees on the number of houses that could be built.
- Existing roads cannot cope with the extra traffic, farm vehicles use Chapel End Road and London Lane is being used as a rat run.
- Amenities and infrastructure cannot cope with the additional population. Developers do not keep their word on building new facilities.
- The school is full as is local health centres and it has been mooted that Bedford Hospital may close.
- Existing residents want a quiet village life.
- Gladman public consultation was misleading and the proposal shows dwellings 5 metres from existing borders.
- Ecological survey is flawed as it doesn't take account of winter wildlife
- Should not be approved due to an aviation fuel pipe and ancient hedgerow running on Chapel End Road. Water drainage and supply is also an issue.
- Wixams is not yet finished.
- Application is submitted as Central Bedfordshire Council has no 5 year housing land supply.

1 letter of support received.

Consultations/Publicity responses

LDF Team

At the time of writing the Council cannot demonstrate a 5 year supply of deliverable housing and therefore policies in respect of the supply of housing are deemed out of date as per paragraph 49 of the NPPF. In this context, the presumption in favour of sustainable development applies and permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

The 5 year housing supply number is a given but the extent to which the Council can demonstrate it has a robust and defensible position fluctuates for numerous reasons including for example developers changing information about delivery rates and applications taking time to determine. It is therefore always advisable to have a buffer to allow for factors which may undermine the ability of the Council to defend its position. This site will make an important contribution to re-establishing a robust 5 year supply.

Given that the situation is fluid a further update on the 5 year supply will be provided on the late sheet.

Highways

Proposed Parking Standards

Although parking provision does not strictly form part of this outline application, the submitted Transport Assessment states that car parking will be provided based upon the following allocated parking:

- 1 bedroom – 1 space per unit;
- 2 bedroom – 2 spaces per unit;
- 3 bedroom – 3 spaces per unit;
- 4 bedroom – 4 spaces per unit.

Visitor parking will also be provided at a level of 0.25 spaces per unit. Equating this to a notional development of 125 units would result in a visitor parking provision of 31 spaces.

The above level of parking provision is in accordance with CBC's adopted design guidance and is supported by this office.

Transport Policy

A full assessment of the relevant policy considerations has been undertaken to which this proposal accords well. Proposed Development Trip Rates.

In order to determine the likely trip rates associated with the proposed development, an interrogation of the TRICS

database has been undertaken to establish a dataset of comparative sites. This office is satisfied that the dataset used is comparative.

The resultant trip rate data equates to the following traffic generation expected to occur at the site access.

AM Peak (In – 18/Out – 51/Total – 69)

PM Peak (In – 49/Out – 29/Total – 78)

Future traffic has been growthed utilising TEMPRO – this is supported and assessment years being 2014 and 2020. This office notes that we are now in 2015 and as such, this information is out of date and will need updating within the submitted Transport Assessment, however is prepared to accept the figures for assessment purposes due to the recent nature.

Trip Distribution and Assignment

Proposed Traffic Distribution upon the local network has been based upon existing Turning proportions. This is accepted.

The results of the trip assignment and distribution exercise have demonstrated that no junctions within the highway study area are expected reach thresholds where formal operational assessment of the highway network would be required.

Operational junction assessment has been undertaken for the proposed site access junction with Chapel End Road.

The junction has been modelled using the micro-simulation software PICADY (Priority Intersection Capacity and Delay).

The results of the operational assessment satisfactorily demonstrate that the proposed site access junction will operate well within its theoretical capacity limits during both the AM and PM peak hours throughout the assessment period.

Highway Safety

The submitted Transport Assessment has undertaken a review of the most recent 5 year accident data for the study area. This office is satisfied, that any traffic or highways related issues will not exacerbate any existing road safety trends within the vicinity of the site.

Site Access Strategy

The site is to be served buy a singular vehicular access. The proposed access has been designed in accordance

with CBC's adopted Design Guidance and vehicular visibility splays of 2.4m x 90m can be achieved in line with Design Manual for Roads and Bridges.

In line with the above, this office offers no objections to this proposal.

Sustainable Transport

This site links to the existing highway footway network at Chapel End Road and Mill Lane.

Links to the Public Rights of Way network is via FP8 which needs to link to the internal footpath network across the public open space.

Unfortunately there seems no way to link this development directly to the existing settlement at Crancott Close or Broadway which would improve accessibility to the adjacent village settlement.

The 30mph speed limit on Chapel End Road commences to the east of Broadway and this clearly will need to be extended to encompass the access to the new development. The parish council have raised concerns over traffic speeds as vehicles exit and enter the village at Chapel End Road and the entrance to the new development needs to be such that it addresses those concerns seeking a solution that helps slow traffic and also promotes a safe walking route into Houghton Conquest.

Bus stop provision is poor along Chapel End Road and the nearest bus stops exist in the form of flags on lamp columns or on isolated poles only and in my view a contribution should be sought to improve the public transport facilities in Houghton Conquest improving accessibility for non car drivers from this site and to mitigate the impact of the increased traffic through facilitating access to public transport.

Education

No objection on the grounds of education. The middle and upper schools are within Bedford Borough, but are accessible. There are, however, a number of developments in the area, including over the border in Beds Borough, which are placing increasing pressure on Marston Vale Middle and Wootton Upper school, so I would seek financial contributions towards projects to enlarge these schools.

Housing Development
Officer

I support this application as it provides for 35% affordable housing which is in accordance with current policy requirements. The only comment in relation to the proposed is the supporting documents indicate 43

affordable units. We would seek 44 units with the 43.75 units being rounded up to make 44 affordable units from the proposed development. I would like to see the affordable units well dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. I would also expect all units to meet the Code for Sustainable Homes Level 3 and all HCA Design and Quality Standards.

Public Protection

I do not object in principle to the proposed development, but I would ask that the following conditions are imposed on any permission granted.

- 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.
- No burning shall take place on site during any phases of the development.
- During all phases of the development the working hours shall be restricted to:

8 AM till 6 PM Monday to Friday
8 AM until 1 PM Saturdays
and no working at all on Sundays or Bank Holidays and any vehicles arriving at and leaving the site must do so within these working hours.

The Institute of Air Quality Management's "Guidance on the Assessment of Dust from Demolition and Construction (February 2014)" would class the applicant site as large and the sensitivity of receptors in the area as high. The applicant should therefore produce a Dust Management Plan as part of an overall Construction

Management Plan. The applicant is advised to have regard to the Mayor of London's publication "The Control of Dust and Emissions from Construction and Demolition: Best Practice Guidance – Supplementary Planning Guidance July 2014" and in particular to Chapter 5 "Dust and Emissions Control Measures", which are summarised in Appendix 7 of the Best Practice Guidance.

Should you wish to discuss this further please contact me.

Trees and Landscape

No comments received.

Landscape Officer

Landscape character / impact:

The current site is attractive, productive agricultural land with a small proportion of pony paddocks. However, it is well contained by the existing settlement edge and the well established new woodland "Howard Piece" which extends over 2ha to the east. A further new woodland , Conquest Wood has been planted by the FMV to the south of the site, in a position which would help screen views from the Greensand Ridge.

I do not object to the development of the site on landscape terms. However, there are aspects of the Development Framework Plan which I would like to see amended to help protect the amenity of local residents.

The FP does indicate a good proportion of public open space adjacent to the wood, but I would prefer to see an adjusted design which would provide additional planting along the boundary of Chapel End Road and at the site's limited frontage on Mill Lane, adjacent to the emergency access. Existing residents on these lanes will have experienced a rural outlook and I would prefer to see the limited landscape proposals indicated for these boundaries to be strengthened, even if there is a corresponding reduction of the amenity open space.

The proposed main access from Chapel End Road is directly opposite residential properties, which are judged to be highly sensitive receptors. The LVIA states that mitigation is required, but these properties will look out on a roundabout junction, a school building and hard surfaced , lit sports facility.

I would also like the final design to create a sense of place within the Forest of Marston Vale - especially as the site will link two new woodlands. The wayleave over the pipeline creates a greenway without a focal point- it would be important to create a destination for this path! I am not convinced that the development requires a formal square

- a less formal "village green" would be more appropriate.

Tree and hedge planting within the development needs to reflect the Forest and the rural setting - I would hope the development would avoid the current approach using formal railing and ornamental shrubs to define front gardens. Houghton Conquest has a number of picket fences and walling which includes ironstone as well as local brick - including local details in the external works would enhance the development.

If possible, the development could pick up views to the church and the wind turbine. There are magnificent views south to the greensand ridge which should also be exploited.

I have seen the Ecologist's comments on the lighting impact of the MUGA. I also would prefer this area to be transposed with the Forest School, as long as the MUGA can be designed to minimise impact on local residents. It would make sense for a Forest School or Nursery to have direct links to the open space, orchard and woodland.

I am concerned that the development will lead to increased pressure on Howard Piece - the footpath through this wood is very narrow at present. The development will need to contribute to increased management of the woodland and connecting rights of way.

If approved, I would be happy to liaise over landscape proposals – e.g. it would be important to use stock of local provenance. There might also be scope to use hay from Kingswood and Glebe Meadows to provide seed to diversify the amenity grassland.

Ecology

Having read through the ecological appraisal I am satisfied that the proposals would not result in a detrimental impact to biodiversity. A number of recommendations are made at the end of the report.

The Design and Access Statement shows good areas of green space which link into the existing Howard Piece wood and areas of young plantation. Existing trees and hedgerows are to be retained and ecological enhancement in the form of a community orchard, pond and landscaped parkland is proposed.

Focus has been placed on multi-functional habitats which promote open access, such as a woodland trim trail. The site lies within the Marston Vale Community Forest so a greater onus on woodland cover would be expected,

especially by linking trees and GI through the site.

The inclusion of SUDs in the form of a drainage pond could extend further into the development in the form of rain gardens and rills, thus supporting biodiversity throughout the site.

I note that the MUGA is shown on the eastern edge of the site but I would rather this was on the opposite side trading places with the nursery to prevent potential light pollution in to the new woodland / open areas, in accordance with 4.23 of the ecological appraisal.

The NPPF calls for development to deliver a net gain for biodiversity and the CBC Design guide offers suggestions on opportunities for enhancements such as the inclusion of integrated bird and bat boxes. Certainly I would wish to see boxes included at a 1 box: 1 dwelling ratio across the development.

Should planning permission be granted I would wish to see a Construction Environment Management Plan submitted to guide ecologically sensitive clearance of the site and to ensure biodiversity enhancements are delivered.

Sustainable Growth
Officer

The proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Resource Efficiency. These policies were identified by the applicant as relevant to the proposed development in the Planning Statement. The document states that the development has been design to meet the policies' requirements, but does not provide details how the proposed development will meet the requirements.

The proposed development is over the threshold of the policy DM1 to meet the development's 10% energy demand from renewable sources.

Policy DM2 encourages all new development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. The proposed development should comply with the Building Regulations and deliver 10% of its energy demand from renewable or low carbon sources. I would encourage applicant to take a fabric first approach and consider Passivhaus design principles such as optimal solar orientation of dwellings, to lower energy demand before applying renewable energy technologies.

The design of the scheme should consider orientation of dwellings and risk of summer overheating. West facing dwellings/rooms are more likely to overheat and should be avoided or shaded using design features such as overlarge eaves and canopies, use of solar control glazing. Alternatively, shading can be achieved by planting of appropriate deciduous trees which would provide shade in summer and allow the light and heat to penetrate dwellings in winter months when heat gain is beneficial.

Tree planting must be taken into consideration at the initial planning stage of the development to ensure that the spreading roots and canopy with not cause damage to the properties and underground services when the tree reaches maturity. I would advice a consultation with a tree officer to select the most appropriate tree species.

In terms of water efficiency, the development should achieve 105 litres per person per day (requirement of CfSH Level 3/4). The standard could be met through installation of water efficient fittings, such as low flow taps and dual flush toilets. Proposed water harvesting system could help to achieve even higher water efficiency standard. I note that the applicant proposes to achieve this standard through meeting a Level 3 of the CfSH standard. Water butts should be installed to collect rain water and reduce potable water use in the garden.

Planning conditions

I would suggest the following planning conditions to be attached:

- 10% energy demand of the development to be secured from renewable sources;
- Water efficiency standard to be 110 litres per person per day.

Green Infrastructure Co-Ordinator

The proposed development is in conflict with the Houghton Conquest Parish GI plan, which identifies the area as a priority for preserving greenspace between the village [Houghton Conquest] and Wixams. This has been identified by the community as a priority GI aspiration. The Parish GI plan has been endorsed by CBC as something we would use when considering development proposals, and therefore this conflict should be taken into account.

The design of the development, in terms of considering how GI enhancement could be maximised, is inadequate. There is insufficient consideration given to how the site relates to green infrastructure assets in the immediate vicinity. Some consideration is given to the adjacent woodlands at Howard's Piece and Conquest Wood

(which would both be affected by increased visitor pressure as a direct result of the development, and should therefore receive developer contributions to mitigate this impact). However, the location of the site in relation to adjacent Rights of Way has not been adequately considered. Enhanced walking access should be integrated with green infrastructure within the site. Footpaths connect to the site at the north-east corner, but insufficient consideration has been given to how these integrate with routes / paths around the open space area.

The design of the SuDS should deliver multiple environmental benefits, in line with the adopted SuDS SPD. No reference has been made to this guidance, and the proposals for SuDS design are unacceptable, and do not comply with the requirements of the SPD. There is no evidence of appropriate consideration having been given to non-piped transfer or treatment of surface water, nor has there been a genuine exploration of the water management and treatment train. The approach is essentially a pipe and pond solution with the addition of water butts. There is insufficient information on pollution control, and the design of the detention area is not integrated in the design of the wider green infrastructure proposals for the site, which are the other side of the site. The proposals are unacceptable in policy terms.

Countryside Access
Services

A development of this size, with approximately 125 houses, will bring additional pressures to countryside sites in the area, mainly Kings Wood– an ancient semi-natural woodland and Glebe Meadows to the South/South West (approx. 1200m away). both are registered SSSI sites.

CBC's development Strategy includes specific policies to protect, enhance and promote enjoyment of the Public Rights of Way and Countryside Access to sites that has a positive effect on the quality of life and health.

Future maintenance of POS within the development -

- At this stage, we believe it is not a site that fits the criteria for the Countryside Access Service (CAS) to maintain in the future.

If the application is approved, we have no material objection and believe the provision of public open space within the development is well provided.

Leisure Officer

The MUGA should address the outdoor sporting requirements

A local area for play or LAP is 100sqm with 3 pieces of

equip for 3-6yr olds so is not sufficient for 125 dwellings. The Leisure Strategy has moved away from the LAP/LEAP/NEAP age breakdown and tries to create a play facility/ies that serve all ages of children.

If the developer is proposing only one on-site play area then its content will need to be sufficient in quantity and wide enough in age-specific equipment to serve the whole development. (As a guide a LEAP was triggered at 50dwgs; and a LAP at 15dwgs). I would be seeking a play area of approx. 500-600sqm with 4 pieces of equipment for 3-6 year olds plus 7 pieces of equipment for 6-12 yr olds, with safety surfacing and ancillary facilities part of the scheme.

Public Art

With reference to CBC Development Strategy Policy 43 High Quality Development:

11.26 The Council recognises the important role that public art plays as part of wider public realm improvements in the creation of local distinctiveness. Accordingly the Central Bedfordshire Design Guide sets out the councils approach to delivering Public Art. The Design Guide sets a threshold to include Public Art on public facing developments of over 100 homes or 1000 square metres and requests that developers and promoters of projects produce a Public Art Strategy for sites to be agreed with the Council.

The Central Bedfordshire Design Guide provides extensive guidance on the opportunities for the inclusion of Public Art within developments and process for achieving this:

Central Bedfordshire Council actively encourages the integration of Public Art into new developments across the area. It is the Council's preference that developers and promoters of projects should take responsibility for the funding, management and implementation of Public Art either directly or through specialist agents, in consultation with Town and Parish Councils and Central Bedfordshire Council.

Public Art must be integrated within development design process at the earliest stages and inform master plans and design briefs. Where possible artists should be appointed as an integral part of the design team. Public Art must be site specific

Given the site context and rich cultural and social history, rural industry, trades and materials - and natural environment resources - there is a wealth of resources to

engender sense of place and local distinctiveness through site specific public art interventions. Public art is also a valuable tool for community engagement, engaging existing communities and new, especially through workshops.

Therefore I recommend that for the Outline application A Public Art Statement is required setting out how public art will be integrated within this development and describing: Nature and purpose of public art interventions are described.

Relationship with site; preferred locations including buildings and spaces (these can be identified in layout plans)

An outline public art brief explaining how artists will be involved, recruiting process and process for community involvement

The CBC Design Guide provides full guidance on opportunities and process for including public art but please do contact me if you have any queries or wish to discuss further.

Sustainable Urban
Drainage (SuDs)
Management Team.

We recommend that this proposal be refused due to insufficient detail being provided regarding the management of surface water from the proposed development.

Reason

We agree that the principles of surface water drainage have been sufficiently addressed for the outline application and we also agree that the final design, sizing and maintenance of the surface water system can be agreed at the detailed design stage. However, we have some significant concerns with the calculations submitted and cannot recommend a condition until we are satisfied that the design will be based on evidence resulting from the correct methodology for calculating the proposed run off rates and attenuation storage.

Table 4 (Section 6.2 of the FRA produced by Hydrock) identifies that post development run-off will be restricted to the Qbar rate for the site (15.6 l/s), based on the developable area of 4.31 ha (including gardens etc). However, Table 5 (Section 6.6) calculates the attenuation volume for the 1:1yr, 1:30yr and the 1:100yr+CC based on the impermeable area only (2.37 ha). This is not appropriate. The proposal will therefore only attenuate for the impermeable area of the development whilst discharging at a rate based on the impermeable and

permeable areas of the site, resulting in an increased volume of surface water leaving the site than does at present. The allowable discharge post development should be based on the greenfield run off rate for the positively drained area only (i.e. the area that enters the drainage system and is attenuated), otherwise the run-off from the difference in areas is double counted and may result in an increased risk of flooding from surface water. This is not acceptable in terms of the requirements of the National Planning Policy Framework and supporting Technical Standards for Sustainable Drainage Systems.

This risk is further exacerbated by a known issue of flood risk downstream to the proposed development site and our recommendation for refusal takes into account the significant effect on the likelihood and consequence of flooding at this location if surface water management of the developments is not appropriately designed.

In order to be deemed acceptable the proposal needs to demonstrate that the discharge rates and volumes from the site do not increase post development across all modelled storm events (i.e. Qbar, 1:1yr, 30yr, and 100+CC). The proposed discharge rate should be based on the same area that is to be positively drained and therefore attenuated. If the proposed discharge rates are based on the developable area, this assumes the entire area will be positively drained. For this reason the maximum attenuation storage volume should be calculated based on the run-off for the entire developable area (albeit considering the different rates/volumes from the permeable and impermeable areas which discharge to the system). If only the impermeable areas are proposed to be positively drained then the allowable discharge rates must be amended to reflect this area only (which in turn will have a knock on impact on the attenuation storage requirement).

Additional advice

Further to the above, Section 3 of the FRA explains the existing flood risk downstream of the site in more detail and states that surveying should be undertaken at the detailed design stage to establish the condition of the receiving watercourse and whether any improvements can be made to reduce the risk of flooding. We therefore recommend that this be made a priority and if the watercourse is found to be unsuitable in any way that betterment be provided in order to mitigate future risk to the site as well as to the downstream properties. This may include an appraisal of potential alterations to the existing downstream features or structures, or the provision of long term storage on site in order to mitigate

flood risk downstream. Community engage with the surrounding households and land owners may provide additional opportunities to ensure the management of the watercourse is improved in the long term and would also provide transparency on what is a locally sensitive flood issue.

Please note that Land Drainage consent will be needed in addition planning approval in order to carry out any work that is proposed in, over, or adjacent to a watercourse, or which will likely affect the current flow of water in an ordinary watercourse.

Following the submission of clarifying information, it is considered that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage. I will therefore recommend that we remove our objection on the understanding that an enhanced Surface Water Drainage Strategy will be provided, including an associated Maintenance and Management Plan for the proposed drainage system.

Anglian Water.

Raised no objections subject to a condition requiring approval of a foul water strategy.

Forest of Marston Vale

Increasing Woodland Cover

Given the application site has wooded boundaries in the form of hedges and trees, Howard Piece Wood to the east and Conquest Wood to the south the Trust recommends that the developer creates wildlife corridors through the development by planting street trees & hedges and increasing the tree canopy within the site to at least 30% in line with the above policy. Any additional planting should be of native stock and could be purchased through a local charity called the Community Tree Trust which is based in Clophill and collects seeds from native tree stock for growing on and selling to the public and commercial sectors.

Increasing Public Access to Existing Woodland

Howards Piece Woodland is located to the east of the development boundary and is owned by the applicant. A new 18m spur is proposed to link the proposed development to Public Footpath 8 via Howards Piece Wood. Given this woodland was planted with funding from the Forestry Commission and included permissive public access it seems only right that new and existing residents are permitted to utilise the wood as part of the proposed development. The Trust requests that formal public access is dedicated within the woodland that

connects to the development and its proposed trim trail and the existing public footpath.

Conquest Wood

The new residents of the proposed development will benefit from the use of the surfaced paths that exist within the Forest of Marston Vale Trusts site called Conquest Wood, located to the south of the development. The surfaced paths would benefit from an additional layer of granite dust to safe guard continued use throughout all seasons and for the increase in use by the new residents. The benches and picnic tables located within the woodland will also be used by the new residents and with increase in use new structures would be beneficial to new and existing users. Costs for this infrastructure is as follows:

- Conquest Wood path improvement works – 20mm granite dust x 2m wide x 1025m long @ £4.75 lin/m = £4869. Blinding now required to maintain ‘access for all’ standard for increase in footfall.
- Replace existing wooden benches with new @ £300 each to guarantee long term and minimal maintenance seating areas 5 x £300 = £1500.
- Installation of new picnic tables x 2 @ £500 each = £1000

Determining Issues

The main considerations of the application are;

1. The Principle of Development
2. Access and Highway considerations
3. Impact on the character of the area.
4. Impact on the amenity of neighbouring residents.
5. The Benefits of the scheme
6. Planning Contributions
7. The Planning balance.
8. Other matters.

Considerations

1. Principle of Development.

- 1.1 The site lies outside of the settlement envelope of Houghton Conquest and is located in land regarded as open countryside. The adopted policies within the Core strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Houghton Conquest is designated as a large village and Policy DM4 limits new housing development to small scale development. On the basis of this policy a residential proposal outside of the settlement envelope would be regarded as unacceptable.
- 1.2 However, in this instance there are a number of other considerations that have

to be balanced when considering the principle of development. On 29/06/2015 the Council lost an appeal at a site in Langford which is similar in terms considerations into the scale of development and the locational constraints. Part of the conclusions of the appeal decision were that the Council has an undersupply of housing and therefore cannot currently demonstrate a 5 year supply of housing. In these circumstances the National Planning Policy Framework paragraph 49 applies which states that the Council's Housing Policies are not up to date. Paragraph 14 of the NPPF states, among other things, that where the development plan policies are out-of-date, the Council should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

1.3 Therefore the current situation in policy terms is that while it is acknowledged that the proposal would be contrary to policy DM4, this policy has to be regarded as being out of date. In considering the application the Council must weigh any harm from the proposal against the benefits of the scheme and the report will address this matter.

1.4 Looking at Houghton Conquest as a settlement, the village and immediate area provide a number of facilities:

- Lower school with early years provision.
- Shop with post office
- 2x pub/eatery
- Village hall
- Park/play equipment
- Sports pitches
- Skate park
- Allotments.
- Bus route 42 – Bedford to Dunstable. Hourly. (including stops at Ampthill Waitrose and Flitwick Rail Station)
- Middle and upper schools within Bedford Borough but are accessible and there is also pressure on Marston Vale Middle and Wootton Upper school.
- Healthcare is provided in Ampthill which has the nearest GP and dentist, both of which are accepting new patients.
- Consideration should also be given to the proximity of the village to the Wixams development and in particular the future Rail Station, local centre and employment possibilities

1.5 The above list shows that the village itself provides a number of facilities and nearby catchments can accommodate in areas where the village itself does not provide. It is not considered correct to conclude that Houghton Conquest is a sustainable location capable of accommodating growth on the basis of the list above. In order to be regarded as sustainable the village would need to be able to support the infrastructure needs of the existing and the projected population and this is not the case. However, at the same time, taking account of the close location of facilities and infrastructure services it is also considered that it would not be justified to argue that Houghton Conquest is so remote and short of facilities that it would be so unsustainable that it could not accommodate growth

to the extent that the impact would be demonstrably harmful.

- 1.6 In terms of the principle of development, it is acknowledged that the scale and location of the proposal are not considered to be suitable in light of the Council's adopted policies. However, these policies have to be considered out-of-date at this time and therefore unless significant and demonstrable harm can be identified from the merits of this proposal the principle of housing development should be regarded as acceptable.
- 1.7 Reference was made in the September meeting to the presence of a GPSS pipeline running through the site. The applicant has stated that development will consider the constraints associated with such an installation and has indicated on the framework plan that an easement will be provided following the line of the pipe and any crossover will be perpendicular to its route. A consultation has been sent to the Health and Safety Executive for comments and none have been received to date.

2. Access and Highway considerations.

- 2.1 Other than the principle of development, the only detailed matter for consideration is access. The proposal shows vehicular access to be gained at the southern end of Chapel End Road. The Council's Highways Officer has reviewed the proposal having regard to the capacity of the road network against the anticipated number of vehicle movements as well as considerations into parking requirements. The proposed access will create a T-junction arrangement onto Chapel End Road, designed to adoptable standards. No objection has been raised to the proposed access arrangements and it is considered that the design can accommodate the projected vehicle movements associated with the development without harming the existing road network.
- 2.2 The September meeting discussed concerns over the impact of the existing on street parking on Chapel End Road at Peveril and Rose Cottage. There were no objections to this scenario from a highway safety perspective at that time and the amended plan now shows off-street parking provided for these cottage on the other side of the road. This is considered to be an improvement and therefore there continues to be no objection to the proposal. As the parking proposal is within the applicant's site it can be secured by condition and one is proposed as part of the recommendation.
- 2.3 The scale of development proposed is such that the provision of up to 125 houses would impact on highway infrastructure. There will be added strain on the public transport network. The village is served by a regular bus service but the quality of the bus stops is poor. It is felt necessary to require the upgrade of existing bus stops as an improvement to the existing public transport facilities and the applicant as agreed to this. The scheme therefore provides an improvement in this respect that can be secured through a S106 agreement.
- 2.4 Furthermore it is noted that the location of the access is beyond the existing 30mph speed limit signs at the entrance to the village on Chapel end Road. In the interests of the safety of both pedestrian and motorists the appellant is required to finance the relocation of the beginning of the 30mph zone to a suitable location that encompasses the proposed access. This will be secured by way of finance for a Traffic Regulation Order to enable the Council to carry

out the works to the required standard.

- 2.5 Detailed design matters are reserved for future consideration. In terms of parking provision any reserved matters application would be expected to incorporate the recommendations of the Council's adopted Design Guide. This Guide sets out the Council's standards for parking provision and road layout and any submission would be required to be compliant with this document to be considered acceptable.
- 2.6 On the basis of the considerations given above the proposal is considered to propose an appropriate access arrangement on a road network that has capacity to accommodate the levels of growth proposed and therefore it is considered to be acceptable in terms of its impact on the highway.

3. Impact on the character of the area

- 3.1 The Landscape Officer has considered the impact of the scheme and has raised no objections advising that the site is contained by between the settlement extent and new woodland planting to the east. It is noted that the Green Infrastructure Co-ordinator has raised objection principally on the grounds that the development would be on land providing the gap between the village and the Wixams Development. A number of comments have been made regarding the layout of the development but it should be noted that layout is a reserved matter and therefore this level of detail has not been submitted. The site is noted as constituting productive agricultural land with a small proportion of paddocks used for equine activities. On the approach to the village along Chapel End Road, the site is notably visible and currently serves as the immediate open countryside adjacent to the extent of the built village. This would be irreversibly lost as a result of this development and replaced by what would in the short to medium terms, be an extension of the built form into the open countryside. Indicative landscape proposals show that the development would be screened over the long-term.
- 3.2 The loss of landscaping and expansion of the village into the open countryside is considered to result in a harmful impact, however taking account of paragraph 14 of the NPPF, consideration has to be given to whether or not this harm is significant and demonstrable.
- 3.3 As part of the consideration of this application the report will consider the benefits of the scheme (Section 5 and 6) and balance these with the adverse impacts (Section 7) before making a recommendation. The Landscape Officer has not highlighted any landscaping features of significance on the site and noted that the framework proposes additional landscaping. In order to warrant a justifiable reason to refuse the application this consideration will need to be considered in light of whether or not the impact is significant and demonstrably outweighs the benefits of the scheme.
- 3.4 Taking the issue of the impact on the landscape character of the area in isolation. The proposal is considered to have an adverse impact. However, as already emphasised, in this instance this application has to give careful consideration to all issues in light of the advice in the NPPF, notably a presumption in favour of sustainable development.

4. Impact on neighbouring residential amenity.

- 4.1 At this edge of village location, the site is immediately adjacent the rear boundary fences of properties to the south east on Crancott Close, Stanbridge Way and Broadway. There are also residential properties on Mill Lane and Chapel End Road to which the development will be visible. The proposed Development Framework plan indicates that the proposed residential area of the development and areas for play would not be located adjacent the boundaries of the site and that said boundaries would be screened by either existing or proposed planting.
- 4.2 Although detailed design matters are reserved, the information submitted with this application shows that it would be possible to develop the site for up to 125 dwellings without resulting in a detrimental harm to the amenity of existing neighbouring residents by virtue of impact such as overlooking, loss of light or noise disturbance.
- 4.3 In terms of providing suitable level of amenity for potential occupiers, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide and this guide includes recommendations to ensure suitable amenity levels are provided. Therefore it is considered that the adopted policy can ensure that a suitable level of amenity could be provided for new residents.

5. The benefits of the scheme

- 5.1 Paragraph 14 of the NPPF states, amongst other things that there is a presumption in favour of sustainable development, and in terms of determining applications in instances where relevant policies are out-of-date, it means granting planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 5.2 As stated in para 1.3 the relevant CSDMP DM4 is considered to be out of date at the current time. In accordance with the NPPF, consideration therefore has to be given to the perceived benefits of the scheme. The applicant has provided within the Planning Statement a list of the aspects they consider to be benefits of the development. These are:
- The Provision of Market Housing – As a boost to housing supply, ‘with substantial delivery within the next 5 years’
 - The Provision of Affordable Housing – at 35% which amounts to up to 43 dwellings.
 - Transport Improvements – The applicant states that increased patronage resultant from this application would increase the sustainability of the existing public transport system.
 - Economic Benefits and New Homes Bonus – support approximately 114 full time equivalent jobs and eligible for New Homes Bonus of approximately £1.2M.
 - Local Spending Power – through increased residents.
 - Biodiversity and Ecological Benefits – Landscape and Green

Infrastructure benefits through conservation of existing landscaping and proposed landscaping. Attenuation pond will also provide a landscape feature with wildlife value.

- Social Benefit – housing to meet need and support growth aspirations in a location close to key services and facilities.
- Public Open Space – Provision of informal open space and a country park/open space with woodland trim trail.
- Contributions – The applicant is willing to enter in an agreement to provide necessary contributions to infrastructure improvements

5.2 The provision of both market and affordable housing can be regarded as benefits of the scheme. Affordable housing provision is a policy requirement regardless of how it is dressed to be perceived in a submission however there is pertinent case law that also determines such provision should be regarded as a benefit in any case. Consideration should be given to the fact that the provision of housing is a benefit in the contribution it makes to re-establishing the Council's required 5 year housing land supply. There is a policy requirement to provide a mix of housing types and therefore to help secure this it would be reasonable to condition the provision of bungalows as part of any reserved matters proposal should permission be granted.

5.3 The point made by the applicant on transport improvements is considered to be weak and should be given little weight. Increased demand on an existing public transport system can be seen as much as an additional strain on this infrastructure rather than a benefit. The applicant also cites the fact that the highway has capacity to accommodate the development as a benefit which is also a point that should be afforded little weight. However (as stated in paras 2.2 and 2.3) as a result of the consultation with Transport colleagues an identified need to bus stop improvements in the village arose and the applicant has agreed to fund the provision of two formal stops in locations that are currently subject to a sign on a post arrangement. The applicant has also agreed to fund the relocation of the existing speed limit signs on Chapel End Road so that it encompasses the new development. It is the provision of these improvements that should be regarded as a benefit.

5.4 The economic benefits can be given weight as a benefit although the perceived benefit of local spending power is considered somewhat tenuous. Likewise the perceived social benefit case is not made with any notable evidence other than it provides dwellings at a time where the Council has issues with providing the require land supply.

5.5 The extent of landscaping indicatively proposed, including the provision of informal open space and an attenuation pond, along with extent of retained landscaping, is such that the proposal demonstrates the potential to a gain in biodiversity. It is considered presumptuous to state that the additional landscape is benefit to the scheme. The development of the site results in an irreversible loss of existing landscape character. The loss of open countryside is considered to be an adverse impact of the scheme as a matter of principle. The provision of additional planting is principally proposed to mitigate the impact of the increased built form and while this would be achieved in the long term will not be apparent in the short to medium term. While the proposal can be considered to result in a

biodiversity enhancement it is questionable to conclude that the loss of open countryside to residential development with associated landscaping amounts to a landscape benefit.

- 5.6 The provision of public open space is considered to be a benefit to the extent that it caters for a demand born out largely from the scale of development proposed. However it should be noted that a multi-use games area (MUGA) is proposed within the development but this was not listed by the applicant. On the basis that it would be accessible to the community it should be regarded as a benefit.
- 5.7 Contributions are intended to be secured through a S106 agreement and these are considered to be a benefit. Contributions are addressed in the next section to help give clarity as to the extent of contributions sought.
- 5.8 The applicant has also not included the provision for a site for a nursery/woodland school as a benefit to the scheme. It should be noted that the proposal is to provide a site for such a facility and not to provide the facility itself. The provision of a site is supported by the Council's Early Years team although it is acknowledged that it would not be a requirement under the CIL Regs. As a result the provision of such a facility should be considered on its merits as part of the proposal. It is considered that it is acceptable in planning terms and the applicant has confirmed that it would be marketed for development privately rather than transferred as a parcel for land to the Council. Specifics aside, this should be given weight as a benefit to the scheme.

6. Contributions and the S106 agreement

- 6.1 Contributions would be secured through a S106 legal agreement which would specify amounts along with other relevant matters. The content of a S106 agreement, including the agreed financial amounts should be given weight as a benefit of the development.
- 6.2 In terms of financial contributions the Heads of Terms are still in discussion at this point and will be finalised prior to the Committee Meeting with confirmed Heads of Terms to be included in the Late Sheet. Currently the financial contributions as being discussed are as follows:

Sustainable Transport

- £5,000 towards a Traffic Regulation Order (TRO) to reduce the speed limit to 30mph for the extension of the 30mph speed limit adjacent to the site entrance further north on Chapel End Road.
- £44,000 towards the provision of two bus shelters in the vicinity of the site.

Education

- Lower School Contribution – Houghton Conquest Lower School expansion - £288,050
- Middle School Contribution – Marston Vale Middle School expansion - £289,848
- Upper School Contribution – Wooton Upper School expansion - £355,430.40

Leisure

- Contributions will be sought to provide additional gym equipment for Flitwick Leisure Centre. The agreed amount will be proportionate to the anticipated level of use resultant from this development.
- The proposed MUGA is considered to address the outdoor leisure requirements.
- The revised Local Area for Play in accordance with the comments from the Leisure Officer.
- The addition and enhancement of footpaths links within the adjacent Howard Pierce Wood either through agreed sum or an agreed implemented scheme as the developer's cost.
- Contributions sought to enhance nearby Conquest Wood due to increased usage arising from the development. Contributions sought are:
- Conquest Wood path improvement works – 20mm granite dust x 2m wide x 1025m long @ £4.75 lin/m = £4869.
- Replace 5 existing wooden benches costing £300 each to guarantee long term and minimal maintenance seating areas.
- Installation of 2 new picnic tables costing £500 each.

Waste Management Contribution

- £46 per dwelling towards equipping all new residential properties with kerbside and domestic waste/recycling containers.

6.3 As well as financial contributions the S106 agreement seeks to secure other pertinent issues. In this instance the S106 would seek to secure the provision of the open space and future management and to secure the affordable housing particulars including numbers and tenure.

6.4 Following the deferral, comment from the NHS relating to healthcare provision have been sought. At the time of drafting this report there has still been no response received and any that is will be included in the late sheet. The situation regarding healthcare is that the nearest facility, Amptill, is accepting new patients and therefore not at capacity.

7. The Planning Balance

7.1 Paragraph 14 of the NPPF states that, in circumstances where relevant policies have to be considered out of date, planning permission should be granted unless it can be demonstrated that the adverse impacts of a scheme significantly and demonstrably outweigh the benefits.

7.2 The benefits are demonstrated in Section 5 and these should be weighed against the adverse impacts which, in this instance, amount to the encroachment of built form into the open countryside resulting in the irreversible loss of open countryside. The impact of this is harm to the character of the area. If the Council's policies on housing development were considered to be up to date this application would not be supported and recommended for refusal. However at the time of considering this application this is not the case and while it is considered that the impact of the proposal on the character of the open countryside is harmful it is not considered to be to the extent that it would outweigh the benefits detailed above to the extent that planning permission can be justifiably refused.

- 7.3 Although detailed design matters are reserved in this application, the framework plan shows that, indicatively, the development would not have good connectivity to the existing village and would sit somewhat isolated from its built form. As above, although this is considered to be an adverse impact it is still not considered to be to the extent that it would outweigh the benefits detailed above to the extent that planning permission can be justifiably refused.
- 7.4 In spite of the harm that would be caused to the character of the area and the concerns over the detached nature of the development proposed it is considered that the extent of harm caused would not outweigh benefits identified in the report to the extent that it could be regarded as significant and demonstrable. As such, the application is recommended for approval.

Recommendation

That subject to the completion of a S106 agreement, outline planning permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters 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.
- 4 Each reserved matters application for landscaping shall include a scheme showing the areas of open space to be provided as part of that reserved matters application; including any public amenity open space, Local Equipped Areas of Play (LEAP) and Local Areas of Play (LAP). The scheme shall also include relevant details of the location, layout, size, programme for delivery, location and specification of boundary structures, play equipment

and materials. The scheme shall be implemented in accordance with the approved details and the approved programme for delivery.

Reason: To ensure adequate provision of open space and play equipment on site in accordance with policy CS3 of the Core Strategy and Development Management Policies 2009.

- 5 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 6 **No development shall take place until details of the existing and final ground, ridge 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. Thereafter the site shall be developed in 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 (2009).

- 7 No works relating to the construction of the dwellings hereby approved shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 8 No works relating to the construction of the dwellings hereby approved shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who

will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 7.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 9 **No development shall take place until details for the protection of the retained trees and hedgerows during construction in accordance with the Root Protection Areas identified in the 'Arboricultural Assessment' dated March 2015, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. There shall be no built development within the identified Root Protection Areas, branch spreads and tree shadows of the retained trees and hedgerows, in accordance with the Arboricultural Assessment' dated March 2015.**

Reason: To ensure retained landscape features are protected in the interests of ecological preservation and achieving high quality development in the interests of policy DM3 of the Core Strategy and Development Management Policies.

- 10 **Notwithstanding the details in the approved plans, no development shall take place until the detailed design and associated management and maintenance plan for the proposed surface water drainage for the site, based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation for the lifetime of the development.

- 11 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the works shall be carried out in accordance with the approved details prior to the occupation of any dwelling subsequently approved.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.

- 12 The development hereby approved shall include the provision of a minimum of 5 bungalows across the site. These shall be detailed in any reserved

matters application.

Reason: To ensure a suitable housing mix across the development in accordance with policy DM10 of the Core Strategy and Development Management Policies 2009.

- 13 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of an Ecological Management Plan which will guide the ecologically sensitive clearance of the site and ensure the provision of biodiversity enhancements. The development shall then be carried out in accordance with the approved details.**

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

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

Reason: In the interests of sustainability.

- 15 **No development shall commence at the site before a schedule identifying a phase or phases for the provision of public art at the site has been submitted to and approved in writing by the Local Planning Authority. No development shall commence at the identified phase or phases before a Public Art Plan has been submitted to and approved in writing by the Local Planning Authority. The Public Art Plan shall include:**

- **A detailed description of the public art that will be provided at the site.**
- **A timetable for the implementation and completion of the public art at the site.**
- **A brief for the involvement of the artists.**
- **An assessment of the positive impact the Public Art will have on the environment and / or the local residents.**
- **A description of the commissioning and procurement process.**
- **Details for future care and maintenance.**

The development shall be carried out as approved in accordance with the Public Art Plan.

Reason: To ensure that appropriate public art is provided at the site.

16 There shall be no more than 125 residential units at the site.

Reason: To ensure that the site is not overdeveloped.

17 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a scheme to provide 4 off street car parking spaces in a similar manner to that identified on Drawing Number C14615 002 Rev B with direct access off Chapel End Road. The parking spaces should be provided prior to first occupation of the dwellings in accordance with the approved details and should be retained for that purpose thereafter.**

Reason: In the interests of highway safety and convenience in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers GLA21.01 Revision 1, GLA21.02 (insofar as it relates to setting the parameters of proposed land uses) and C14615 002 Rev B.

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

Notes to Applicant

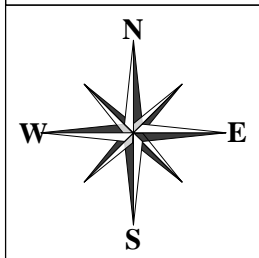
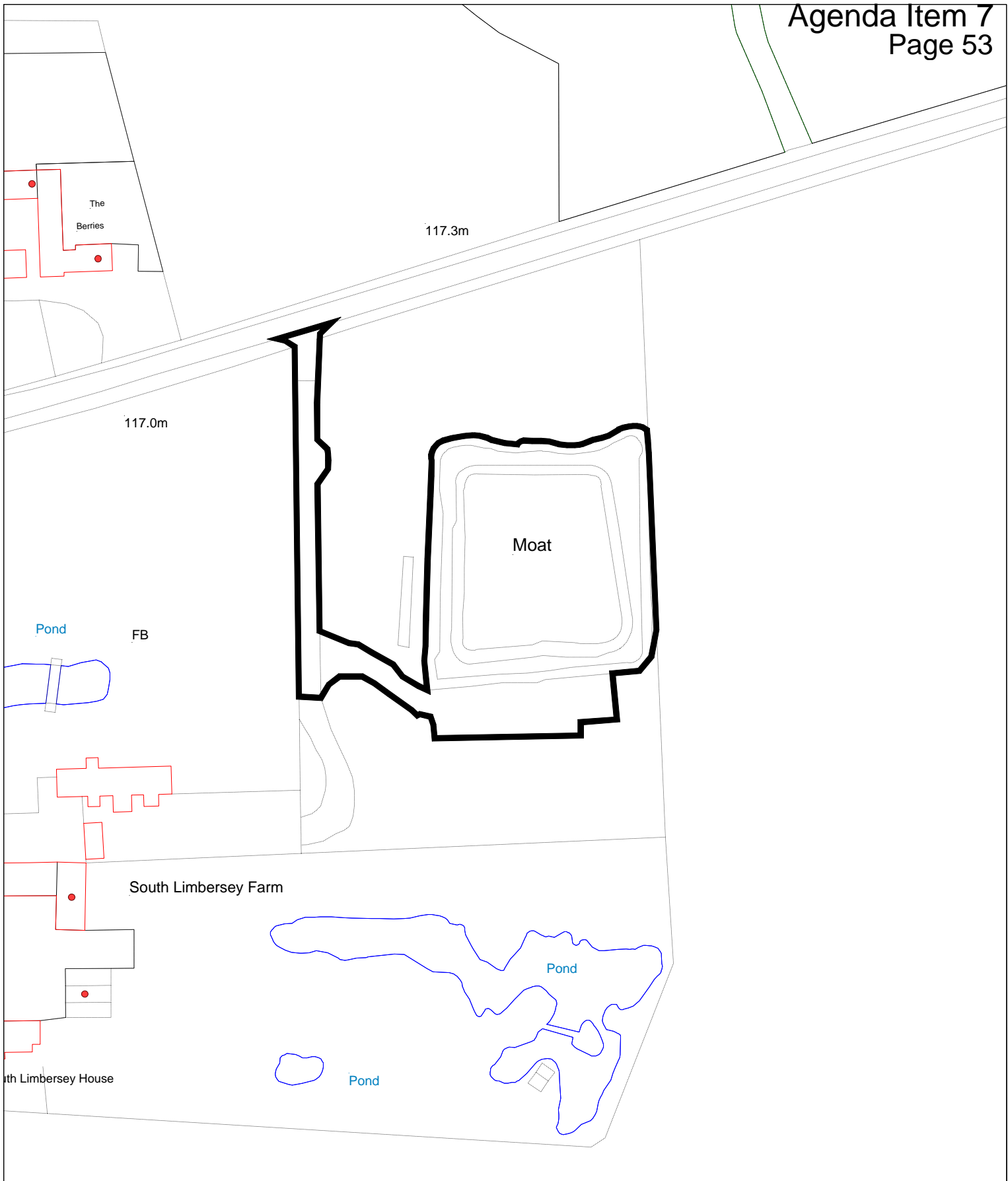
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Condition 10, the applicant is advised to note that the Surface Water Drainage Strategy should comprise, at a minimum -
 - Detailed information relating to the hydro-geological context of the site and site specific investigation results.
 - Details of the proposed development, impermeable areas, peak flow rate and storage requirements with clear methodology.
 - A detailed SuDS design statement.
 - Management of exceedance, climate change and urban creep.
 - How the design meets water quality, ecological criteria and social objectives.
 - A method statement detailing construction of the drainage system.
 - A finalised maintenance and management plan, including details of the responsible body for individual components of the surface water drainage.Detailed plans and drawings (to an appropriate scale and clearly labelled).

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 28:September:2015
Map Sheet No

Application No:
CB/15/02273/Full

Scale: 1:1250

The Long Barn, Limbersey Lane, Maulden, MK45 2EA

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Item No. 7

APPLICATION NUMBER	CB/15/02273/FULL
LOCATION	The Long Barn, Limbersey Lane, Maulden, Bedford, MK45 2EA
PROPOSAL	Erection of new dwelling. (Paragraph 55 House)
PARISH	Maulden
WARD	Amphill
WARD COUNCILLORS	Cllrs Duckett, Blair & Downing
CASE OFFICER	Judy Self
DATE REGISTERED	23 June 2015
EXPIRY DATE	18 August 2015
APPLICANT	Mr Tye
AGENT	Phillips Planning Services Ltd
REASON FOR COMMITTEE TO DETERMINE	The proposed development is in open countryside and therefore is contrary to Policy DM4 of the Core Strategy and Development Management Policies
RECOMMENDED DECISION	Application recommended for refusal

Summary of Recommendation:

The planning application is recommended for refusal as it is considered that the proposal does not fully comply with all the provisions of paragraph 55 of the National Planning Policy Framework (NPPF) which requires proposals to significantly 'enhance its immediate setting' and 'be sensitive to the defining characteristics of the local area'.

It will introduce a new landmark into the Greensand landscape, a building designed to be unique and distinctive. At a height of 17.4m it would be the dominant structure in the locality, in an area where traditional rural buildings are characteristically one or two storey and of traditional style. Whilst it is considered that the proposed dwelling is innovative in its design and represents the highest standards of architecture, in terms of landscape character it would be located within an open field currently devoid of any screening and will be incongruous in short distance views for at least twenty years and would have a significant impact on the character of its immediate setting.

The proposal is therefore contrary to the NPPF (in particular paragraph 55), policy DM4 of the Core Strategy and Development Management Policies (2009) and policy 38 of the emerging Development Strategy for Central Bedfordshire 2014.

Site Location:

The application site is a 2.5 acre field which lies to the east of the Long Barn and the Studio which are currently both within the applicants ownership. The site is outside of the settlement envelope for Maulden. It is not in the Green Belt.

The Application:

The application seeks full planning permission for the erection of a detached dwelling which measures 17.4m in height. There are three levels above ground and a basement which contains a home cinema and gym. Each layer is separated by narrower circulation area containing the central lift shaft and stairs. The roof of the highest floor will accommodate angled photovoltaic and hot water panels. The layout of accommodation is as follows:

Ground floor – main entrance foyer

First floor – the applicants architectural studio, kitchen, living room and dining room

Second floor – four bedrooms and laundry room

Third floor – master bedroom and visitors' bedroom, each with a balcony.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Sets out the Government's planning policies for England and how these are expected to be applied. The NPPF sets out a clear presumption in favour of sustainable development.

Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances.

Core Strategy and Development Management Policies (CS&DMP) - North 2009

CS14: High Quality Development

DM1: Renewably Energy

DM2: Sustainable Construction of New Buildings

DM3 High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape and Woodland

DM15: Biodiversity

Emerging Development Strategy for Central Bedfordshire 2014

Policy 38: Within and Beyond Settlement Boundaries

Policy 43: High quality development

Policy 46: Renewable and low carbon energy development

Policy 47: Resource Efficiency

Policy 57: Biodiversity and Geodiversity

Policy 59: Woodlands, trees and hedgerows

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

No specific planning history

Planning History at The Long Barn, Limbersey Lane:

Long barn

Application Number	CB/14/03867/FULL
Description	construction of new garage and store block
Decision	Granted
Decision Date	10/11/2014
Application Number	CB/13/03727/FULL
Description	Erection of single storey extension to create residential annexe
Decision	Granted
Decision Date	19/12/2013
Application Number	MB/06/01983/FULL
Description	Erection of wind turbine
Decision	Granted
Decision Date	16/02/2007
Application Number	MB/06/01082/FULL
Description	Single storey building for B1 offices. Use of agricultural access to serve B1 offices. Conversion of existing building to residential use
Decision	08/08/2006
Decision Date	Granted
Application Number	MB/05/01443/FULL
Description	Change of use from residential to mixed use to include B1 office space. (retrospective)
Decision	Granted
Decision Date	07/11/2005
Application Number	MB/04/01107/FULL
Description	Provision of new access to field.
Decision	Granted
Decision Date	16/08/2004
Application Number	MB/01/01489/FULL
Description	CHANGE OF USE FROM BARN TO SINGLE DWELLING
Decision	Granted
Decision Date	03/12/2001
Application Number	MB/00/01221/FULL
Description	CONVERSION OF REDUNDANT AGRICULTURAL BUILDING INTO ONE DWELLING HOUSE.
Decision	Granted
Decision Date	31/10/2000

The Studio

Application Number	CB/15/01240/PADO
Description	Prior approval: change of use of office to dwelling
Decision	Approved
Decision Date	21/05/2015
Application Number	CB/13/03729/Full

Description Single storey extension to office
Decision 17/3/13
Decision Date Approved

Application Number MB/06/01082/Full
Description Single storey building for B1 offices; use of agricultural access to serve offices; conversion of existing building to residential use.
Decision Approved
Decision Date 9/8/06

Consultees:

Maulden Parish Council After discussion Maulden Parish Council wish to object to the above planning application on the grounds that is outside the delivery of the village and it is not in keeping with the low level surrounding properties.

Haynes Parish Council No comments received

The Greensand Ridge Trust Objects. Our main objection is on visual/landscape grounds. We also feel that the ecological measures suggested are poorly designed and lacking in real reference to the surrounding environment.

Amphill & District Archaeology & Local History Society Objects on two counts, it interferes with a known archaeological site and it introduces a building of such a proportion and unusual appearance that it would have what we consider an adverse impact on the rural scene.

CPRE Objects on various grounds. Reference are made to Central Bedfordshire's "*Core Strategy & Development Management Policies*" adopted in November, 2009 and central governments National Planning Policy Framework.

- Outside Settlement Envelope - DM 4 & NPPF Para. 55
- Out of Keeping with Local Character & Countryside - DM14: Landscape & Woodland
- Inappropriate to Setting, Sense of Place & Local Distinctiveness - DM3: High Quality Development
- Development Fails to Significantly Protect & Promote Flora & Fauna - DM15: Biodiversity
- Mitigation - Soft Landscape Proposals

CBC Officers:

Highways (Development Management) No objection

Trees & Landscape Officer No objection

Archaeology Officer No objection subject to a condition requiring a written scheme of archaeological investigation

Landscape Officer It is accepted that the Tree House is an innovative design, designed to create a modern contrast with the vernacular style. However, in terms of landscape

character, it will result in the effective loss of the moat, a valuable feature and will be intrusive in short distance views for at least twenty years. Whilst views from the wider countryside will mainly be partial, for the immediate neighbours the visual intrusion will be highly significant.

Ecology Officer

No objection subject to a condition requiring a Great Crested Newt (GCN) survey

Conservation Officer

No objection in principle subject to detailed consideration of materials which can be secured through condition.

Other Representations: 29 letters of support have been received which have been summarised as following (full details will be available on the Councils website):

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Meadowside
Limbersey
Lane, Maulden 2. 9 The Avenue,
Sandy 3. 8A St Johns
Villas, N19
3EG 4. 6 Holland
Road, Ampthill 5. Redhills Close,
Maulden 6. Flitwick Mill,
Flitwick 7. 31 Eagle
Gardens,
Bedford 8. 33 Great
George Street,
Leeds 9. West Park
Farm, Haynes 10. Fusion House,
Aldenham,
Watford 11. (Fusion House
x2 responses) 12. 14 Goodrich
Green,
Kingsmead,
Milton Keynes 13. 15 Bell Yard | <ul style="list-style-type: none"> • Outstanding contemporary design • Celebrates the character of the site • Innovative & clever and sustainable design of exceptional quality • Imaginative • Eco friendly • Visionary forward-thinking, eco-friendly, resource friendly • The design is incredible with fantastic vision • The way that it will become part of the woodland is very clever • It will bring diversity to the landscape and consequently create jobs and investment into the area • Part of the criteria should be local business should be heavily involved in the construction and supply of materials • A great icon for Bedfordshire • Good to see such ambitious scheme being put forward • A positive contribution both to housing in the area, and the image of progressive UK architecture • CBC have been very proactive and forward thinking in their actions in allowing more progressive & sustainable designs in the borough, which this is • Sympathetic with its surroundings • Demonstrates the design qualities required for Para 55 of the NPPF • Screened from neighbouring properties by dense hedgerows • Great project made with clean forms attached with a geometric pattern, reveals itself like a majestic modern tree house • Raises the standard for rural developments |
|--|---|

- Mews, London
 - 14. Valley Barn,
Ashurst,
Tunbridge
Wells
 - 15. Brook Farm,
Salford Road,
Hulcote
 - 16. Flight Design
Projects Ltd,
13a Chapman
Road, London
 - 17. 78 Rupert
Road, Sheffield
 - 18. Urb Alto Sto
Antonio,
Portugal
 - 19. 9 Victoria
Road, Preston,
Lancs
 - 20. 1 Alfred Place,
London
 - 21. Transfomis Ltd,
27 Old
Gloucester
Street, London
 - 22. Reeley Farm,
Flitwick Road,
Maulden
 - 23. 10 Matcham
Road, London
 - 24. 11 Parkgate
Road,
Wallington,
Surrey
 - 25. 34 Whitworth
Way, Bedford
 - 26. 221 Bellenden
Road, London
 - 27. The yews,
Quadring
Road,
Donington,
Spalding
 - 28. Wickham Barn
Station Road,
- Brings a touch of fun, childhood memories but in a very settled and stylish way
 - A mark of beauty for many decades to come
 - This gem deserves to be built
 - Too often unusual architecture is restricted to cities, and the countryside is a neglected area of the expression of architectural concepts

Wickham
Bishops, Essex
29.35 Ermine
mews,
Laburnum St,
E2 8BF

54 objections and 1 comment have been received which have been summarised as following (full details will be available on the Council's website):

1. 1 Harrow Piece, Maulden
 2. 3 Snow Hill, Maulden
 3. 2 Wheatlands Close, Maulden
 4. 3 George Street, Maulden
 5. The Spinney, Limbersey Lane, Maulden
 6. 17 Almers Close, Houghton Conquest
 7. Bury Leys Farm, London Lane, Houghton Conquest
 8. 81 Dunstable Street, Ampthill
 9. 114 West End, Haynes
 10. Chandos Road, Ampthill
 11. The Berries, Limbersey Lane, Maulden
 12. 58 Bedford Road, Houghton Conquest
 13. 6 Lea Road, Ampthill
 14. 76 High Street, Clophill
 15. Davis Farms, Haynes
 16. Barnicles,
- Loss of privacy as it will overlook many of the houses nearby
 - Un-neighbourly, visible and offensive from many local amenity areas
 - The architectural style is out of character and not in-keeping with the surrounding rural area
 - The defining character of Maulden and Haynes West End are two storey dwellings of many architectural styles and an array of agricultural buildings and rural outlooks
 - More in-keeping with an urban area
 - The materials are not sensitive towards the traditional building materials used in the area
 - An eyesore due to its height and location
 - A major visual impact and it will brutally dominate the skyline
 - It looks like a commercial enterprise not a private home
 - It looks like a six storey office building and at 17.4m, is unnecessarily high
 - The proposal equates to 4 double decker buses; 6 storey block of flats or a light house
 - The proposed property would be the highest dwelling in Bedfordshire
 - It will overwhelm and ruin the locality and does not in any way reflect the name tree house which suggests natural materials designed in harmony and with respect to the surrounding landscape
 - It falls into a blot-on-the-landscape category
 - The distant views from long distant paths has been underplayed by the applicant and requires computer generated photomontages
 - It involves development in a "valued" landscape (with specific reference to paragraphs 109 & 113 of the NPPF)
 - Light pollution
 - Glare from the glass and from the solar panels

- | | |
|--|---|
| <p>Haynes West End</p> <p>17. Corner House, Limbersey Lane, Maulden</p> <p>18. Arkle Lodge, Haynes West End</p> <p>19. Northwood End Farm, North Lane, Haynes</p> <p>20. North Limbersey Farm, Limbersey Lane (x 2 responses)</p> <p>21. Appletree Cottage, Haynes West End</p> <p>22. Postern Piece Farm, Bedford Street, Ampthill</p> <p>23. Flat 1, 106 High Street, Kempston</p> <p>24. Reeley Farm, Flitwick Road, Maulden</p> <p>25. Apple Tree Barn, Limbersey Lane (x2 responses)</p> <p>26. Oakwood, Limbersey Lane, Haynes</p> <p>27. 107 Haynes West End</p> <p>28. Oak Barn, Limbersey Lane, Maulden</p> <p>29. 24 Limbersey Lane (x2)</p> <p>30. Roseview, Limbersey Lane</p> <p>31. The Berries, Limbersey Lane</p> <p>32. The bungalow, Grove Farm,</p> | <ul style="list-style-type: none"> • The proposal is contrary to current planning rules • Unacceptable on the footpath and ancient monument site • The application incorrectly describes it as a para 55 house which is incorrect as the dwelling is for mixed residential and B1 office • The building fails to achieve the 4 key areas required to be met by 'NPPF Paragraph 55' • It does not qualify as a Paragraph 55 house as it mixes residential and B1 office space • The landscape assessment failed to consider the seasonal changes on the landscape and has been based narrowly on spring/summer • There are no trees anywhere near the proposed site that would help to hide or conceal it • The timescale for the trees to grow is not short and local people will have to put up with this eyesore before it is camouflaged • If the proposals were on a flat location in a less sensitive location the proposals would be more suitable • In the applicants 'Landscape and Visual Impact Assessment' the use of a camera with a wide angle lens and the merging of several photographs is misleading and greatly under-estimates the visual effect of the proposed dwelling on its immediate surroundings and on distant views from the Greensand Ridge walk, Pulloxhill and the Chiltern Ridge. • Insufficient trees are detailed to enable the creation of a wildlife corridor between Montague and Maulden Wood • I can see no benefit that the building offers and there are no local design features and no local or authentic skills in its structure • The proposal is unlikely to help provide services in a sustainable manner • If this new development is allowed it will set a precedent for other sites in the locality, which are large areas in comparison with their dwelling footprint • Highway safety • The development is in the centre of a Scheduled Ancient Monument and is in an AGLV • Concern over the time taken to update the number of objections. Misleading those interested as to the level of opposition – can there be an audit into this and made public |
|--|---|

- Slip End
33. Medlar House,
59A Kings
Road, Flitwick
 34. Limbersey
Nurseries,
Limbersey
Lane
 35. 256 Turnpike
Drive, Luton
 36. 7 Pine Mews,
Chandos Road,
Amphill
 37. 24 Westell
Close, SG7
6RY
 38. Howcroft,
Amphill
 39. Flitwick Road,
Amphill
 40. Hawthorns,
London Lane,
Houghton
Conquest
 41. 105A Haynes
West End
 42. 119 High
Street, Clophill
 43. 10 The
Moorlands,
Four Oaks
Park, Sutton
Coldfield
 44. 49 High Street,
Clophill
 45. Highfields,
Limbersey
Lane, Haynes
West End
 46. The Bungalow,
Brickhill
Pastures,
Limbersey
Lane (x 3
responses)
 47. 68 Amphill
Road, Maulden
 48. 81 Dunstable
Street, Amphill
 49. Crooked Oak,
Toddington
 50. 44 Amphill
Road, Maulden

- 51. Oakwood,
Limbersey
Lane
- 52. West End Farm
Cottage,
Haynes West
End
- 53. 6 Kenmare
Close, SG1
3XW
- 54. The Croft,
Limbersey
Lane

6 Flitwick Road,
Maulden

Determining Issues:

- 1. The Principle of development (whether the proposed development complies with the Core Strategy and Development Management Policies and National Planning Policy Framework)
- 2. Design and Impact on the character and appearance of the area
- 3. Impact on amenities of neighbouring properties
- 4. Other considerations

Considerations

1. The Principle of Development (whether the proposed development complies with the Core Strategy and Development Management Policies and National Planning Policy Framework)

- 1.1 The main issues to be taken into consideration in the determination of this application is an assessment of the proposal against local and national planning guidance and in particular whether the site constitutes a sustainable location; the impact of the proposal upon the character and appearance of the area and the design and environmental sustainability of the proposed dwelling.
- 1.2 The application seeks full planning permission for the erection of a detached dwelling with office accommodation. The site is outside of the settlement envelope for Maulden. The site is therefore located in the open countryside and some distance from the settlement envelope limit as defined by the Core Strategy & Development Management Policy. In this location Policy DM4 does not permit new residential development unless the proposal complies with other policies in the plan which, for example allow for replacement or agricultural workers dwellings.
- 1.3 The proposed dwelling is not connected with agriculture or forestry or provides for tourist facilities. Whilst there is some provision under Policy CS11 to provide for new small-scale employment allocations in the rural area (where appropriate) the proposal is primarily for residential purposes and this policy is not particularly relevant to the current proposal. Therefore, as the proposal does not comply with another policy of the Core Strategy & Development Management Policies

the application is in conflict with policy DM4.

- 1.4 Whilst the proposal is contrary to local plan policy Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside **unless** there are special circumstances such as:
- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use a redundant or disused building and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling.

The application has been made on the basis that the proposal complies with this paragraph insofar that the dwelling is of exceptional quality and innovative in design terms. This will be assessed below.

2. Design and Impact on Character and Appearance of the area

- 2.1 The number of dwellings approved under paragraph 55 of the NPPF has been very small and the extent to which any particular proposal satisfies the requirements is a matter of judgement. It is clear, however, that the clause is intended only to be satisfied as an exception and should consequently be applied with care to avoid undermining the normal restrictive approach to isolated dwellings in the countryside.

This is an exceptional application for a primarily private dwelling set within a central position on the Greensand Ridge, the escarpment which is the defining landscape feature within Central Bedfordshire. The site is a relatively small meadow, less than 1ha in extent, which is well enclosed by hedgerows on the elevated plateau to the north of Maulden. It lies in open countryside where settlement is dispersed; nearby properties are typically one or two storey and of traditional style. The landscape is highly characteristic of the Greensand, with a mosaic of arable land, grazing pastures and ancient woodland and the "timeless feel" described in the National Character Area report produced by Natural England.

The NCA provides guidance on the conservation and enhancement of the Greensand Ridge, which is identified as a unique landscape in mainland England. Key issues are the importance of safeguarding the undeveloped nature of the skyline, traditional habitats, the relative tranquility and the importance of the area for recreation.

The locality is valued for informal recreation, with Limbersley Lane designated a "Scenic Route" and the public footpath adjacent to the site linking with the Greensand Ridge path and accessible woodland at Maulden Woods.

2.2 Very Special Circumstances

The applicants have put forward, as a very special circumstance, the argument that the building is of exceptional and innovative design, in line with paragraph 55 of the NPPF

The principle of the development and the supporting planning statements submitted refer to the four tests set out in Paragraph 55 of the NPPF which need to be satisfied as an exception to the normal policy restriction on constructing new dwellings in the open countryside. Any building should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

2.3 The proposal should be truly outstanding or innovative, helping to raise standards of design in rural areas.

The design of the tree house is considered to be innovative, demonstrating a new approach to combining a residential dwelling and office accommodation. The use of raised platforms and a central core with exposed steelwork does make for a striking building in the landscape and makes no effort to disguise itself as anything but new and different. Therefore any evaluation needs to take this into account.

Design is subjective and based on personal taste and aesthetics. The proposal as already mentioned is unique, forcing the observer to look question and challenge their own views of design. It is not attempted pastiche nor has it particularly responded to the local vernacular in the use of materials but this does not render it poor design or lowering standards.

The Conservation Officer considers that In terms of design it responds well to its setting respecting the height of the existing trees but with a minimal footprint. It offers a unique and modern interpretation of this historic references of the site and its environs.

2.4 Reflects the highest standards of architecture

The proposal is considered to demonstrate high standards of architecture using high quality materials and construction methods.

2.5 Significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

The Conservation Officer makes comment that at present the site consists of an open field/clearing which does not relate in any specific way to the barn conversion or tells the story of the place and its history. The proposal could be considered to offer a modern interpretation of historic references to the recorded moated manor and its surroundings. The verticality of the proposal which is set within woodland is considered to respond well to the characteristics of its immediate setting. Given the eclectic mix of structures dispersed throughout the Central Bedfordshires landscape such as medieval church towers, industrial structures reflecting past industries and their associated human involvement this will also tell a story of the site and its development.

Whilst the Conservation Officer is supportive of the proposal some concern has been raised by the Council's Landscape Officer with regards to the impact upon the immediate setting and defining characteristics of the local area.

The special circumstances require a dwelling of "exceptional quality or

innovative design" ie "be truly outstanding or innovative and reflect the highest standards in architecture". It is the opinion of the Landscape Officer that there is no doubt that the design meets this aspiration. However, the relationship between the site and the structure is a fundamental aspect of good design and the application does not provide evidence of the design solution evolving with reference to the site and its location, apart from the physical protection of the archaeology of the moat.

It is the opinion of the Landscape Officer that the proposal will result in the loss of the setting of the moat, which is a valuable historic feature. The surrounding flower rich meadow (seeded so a positive recent enhancement) creates a very sympathetic setting and an attractive and an appropriate contribution to landscape character and ecology. The defining characteristics of the area are primarily the variation in landform and land use and the strong wooded horizons but also include the traditional scale and materials used for rural buildings.

The Tree House has been designed as a distinctive contrast to local vernacular. The Long Barn and Studio have strong horizontal lines and are in scale with the site. Inspiration for the Tree House include iconic buildings set within expansive landscapes, including wooded settings. Set within a framework of trees, the Tree House will eventually become a building within a glade, but there is concern whether the site is large enough to create a wooded framework in scale with the innovative design or provide sufficient screening separation for the neighbouring property.

It is noted that the application drawings tend to over-emphasise the screening contribution made by the existing trees and the new planting, with Drawing 1410.02.23 illustrating the Tree House with mitigation at full maturity, after 75 years. At 25 years growth, Drawing 1410.02.22 and the section 02.25 at 15-20 years growth indicates that there will be significant winter impact for at least two decades.

2.6 Proposed mitigation and visibility

The Landscape Officer however is satisfied that the proposals will in time create a sufficient screen to filter views of the building when seen in the wider landscape. Direct views into the site are limited by the strong hedgerow boundary along Limbersley Lane and by the site's position on the plateau. That said the scale and proximity of the building to the adjacent property, South Limbersley House, will mean it will be highly visible as the screen planting is limited by the space available, less than 20m in order to protect the archaeology of the moat, and the timescale required for growth. Existing trees within the neighbours property provide some screening but include some poplar which are of poor quality and short lived.

From limited locations the Tree House would be highly visible eg from Limbersley Lane (viewpoints 21,23 and 24 in LVIA). It would also appear incongruous in views from the footpath beside Montague Wood (vp 13 and 14) and the footpath to the south, particularly during the winter months when trees are bare. There would also be open views from the east e.g. from the boundary of Maulden Wood where footpath and bridleway access points provide clear views to the site. Current views are of the characteristic rural landscape.

2.7 Night time impact

The building has the potential to create light impact, particularly at an unexpected height, but the design includes features to limit this.

Mitigation could be enhanced through the planting of a greater proportion of fast growing species trees which would be removed when the more characteristic species have established sufficiently to filter views.

- 2.8 In conclusion the proposal will introduce a new landmark into the Greensand landscape, a building designed to be unique and distinctive. At a height of 17.4m it would be the dominant structure in the locality, in an area where traditional rural buildings are characteristic. The strong form of the building is softened through the use of patterned, light reflective materials, which could both draw the eye but also help to reduce the scale of the structure. The building would be incongruous in short distance views from areas valued for recreation but over time these views would be reduced to glimpses, particularly during the summer months. The building contrasts with the Long Barn and Studio, where the roof lines and cladding are recessive and the other residential properties in the locality which are traditional in style and scale. The building will be particularly intrusive in the views from South Limbersley House as a result of the immediacy and scale of the development.

The landscape policy for the Greensand Ridge is to conserve and enhance the features which are characteristic or distinctive, which would include the moated site, and the undeveloped vistas which contribute to rural tranquility.

It is accepted that the Tree House is an innovative design, designed to create a modern contrast with the vernacular style. However, in terms of landscape character, it will be intrusive in short distance views for at least twenty years. Whilst views from the wider countryside will mainly be partial, for the immediate neighbours the visual intrusion will be highly significant.

3. Impact upon amenities of neighbouring properties

- 3.1 South Limbersey House which lies to the south west of the site and properties on the other side of Limbersey Lane (The Berries; Oak Barn, Apple Tree Barn, The Spinney, Roseview, Milita, Meadowside, Roseview, The Bungalow) are all located a minimum of 100m from the proposed dwelling

Objections have been received from the occupiers of these properties and their concerns have been noted in this report. With regards to any direct impact upon residential amenity (by way of overbearing impact, overlooking or loss of light) given the degree of separation no significant harm to residential amenity would arise.

54 letters of objection; 29 letters of support and 3 comments have been received from residents of Maulden, Haynes and from the wider area. The letters of support relate to the contemporary design within the setting. The objections have been summarised follows:

- the proposal is a major eye sore and is out of character with the rural area

This is considered in Section 2

- the materials are not sensitive to the traditional building materials used in the

area

This is considered in Section 2

- it is unnecessarily tall

Clarification from the applicant: The site is surrounded on its north and south sides by dense wooded landscaped trees of some mature 17.5-20metres high. The proposals sit just below this to ensure that for the majority of potential long reaching views ensure that the proposals are not seen. This tree cover has been in place for a considerable time, in the majority to the north certainly hundreds of years and is not predicted to change. The proposals are carefully considered in relation to the enhancements of the landscaping within the application site with a mixture of trees surrounding the proposals. The building height is reflective of the existing and proposed surroundings. As the proposals are based on innovative and outstanding architecture that relates to its local distinctiveness of context as well as landscape enhancements (as required in paragraph 55), it is therefore appropriate that the dwelling mimics the surrounding tree height but respectfully remains just below the upper canopy level.

- a period of 20-25 years for the building to recede into the environment is not acceptable or fair

This is considered in Section 2

- light pollution and glare from the glass and from the solar panels

Clarification from the applicant: The building is designed to be reflective of the local landscape by using the reflectivity nature of glass. It is also of note that the building is not completely solid and as such there is also transparency and snapshots of seeing into and through the building that consequently breaks up the impact of mass. In the evening during, just the winter months, there is also 100% perimeter electronic control blinds as shown in the visuals for the proposals internally to the ceiling outer edge to limit light spill. The building will also be specified with movement detection lighting so that most of the areas most of the time (whilst lights may be on through winter) would be off in unoccupied areas (for example the tall circulation core) to again limit light spill.

- it does not qualify as a Paragraph 55 house as it mixes residential and B1 office space

No specific planning or appeal case history could be found which relates to the above. The proposal would be primarily a dwelling and occupied for this purpose although it is noted that new small-scale employment allocations in the rural area have some provision under Policy CS11 of the Core Strategy & Development Management Policies. The number of dwellings approved under paragraph 55 of the NPPF has been very small and the extent to which any particular proposal satisfies the requirements is a matter of judgement. In this particular case given the nature of the business which currently operates at Limbersey Lane is considered to be acceptable.

- the development is in the centre of a Scheduled Ancient Monument

This is considered in paragraph 4.2.

- if approved it would set a precedent for other sites locally

Every application is considered on its own merit in accordance in local and national planning policy.

4. Other Considerations

4.1 Impact upon Highway safety

No objection has been received and as such the proposal is acceptable in this regard

4.2 Impact upon Archaeology

The proposed development site contains the remains of a medieval moat and associated enclosures (HER 220). Under the terms of the *National Planning Policy Framework* (NPPF) this site is a heritage asset with archaeological interest.

This application proposes the erection of a house with a basement and associated infrastructure on the island of the medieval moat. Excavations on settlement moats elsewhere have demonstrated that the islands generally contain the remains of the primary residence and associated buildings. The development proposals also include the planting of numerous new trees; this however is restricted to the area outside the moat.

The impact of the proposed development on the medieval moated site does not present an over-riding constraint on the development. However, if the application is granted consent, the applicant will need to accept that the nature of the proposals are such that it is very likely that a full open area excavation of the moat island will need to be undertaken prior to the development commencing. There will then need to be a full analysis of any archive material generated and the work will have to be published in a recognised archaeological journal.

Whilst the comments are noted from the Landscape Officer the moat only survives as a below ground feature which means that its setting is rather difficult to define and one might argue that it has no setting as such because it is no longer visible. The current proposal will not result in the loss of the moat. It has been designed so that the majority of the monument will remain in tact and the Council can mitigate the development within the moated enclosure.

Unfortunately the quality of the moated site is insufficient to prevent development (it's not designated) and as a consequence there are no reasonable archaeological grounds to refuse the current proposal.

In conclusion no objection has been raised by the Archaeology Officer subject to a condition to secure the archaeological works.

4.3 Financial Contributions

The Ministerial Statement of 28 November 2014 set out the Government's new policy that tariff-style planning obligations should not be sought for certain small

developments (10 dwellings or less or 1,000 square metres of gross floorspace). This is a material consideration of significant weight to be taken into account in decision-making on planning applications.

4.4 **Human Rights issues:**

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

4.5 **Equality Act 2010:**

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

Recommendation:

That Planning Permission be refused for the following reason:

RECOMMENDED REASON

- 1 The application has been submitted under Paragraph 55 of the National Planning Policy Framework (2012) as it is acknowledged that the proposed dwelling falls outside of a defined settlement limit and is not supported in principle by any policy of the Core Strategy and Development Management Policies (2009) and as such contrary to Policy DM4 of the Core Strategy.

Paragraph 55 of the NPPF does permit new isolated homes in the countryside in specific circumstances. Any building should:

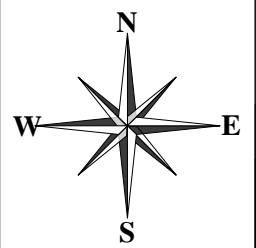
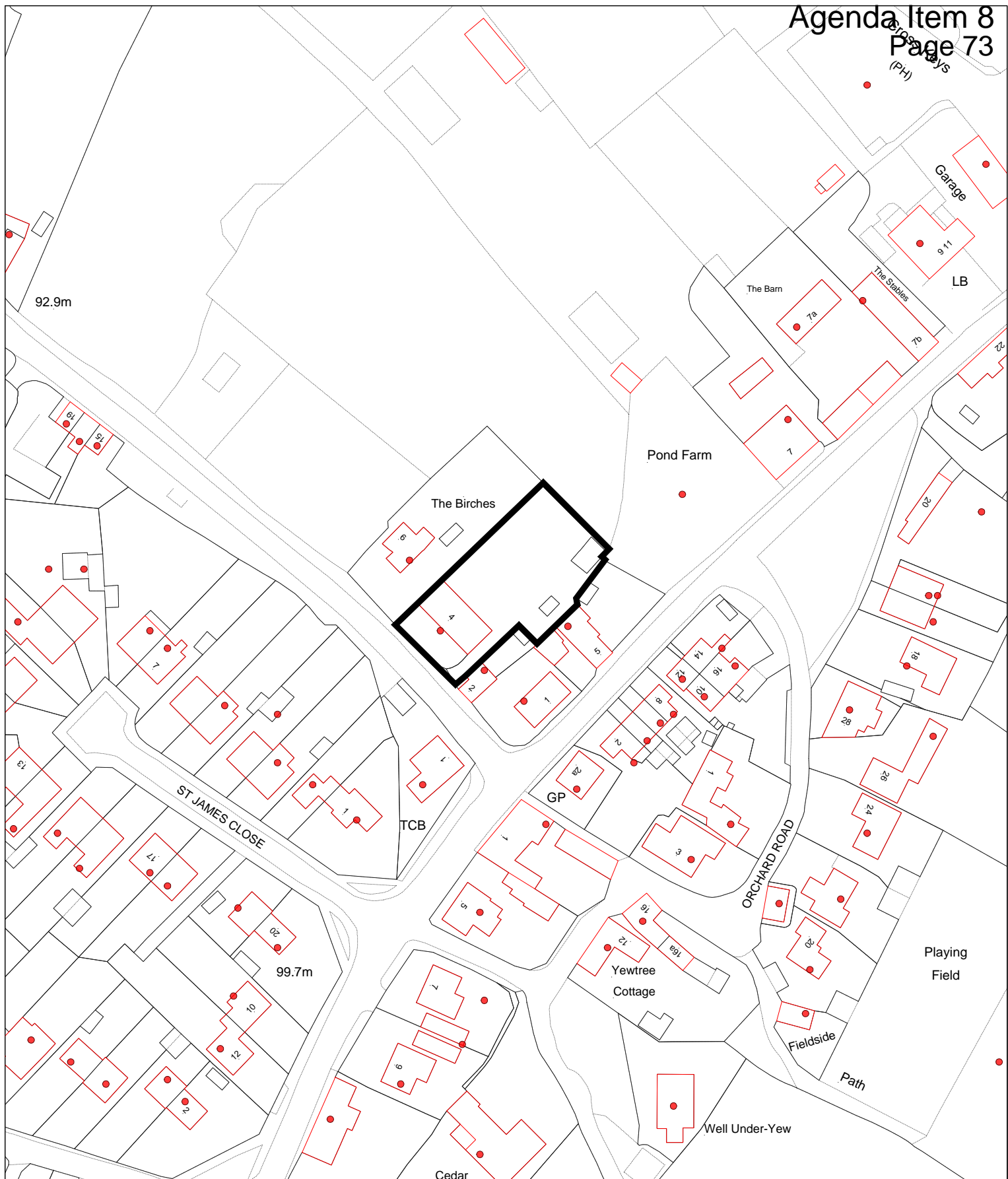
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting;
- and be sensitive to the defining characteristics of the local area.

The proposal will introduce a new landmark into the Greensand landscape, a building designed to be unique and distinctive. At a height of 17.4m and having considerable bulk it would be the dominant structure in the locality, in an area where traditional rural buildings are characteristic. Whilst it is considered that the proposed dwelling is innovative in its design and represents the highest standards of architecture, in terms of landscape character it is considered that the proposal by reason of its excessive height, bulk and siting within the open countryside is contrary to the provisions of Paragraph 55 of the NPPF as it fails to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area and would result in harm to the character and appearance of the area.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

Planning permission has been refused for this proposal for the clear reasons set out in this

decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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Date: 29:September:2015

Map Sheet No

Application No:
CB/15/02539/Full

Scale: 1:1250

Mentomore, 4 Greenfield Road, Pulloxhill, MK45 5EZ

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Item No. 09

APPLICATION NUMBER	CB/15/02539/FULL
LOCATION	Mentmore, 4 Greenfield Road, Pulloxhill, Bedford, MK45 5EZ
PROPOSAL	Erection of detached chalet bungalow, proposed turning and parking area. Dormer windows to rear of Mentmore with parking area to front of property.
PARISH	Pulloxhill
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Judy Self
DATE REGISTERED	28 July 2015
EXPIRY DATE	22 September 2015
APPLICANT	Mr P Freeman
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Jamieson over concerns relating to policy; amenity; highways safety; parking and impact upon the landscape.
RECOMMENDED DECISION	Application recommended for approval

Summary of Recommendation:

The proposed development would be situated within the village settlement envelope and would provide a dwellinghouse with a suitable level of amenity for future occupiers without adverse impact on the local residential amenity or prejudicial impact on highway safety or the character and appearance of the conservation area or the site and setting of the listed buildings. It is therefore in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, DM4, DM13, CS14, CB15 and Emerging Development Management Strategy Policies 1, 43, 38, 45; the Central Bedfordshire Design Guide (2014) and the National Planning Policy Framework (2012).

Site Location:

The application site is located to the northeast of Greenfield Road and comprises a three bedroom bungalow with a detached double garage located to the rear of the site. Access to the east of the dwelling serves the garage and parking area. The access runs adjacent and along the length of no. 2 Greenfield Road. The site falls within the settlement envelope for Pulloxhill and is within the conservation area.

Confirmation has been received from the applicant during the determination of the application that the proposed dwelling would not exceed the height of Mentmore at 7m in height.

During the determination of the application a revised plan was received showing a 0.5m reduction in the height of the proposed dwelling. Also an omitted plan detailing the rear dormer windows to Mentmore was received. All neighbours / Parish were consulted with the submitted details in addition to some clarification over the application description.

The Application:

Following the removal of the garage planning permission is being sought for the following:

- Erection of a two bedroom chalet bungalow (footprint of approximately 103.9sqm) with associated parking provision. The dwelling measures 10.3m x 7m x 6.4m in height. There are 3 x dormer windows one side and 3 x velux windows in the other.
- New off-road parking area in front of the property known as Mentmore (4 Greenfield Road in Pulloxhill).
- 3 x dormer windows to the rear of Mentmore

The proposal has had pre-application advice.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM13: Heritage in Development

Policy CS14: High Quality Development

Policy CS15: Heritage

Emerging Development Strategy for Central Bedfordshire 2014

Policy 1: Presumption in Favour of Development

Policy 43: High Quality Development

Policy 38: Within and Beyond Settlement Boundaries

Policy 45: The Historic Environment

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

There is no Relevant Planning History for 4 Greenfield Road, Pulloxhill

Consultees:

Parish/Town Council	<p>Pulloxhill Parish Council object to the above planning application for the following reasons:</p> <ol style="list-style-type: none">1) Detrimental effect to the street scene on the High Street - The proposed dwelling will be clearly visible from the High Street beyond the walled garden of 5 High Street.2) Detrimental effect to the conservation area - The proposed dwelling will be clearly visible from the High Street conservation area. It should also be noted that 5 & 7 High Street are listed buildings.3) Detrimental effect to neighbouring properties - The proposed dwelling will have a negative impact on the amenity of the surrounding properties, namely 2 and 4 Greenfield Road and 1 and 5 The High Street. This is not replacing a garage with a similar sized structure but a 2 storey house. The impact on the garden of 5 High Street and 4 Greenfield Road should be seriously considered.4) Impact upon highway safety - The current narrow access is located close to the sharp bend of Greenfield Road / High Street. Any increase in traffic would be unacceptable.5) The proposal is not for a chalet bungalow but a 2 storey house. <p>The Parish Council consider this application glosses over key aspects which make this development wholly unacceptable.</p>
CBC Conservation Officer	No objection
CBC Archaeology Officer	No objection subject to the specified condition
CBC Highways Officer	No objection subject to the specified condition

Other Representations: comments have been summarised as following:

1. The Red House, 1 High Street, Pulloxhill
 - The proposed new dwelling being located approx. 10m from the Grade II listed cottage at 5 High Street. This part of the High Street is the historic core of the village and is characterised by good quality historic buildings

located along the street frontage, and gaps between them that allow views of the countryside beyond

- The proposal is contrary to policy because:
 - It will result in considerable harm to the setting of the listed buildings (nos 5 and 7 High Street)
 - It will harm the openness of the adjacent traditional cottage gardens and will be highly visible from the High Street across the open space between 5 and 7 High Street
 - The Design & Access & Heritage Statement makes no mention of the two listed buildings or makes any assessment of the impact
 - An application for a dwelling on the adjacent site between 5 & 7 was refused (MB/06/02027/Full) and the subsequent appeal dismissed. the Inspector's decision upon the adjacent site is material to the present application, and the Council have a statutory duty to apply considerable importance and weight to the matters of the setting of the designated heritage assets engaged
 - The drawings submitted with the application fail to show the proposal adequately in relation to its surroundings and context
 - Detrimental to highway safety
 - Harmful impact upon the amenity of neighbouring occupiers at 2, 4 and 5 Greenfield Road, and at 1 and 5 High Street by virtue of its scale and siting, could be overbearing upon the garden of the listed building at no. 5 High Street.
 - The plans do not show the boundary fence between no. 1 High Street and no. 2 Greenfield Road. The fence runs from the back corner of no. 2 to the corner of its garage, and affords open views between my private rear garden and the proposed parking area for the development
2. 5 High Street,
Pulloxhill
- The proposed dwelling will harm the setting of my listed thatched cottage and the character of the conservation area
 - overbearing to my garden
 - Loss of outlook and light from kitchen window
 - it is inappropriate for this location
 - loss of privacy to the new bedroom/family bathroom
 - loss of view
3. The Birches,
Pulloxhill
- The design is not in-keeping with the conservation area/listed buildings

- 4. 2 Greenfield Road, Pulloxhill
 - detrimental to Highway safety
 - Disruption / inconvenience to users of the shared access
 - As tenants it was understood that we would be required to allow access for no. 4 and any increase in traffic is unreasonable
 - Impact upon highway safety
- 5. Harbledown, Westland Green, Little Haddam, Herts (owner of no. 2 Greenfield Road)
 - The access to the proposed dwelling is over our drive. The driveway is only 2.3m wide between the walls of the two existing properties. No. 4 Greenfield Road has a right of way over this driveway only. No legal right of way will be given to the new development. It will increase the traffic within inches of our lounge and kitchen windows
 - This development would be detrimental to the enjoyment of our property due to its close proximity to our rear garden and the extra traffic movements engendered
 - There would be an issue of overlooking from the first floor windows
 - Construction disruption.

Determining Issues:

1. Principle of development
2. Impact upon the site and setting of the listed building and upon the character and appearance of the conservation area
3. Neighbouring amenity
4. Highway & other considerations

Considerations

1. Principle of development

- 1.1 The proposal is a two bed detached chalet bungalow which would be located within the rear garden of the existing property (Mentmore). This property benefits from a large/long garden and the proposed dwelling would be constructed to the rear of the site.

The rear boundary of this garden represents the edge of the settlement envelope for this part of Pulloxhill. Within the defined settlement the principle of new residential development will be found acceptable, subject to normal planning considerations. Policy CS1 defines Pulloxhill as a small village and Policy DM4 states that within small villages' development will be limited to infill residential development.

It is acknowledged that the new dwelling would not have its own frontage and as such represents a form of backland development. However in this particular location the proposed development would not be seen to extend beyond the existing built environment as the curtilage of the new dwelling would abut the side curtilage of no. 5 The High Street. It is considered that this situation is quite

particular to the site and is not a form of development that could be easily replicated elsewhere within the village. This would be a small scale development utilising a plot of land, which would continue to complement the surrounding pattern of development.

It is therefore considered that the principle of development is acceptable, subject to an acceptably designed scheme. This will be assessed below.

2. Impact upon the site and setting of the listed building and upon the character and appearance of the conservation area

2.1 A number of the objections received from neighbours relate to the impact upon the listed buildings and upon the conservation area.

The Conservation Officer makes comment that the character of the conservation area is of "buildings which are situated at fairly regular intervals with a few spaces between"- "set close to the road giving a sense of enclosure".

The site is located on the edge of the conservation area and recessed from the street view when viewed from Greenfield Road and therefore considered not to have a negative impact on that part of the conservation area. There are already distant views of rooftops of varying heights.

The impact the new dwelling will have on the conservation area when viewed from the High Street is also considered not to be negative. This part of the High Street has several traditional houses and cottages grouped near the junction with Greenfield Road with No 5 High Street set with its gable wall adjoining pavement is listed. The proximity of the new development is some 7 metres from the rear of 5 High Street and will replace an existing and unattractive single storey modern double garage. It will be some 17 metres back from the high Street. It is considered not to have a harmful impact on the setting of the listed building at no 5 High Street or no. 7 High Street which is located some 50m from the proposed dwelling.

Given the eclectic mix of built form, age, design and their relationship to open spaces, the proposed new dwelling is not considered to make a negative impact. Walking down the High Street from Greenfield Road rooftops are visible in distant views and from those properties fronting the public highway e.g. the High Street. The rooftop of the proposed new dwelling will therefore not introduce an alien form nor have a negative impact on the conservation area.

In conclusion; no objection has been raised by the Conservation Officer and the proposal is considered to preserve both the site and setting of the listed buildings and the character and appearance of the conservation area.

3. Neighbouring amenity

3.1 The proposed dwelling would be located to the rear of the site in a position currently occupied by a dual pitched concrete double garage. The impact of the development on the adjoining neighbouring properties is assessed below. All other properties in the vicinity are considered to be adequately removed as to be unaffected by the development.

No. 1 High Street

An objection has been raised by the occupiers of this property (harmful impact upon residential amenity) and this has been noted.

This property occupies a corner location with Pulloxhill Road and the High Street and does not directly adjoin onto the site. The proposed dwelling would be some 23m from this property and is not considered to be directly affected by the development (by way of overbearing impact, loss of light or loss of privacy).

No. 5 High Street

An objection has been raised by the occupiers of this property (overbearing impact, loss of light / outlook to kitchen window) and this has been noted.

This Grade II listed thatched cottage and the proposed dwelling are formed at right angles with a corner to corner separation of some 7m. A number of modern brick built outbuildings and brick walling form the boundary between the two properties. This mix of modern brick structures provide a degree of separation. Whilst there might be some visual impact as a result of the proposal given the orientation of the two dwellings no significant harm (by way of overbearing impact, loss of light or loss of privacy) is considered to arise.

No. 2 Greenfield Road

This Victorian cottage occupies a corner location with Greenfield Road and the shared driveway into the site. This access is used by the occupiers of no. 2 Greenfield Road to access their garage and by the occupiers of Mentmore to access their detached garage and rear parking area.

An objection has been raised by the owners of this property and the current tenants of this property (disruption/disturbance/noise resulting from the shared access) and this has been noted. However as part of the proposed development additional parking will be provided to the front of Mentmore and it is therefore envisaged that this will help mitigate any additional traffic resulting from the new dwelling. In addition any concerns regarding land ownership is a matter for the landowners involved. The granting of planning approval would not override any civil property rights which exist. No objection has been raised by the Highways Officer and as such the proposal is acceptable in this regard.

An objection has been raised by the owners of this property (overlooking of the garden). The proposed dwelling would be located some 30m from the rear elevation of this property and some 18m from the end of the garden/brick built garage. Given the degree of separation no significant impact (by way of overbearing impact, loss of light or loss of privacy) would arise.

No. 4 Greenfield Road

A rear garden of approximately 10m in depth would remain for the existing property which is acceptable as it accords with the Councils design guidance.

No. 6 Greenfield Road (The Birches)

An objection has been raised by the occupiers of this property (loss of privacy/loss of view) and this has been noted. This detached property is located within a fairly large plot and has been recently granted permission for a 2 storey side extension which includes a bedroom window and french doors in the bedroom closest to no. 4. The proposed dwelling would be some 25m from the rear elevation of this property and given the orientation of the dwelling and the degree of separation no significant impact (by way of overbearing impact, loss of light or loss of privacy) would arise. A loss of view is not a material consideration for planning consent.

4. Highway & Other Considerations

- 4.1 The existing property is a three bedroom dwelling with access to the east, between the buildings of no. 2 and no.4, serving a double garage and hardstanding area to the rear of the site. The proposal is to demolish the garage and replace this with a two bedroom dwelling and associated parking, the parking provision for no. 4, consisting of two spaces, will be replaced by a new access at the frontage of no. 4.

The existing access has no driver and pedestrian inter-visibility to the east because the dwelling for no. 2 abuts the public highway. To the west pedestrian and driver inter-visibility is adequate as the boundary for no. 4 is a low wall. However, whilst it is acknowledged that the wall is existing the Highways Officer recommends a condition to include a visibility splay in this direction to protect the visibility from the existing access.

The new access has indicated a pedestrian visibility splay and it is considered by the Highways Officer that this and the location of the new access provides adequate driver visibility.

The proposal removes the traffic generated by the existing dwelling no. 4 from the existing access with no visibility to the east. The new two bedroom dwelling which takes access from the existing access will generate similar traffic movements and even though the access is substandard the use will be 'like for like' and therefore a refusal for a substandard access can not be justified by intensification of use.

The vehicle indicated as being able to manoeuvre into/from the parking spaces measures only 3.6m x 1.4m which is below an average size vehicle and I am discounting the tracking diagrams. I would expect 6.0m clear in front of the parking bays to allow vehicles to access/egress from the bays, without having to drive through the adjoining bay. There is also no intervisibility between the bay immediately behind the rear boundary of no. 2 and the access. Both these issues can be dealt with by a condition.

In summary; whilst the objections have been noted no objection is raised by the Highways Officer subject to the specified conditions.

4.2 Archaeology:

The applicant and their agent have been made aware of the archaeological potential of this site through the pre-application process (CB/15/01330/PAPC) and some of the advice given to the agent has been reproduced in section 6.1 of the *Design Access and Heritage Statement* (Francis Caldwell, Aragon Land & Planning Ltd: undated).

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 (via condition) 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.

4.3 Other issues (objections) raised not covered above

Re: the omission of the boundary fence between no. 1 High Street and no. 2 Greenfield Road: *any concerns regarding land ownership is a matter for the landowners involved. The granting of planning approval would not override any civil property rights which exist.*

Reference has been made to a refused planning application at 7 High Street (MB/06/02027/Full). However it must be noted that there is no planning history for the current site and that the refused scheme is different in size, height and location and is not readily comparable to the current application.

4.3 Human Rights issues:

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

4.4 Equality Act 2010:

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

Recommendation:

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

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

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

This pre-commencement condition is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.

- 3 Before development commences a triangular vision splay shall be provided on the west side of the existing access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The triangular vision splays shown either side of the new access shall be constructed in accordance with the approved drawing no. 15-030-100A, prior to the new access being brought into use. 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/existing accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 4 The proposed new replacement parking and access shall be constructed prior to the development of the new dwelling and shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary. 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 replace the parking provision for the existing dwelling and 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.

- 5 Before development commences details of the on site vehicle parking provision for the new dwelling of no less than two spaces and one visitor space, measuring 2.5m x 5.0m each, inclusive of a 6.0m forecourt fronting the parking spaces shall be submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the parking spaces and forecourt have been constructed in accordance with the approved plans

Reason: To provide adequate on site parking and manoeuvring

- 6 Details of a refuse collection point located at the site frontage and outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling 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.

- 7 Before development commences details of a pedestrian visibility splay between the rear boundary of no. 2 and the parking provision for the new dwelling shall be submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the visibility splay has been constructed in accordance with the approved details. The vision splay so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining access level.

Reason: To provide adequate visibility between the existing access and the proposed parking area, and to make the access safe and convenient for the traffic which is likely to use it.

- 8 No works for the new dwelling hereby approved shall take place until until details of the materials to be used for the external walls and roofs of the development hereby approved 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.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15-030-100; 15-030-100A; 15-030-102; 15-030-103; 15-030-104A.

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. Advice Note 1/. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will

enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

AN 2/. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ

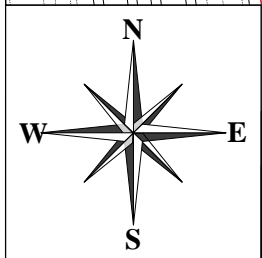
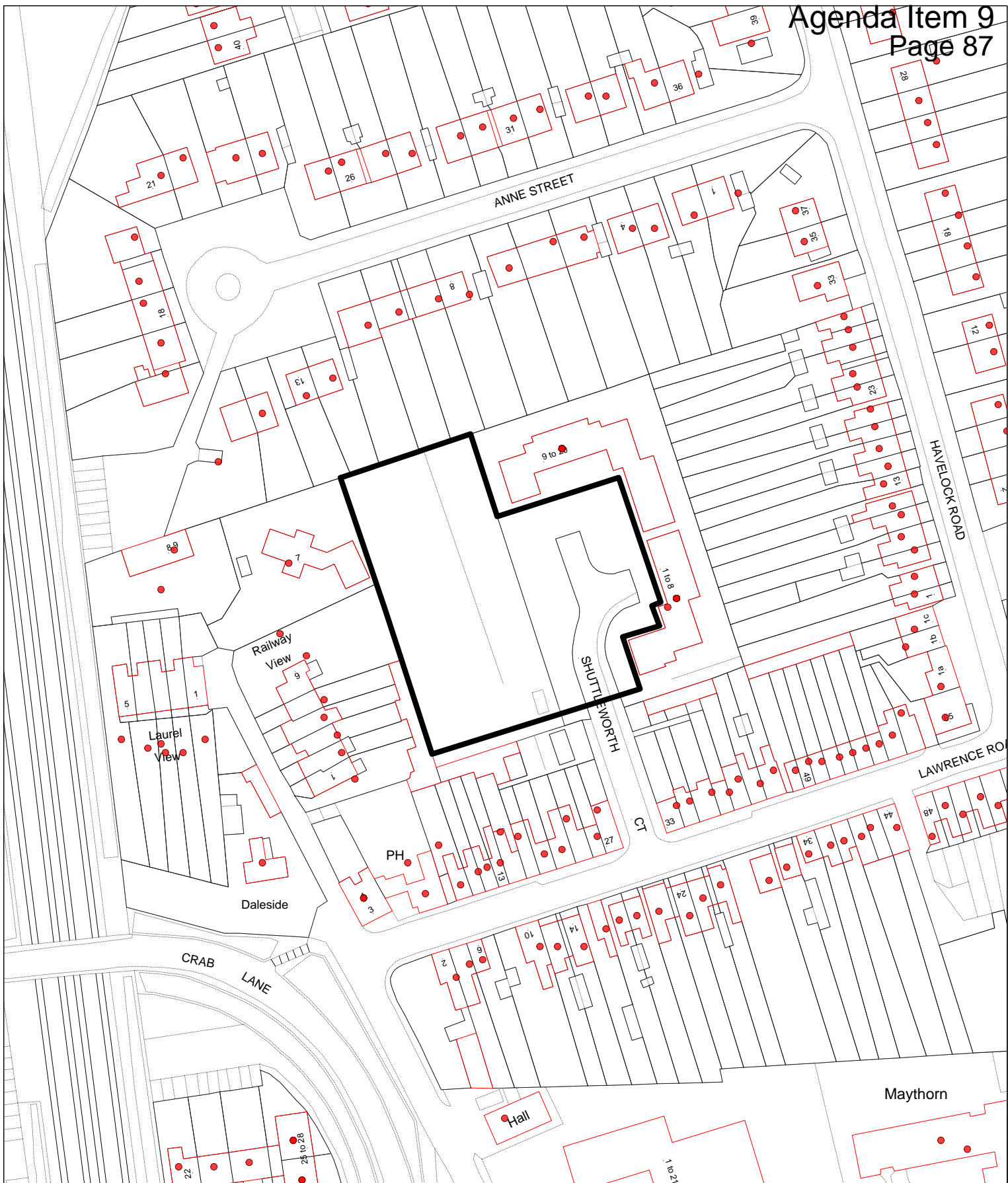
AN3/. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by 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.

AN4/. The applicant is advised that 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 further details can be obtained from Bedfordshire Highways (Amey), District Manager (for the relevant area) via the Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049.

AN5/. The contractor and / or client are to ensure that any building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015..



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Date: 29:September:2015
Map Sheet No

Application No.
CB/15/01970/FULL

Scale: 1:1250

Land at Shuttleworth Court, Biggleswade, SG18 0QG

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Item No. 9

APPLICATION NUMBER CB/15/01970/FULL
LOCATION Land at Shuttleworth Court, Biggleswade,
SG18 0QG
PROPOSAL Construction of 7 two bed houses, 1 three bed
house and 2 two bed elderly persons bungalows.
Formation of access and associated parking
modification of existing parking to provide
additional spaces for existing Shuttleworth Court.
External works comprising of landscaping to new
area and modification to existing.

PARISH Biggleswade
WARD Biggleswade North
WARD COUNCILLORS Cllrs Jones & Mrs Lawrence
CASE OFFICER Amy Lack
DATE REGISTERED 12 June 2015
EXPIRY DATE 11 September 2015
APPLICANT Grand Union Housing Group
AGENT Levitt Partnership Limited
REASON FOR The application site is partially on Central
COMMITTEE TO Bedfordshire Council owned land and neighbour
DETERMINE objections have been received.

RECOMMENDED
DECISION Full Application - Approval recommended

Reasons for Recommendation

It is recommended that the application be approved subject to conditions as set out at the end of the following report.

The principle of the residential development of the site, particularly with the provision of 100% affordable housing, is supported by both national and local policies. The scheme is considered to present buildings appropriate in their design, scale and mass to the character and context of the surrounding locality. 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, ecology or drainage.

The proposal is considered acceptable and in accordance with policies CS1, CS5, CS7, 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 supplementary planning guidance in the form of Central Bedfordshire Council's Design Guide (2014).

Site Location:

The application site comprises undeveloped former allotment plots. To the north are the rear gardens of the residential terraces along Anne Street; to the east of the site is the existing sheltered housing scheme on Shuttleworth Court from which the

application site will take access; to the south the common boundary abuts the rear gardens and outbuildings of the residential properties in Lawrence Road; and to the west is the residential development of Railway View.

The site, east of Biggleswade Town Centre, lies within the defined Settlement Envelope. The site does not lie within a designated conservation area and there are no protected trees that shall be impacted upon by the proposals.

The Application:

The application seeks planning permission for the erection of ten affordable residential units comprised of: seven, two bedroom houses; one, three bedroom house; and two, two bedroom elderly persons bungalows.

Access is made from Shuttleworth Court and the application includes both parking for the new development and proposals to modify the existing parking to provide additional spaces for existing Shuttleworth Court.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

The adopted Core Strategy and Development Management Policies (2009) shall remain to set the main planning context for decisions on planning applications in the north of the Central Bedfordshire jurisdiction. Notwithstanding this, the policies of the emerging Development Strategy relevant to this proposal are considered to be:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Growth Strategy

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 24: Accessibility and Connectivity

Policy 27: Car Parking

Policy 29: Housing Provision

Policy 38: Within and Beyond Settlement Boundaries

Policy 43: High Quality Development

Core Strategy and Development Management Policies - North 2009

CS1	Development Strategy
CS5	Providing Homes
CS7	Affordable Housing
CS13	Climate Change
CS14	High Quality Development
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/Other Documents

Central Bedfordshire Design Guide (March 2014)

Planning History

There is no planning history directly relevant to the determination of this proposal to develop the site.

Publicity

Local press advertisement	03.07.15
Site notice	07.07.15

Consultations/Publicity responses

Biggleswade Town Council No objection subject to the consideration of any comments received from local residents.

Highways No objection.

This proposal has been the subject of pre-application highway discussion and agreement to the principle.

The proposal is accessed from Shuttleworth Court, a typical residential estate road and part of the adopted highway. The only highway concern is the lack of continuous footway on the west side of the carriageway over a length of 15m. However, modifications to the surfacing are proposed to ensure that the carriageway is conducive to a shared surface environment and informal crossing points are provided to influence the route for pedestrians. Traffic volumes are not significant and the speed of vehicles will be low. On balance, I am confident that the development does not pose a hazard to highway safety.

Sustainable Drainage	<p>No objection subject to the imposition of conditions to agree an appropriate Surface Water Drainage Strategy and finalised Maintenance and Management Plan.</p> <p>Without these conditions, the proposed development on this site poses an unacceptable risk to the proposed development and adjacent environment.</p>
Trees and landscape	<p>Proposal is for a total of 10 new dwellings to be located on old allotment land. Supplied with the application is a comprehensive tree survey identifying trees on site, their retention category and also root protection areas.</p> <p>It would seem as if the developers are intending to retain a number of the more important trees on site and incorporate them into the new landscaping. This is welcomed and provided that the recommendations and detail shown in the supplied survey are followed, particularly with reference to tree protection fencing and distances then I would suggest the trees identified for retention should suffer minimal stress during the works.</p> <p>Additional landscape and boundary detail will be required.</p> <p>All new service routes and soakaways are to avoid root protection areas of trees to be retained.</p>
Sustainable growth and climate change	<p>No objection.</p> <p>The Ground Union Housing Group is proposing to deliver 10 affordable dwellings to standards meeting requirements of policy DM1: Renewable Energy and DM2: Resource Efficiency. It is proposed that all dwellings will have a PV installation to deliver 10% their energy demand and achieve water efficiency standard of 105 litres per person per day.</p>
Internal drainage board	<p>No comments to make.</p>
Affordable housing	<p>Support the application.</p> <p>This scheme provides 100% affordable housing which is much needed in the area at a tenure split which is acceptable.</p>
Public protection (Contaminated land)	<p>No objection. This is subject to conditions to investigate into potential contamination of the land given the previous use of the site.</p>
Ecology	<p>No objection.</p> <p>Further to the submission of a reptile report I am satisfied</p>

that the development could proceed without causing harm to wildlife on the proviso that a condition is placed on any planning permission to require a Reptile Mitigation Strategy.

The removal of any trees and vegetation from site should of course avoid the bird nesting season.

Landscaping

No objections.

The scheme has incorporated some of the existing trees. It does increase urban density so there is a need to provide useable amenity space for residents.

Conditions should require a detailed planting plan. This should reflect a more "garden" style of planting rather than the more typically used landscape shrub choices. This is suggested practice for landscaping the home environment for the elderly.

Other Representations:

Neighbours

Third party representations have been received from the owners/occupiers of the following addresses:

- 11 Anne Street
- 21 Lawrence Road
- 23 Lawrence Road
- 25 Lawrence Road
- 4 Shuttleworth Court

The representations can be summarised as follows:

- There is a right of way along the southern boundary of the site, the application size will prejudice this which provides access to driveways serving dwellings in Lawrence Way. The application site should extend no further south than the southern elevation of the existing concrete garage to ensure adequate access;
- Solar panels on the southern roof slopes have the potential to result in glare to the rear of properties in Lawrence Road;
- The proposal will result in an increased number of cars and movements along with the impact of other development in the area Lawrence Road should be resurfaced to cope with the pressure;
- Land ownership needs to be established, historic property deeds suggests parts of the application site belongs to properties in Lawrence Road;
- The proposal will result in a loss of open space and landscaping;
- Modifications to parking layout will mean the loss of

- parking for residents in flats 1-4 immediately outside their door;
- The introduction of parking outside the living room of flat 1 is not a satisfactory arrangement;
- The area suffers from a lack of parking, this development will exacerbate the problem;
- The proposed houses will overlook properties in Anne Street;
- The application site appears to encroach on a conifer bush within the boundary of No.11 Anne Street.

The above is a summary of the comments received. A full copy of the representations can be viewed on the application file.

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 neighbouring occupiers
4. Parking and Highway safety
5. Sustainable drainage
6. Sustainable growth
7. Planning obligations
8. Third party representations

Considerations

1. Principle of development

- 1.1 The application site is owned in part by affordable housing provider 'Grand Union Housing Group' and by Central Bedfordshire Council. Located to the west of the existing affordable housing development of Shuttleworth Court, a two storey flatted scheme comprising 20 units, the application site sits as a vacant, under-used parcel of land, which appears out of character with the context of the immediate locality in this sustainable location, that is almost entirely surrounding by residential development abutting each of its boundaries.
- 1.2 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'.
- 1.3 In the local context, the site falls within the defined Settlement Envelope of Biggleswade as defined by the proposals map. Designated a Major Service Centre by policy CS1 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) Policy DM4 (Development within Settlement Envelopes) of the same document states that the Council will

approve housing schemes that are commensurate with the scale of the settlement, taking account of its role as a service centre.

- 1.4 Further to this, careful consideration must be given to the criteria set out in Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009), in particular: the size of the site needs to be adequate; there must be sufficient provision of on site car and cycle parking; provisions for the storage of recyclable and residual household waste; the design of the proposed dwellings must be in keeping with their surroundings; and there must not be an unduly adverse impact on the amenities of existing and prospective neighbouring occupiers.
- 1.6 Whilst the principle of residential development in this location is acceptable, how successfully the proposals for this site respond to its constraints, the residential amenity of its prospective occupiers, existing neighbouring occupiers and the character and appearance of the area are matters which shall be addressed within the main body of the report below.

2. Character, context and design of external spaces

- 2.1 Subject to an appropriate selection of external materials and detailing, the design and styling of the proposed dwellings is considered acceptable. The scheme will form a cluster of housing with a common theme, complementing that of the adjacent Shuttleworth Court development that will not have any adverse impact upon the character, appearance, or local distinctiveness of the surrounding area.
- 2.2 The scale and massing of the scheme is considered acceptable and is in keeping with the general character and grain of the local area, given the terraced housing to the south in Lawrence Road and the larger dwellings and plots to the north in Anne Street. The submitted elevations contain a level of detailed design which is considered to contribute to the creation of a sense of place and good quality design.
- 2.3 It is regrettable that the proposal, when read in the context with the existing Shuttleworth Court development may appear 'car dominated' with parking provision made to the front of the existing development, the proposed scheme and further spaces provided for Shuttleworth Court. However, to lessen this visual impact the scheme retains a number of the more important trees on site and incorporates them into the new landscaping. In addition to this a good buffer of landscaping is provided between the front of the proposed dwellings. This defensible, semi-private space is of enough depth to allow for some meaningful planting. As such, it is recommended a condition is imposed which secures a comprehensive landscaping scheme (condition 12) and plan for its maintenance (condition 13) to ensure the provision of this planting.
- 2.4 Subject to the imposition of conditions with respect to landscaping (conditions 12 and 13); and the agreement of the external material detailing (condition 2) the proposal is considered to accord with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Residential amenity

- 3.1 The relationship between the proposed development and the existing neighbouring properties surrounding the site is considered acceptable.
- 3.2 The site is currently undeveloped land previously associated with Shuttleworth Court and used as allotments. As such the occupation of this site with ten residential units will undoubtedly have some impact upon the level of amenity currently enjoyed by nearby occupiers. The introduction of a cul-de-sac development on this land will intensify the use of the site and result in an increased number of comings and goings and in turn noise and disturbance. However, given the density of the existing development surrounding the site which is almost wholly residential the proposal is considered to fit with this area both in terms of density and scale and so it is considered appropriate to the size of the site and that any resultant noise or disturbance can be satisfactorily absorbed into this existing residential environment, unlikely to cause any significant disturbance which is not typical of a residential setting.
- 3.3 Private amenity space has been provided in accordance with the design guide, which stipulates a minimum depth of 10m and a minimum space of 50m² for two bedroom dwellings and 60m² in overall size for three bedroom dwellings. It is noted that the bungalow proposed to Plot 1 (as annotated on drawing number 12450/01/J) falls short of this with an overall garden size of 42m², however given the existing garage which is to be retained for use in connection with a Lawrence Road property, an adequate separation distance is retained from the dwelling to the rear of the closest properties in Lawrence Road to the south. To protect this garden space and the amenity of neighbouring occupiers it is recommended that a condition be imposed to preclude any further permitted development (condition 11).
- 3.4 The plot layout has ensured that external access is available to the rear of all dwellings allowing for the provision of on site refuse and recycling wheelie bin storage in accordance with the Council's current waste strategy and secure and covered cycle parking provision which accords with the Council's cycle parking standards.
- 3.5 Generally, the proposed dwellings remain a considerable distance from the surrounding dwellings in the area and as such the proposal will not give rise to an unacceptable level of overlooking or loss of light. It is noted that the proposal will be in close proximity to both No. 6 and No.7 Railway View adjacent to the west. However, further to pre-application discussions a bungalow unit (Plot 6) is now proposed adjacent to the common boundary. This significantly reduces the impact of the development upon the residential amenity of occupiers immediately to the west, ensuring an acceptable relationship between proposed and existing that will not allow for any undue overlooking of these properties or their amenity space.
- 3.6 With respect to the residential amenity afforded to the prospective occupiers internally the dwellings have been designed to meet Lifetime Home Standards and as such the internal space standards are considered acceptable, the units comply with the Council's current internal space standards as set out in the Central Bedfordshire Design Guide (2014).
- 3.7 Subject to the imposition of a condition requiring the proposed windows at first floor level on the: west flanks of Plot 3 and Plot 8; and the east flanks of Plot 4

and Plot 7, serving bathrooms in all respects, to be first installed with obscure glazing and for any opening to be at least 1.7 metres above finished floor level, the relationship between the proposed units is considered acceptable (condition 9).

3.8

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. Parking and Highway safety

4.1 Notwithstanding the concerns raised by the third party representations received regarding access, parking and safety, it is considered that there is sufficient space to make on site parking provision in the manner proposed and the modifications to the layout and provision afforded to the existing development of Shuttleworth Court is unlikely to give rise to any adverse impact upon highway safety, thereby complying with policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Sustainable drainage

5.1 In line with para 103 of the NPPF, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It is considered that the final design, sizing and maintenance of the surface water system for this site can be agreed by condition requiring an appropriate Surface Water Drainage Strategy and finalised Maintenance and Management Plan being submitted (conditions 4 and 5).

6. Planning obligations

6.1 It is noted that paragraphs 012-023 of the National Planning Practice Guidance which formed an update to the NPPG following a Ministerial Statement, outlining specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 obligations) should not be sought from small scale and self-build development, will be removed following the judgement in R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin).

6.2 Policy CS2 of the Core Strategy and Development Management Policies (2009) seeks developer contributions, in accordance with the Planning Obligations Strategy for the North. This strategy follows a tariff based approach to obligations which are no longer in accordance with the regulations. Contributions are determined on a case by case basis in accordance Part 11 of the Community Infrastructure Levy Regulations 2010 (as amended). When considering that this development relates to 10 affordable units within the Major Service Centre of Biggleswade, it is judged that in this instance no planning obligations are necessary for either on or off site, to ensure the proposed

development is acceptable in planning terms. Therefore no Planning Obligations have been sort.

- 6.3 Policy CS7 of the CSDMP sets out the Council's approach to the provision of affordable housing within the District. This scheme is proposing to provide for 10 affordable homes which reflects 100% affordable housing. It would therefore be in accordance with policy CS7.

7. Sustainable growth

- 7.1 The scheme complies with policy DM1 (Renewable Energy) and DM2 (Resource Efficiency) of the Core Strategy and Development Management Policies (2009) with all residential units dwellings benefiting from PV installation in order to deliver 10% of their energy demand and shall achieve water efficiency standard of 105 litres per person per day.

8.0 Third Party Representations

- 8.1 With respect the proposed Solar panel installations potentially resulting in glare that shall adversely impact upon the residential amenity of properties in Lawrence Road, south of the development scheme it is considered that this is unlikely to be so significant as to compromise the residential amenity that nearby occupiers should reasonably expect to enjoy or would warrant the refusal of the application. Further to this such installations could otherwise be carried out without the need for planning permission from the local planning authority.

- A couple of the third party representations received from owners/occupiers of Lawrence Road suggest that parts of the application site may be linked to Lawrence Road properties and historic title deeds have been submitted to evidence this. The applicant has in turn provided more recent title to evidence land ownership by the applicant and Central Bedfordshire Council.
- 8.2

- The development does not impinge upon the informal access to the outbulidings and garage to the rear of Lawrence Road which backs onto the application site.
- 8.3

Recommendation:

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 **No development shall commence, notwithstanding the details submitted with the application, until such time as details of the materials to be used for the external walls, roofs, windows and doors of the development hereby approved 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: Details are required prior to the commencement of development in order to control the appearance of the buildings in the interests of the visual amenities of the locality (Policy DM3 Core Strategy and Development Management Policies 2009).

- 3 **No development shall commence until such time as 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: Details are required prior to the commencement of development to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas (Policy DM3 Core Strategy and Development Management Policies 2009).

- 4 **No development shall commence until such time as a Surface Water Drainage Strategy with the detailed design and associated management and maintenance plan of surface water drainage for the site, using sustainable drainage methods and site-specific percolation tests, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and maintenance plan, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.**

Reason: Details are required prior to the commencement of the development in order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site (Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 **Prior to the first occupation of any of the residential units hereby approved the developer shall submit, in writing to the Local Planning Authority, confirmation that the approved scheme has been checked by them and has been correctly and fully installed as per the approved details. Thereafter the sustainable urban drainage scheme shall be managed and maintained in accordance with the agreed management and maintenance plan in perpetuity.**

Reason: To ensure that the construction of the surface water drainage system is in line with what has been approved (Policy DM3 of the Cores Strategy and Development Management Policies 2009).

- 6 **No site clearance or works on site shall commence until such time as a Reptile Mitigation Strategy has been submitted to the Local Planning Authority detailing how the works will proceed without breaching wildlife legislation, and will ensure that:**
 - Reptiles will be protected from harm that might arise during development work;and,

- Sufficient quality, quantity and connectivity of habitat is provided to accommodate the reptile population, either on-site or at an alternate site, with no net loss of favourable conservation status.

Reason: To ensure that works proceed in compliance with wildlife legislation and policy DM15 of the Core Strategy and Development Management Policies (2009).

- 7 **No development shall commence until such time as 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 has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To protect human health and the environment (Policy DM3 of Core Strategy and Development Management 2009).

- 8 Prior to the first occupation of any of the residential units hereby approved the following shall be 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 and The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, shall be adhered to.

Reason: To protect human health and the environment (Policy DM3 of Core Strategy and Development Management 2009).

- 9 Notwithstanding the details provided on the plans hereby approved the proposed window openings at first floor level on the: west flank elevation of Plots 3 and 8; and the east flank elevation of Plots 4 and 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 window(s) 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).

- 10 The proposed development shall be carried out and completed in all respects in accordance with the access, siting and layout, surfacing of permeable paving laid in accordance with the manufacturers instructions, car parking provision, turning area for service/delivery sized vehicles, pedestrian access to the rear of each plot, and the refuse collection point illustrated on the approved drawing no. 12450/01 Revision J and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015, (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).

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, or additions or garages shall be erected within the curtilage of any of the dwellings hereby approved other than those expressly authorised by this permission.

Reason: To protect the amenity of adjoining properties, and to prevent overdevelopment of the site (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 12 **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).

- 13 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).

- 14 Prior to the first occupation of any of the residential units hereby approved details of the design of the structures proposed for the secure and covered cycle storage, including a scheme for two short stay cycle spaces, and storage of refuse and recycling bins shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 12450/01/J; 12450/03; 12450/04/A; 12450/05; 12450/06/A; 12450/07/A; 12450/08/A; Plan200/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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

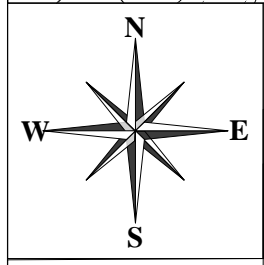
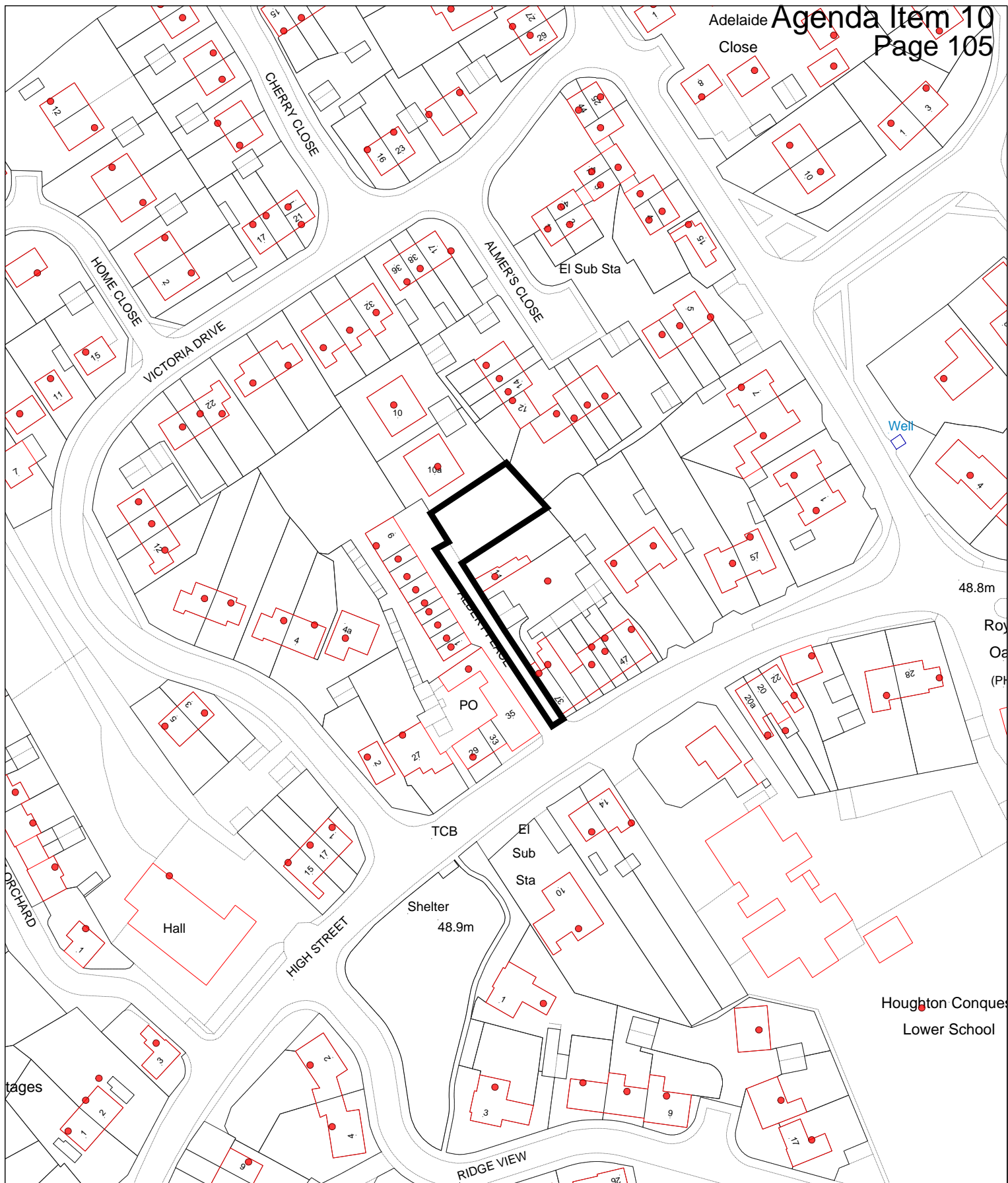
The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 28:September:2015
Map Sheet No

Application No.
CB/15/02991/FULL

Scale: 1:1250

Land adjacent to 11 Albert Place and rear of 37 to 49 High Street,
Albert Place, Houghton Conquest

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Item No. 10

APPLICATION NUMBER	CB/15/02991/FULL
LOCATION	Land adjacent to 11 Albert Place and rear of 37 to 49 High Street, Albert Place, Houghton Conquest
PROPOSAL	Erection of a new dwelling
PARISH	Houghton Conquest
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	Cllr Mrs Barker
CASE OFFICER	Samantha Boyd
DATE REGISTERED	17 August 2015
EXPIRY DATE	12 October 2015
APPLICANT	Mr Juffs
AGENT	Mr Stephen R Everitt
REASON FOR COMMITTEE TO DETERMINE	Cllr Call-in. Cllr A Barker. Large dwelling for small plot, overbearing two storey building, private access overcrowding area, parking on site not to good level, site needs development but not to this scale.
RECOMMENDED DECISION	Full Application - Granted

Reasons for Recommendation

The principle of the proposed development in this location is considered to be acceptable and compliant with Policy DM4 of the Core Strategy and Development Management Policies Document (2009). The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the technical guidance Central Bedfordshire Design Guide 2014.

Site Location:

The application site is a square piece of land to the north side of Albert Place in the centre of Houghton Conquest. The land is disused, fairly overgrown and surrounded by residential properties. Access to the site is via Albert Place, a narrow unadopted road off the High Street which also provides access for the existing dwellings in Albert Place and those in the High Street at the junction point.

Albert Place comprises older terraced dwellings and two chalet bungalows at the far end constructed in the 1980's. On the junction with the High Street there are existing dwellings in the High Street and the village Post Office.

The Application:

Planning permission is sought for the erection of a three bedroom dwelling with an integral garage.

During the consideration of the application revised plans have been received which have amended the size of the integral garage so that it complies with the Councils Design Guide.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS14 & DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

None relevant

Consultees:

Houghton Conquest The Parish Council acknowledges that this is a very narrow road and construction will be problematic as a result of this. However it is considered that the current condition of the site is unsightly and the proposed development is appropriate to the size of the plot and allows for garage parking and two off road spaces.

Parish Council

The Parish Council therefore has no objections to this application. However we request that robust conditions be placed to control parking of trade vehicles and deliveries and the times construction and deliveries can take place during the construction phase to minimise the

impact on residents whilst works is being carried out.

Other Representations:

11 responses received from neighbours - 35, 37 High Street, 1, 3, 5, 6, 7, 9, 10a, 11 Albert Place. 11 Almers Close

Object to the development. Comments summarised below:

- Albert Place is narrow, upadopted road in poor condition. It cannot cope with additional traffic.
- Construction traffic will have no where to park and/or unload, and may cause further damage to the road.
- the emergency services have difficulty accessing the road at present without asking residents to move car- additional traffic or parked cars would make the situation worse.
- recently a hearse couldn't access the road.
- High Street residents store their bins in Albert Place making access difficult.
- Visibility at the junction with High Street is limited.
- there is already congestion at the High Street/Albert Place junction - there have been 2 accidents.
- School is almost opposite on the High Street - construction vehicles using the junction or parking on the High Street would present at danger to children.
- Heavy construction vehicles would lead to further degradation of road.
- there would be loss of privacy and noise during construction works.
- existing driveways and parking spaces may be used by construction vehicles for turning/parking.
- Heavy lorries would damage foundations of houses.
- Albert Place is part owned by residents. Builders do not have permission to cross the land.
- Would insist on resurfacing of road if permission is granted
- the site benefits local wildlife - a survey should be undertaken.
- the planning officer should visit Albert place at peak traffic times to experience the flow of traffic and the poor junction for themselves.
- would like confirmation the development complies with the design guide.
- would welcome more details of the materials.
- a construction management plans should be agreed with the existing residents.
- hours of work should be limited and delivery time agreed with residents.
- work shifts and would be disturbed by building works.
- rear windows will overlook garden and existing windows.
- there has been no attempt to maintain the road from

- existing residents.
- occupants of the new dwelling will need to reverse out encroaching on private land.

Highways

Whilst the previous concerns made in my response to a pre-app for two dwellings considered under reference CB/12/03016 remain valid, I am conscious that in planning terms development of this site is acceptable, as your response to the pre-app would suggest.

Given the above I am of the opinion that, on balance a highway objection to a lesser development, generating fewer traffic movements and having adequate on plot parking and garaging provision, would not be justified.

The site is served from a private road over which the highway authority has no jurisdiction. As such there are no other highway conditions or advice notes to be included in addition to the standard “development to be completed in accordance with submitted plan” condition.

The garage door should be a roller shutter to ensure vehicles have space to park.

Internal Drainage Board No objections to the proposal

Archaeology

The proposed development site is located partly within the historic core of the village of Houghton Conquest (HER 17037) and is consequently considered to have the potential to contain archaeological deposits relating to the Saxon, medieval and post medieval development of the village. The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25, Oake 2007, 14 and Medlycott 2011, 70).

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 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 the following condition to any permission granted in respect of this application.

Site Notice displayed. 8/09/15

Determining Issues:

1. The principle of the development
2. The impact on the character and appearance of the area
3. Impact on neighbouring amenity
4. Other considerations

Considerations

1. The principle of the development

- 1.1 The application site is within the Settlement Envelope for Houghton Conquest where new residential development is considered acceptable under Policy DM4. The proposal is for one new dwelling on a site that is surrounded by existing residential development. The site has an overall width of approximately 12m and a depth of around 20m.
- 1.2 In principle the development is considered to be acceptable in this location subject to compliance with any other relevant policies.

2. The impact on the character and appearance of the area

- 2.1 The proposed dwelling is a two storey property with an integral garage to the side. The garage is set back from the front elevation and the room above designed with a lower roof line so that this section of the property appears as subservient. The dwelling is set away from the side boundaries of the site by approximately 1m and provides parking to the frontage.
- 2.2 The rear garden is approximately 10m in depth and close to 100sq m in size which is compliant with the Design Guide.
- 2.3 The site is currently unused and overgrown. The proposed dwelling would result in a visual improvement of the site without appearing cramped. The immediate area is mixed in character therefore the proposed dwelling would not be out of keeping with any particular style or scale when compared to the existing dwellings in the vicinity.
- 2.4 In terms of the impact on the character and appearance of the area, the proposal is not considered to result in a harmful impact. Concerns have been raised relating to overdevelopment, however the proposal has provided the required parking spaces, garden space and there is adequate spacing between the buildings. The proposal is therefore considered acceptable and in

compliance with the Design Guide and Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

3. Impact on neighbouring amenity

- 3.1 The proposed dwelling would be sited in between No 10a and 11 Albert Place. To the rear there are two storey properties in Almers Close.
- 3.2 10a is a chalet style dwelling to the north west of the application site sited approximately 4m from the proposed side elevation of the dwelling. There are no first floor windows in the side elevation of the proposed dwelling and the ground floor lounge window faces the existing 1.8m fence on the shared boundary. Given the relationship between 10a and the proposal, there would be no unacceptable loss of light or adverse overbearing impact. Rear windows in the proposed dwelling would face towards the rear most part of 10a's garden, however the area is residential in nature therefore an element overlooking into gardens already exists and would not be made significantly worse by the proposal.
- 3.3 No 11 is to the south east of the application site. The garage wall of No 11 forms part of the boundary of the site. The proposed dwelling would be sited around 1m from the garage wall and therefore around 4m from the side elevation of the dwelling itself. Again rear windows would face the rear part of the garden for No.11 however the proposal is not considered to result in significant or unacceptable loss of privacy. There are front windows in No.11 which face towards the application site, however these windows are in the public domain and therefore are already overlooked by the public. No windows in the proposed dwelling would directly overlook the existing windows serving No.11.
- 3.4 To the rear there are two storey properties in Almers Close. These properties are for the most part to the rear of 10a, but also partly overlap the application site rear boundary. The Councils Design Guide provides a recommended guideline for acceptable spacing between rear facing windows to avoid adverse loss of privacy. Sited around 19m from the rear elevation of the proposed dwelling, the proposal would fall short of the 21m guidance distance by 2m however in this location, it is not considered that there would be an unacceptable loss of privacy to the occupants of Almers Close. No 10 Almers Close (immediately to the rear of the application site) appears to have a large shed along the boundary shared with the application site and there are a number of large mature trees that currently screen No 10 from the application site. Even if the trees were to be cut down, the distance between the proposed dwelling and those in Almers Close is not considered to be unreasonable, particularly in a residential area such as this.
- 3.5 The front elevations of the existing properties in Albert Place face toward the application site. There would be some 10m between the front elevations of the existing and proposed property. No guidelines for distances between front elevations that are within the public domain are set out in the Councils Design Guide, however taking into account the location of the existing dwellings in Albert Place, frontage windows already face each other at similar distances therefore this proposal is not considered to result in significant loss of privacy

to the existing dwellings in Albert Place.

- 3.6 Overall the proposal is not considered to result in significant harm to the amenities of the adjacent properties in terms of loss of privacy, light, outlook or overbearing impact, it is therefore considered acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

4. Other Considerations

- 4.1 There is no objection to the development from a highway safety point of view and parking is compliant with the Councils Design Guide.
- 4.2 The three bedroom dwelling provides two parking spaces, one in the garage and one on the site frontage. the garage has been amended to comply with the design guidance (7m in length, 3m wide) and is therefore counted as one of the required parking spaces. A condition can ensure the garage remains available for parking.
- 4.3 Many concerns have been raised from residents regarding the use of Albert Place as access. Albert Place is a private road partly owned by all existing properties in Albert Place. It is narrow and unmade with no designated parking areas marked out. The terraced properties in Albert Place have limited parking to the front of their properties and No. 10 and 10a, at the end of the road have parking within their curtilage. The properties in High Street at the junction with Albert Place also partly own part of the private road and their bins are stored along the edge, close to the High Street junction area.
- 4.4 Concern has been raised regarding congestion at the junction with High Street, however it is not felt that one additional dwelling in this location would increase traffic to an unacceptable level and no objection have been raised by highway officers. The property has been provided with off road parking spaces in accordance with the Design Guide.
- 4.5 It is acknowledged that there would be disturbance and disruption during construction with deliveries etc, however this inevitable with all construction works and not a reason to restrict new development with is otherwise acceptable. The Parish Council have suggested a condition to restrict the time of deliveries and construction vehicles, however such a condition is not enforceable and unreasonable as the applicant has no control over when building supplies would be delivered.
- 4.6 It has also been suggested that the re-surfacing of Albert Place should be part of the planning approval if consent is granted. As Albert Place appears to have multiple owners and various rights of way, the resurfacing of the access cannot be secured by a planning permission as the applicant would the consent of all land owners which may not be forthcoming.
- 4.7 Whilst residents concerns regarding to the existing situation at Albert Place are noted, the proposal is considered to be acceptable with regard to the impact on highway safety and parking has been provided in line with the Design Guide. The proposal is therefore complaint with Policy DM3 of the Core

Strategy and Development Management Policies Document (2009).

4.8 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.

4.9 S106 contributions

Given the scale of the development no contributions would be sought from this development in this location.

4.10 Ecology

Concerns have been raised regarding the loss of land for wildlife. It has been mentioned by a neighbour that there used to be a pond at the site where Great Crested Newts were seen and therefore an ecology survey should be undertaken, however other comments have confirmed that the applicant regularly visits the site and sprays it with strong weed killer. Nevertheless the Councils Ecology Officer has been consulted on the proposal and any comments made will be reported to the committee on the Late Sheet.

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 **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. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: This condition is required prior to any works commencing on the foundations of the dwelling to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Policy DM3)

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

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Policy DM3)

- 4 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme [before the use hereby permitted is commenced / before the building(s) is/are occupied] and be thereafter retained.

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the garage and parking space hereby permitted shall be kept permanently available for the parking of motor vehicles.

Reason: To ensure that off-street parking is retained in the interests of highway safety and neighbouring amenity. (Policy DM3)

- 6 The vehicular access door of the garage hereby approved shall be fitted with a roller shutter configuration and shall be retained as such thereafter.

Reason: To ensure that off-street parking is retained in the interests of highway safety and neighbouring amenity. (Policy DM3)

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number SE2689/A

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

Notes to Applicant

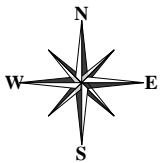
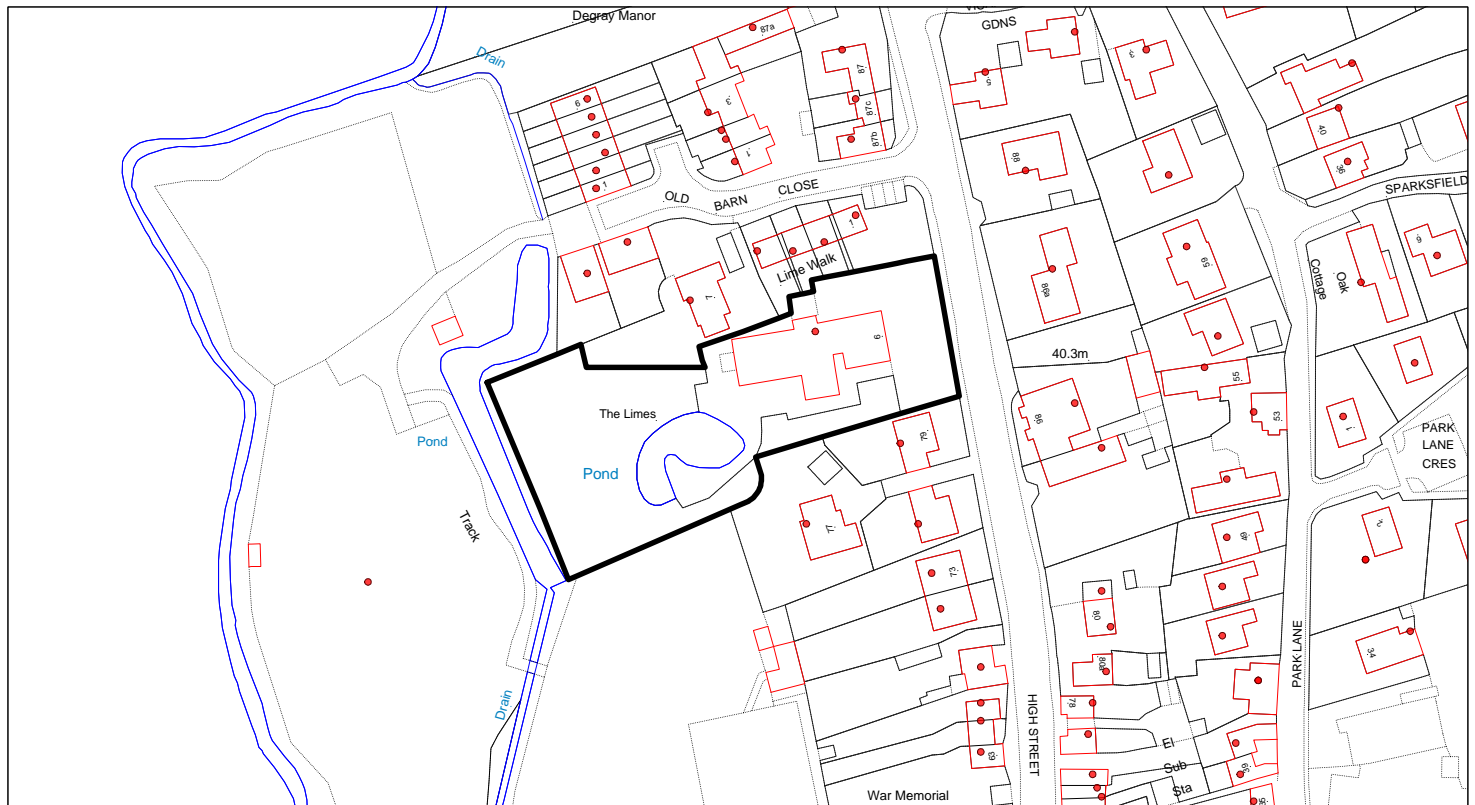
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in Core Strategy and Development Management Policies Document (2009).
3. The Council does not accept materials are their offices. Where there is a requirement for materials to be submitted to and approved in writing by the Local Planning Authority, please contact the Case Officer to arrange for them to be viewed, usually this will be on site.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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Central Bedfordshire Council
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Date: 28:September:2015

Map Sheet No Scale: 1:1250

Application No CB/15/02458/FULL

The Limes, 85 High Street, Henlow. SG16 6AB.

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Item No. 11

APPLICATION NUMBER	CB/15/02438/FULL
LOCATION	The Limes, 85 High Street, Henlow, SG16 6AB
PROPOSAL	Retrospective planning permission for a porta cabin for office use.
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Amy Lack
DATE REGISTERED	05 August 2015
EXPIRY DATE	30 September 2015
APPLICANT	Mr K Wilkinson
AGENT	Mr Paul Buckthorpe
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Richard Wenham
	Considered contrary to policy and to result in a loss of amenity by proposing an ugly portacabin which is clearly visible from the High Street and totally out of keeping with the conservation area. The building has been illegally installed for a considerable period and should have been removed after building work had taken place. It is a scar on Henlow's Conservation Area. In addition to the above while the applicant claims the cabin is needed to support the business, office functions should be carried out inside the main building.
RECOMMENDED DECISION	Full Application - It is recommended a temporary permission of 2 years be granted.

Reasons for Recommendation

It is recommended that the application be approved for a temporary period of two years.

It is acknowledged that the structure, by virtue of the semi-permanent materials used for its construction and failure to represent a planned solution to the accommodation provision at the application site thereby fails to respond in an entirely successfully manner to the host building nor can it be said to enhance the character and appearance of the surrounding Conservation Area as a designated heritage asset. However, a modest single storey in height it is a clearly subvient element to the host building and finish in a mute colour and positioned hard to the common boundary its impact is lessened. If granted only a temporary planning permission of two years it is considered its visual impact will be negated by allowing the operator of the site a reasonable period of time to take a planned approach to providing acceptable accommodation for an ancillary office use to support this local business.

Site Location:

The application site comprises a large Victorian building, located on the west side of the High Street. The building has a tarmaced frontage which makes provision for on site car parking and the benefit of two junctions with the highway, operating an 'in-and-out' arrangement. The principle building has been extensively extended to the side and rear to provide additional accommodation.

The temporary structure, which is the subject of this application, is located between the north flank of the main building and the common boundary with Lime Walk a terrace row of residential development to the north.

The site, within the defined settlement envelope, is also located within the Henlow Conservation Area in a primarily residential part of Henlow High Street.

The Application:

The application seeks retrospective planning permission for a portacabin which is used as ancillary office space to the principle care home use.

The existing structure measures 4.9 metres in length and 2.9 metres in width. With a flat roof it rises to an overall height of approximately 2.8 metres.

The structure is finished in a light green colour with the benefit of a window to each side elevation (east and west) and door to the front (south) elevation.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies (November 2009)

CS1	Development Strategy
CS14	High Quality Development
CS15	Heritage
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM13	Heritage in Development

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council

lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

The adopted Core Strategy and Development Management Policies (2009) shall remain to set the main planning context for decisions on planning applications in the north of the Central Bedfordshire jurisdiction. Notwithstanding this, the policies of the emerging Development Strategy relevant to this proposal are considered to be:

Policy 1: Presumption in Favour of Sustainable Development
Policy 38: Within and Beyond Settlement Boundaries
Policy 43: High Quality Development
Policy 45: The Historic Environment

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

There is no planning history considered directly relevant to the determination of this application.

Consultees:

Henlow Parish Council	Object to the proposal. - Unacceptable visual impact of this ugly portacabin in the Conservation Area; - There is no justifiable business need to retain this building; - It exists on site without planning permission having been granted and should be removed; - Inadequate parking - this unlawful building is sited where parking spaces should be provided.
Conservation	No objection to a temporary permission only. The rectangular box structure is only acceptable as a short-term temporary building. Its appearance and position, though recessed behind the frontage line of the main building, is unsightly and damaging to the setting of the undesignated heritage asset (the principal Victorian building) and this part of the conservation area. As it has already been in position for some time it is suggested to either remove now or in near future with just a short-term period for retention to organise a proper extension to the rear of the building.

Other Representations:

Neighbours

Third party representations have been received from the owners/occupiers of the following addresses:

- Brook House, 77 High Street

The representations can be summarised as follows:

- The ongoing retainment of a temporary portacabin in a conservation area, is unsightly and out of keeping with the surrounding area.

The above is a summary of the representations received. Full copies of the representations can be viewed on the application file.

Determining Issues:

1. Character, context, design of external spaces and impact upon the surrounding conservation area
2. Residential amenity of nearby occupiers
3. Third party representations

Considerations

1. Character, context, design of external spaces and impact upon the surrounding conservation area

- 1.1 The application site is located within Henlow's designated Conservation Area and in the 2009 appraisal No.85 High Street is identified as a 'positive' building. The subject portacabin is positioned between the north flank of the host building and the common boundary with Lime Walk to the north. The boundary is demarcated by a high brick wall which adjacent to the portacabin is almost wholly disguised by mature shrubbery growth and ivy. This foliage has begun to grow around the portacabin and in so doing has served to lessen the visual impact of the structure from the views of it from High Street. However, by virtue of its position immediately west of the northernmost access into the site uninterrupted views of the structure are possible from the highway.
- 1.2 The Parish Council have objected to the proposal, primarily with respect to its visual impact. It is acknowledged that the structure, by virtue of the semi-permanent materials used for its construction and failure to represent a planned solution to the accommodation provision at the application site thereby fails to respond successfully to the host building. Further to this it cannot be said that it enhances the character and appearance of the surrounding Conservation Area as a designated heritage asset. However, the Conservation Officer has advised that the structure is acceptable if a short-term temporary building. Accordingly, if granted only a temporary planning permission of two years it is considered its visual impact will be negated by allowing the operator of the site a reasonable period of time in which to take a planned approach to providing accommodation

for an ancillary office use to support this local business and if executed in a considered and appropriate manner this should be in the form of an extension to the existing host building.

- 1.3 Subject to the imposition of a condition which approves this development on a temporary arrangement, two years is considered reasonable, the visual impact of the structure upon the primary building on the site and the surrounding Conservation Area for this short-term period considered acceptable.

2. Residential amenity of nearby occupiers

- 2.1 The single storey height of the structure, positioned hard to a high common boundary and at a reasonable distance from any nearby residential properties, the closest being those of Lime Walk to the north, ensures that the building has no material impact upon the residential amenity of nearby occupiers according with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Third party representations

- 3.1 The location of the portacabin is not considered to have any significant impact upon the parking provision afforded within the site which could warrant a reason for refusing this application. Given that residents of the care home are unlikely to be in ownership of a car, the site is considered to benefit from adequate parking provision for staff and visitors, with any highway safety impact lessened by the benefit of an 'in and out' system afforded by the two junctions with the highway.
- 3.2 As rehearsed above the portacabin, given its temporary appearance and in turn undesirable visual impact, is not considered an acceptable long-term solution to providing ancillary office accommodation on the site. The Parish Council's objection with respect to no 'justifiable business need' having been put forward with the application submission is acknowledged and accordingly the applicant has advised that the intention is to seek a permanent arrangement for the provision of office accommodation. Accordingly, they raise no objection to the imposition of a condition allowing for only a temporary permission for up to a period of two years.
- 3.3 It is acknowledged that the structure has been sited unlawfully. The local planning authority have acted proactively to address this by inviting a planning application. This has allowed for the opportunity to regularise the development and seek to agree a temporary period for its retention, which is recommended in supporting a local business with the aim of achieving acceptable permanent accommodation for their office requirements. The applicant has been advised that should Development Management Committee Members be mindful to approve the application any further applications to extend the period for which the building may remain in situ are unlikely to receive the support of the Council.

Recommendation:

That temporary Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The permission hereby granted shall be limited to a temporary period of 2 years commencing from the date of this permission after which date the temporary structure shall be removed. The area on which the temporary structure was located shall then be reinstated to its former condition within a period of two months of the date of removal.

Reason: In the interests of visual amenity because the building is constructed of short lived materials only which are prone to deterioration and fail to respond successfully to the character of the surrounding conservation area. Policies DM3 and DM13 of the Core Strategy and Development Management Policies (2009).

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 101; 102/A; and 103.

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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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Item No.

APPLICATION NUMBER	CB/15/02438/FULL
LOCATION	The Limes, 85 High Street, Henlow, SG16 6AB
PROPOSAL	Retrospective planning permission for a porta cabin for office use.
PARISH	Henlow
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Amy Lack
DATE REGISTERED	05 August 2015
EXPIRY DATE	30 September 2015
APPLICANT	Mr K Wilkinson
AGENT	Mr Paul Buckthorpe
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Richard Wenham
	Considered contrary to policy and to result in a loss of amenity by proposing an ugly portacabin which is clearly visible from the High Street and totally out of keeping with the conservation area. The building has been illegally installed for a considerable period and should have been removed after building work had taken place. It is a scar on Henlow's Conservation Area. In addition to the above while the applicant claims the cabin is needed to support the business, office functions should be carried out inside the main building.
RECOMMENDED DECISION	Full Application - It is recommended a temporary permission of 2 years be granted.

Reasons for Recommendation

It is recommended that the application be approved for a temporary period of two years.

It is acknowledged that the structure, by virtue of the semi-permanent materials used for its construction and failure to represent a planned solution to the accommodation provision at the application site thereby fails to respond in an entirely successfully manner to the host building nor can it be said to enhance the character and appearance of the surrounding Conservation Area as a designated heritage asset. However, a modest single storey in height it is a clearly subvient element to the host building and finish in a mute colour and positioned hard to the common boundary its impact is lessened. If granted only a temporary planning permission of two years it is considered its visual impact will be negated by allowing the operator of the site a reasonable period of time to take a planned approach to providing acceptable accommodation for an ancillary office use to support this local business.

Site Location:

The application site comprises a large Victorian building, located on the west side of the High Street. The building has a tarmac frontage which makes provision for on site car parking and the benefit of two junctions with the highway, operating an 'in-and-out' arrangement. The principle building has been extensively extended to the side and rear to provide additional accommodation.

The temporary structure, which is the subject of this application, is located between the north flank of the main building and the common boundary with Lime Walk a terrace row of residential development to the north.

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The Application:

The application seeks retrospective planning permission for a portacabin which is used as ancillary office space to the principle care home use.

The existing structure measures 4.9 metres in length and 2.9 metres in width. With a flat roof it rises to an overall height of approximately 2.8 metres.

The structure is finished in a light green colour with the benefit of a window to each side elevation (east and west) and door to the front (south) elevation.

RELEVANT POLICIES:

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Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

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Consultees:

Henlow Parish Council	Object to the proposal. - Unacceptable visual impact of this ugly portacabin in the Conservation Area; - There is no justifiable business need to retain this building; - It exists on site without planning permission having been granted and should be removed; - Inadequate parking - this unlawful building is sited where parking spaces should be provided.
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1. Character, context, design of external spaces and impact upon the surrounding conservation area
2. Residential amenity of nearby occupiers
3. Third party representations

Considerations

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for an ancillary office use to support this local business and if executed in a considered and appropriate manner this should be in the form of an extension to the existing host building.

- 1.3 Subject to the imposition of a condition which approves this development on a temporary arrangement, two years is considered reasonable, the visual impact of the structure upon the primary building on the site and the surrounding Conservation Area for this short-term period considered acceptable.

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Recommendation:

That temporary Planning Permission be approved subject to the following:

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RECOMMENDED DECISION	Full Application - It is recommended a temporary permission of 2 years be granted.

Reasons for Recommendation

It is recommended that the application be approved for a temporary period of two years.

It is acknowledged that the structure, by virtue of the semi-permanent materials used for its construction and failure to represent a planned solution to the accommodation provision at the application site thereby fails to respond in an entirely successfully manner to the host building nor can it be said to enhance the character and appearance of the surrounding Conservation Area as a designated heritage asset. However, a modest single storey in height it is a clearly subvient element to the host building and finish in a mute colour and positioned hard to the common boundary its impact is lessened. If granted only a temporary planning permission of two years it is considered its visual impact will be negated by allowing the operator of the site a reasonable period of time to take a planned approach to providing acceptable accommodation for an ancillary office use to support this local business.

Site Location:

The application site comprises a large Victorian building, located on the west side of the High Street. The building has a tarmac frontage which makes provision for on site car parking and the benefit of two junctions with the highway, operating an 'in-and-out' arrangement. The principle building has been extensively extended to the side and rear to provide additional accommodation.

The temporary structure, which is the subject of this application, is located between the north flank of the main building and the common boundary with Lime Walk a terrace row of residential development to the north.

The site, within the defined settlement envelope, is also located within the Henlow Conservation Area in a primarily residential part of Henlow High Street.

The Application:

The application seeks retrospective planning permission for a portacabin which is used as ancillary office space to the principle care home use.

The existing structure measures 4.9 metres in length and 2.9 metres in width. With a flat roof it rises to an overall height of approximately 2.8 metres.

The structure is finished in a light green colour with the benefit of a window to each side elevation (east and west) and door to the front (south) elevation.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies (November 2009)

CS1	Development Strategy
CS14	High Quality Development
CS15	Heritage
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM13	Heritage in Development

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council

lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

The adopted Core Strategy and Development Management Policies (2009) shall remain to set the main planning context for decisions on planning applications in the north of the Central Bedfordshire jurisdiction. Notwithstanding this, the policies of the emerging Development Strategy relevant to this proposal are considered to be:

Policy 1: Presumption in Favour of Sustainable Development
Policy 38: Within and Beyond Settlement Boundaries
Policy 43: High Quality Development
Policy 45: The Historic Environment

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

There is no planning history considered directly relevant to the determination of this application.

Consultees:

Henlow Parish Council	Object to the proposal. - Unacceptable visual impact of this ugly portacabin in the Conservation Area; - There is no justifiable business need to retain this building; - It exists on site without planning permission having been granted and should be removed; - Inadequate parking - this unlawful building is sited where parking spaces should be provided.
Conservation	No objection to a temporary permission only. The rectangular box structure is only acceptable as a short-term temporary building. Its appearance and position, though recessed behind the frontage line of the main building, is unsightly and damaging to the setting of the undesignated heritage asset (the principal Victorian building) and this part of the conservation area. As it has already been in position for some time it is suggested to either remove now or in near future with just a short-term period for retention to organise a proper extension to the rear of the building.

Other Representations:

Neighbours

Third party representations have been received from the owners/occupiers of the following addresses:

- Brook House, 77 High Street

The representations can be summarised as follows:

- The ongoing retainment of a temporary portacabin in a conservation area, is unsightly and out of keeping with the surrounding area.

The above is a summary of the representations received. Full copies of the representations can be viewed on the application file.

Determining Issues:

1. Character, context, design of external spaces and impact upon the surrounding conservation area
2. Residential amenity of nearby occupiers
3. Third party representations

Considerations

1. Character, context, design of external spaces and impact upon the surrounding conservation area

- 1.1 The application site is located within Henlow's designated Conservation Area and in the 2009 appraisal No.85 High Street is identified as a 'positive' building. The subject portacabin is positioned between the north flank of the host building and the common boundary with Lime Walk to the north. The boundary is demarcated by a high brick wall which adjacent to the portacabin is almost wholly disguised by mature shrubbery growth and ivy. This foliage has begun to grow around the portacabin and in so doing has served to lessen the visual impact of the structure from the views of it from High Street. However, by virtue of its position immediately west of the northernmost access into the site uninterrupted views of the structure are possible from the highway.
- 1.2 The Parish Council have objected to the proposal, primarily with respect to its visual impact. It is acknowledged that the structure, by virtue of the semi-permanent materials used for its construction and failure to represent a planned solution to the accommodation provision at the application site thereby fails to respond successfully to the host building. Further to this it cannot be said that it enhances the character and appearance of the surrounding Conservation Area as a designated heritage asset. However, the Conservation Officer has advised that the structure is acceptable if a short-term temporary building. Accordingly, if granted only a temporary planning permission of two years it is considered its visual impact will be negated by allowing the operator of the site a reasonable period of time in which to take a planned approach to providing accommodation

for an ancillary office use to support this local business and if executed in a considered and appropriate manner this should be in the form of an extension to the existing host building.

- 1.3 Subject to the imposition of a condition which approves this development on a temporary arrangement, two years is considered reasonable, the visual impact of the structure upon the primary building on the site and the surrounding Conservation Area for this short-term period considered acceptable.

2. Residential amenity of nearby occupiers

- 2.1 The single storey height of the structure, positioned hard to a high common boundary and at a reasonable distance from any nearby residential properties, the closest being those of Lime Walk to the north, ensures that the building has no material impact upon the residential amenity of nearby occupiers according with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Third party representations

- 3.1 The location of the portacabin is not considered to have any significant impact upon the parking provision afforded within the site which could warrant a reason for refusing this application. Given that residents of the care home are unlikely to be in ownership of a car, the site is considered to benefit from adequate parking provision for staff and visitors, with any highway safety impact lessened by the benefit of an 'in and out' system afforded by the two junctions with the highway.
- 3.2 As rehearsed above the portacabin, given its temporary appearance and in turn undesirable visual impact, is not considered an acceptable long-term solution to providing ancillary office accommodation on the site. The Parish Council's objection with respect to no 'justifiable business need' having been put forward with the application submission is acknowledged and accordingly the applicant has advised that the intention is to seek a permanent arrangement for the provision of office accommodation. Accordingly, they raise no objection to the imposition of a condition allowing for only a temporary permission for up to a period of two years.
- 3.3 It is acknowledged that the structure has been sited unlawfully. The local planning authority have acted proactively to address this by inviting a planning application. This has allowed for the opportunity to regularise the development and seek to agree a temporary period for its retention, which is recommended in supporting a local business with the aim of achieving acceptable permanent accommodation for their office requirements. The applicant has been advised that should Development Management Committee Members be mindful to approve the application any further applications to extend the period for which the building may remain in situ are unlikely to receive the support of the Council.

Recommendation:

That temporary Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The permission hereby granted shall be limited to a temporary period of 2 years commencing from the date of this permission after which date the temporary structure shall be removed. The area on which the temporary structure was located shall then be reinstated to its former condition within a period of two months of the date of removal.

Reason: In the interests of visual amenity because the building is constructed of short lived materials only which are prone to deterioration and fail to respond successfully to the character of the surrounding conservation area. Policies DM3 and DM13 of the Core Strategy and Development Management Policies (2009).

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 101; 102/A; and 103.

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.

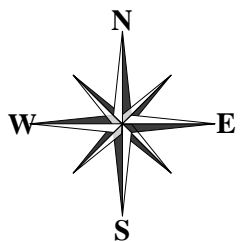
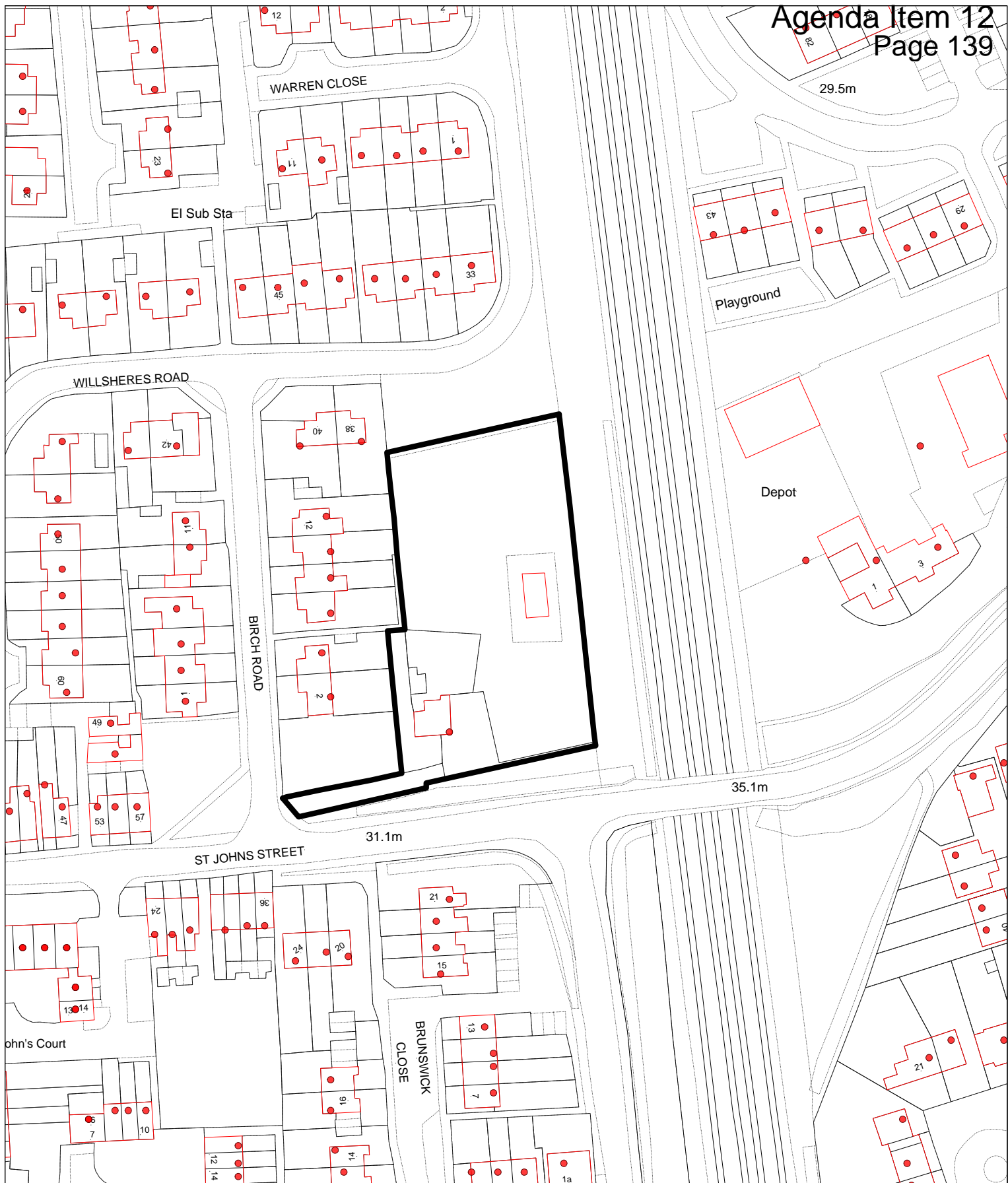
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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Date: 29:September:2015

Map Sheet No

Application No.
CB/15/03100/FULL

Scale: 1:1250

67 and Land Rear of St John's Street, Biggleswade, SG18 0BT

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Item No. 12

APPLICATION NUMBER	CB/15/03100/FULL
LOCATION	67 and land rear of St Johns Street, Biggleswade, SG18 0BT
PROPOSAL	Remediation of the former gasworks, for the improvement of the site and to reduce potential environmental liabilities.
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Mark Spragg
DATE REGISTERED	24 August 2015
EXPIRY DATE	19 October 2015
APPLICANT	National Grid Property Holdings
AGENT	Stratus Environmental Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr Tim Woodward requested that the application be called in for the following reasons: - Plans do not show full extent of adjacent properties - Concern about wildlife on site - Trees act as a sound barrier and should remain - The site is likely to be heavily contaminated - Further information should be provided on future plans for the site - What conditions would mitigate the impact on the adjoining properties - What is the environmental impact of leaving the site as it is.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposal is recommended for approval as it is considered acceptable in terms of its impact on the character and appearance of the site and its surroundings. There would be no undue impact on the amenity of the neighbouring occupiers and no highway or environmental issues. As such the proposal would be in accordance with policies CS18, DM3 and DM15 of the Core Strategy and Development Management Policies (2009), policies 43, 44, 57 and 58 of Development Strategy for Central Bedfordshire and the National Planning Policy Framework (2012).

Site Location:

The application site is a former gasworks which was operational as a processing plant between 1884 and the mid 1930's. It continued to be used for gas storage until approximately 1989, when the gas holders were removed.

The site is located adjacent to the East Coast Mainline (to the East), beyond which are light industrial uses. To the south of the site is St Johns Street and a road

bridge, with residential properties on the other side of the road. To the west of the site are the rear gardens of No's 2-12 Birch Road and 38 Willsheres Road. To the north is amenity land within Willsheres Road.

The site is accessed via an unmade access track, which also serves an existing residential property, 67 St Johns Street (owned by the applicant), and which is located within the site boundary.

The site occupies an area of approximately 0.3 hectares and apart from the access and land forming part of No.67 is overgrown. There is light vegetation cover in the south part of the site with dense vegetation and semi mature trees in the central and northern parts. Some redundant above ground gas apparatus, structures and pipe work remains within the site.

The Application:

National Grid is seeking planning permission to carry out environmental improvement/remediation works to two main areas within the site (identified on the remediation works layout drawing). The purpose of the remediation is to render the ground quality suitable for an alternative use in the future. However, the application states that permission is only being sought for the remediation and does not seek consent for any other use of the land, which would be subject to a separate planning application.

The Planning Statement sets out the scope of the works being proposed which the applicant anticipates would take approximately 5 weeks to complete. The works will include:

- Removal of skid unit. The skid unit is no longer operational and does not contain gas. Removal of this structure is to be carried out in advance of the investigation works and would be carried out with light plant equipment.
- Remediation Works (Phase 2) Excavations to allow removal of contaminated materials (Areas A and B). Areas of excavation containing treated materials to be covered with a layer of geotextile and overlain by no less than 100mm of uncontaminated stone, crushed concrete or similar.
- Stockpiles in the centre of the site to be sampled to allow disposal options to be assessed. If necessary stockpiles may be temporarily moved to other parts of the site to allow subsequent works to take place.
- Contaminated materials encountered during site works, to be assessed for removal/remediation as necessary.
- A site compound to be established in the northern part of the site which will include, offices, parking and welfare facilities.

No changes in levels are involved and following the remediation work the land would return to its natural condition.

The application is also accompanied by a Noise and Vibration Management Plan, Air Quality Management Plan, Remediation Scheme, Badger Survey, Ecological

Appraisal and a Statement of Community Involvement.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

- Conserving and enhancing the Natural Environment

Core Strategy and Development Management Policies - North 2009

Policy CS18 - Biodiversity and Geological Conservation

Policy DM3 - High Quality Development

Policy DM15 - Biodiversity

Emerging Development Strategy for Central Bedfordshire 2014

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 57: Biodiversity and Geodiversity

Policy 58: Landscape

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Relevant Planning History:

None

Consultees:

Biggleswade Town
Council

Holding objection.

The Town Council has requested that the application is called in for the following reasons:

- Plans do not show full extent of adjacent properties
- Concern about wildlife on site
- Trees act as a sound barrier and should remain.
- The site is likely to be heavily contaminated
- Further information should be provided on future plans

for the site

- What conditions would mitigate the impact on the adjoining properties.
- What is the environmental impact of leaving the site as it is.

Ecologist

I have read through the submitted Ecological Appraisal which was dated 2014, there are additional surveys to this from 2013 and a badger update in 2015. The planning statement considers the findings of these surveys and notes that the brownfield habitat on site has the potential to provide suitable habitat for common invertebrates, small mammals and reptiles. To ensure there are no detrimental impacts arising from the proposed development mitigation methods will be incorporated into the scheme. I would recommend that a condition requires works on site to be carried out in accordance with the submitted Reptile Mitigation Method Statement.

Badger evidence had been found on the site previously but a 2015 assessment confirmed the absence of badgers and use of the site by foxes. It is therefore considered that there are no constraints to the proposed works on-site from the presence of badger. However given the history of the site, and the general nature of this species, it is considered that the site should be surveyed immediately prior to works starting on-site to confirm the continued absence of this species. A condition should require the submission of the results of this survey together with any further action and mitigation required (if necessary).

The NPPF calls for development to deliver a net gain for biodiversity, whilst the works to site do constitute an environmental gain, to achieve specific gains for biodiversity it is recommended that the effect of the proposed works is minimised by retention of on-site habitats as far as possible, and by avoiding 'tidying-up' of vegetation outside working areas. Materials such as crushed or broken concrete extracted during works should be retained on-site in areas currently dominated by dense bramble, outside the working areas, in order to extend the mosaic of open habitats. Creation of rubble piles will provide microhabitats suitable for a range of invertebrates and help to retard the succession of habitats to dense scrub, thereby maintaining the open mosaic habitats of value to invertebrates and reptiles.

Pollution officer

Support the application. The findings and assumptions of the remediation scheme appears reasonable.

Trees and Landscaping The site has been previously cleared to a large extent some years ago, at present there is a significant level of scrub regrowth largely consisting of Sycamore.

On the east boundary with the rail line there are a number of larger primarily Sycamore trees, I was unable to access the site and as such it was unclear whether the trees were within the site or on railway land. Looking at the Remediation Works Layout it would appear that the Area B shown will involve excavation works and it is possible that these works may make the trees unstable. The trees do not really afford anymore than some screening for the site and would not be likely to warrant a tree preservation order. The stability of these trees should be considered by the applicant if this application is approved.

Environment Agency Comments to be reported

Highways Officer No objection

Network Rail No objection subject to requirements

Other Representations:

Neighbours 1 letter of objection has been received from the occupier of 6 Birch Road. The points made are summarised as follows:

- Impact on wildlife and existing trees
- Loss of privacy and additional noise from trains
- Noise and vibration during remedial works

Determining Issues:

1. Principle of Development
2. The effect on the character and appearance of the area and environmental impacts
3. The impact on the residential amenity of neighbouring properties
4. Highways Matters
5. Other considerations

Considerations

- 1. Principle of Development**

1.1 The proposal does not propose any new buildings or any change of use of the land. Instead it proposes measures to remediate the land by reducing potential environmental liabilities, demolishing redundant structures and treating existing contamination.

1.2 As such, the principle of the works is considered acceptable. Any future use of the site would need to be considered on its particular merits.

2. The effect on the character and appearance of the area and environmental impacts

2.1 The proposal would include removal of some existing overgrown vegetation and the Tree Officer has confirmed that there are no trees worthy of protection on the site. The site was previously cleared of vegetation about a year ago and has now regrown again to its current state. It is intended that after completion of the remediation works the vegetation would be left to regrow again. The site will remain partly screened by trees outside the site, when viewed from St Johns Street, with all trees outside the site unaffected .

2.2 The Council's Ecologist considers that the works to the site constitute an environmental gain. However, it is recommended that a condition be imposed requiring works on site to be carried out in accordance with the submitted Reptile Mitigation Method Statement. The Ecologist also recommends that a further badger survey is carried out immediately prior to works starting on-site to confirm the continued absence of the species.

2.3 In summary, it is considered that the proposed remediation of the land would be environmentally beneficial to the locality and would enable the sustainable reuse of land within the settlement envelope, subject to the merits of any future proposal.

3. Impact on the residential amenity of neighbouring properties

3.1 The site currently provides a barrier between the railway line and houses in Birch Road and Willsheres Road. However, it is private land and none of the trees within it are considered worthy of protection. Remediation of the site is considered to represent a long term benefit to the occupants of the other adjoining properties.

3.2 The application includes details of remediation control measures to minimise any impact in terms of noise and on the occupiers of neighbouring properties. The supporting Noise and Vibration Management Plan and an Air Quality Management Plan both seek to mitigate and manage amenity issues. The Council's Control of Pollution Officer supports the proposal and considers the submitted Remediation Method Scheme to be acceptable.

3.3 Whilst comment has been made about the detail of adjacent properties shown on the submitted plans a site visit has been carried out and it is considered that there is sufficient detail submitted with the application to adequately assess the implications of this proposal.

3.4 On the basis of the above it is not considered that any undue loss of privacy or amenity would result to any neighbouring properties, subject to the

implementation of the works in accordance with the submitted details.

4. Highway Matters

- 4.1 It is not considered that any highway implications arise from the proposals, which would generate minor traffic movements only during the remediation works. The planning statement explains that the majority of traffic movements will be associated with the mobilisation and demobilisation of plant and equipment at the commencement and cessation of the remedial works. Where possible contaminant soils which have been treated for use will be used as "clean" backfill material on the site. This will minimise the amount of material required to be exported offsite for disposal or imported for backfill purposes, thereby reducing traffic movements. A gateman will be employed by the remediation contractor to control traffic ingress and egress from the site, which would be from the existing access on St John's Street. The Highways Officer has raised no objection to the proposals. However, highway implications in respect of a future use of the site would need to be assessed accordingly.

5. Other Considerations

- 5.1 Human Rights issues: There are no human rights issues associated with this application.
- 5.2 Equality Act 2010: The proposal raises no Equality issues

Recommendation:

The application is recommended for approval 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 work carried out on site shall be carried out in accordance with the submitted Reptile Mitigation Method Statement. The site shall be surveyed immediately prior to works commencing to confirm the continued absence of Badgers at the site. The results of this survey together with any further action and mitigation required shall be submitted to the Local Planning Authority for approval before any works commence. Any works shall be carried out in accordance with the agreed details.
- Reason: In the interests of any protected species. (Policy 57, DSCB)
- 3 The works hereby approved shall be carried out in accordance with the

details submitted in the Remediation Scheme, Air Quality Management Plan and the Noise and Vibration Management Plan.

Reason: To ensure appropriate remediation, and in the interests of the amenity of the surrounding area and neighbouring properties.
(Policy 57, DSCB)

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SS1031/1/01, 02, 03, 04, 5819-E-01-RevA, Remediation Scheme (Sirius), Air Quality Management Plan (Stratus), Noise and Vibration Management Plan (Stratus)

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

Notes to Applicant

1. It is recommended that in order protect on-site habitats as far as possible, the 'tidying-up' of vegetation outside working areas should be avoided. Materials such as crushed or broken concrete extracted during works should be retained on-site in areas currently dominated by dense bramble, outside the working areas, in order to extend the mosaic of open habitats. Creation of rubble piles will provide microhabitats suitable for a range of invertebrates and help to retard the succession of habitats to dense scrub, thereby maintaining the open mosaic habitats of value to invertebrates and reptiles.

2. **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

3. **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by

failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

4. **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

5. **Fencing**

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

6. **Method Statements/Fail Safe/Possessions**

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 2A
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk

7. **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

8. **Demolition**

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

9. **Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

10. **Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges, in particular the adjacent St Johns Street bridge over the railway). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

11. **Encroachment**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

12. **Lighting**

Where new lighting is to be erected (for example temporary lighting to help facilitate works) adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

13. **Heaping, Dust and Litter**

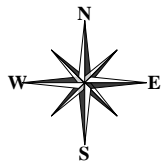
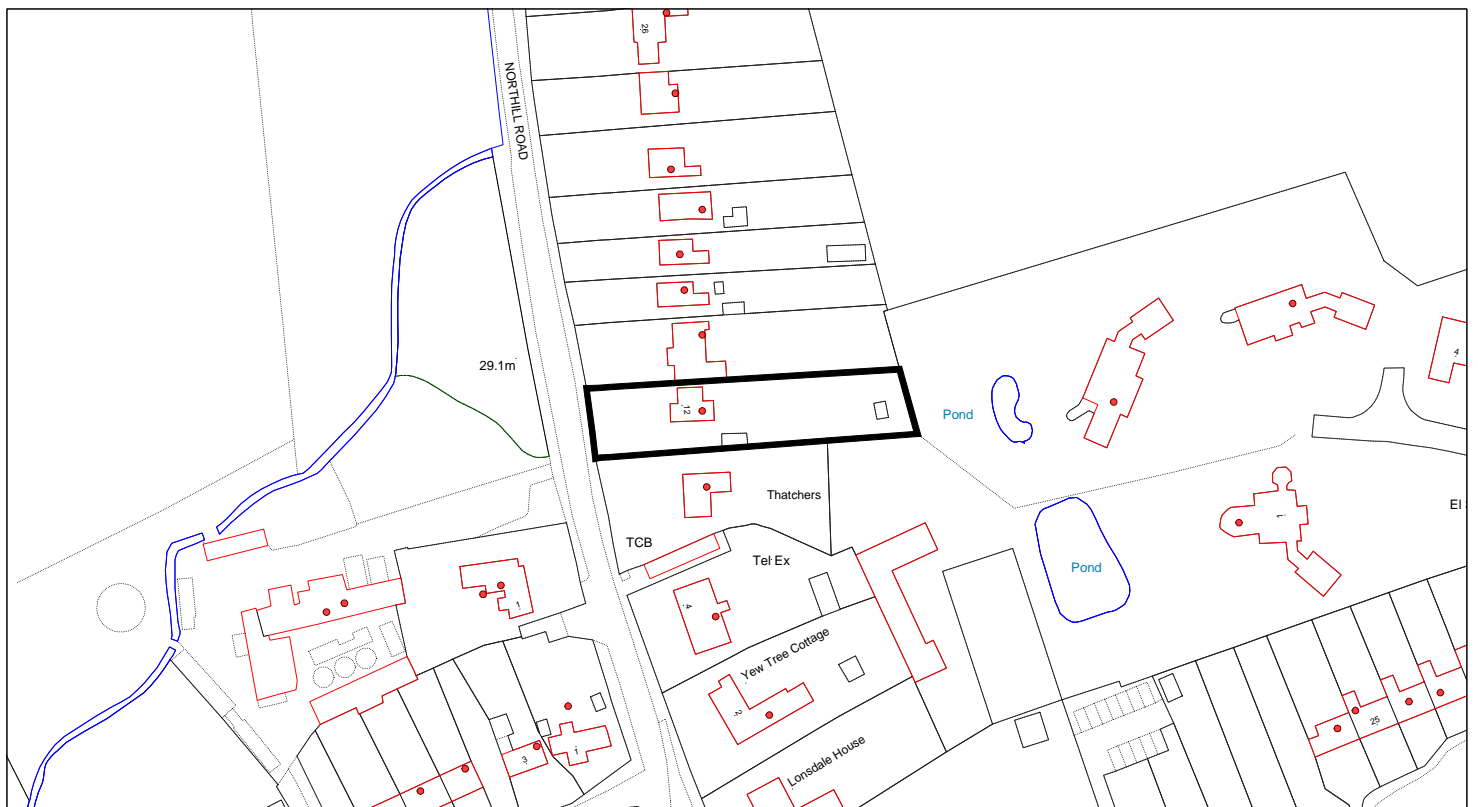
It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

14. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development must take place within the site and not extend into within the public highway at any time without authorisation from the highway authority. 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 traffic movements associated with implementation of the development hereby approved.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

This application has been recommended for approval. 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) Order 2015.

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Date: 29:September:2015

Map Sheet No

Scale: 1:1250

Application No. CB/15/03255/FULL

The Ingle, 12 Northhill Road, Biggleswade, SG18 9ED

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Item No. 13

APPLICATION NUMBER	CB/15/03255/FULL
LOCATION	The Ingle, 12 Northhill Road, Ickwell, Biggleswade, SG18 9ED
PROPOSAL	Garage home office and bedroom.
PARISH	Northhill
WARD	Northhill
WARD COUNCILLORS	Cllr Mr Firth
CASE OFFICER	Mark Spragg
DATE REGISTERED	01 September 2015
EXPIRY DATE	27 October 2015
APPLICANT	Mr Yeoman
AGENT	Richard Beaty (Building Design) Limited
REASON FOR COMMITTEE TO DETERMINE	Cllr Firth called in the application for the following reasons: - The height and position of the building will have a significant impact upon the neighbours. - The application is misleading as it states the building is single storey, where it is two storey, and that it replaces a building, which is a shed screened by a 2m boundary fence.

RECOMMENDED DECISION

Full Application - Recommended for approval

Summary of Recommendation

The proposal is recommended for approval as it is considered acceptable in terms of its impact on the character and appearance of the site and its surroundings, which includes the Ickwell Conservation Area. There would also be no undue impact on the amenity of the neighbouring occupiers and no highway issues. As such the proposal would be in accordance with policies CS14, CS15, DM3 and DM13 of the Core Strategy and Development Management Policies (2009), policies 43 and 45 of the Development Strategy for Central Bedfordshire and the National Planning Policy Framework (2012).

Site Location:

The application site contains a recently extended detached dwelling within the Ickwell village Conservation Area and settlement. The house is set back from the road, with part timber framed detailing. It is linear in form with a front-facing principal gable and a shed building to the rear.

There was previously a car port and garage to the side of the property, both of which have now been demolished, albeit the base still remains.

The Application:

Planning permission is sought for the erection of a detached garage and home office with an attic room above.

The front part of the proposed building would provide a garage and have a 5.3m high pitched roof, whilst the rear part would have an office with attic room above and have a pitched roof 5.9m high.

The building is shown to have timber boarding to the walls and dormer, a brick plinth, and plain tiles for the roof to match the existing house.

The application has been revised by removal of a dormer originally shown on the north facing roofslope.

The application is accompanied by a Design and Access Statement.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies - North 2009

CS14 High Quality Development

CS15 Heritage

DM3 High Quality Development

DM13 Heritage in Development

Development Strategy for Central Bedfordshire

Policy 43 High Quality Development

Policy 45 The Historic Environment

(The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a Judicial Review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against this Judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment).

Central Bedfordshire Design Guide 2014

Planning History

CB/14/05033/FULL Part two storey and part single storey rear and side extension following part demolition. Approved.

**Representations:
(Parish & Neighbours)**

Ickwell Parish Council	No comments received.
Neighbours	<p>One letter of objection has been received on behalf of the occupants of "Thatchers", 10 Northhill Road. The comments are summarised as follows:</p> <ul style="list-style-type: none">- Building would be too large.- Overbearing to outlook from dining room window and rear garden of No.10.- Could be converted into self contained accommodation.- Loss of privacy to the decking area to the rear of No.10.- Would be tall and bulky and compete with the host dwelling and impact on the Conservation Area.

Consultations responses

Conservation Officer	The Conservation Officer raises no objection to the proposal and considers the removal of the dormer window an enhancement.
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Considerations

1. The Principle of Development

The application site lies within the settlement envelope of Ickwell wherein outbuildings are considered to be acceptable in principle subject to all other material considerations.

2. Impact on the existing property and surrounding Conservation Area.

The existing property has a front gable with a steep pitched roof and ridge of approximately 8.1m. The proposed outbuilding would be set back approximately 9m from the front gable of the existing property and approximately 27m from the front property boundary. The front roof of the building would therefore be approximately 2.8m lower than the house with the rear roof still being 2.2m lower. The proposed building with its steep roof would reflect the appearance of the house whilst remaining clearly subordinate to it, particularly given its significant set back and lower height.

The building is proposed to be finished with timber boarding and with roof tiles to match the main house. The dormer window originally shown has been removed from the proposal, which greatly improves the design. It is noted that there are other timber agricultural buildings and timber clad outbuildings in close proximity of the site and the proposed building would not be out of keeping.

The Conservation officer has raised no objection and considers the design to preserve the character of the surrounding Conservation Area, subject to the approval of materials.

3. Neighbouring amenity

To the south of the site is No.10, which has a flat roofed garage and outbuilding extending along the boundary and beyond the rear of that property. There are no main habitable windows on the flank elevation of No.10, whilst the closest affected window is a rear facing living room window. However, their own outbuilding extends well beyond that window and as such it is not considered that the proposed building would result in any significant impact on light to that property, particularly given the distance of the proposed building from that window and their own intervening outbuilding.

Whilst the proposed building would clearly be visible from the rear garden of No.10, the neighbours property has a garden of over 25m in length and a similar width at its widest point. As such, it is not considered that the view of a building to one side of the garden would unduly harm the outlook from that house or garden. The neighbours have also raised concerns about the impact on their rear decking area from the rear window of the outbuilding. Again, the occupants benefit from a large private area immediately to the rear of their house which would remain private and not unduly affected by the proposal. Whilst overlooking of part of the rear garden would be possible from the rear windows of the attic room it is not considered that this is either an unusual or unreasonable relationship between properties.

Due to the distance of No.14 from the proposed outbuilding and the fact that no windows would face that property, other than towards the rear part of the garden, it is not considered that any undue loss of privacy to those neighbours would result.

Whilst concern has been raised regarding the possibility of a future conversion of the building into self contained accommodation any use not ancillary to the main house would require the benefit of planning permission. It is not considered that the proposed ancillary use would cause any harm to privacy or amenity.

4. Highway Considerations

The property has a large parking area to the front and side of the property and no parking/highways issues arise from this proposal.

Other Considerations

- Human Rights issues

There are no human rights issues associated with this application.

- Equality Act 2010

The proposal raises no Equality issues.

Recommendation

That application is recommended for approval 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 commence until details of the materials to be used for the external windows, doors, walls, roofs and rainwater goods of the proposed building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.**
Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Policy 43, DSCB)
- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15.20.OS, 15.20.02A.

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

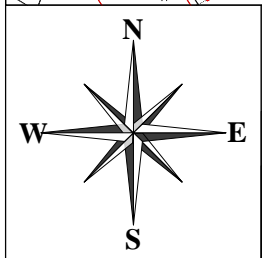
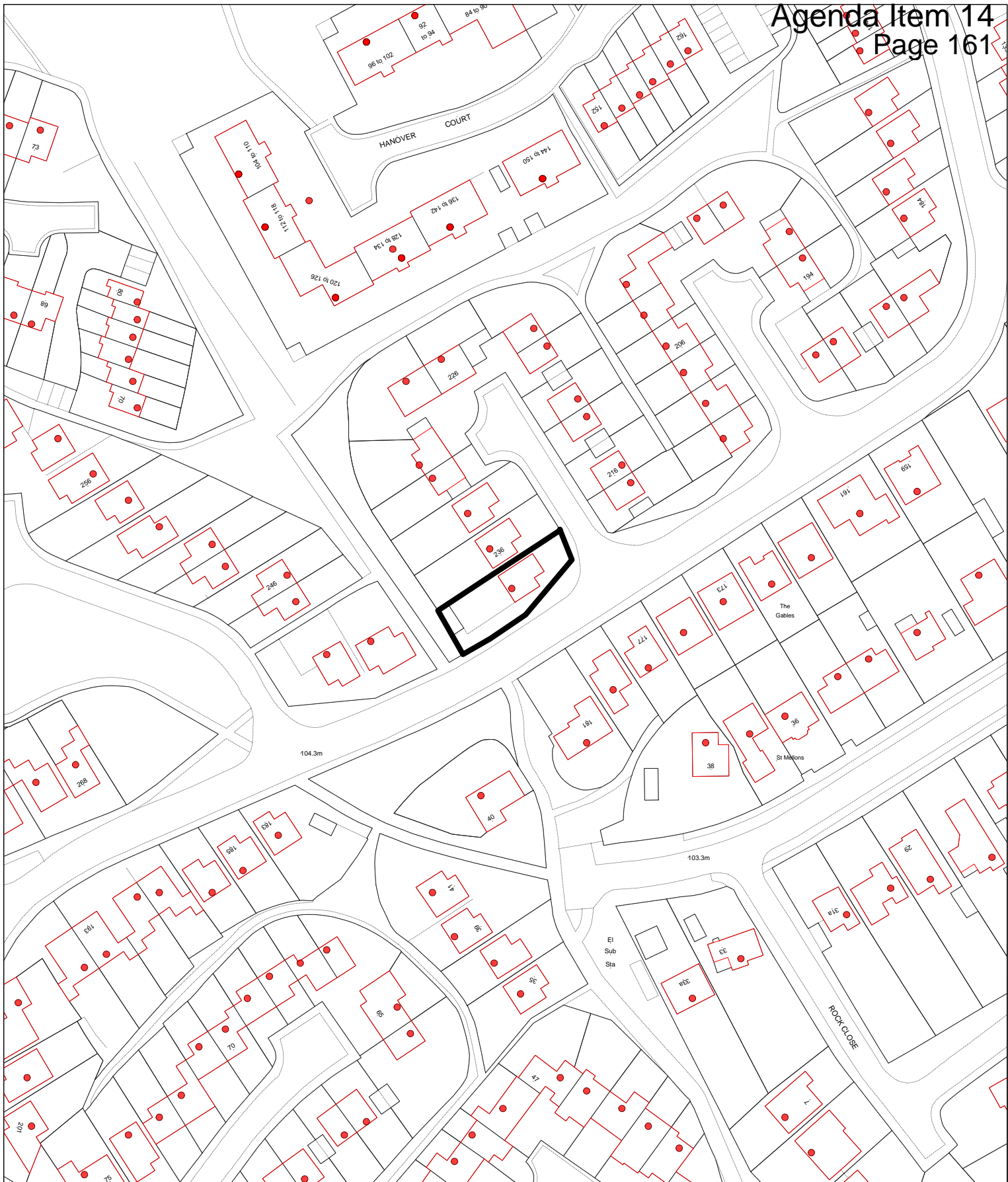
Notes to Applicant

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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

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Date: 28:September:2015
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Application No.
CB/15/03320/FULL

Scale: 1:1250

238 Grasmere Way, Linslade, Leighton Buzzard, LU7 2QH

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Item No. 14

APPLICATION NUMBER	CB/15/03320/FULL
LOCATION	238 Grasmere Way, Linslade, Leighton Buzzard, LU7 2QH
PROPOSAL	Change of use from amenity land to residential garden by enclosure of 2.2m wooden fence (part retrospective) - (Revision to previous application under reference CB/14/03082/FULL to incorporate a set back of the fence and gate from the pavement edge)
PARISH	Leighton-Linslade
WARD	Linslade
WARD COUNCILLORS	Cllrs Perham, Tubb & Walker
CASE OFFICER	Donna Lavender
DATE REGISTERED	03 September 2015
EXPIRY DATE	29 October 2015
APPLICANT	Mr & Mrs Lane
AGENT	PJPC Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Perham on grounds of detrimental impact on the landscape character of the area and highway concerns.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed development would provide for the reinstatement of an important piece of amenity land which provides a landscape buffer along the harsh edge of the built form whilst also providing for a means of access and additional residential garden space for the existing occupier without prejudicial impact on highway safety and adverse impact on the landscape character of the area in accordance with policies BE8 & R12 of the South Bedfordshire Local Plan Review, policies 22 & 43 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

Site Location:

The application site consists of a two storey detached dwellinghouse located on a corner plot within Grasmere Way, Linslade. The site is flanked to the north by 236 Grasmere Way and to the west by a public footpath.

The Application:

Permission is sought to relocate an authorised 2.2 metre high fence which is currently enclosing a parcel of amenity land to the side of the application site. The fence is proposed to be repositioned approximately 2 metres away from the public highway and set back from the corner by some 5 metres as revised during the life of the application, enclosing only an area of land measuring approximately 32m² as opposed to that currently enclosed measuring 88m².

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations
R12 Recreation Open Space
T10 Parking

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

Emerging Development Strategy for Central Bedfordshire 2014

Policy 22: Leisure and Open Space
Policy 27: Parking
Policy 43: High Quality Development
Policy 40: Other Areas of Open Land within Settlements

(The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspector's findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.)

Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

CB/14/03082/FULL - Change of use from amenity land to garden land by enclosure of 2.2m fence (Retrospective). Refused on 07/11/14 and appeal dismissed on 08/06/15.

SB/TP/74/1131A - Erection of 161 dwellings. Granted 17/09/74.

Consultees:

1. CBC Rights of Way Officer (11/09/15) - No Objection, ROW unaffected.
2. CBC Trees & Landscape Officer (28/09/15) - No Objection.
3. CBC Highways Officer (28/09/15) - No Objection, subject to the imposition of a condition.

Other Representations:

- | | |
|---|--|
| 1. 6 Grasmere Way
(18/09/15) - | Objects on the following grounds (in summary): <ul style="list-style-type: none">• Impact on adjacent footpath• Visibility concerns• Enclosure of amenity land |
| 2. 18 Stonebridge Road,
Aylesbury (18/09/15) - | Supports the application as enclosure prevents anti social behaviour and no negative impact in terms of appearance. |

Determining Issues

The main considerations of the application are;

1. **Principle of Development**
2. **Highway Considerations**
3. **Other Considerations**

Considerations

1. **Principle of Development**
 - 1.1 Policy R12 of the South Bedfordshire Local Plan Review and policy 22 of the emerging Development Strategy for Central Bedfordshire state that planning permission will not normally be given for the development of amenity space, but exceptions would be considered where the new use is essential for the improvement, enhancement or enlargement of an existing area and where only a small part would be lost. The determination of this application should therefore be based on balancing the need to preserve amenity land against development, with any positive impact upon the residential amenity enjoyed by the applicants and any long term enhancement that could follow from the changed management of an area of amenity land.
 - 1.2 A previous application was applied for and refused under reference CB/14/03082/FULL for the retrospective full enclosure of the amenity land to the side of the host dwellinghouse due to the amount of loss of amenity land which contributed to the original landscape scheme for the residential development permitted in 1974 and this decision was upheld at appeal. Further to the appeal decision Enforcement action was taken in August 2015 for the unlawful enclosure of the amenity land for the use for private residential garden space. The notice requires that all fencing used to enclose the land should be removed by November 2015. Options for a limited enclosure were explored with the applicant as a result of the refusal and enforcement action.
 - 1.3 The proposal herein was the result of these discussions and would result in the enclosure by fencing of a smaller portion of amenity land than is currently enclosed, retaining a substantial amount of view to important amenity along the edge and corner to be appreciated as an open area for those within the community and an important buffer along the harsh edge of the built form. Despite concerns raised by the local Ward Councillor and some local residents, it is considered that whilst the enclosure would reduce the area of amenity land and thereby potentially reduce the visual amenity function of the land, the retention of the remainder land on the corner being the most prominent and land

running along the proposed relocated fencing being the most beneficial section of land, would better contribute to provide a suitable amount of open land which would contribute to the amenity function within the locality. A condition would be imposed to ensure that some planting is introduced in a similar fashion to that present on other parcels of amenity land on the estate in the locality and which act as a buffer to the harsh edge of the built development. No objections have been raised to the proposal by the Councils Tree and Landscape Officer.

- 1.4 On this basis, on balance, it is considered that the proposal would conform with policies BE8 & R12 of the South Bedfordshire Local Plan Review and 22 & 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

2. **Highway Considerations**

- 2.1 A number of objections have been received from local residents which have suggested that the position of the fence has resulted in visibility issues at the junction of Grasmere Way.
- 2.2 The Councils Highways Officer concluded with the previous application under reference CB/14/03082/FULL the affect of the fence on the highway network, specifically driver/driver intervisibility at the adjacent road junction, that there is no obstruction to driver/ driver intervisibility. Residential estates such as this are designed for a vehicle target speed of between 15 and 20 mph. Even when one considers the legal limit of 30mph, the adjacent junction can still provide visibility of 2.4m x 43m, in accordance with Manual for Streets.
- 2.3 The gate and fence is proposed to be set back away from the corner and public highway improving the current situation and as no objections were raised to the previous application in terms of visibility from the Highways Team, the improved siting of the fencing would not give rise to any visibility concerns.
- 2.4 The Highways Officer had noticed previously that the vehicular access to the garage to the rear of the property has and will continue with its relocation to be blocked by fencing, in effect the access has been closed. However this is likely due to the parking that is now provided to the front of the property. If vehicular access to the rear of the property was ever to be reinstated then the fence would require modification to provide pedestrian intervisibility splays and this is considered to be difficult to control. He therefore previously suggested if it's the applicants intention never to use this vehicle crossing to the rear of the property, then the dropped kerb should be raised and the footway reinstated at the applicants expense and this can be controlled by condition.
- 2.5 Furthermore, whilst we acknowledge that concerns have been expressed by residents about the impact of the enclosure on the public footpath that runs along the rear of the application site, there is no obstruction, unacceptable enclosure or impact on the visibility as a result of this development and no objections have been formally raised by the Councils Public Rights of Way Officer or Highway Officer and as such it is considered that the impact is negligible.

2.6 On this basis, it is considered that the application would conform with Policy T10 of the South Bedfordshire Local Plan Review, Policies 27 & 43 of the emerging Development Strategy for Central Bedfordshire and revised parking standards of the Central Bedfordshire Design Guide as amended Sept 2014.

3. Other Considerations

3.1 Human Rights issues

The proposal raises no Human Rights issues.

3.2 Equality Act 2010

The proposal raises no Equality issues.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

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

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

- 2 Within 2 months from the date of this decision, the siting of the boundary fencing shall be pegged out on site and this siting agreed in writing by the Local Planning Authority. The boundary fencing shall be completed in accordance with the approved scheme within a further month and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Policies BE8 SBLPR and 43 DSCB)

- 3 Within six months of the date of this decision, the existing vehicular access within the frontage of the land to be developed, shall be closed in a manner to the Local Planning Authority's written approval. The closure shall be completed in accordance with the approved scheme before the use hereby permitted is commenced and be thereafter retained.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Policies BE8 SBLPR and 43 DSCB)

- 4 Within the first planting season from the date of the decision, 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season immediately following the decision date of this application (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in

accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

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

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001 dated 21/09/15 & CBC/002 dated 03/09/15.

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

Notes to Applicant

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.
4. The applicant is advised that the closure of the existing access shall include the reinstatement of the highway to include any footway, verge and kerbing. No works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. To fully discharge condition 1 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction works in accordance with the approved plan, before the development is brought into use. The applicant will also be expected to bear all costs involved in closing the access.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

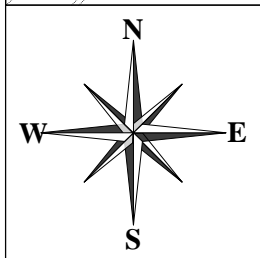
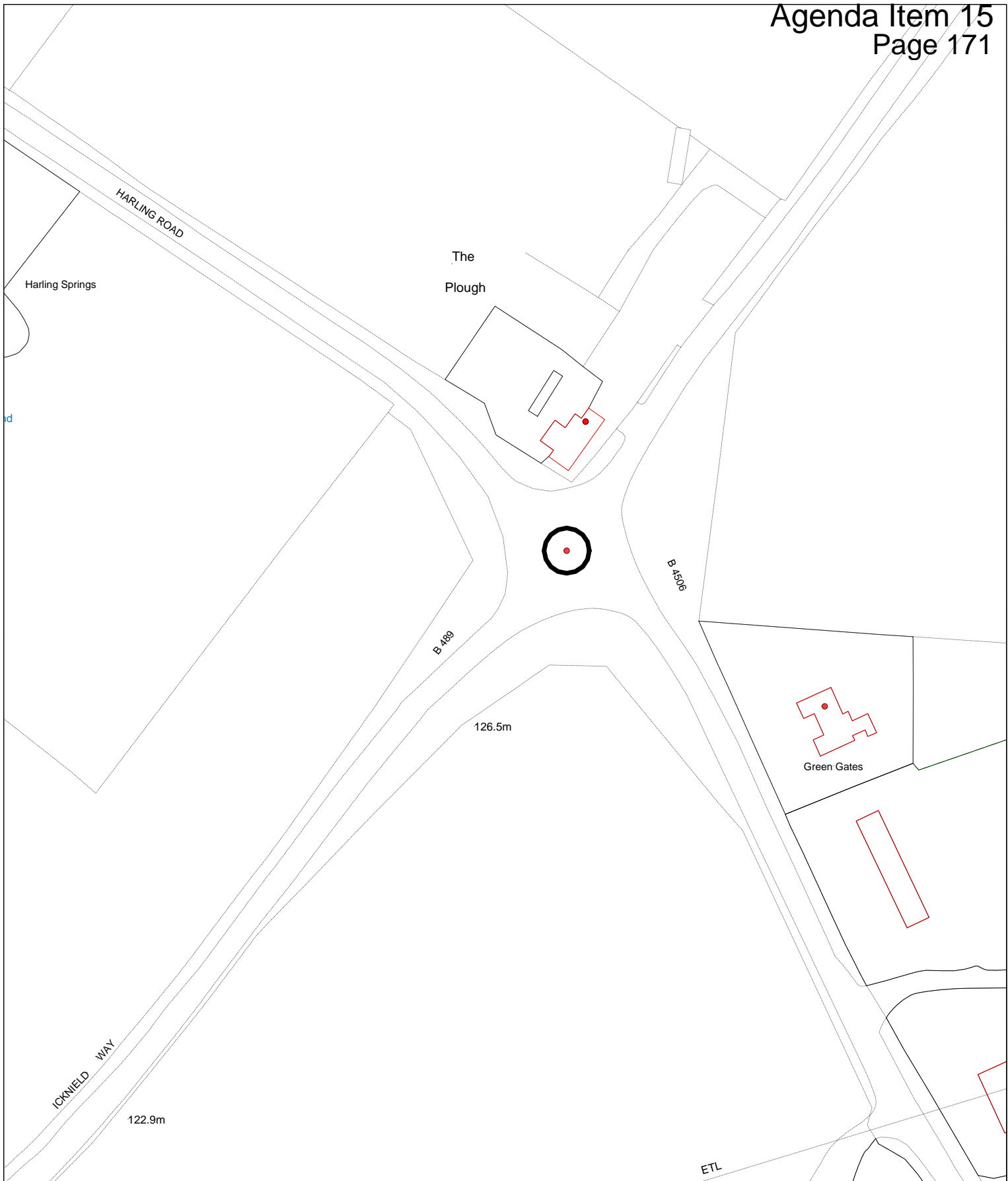
The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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Date: 28:September:2015
Grid Ref: 499244; 219036

Application No.
CB/15/03001/ADV

Scale: 1:1450

Roundabout at the junction of B489, B4506 and
Harling Road, Dagnall Road, Whipsnade

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Item No. 15

APPLICATION NUMBER	CB/15/03001/ADV
LOCATION	Roundabout at the junction of B489 B4506 And Harling Road, Dagnall Road, Whipsnade
PROPOSAL	Signs boards which are free standing, post mounted with text graphic details to the front of the signs and powder coated to the back
PARISH	Eaton Bray
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Janes
CASE OFFICER	Debbie Willcox
DATE REGISTERED	10 August 2015
EXPIRY DATE	05 October 2015
APPLICANT	Central Bedfordshire Council
AGENT	Immediate Solutions
REASON FOR COMMITTEE TO DETERMINE	The Council is the applicant and the Parish Council have objected to the application. The objections cannot be overcome by the application of conditions.
RECOMMENDED DECISION	Advertisement - Recommended for Approval

Summary of recommendation:

Approval is recommended for this application. The application is for four advertisement signs located on a roundabout. No objections have been received from the Highways Officer, and it is considered that there would be no significant harm to amenity, given the design and limited size of the signs. It is considered that the development would be in accordance with the National Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review, policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises a four way roundabout at the junction of Dagnall Road, the B489 Icknield Way and Harling Road, which leads back north westwards to the village of Eaton Bray. The roundabout is in a rural location to the north west of Whipsnade Zoo and the village of Whipsnade, at the foot of the Downs, which are within the Chilterns Area of Outstanding Natural Beauty.

The Application:

The application seeks advertisement consent for the erection of four sponsorship signs on the roundabout, opposite the highway entrances.

The signs would be non-illuminated and would measure 1.3m wide by 0.48m deep. Each would be fixed to posts on each side of the sign and would be 0.12m from the ground. Each sign would have the Central Bedfordshire Council branding along the bottom, and the sponsor's details would be in the panel above. The colour and font

of the sign would depend on the sponsor of the roundabout, who is yet to be determined.

The application is a resubmission of application reference no. CB/15/00087/ADV, which was refused earlier in 2015 for the following reason:

"The proposed signage scheme, by reason of the number, size and positioning of the proposed signs, would reduce visibility at the roundabout and provide a distraction to drivers, thereby having a detrimental impact upon highway safety. The proposal is therefore contrary to the principles of good design as set out in the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policies 25 and 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide."

The plans have not been changed, however, the application has been supplemented with accident data for the roundabout covering the period of 01/04/2012 and 31/03/2015. It is noted that similar advertisements have previously been in place on this roundabout.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight.)

Development Strategy for Central Bedfordshire Revised Pre-Submission Version (May 2014)

Policy 25: Capacity of the Network

Policy 43: High Quality Development

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development (2014)

Relevant Planning History:

Application Number CB/15/00087/ADV
Description Four sign boards which are free standing, post mounted with text graphic details to the front of the signs and powder coated to the back
Decision Advertisement Consent Refused
Decision Date 23/02/2015

Consultees:

Eaton Bray Parish Council Concerns that signs erected at a major junction, distraction to road users. Heavy road use area.

Highways Officer The principle of permitting such signs in the public highway is well established. The proposed signs are to be installed at a height below the existing chevrons and are to be set back against the shrubs, this will not impact on visibility of and for merging traffic at the roundabout.

In the last 36 months for which data is available, 1 personal injury road collision has been reported at the roundabout resulting in slight injury. This record compares well with many other roundabouts across the authority area. Against this background, it is considered that there are no highway grounds for refusal.

Other Representations:

None

1. Design Considerations

- 1.1 The National Planning Policy Framework (NPPF) states that advertisements should be subject to control only in the interests of amenity and public safety.
- 1.2 The signs themselves are to be non-illuminated and of a discreet scale, with the top of the signs being only some 0.6m off the ground. Details have not been provided as to the colour and text of the sponsor, as this is yet to be determined and may change annually, notwithstanding this, it is considered that as a result of the scale and non-illuminated nature of the signs, they would not have a detrimental impact on the character and appearance of the roundabout and its wider, rural surroundings. The proposal is therefore considered to be acceptable and in accordance with the NPPF, policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

2. Highway Safety Implications

- 2.1 Concerns were raised about the potential impacts of the signs on road safety at the time of the previous application; these concerns were not satisfied during the course of the application and thus the application was refused on the basis of the potential impact on highway safety.
- 2.2 Following the refusal of the application, accident data has been collected on the roundabout over the past three years, and this has been analysed by the

Highways Officer. Based on his comments, it appears that it is likely that the proposal would not give rise to an increased level of danger to users of the roundabout and the surrounding highway network. The proposal is therefore considered to conform to policy BE8 of the South Bedfordshire Local Plan Review, policies 25 and 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

Recommendation

That Advertisement Consent be APPROVED for the following:

RECOMMENDED CONDITIONS

- 1 This consent is limited to a period of five years from the date of this decision.

Reason: To comply with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

- 3 No advertisement shall be sited or displayed so as to -

- endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- 6 Where any advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Conditions 2-6: To comply with the provisions of Schedule 2 (Regulation 2 (1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 This consent relates only to the details shown on the submitted plans, numbers CBC/001, CBC/002, CBC/003, CBC/004.

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

Notes to Applicant

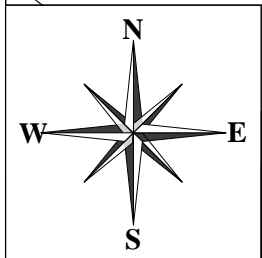
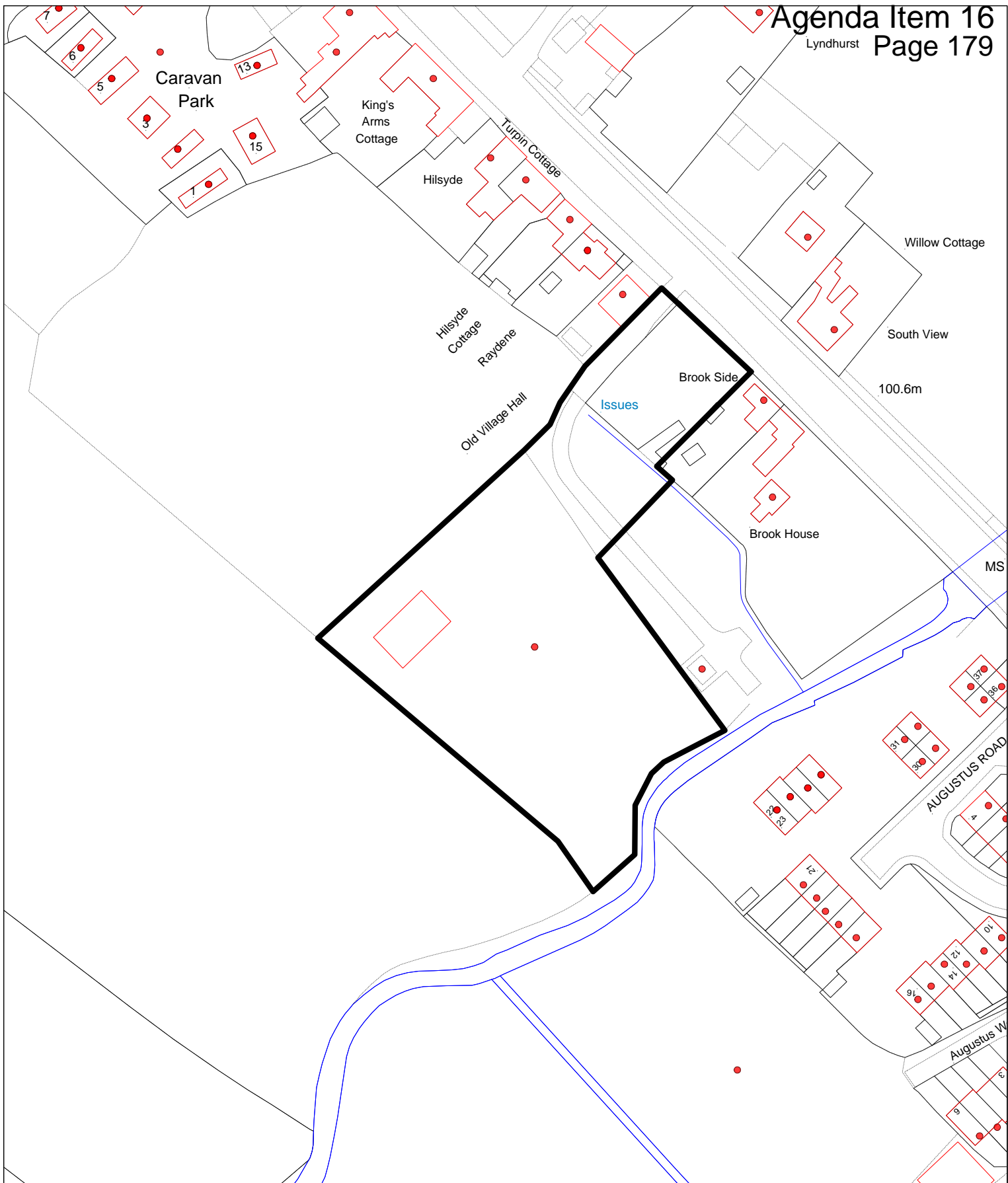
1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 28:September:2015
Grid Ref: 497056; 226909

Application No.
CB/15/03143/OUT

Scale: 1:1250

Brook Side, Watling Street, Hockliffe, Leighton Buzzard, LU7 9NF

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Item No. 16

APPLICATION NUMBER	CB/15/03143/OUT
LOCATION	Brook Side, Watling Street, Hockliffe, Leighton Buzzard, LU7 9NF
PROPOSAL	Outline application for the construction of 5 detached houses with access road.
PARISH	Hockliffe
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Abel Bunu
DATE REGISTERED	20 August 2015
EXPIRY DATE	15 October 2015
APPLICANT	Glenside Landscape & Construction
AGENT	Project Design Studio Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Mark Versallion for the reason that the site is a brownfield site and such the proposed development could be approved.
RECOMMENDED DECISION	Outline Application - Recommended for Refusal

Reasons for Recommendation

The proposed development would be, because of its scale, materially more harmful to the openness of the Green Belt than the existing use and as such would constitute inappropriate development in the Green Belt which, by definition is harmful thus conflicting with Policies SD1 of the South Bedfordshire Local Plan Review and 36 of the emerging Development Strategy for Central Bedfordshire. The very special circumstances case submitted by the applicant is not sufficient to justify setting aside well established Green Belt policy in this instance and the Council attaches significant weight to the harm caused to the Green Belt by reason of inappropriateness and loss of openness. Furthermore, the site has the potential to contain archaeological remains relating to the Iron Age, Roman and Saxon settlement and the application is not accompanied by the results of a field archaeological evaluation to enable the full impact of the development on archaeological remains to be assessed. The proposed development would therefore likely cause irreversible harm to the remains contained on the site and thus conflicting with Policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework.

Site Location:

The application site is located within the Green Belt just outside the village core of Hockliffe and outside the Conservation Area. The existing development on the site consists of a single storey workshop building measuring approximately 16 metres deep, 9.5 metres wide and 6 metres high (152 sqm footprint) and an area of tarmac/gravel and hardstanding extending for about 50 metres to the south east of the workshop building currently used for open storage of containers and mobile

trailers. The building is set on a roughly 'L'-shaped yard measuring approximately 0.56 hectare and accessed directly from the A5 Trunk Road on its northern boundary. Overhead electricity lines run across the site splitting it roughly in the middle in a south west - north east direction. The south eastern boundary of the site is defined by a stream beyond which is open countryside and houses on Augustus Road. The southern boundary of the site is defined by intermittent hedgerow which rises to approximately 5 metres in height beyond which is an agricultural field. The western boundary of the site is defined by a hedgerow measuring approximately 4.5 metres high abutting an agricultural field and a public footpath. To the north east of the site is a water pumping station and to the north of it are two Grade II Listed buildings, Brook Side and Brook House.

The Application:

seeks Outline planning permission for the erection of five dwellings and associated garages and parking spaces and the formation of a new access off the A5 Trunk Road. Approval is sought for Access, Layout and Scale with Landscaping and Appearance being reserved for later consideration.

Scale

The proposal is for the erection of 5 dwellings with associated garages and parking spaces.

Layout

The dwellings would be laid out around a central courtyard which would incorporate a vehicular turning area.

Access

A new 4.8 metre wide access would be created off the A5 Trunk Road which would also serve the water pumping station. Two footpaths would be provided on either side of the access each measuring 1.8 metres wide. The existing track would be retained to provide access to the Old Village Hall garage.

The application is supported by the following documents :

- Design and Access Statement
- Transport Statement
- Preliminary Environmental Risk Assessment/ Phase 1 Desk Study
- Flood Risk Assessment
- Certificate of Lawfulness confirming use of the site as a civil engineering contractors depot
- Previous pre-application advice for residential development
- Tree Survey and Assessment Report

RELEVANT POLICIES:

National Planning Policy Framework (27 March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy
Section 6 : Delivering a wide choice of high quality homes
Section 7 : Requiring good design
Section 9 : Protecting Green Belt land
Section 11 : Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

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

BE8 Design Considerations
E2 Development: Outside Employment Areas
T10 Parking - New Development
SD1 Sustainability Keynote

Emerging Development Strategy for Central Bedfordshire 2014

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

Policy 1 : Presumption in Favour of Sustainable Development
Policy 2 : Growth Strategy
Policy 6 : Employment Land
Policy 7 : Employment Sites and Uses
Policy 8 : Change of use
Policy 19: Planning Obligations and Community Infrastructure Levy
Policy 23 : Public Rights of Way
Policy 24 : Accessibility and Connectivity
Policy 27 : Car Parking
Policy 34 : Affordable Housing
Policy 36 : Green Belt
Policy 43: High Quality Development
Policy 45: The Historic Environment
Policy 50: Development in the Countryside

Policy 59 : Woodlands, Trees and Hedgerows

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development (September 2014)

Relevant Planning History:

- 15/01139/OUT Withdrawn. Outline Application for the construction 5 detached houses with access road.
- 13/00442/LDCE Granted. Lawful Development Certificate for use of the site as a civil engineering contractors depot.

Consultees:

- Parish Council To be reported at the meeting.
- Highways Officer This application site fronts/takes access from the A5 which is a Trunk Road and falls under the jurisdiction of the Highways England.
- Tree and Landscape Officer I have examined the plans and documents associated with this application, including the "Arboricultural Report" and the "Tree Survey" drawing, as prepared by John Wright Arboriculturist, both dated March 2015. The "Proposed Site Layout" plan (Dwg No. 1313-L4L) recognises the tree survey and findings of the "Arboricultural Report", but there is a lack of any Arboricultural Impact Assessment or Tree Constraints Plan showing the Root Protection Area radius circles, (which is not actually shown on the tree survey drawing) and any clear indication as to which trees are to be removed. However, it is accepted that 3 Category C (low quality) trees T1 to T3 will be removed to accommodate this development layout, but there is no objection to this. It is important that tree removal and tree retention are clearly shown on approved plans before development commences, and the site plans should be more clear in this respect. If this aspect of the application can be undertaken, then the following conditions are recommended, if you are minded to grant consent to this application:-
- Tree Protection Plan
Prior to development a Tree Protection Plan shall be submitted to the Local Planning Authority for approval, clearly indicating the retention of all Category A and B trees, and showing the position and build specification of protective barrier fencing based on the Root Protection Area radius measurements, as shown in the

"Arboricultural Report" prepared by John Wright Arboriculturist. The barrier fencing shall comply with the requirements of BS 5837 : 2012 "Trees in relation to design, demolition and construction", and the approved plan shall be fully implemented before all development activity, including demolition, and the fencing shall remain securely in place throughout the course of development.

REASON

To ensure the satisfactory protection of retained trees in the interests of maintaining visual amenity and screening.

Landscape Planting Scheme

Prior to the completion of development, a landscape planting scheme shall be submitted to the Local Planning Authority for approval, clearly showing the species, planting density, planting sizes and planting specification of trees, shrubs and hedging. The approved scheme shall be fully implemented during the first planting season following completion of development, and shall be maintained for a period of 5 years until satisfactorily established, with any losses replaced in accordance with the approved scheme.

REASON

To ensure a satisfactory standard of landscape planting, aftercare and establishment, so as to improve the visual amenity and screening of the development.

Public Protection

Due to the past commercial uses of the site, it is recommended that conditions are attached to deal with any potential contamination on the site. These are set out below.

Conditions Required: Without prejudice to any decision you shall make should you be mindful to grant permission against the recommendations of Public Protection I ask that the following conditions are inserted on 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 2 intrusive investigation report as recommended by the previously submitted January 2015 TSL Phase 1 Report, along with a Remediation Method Statement should the Phase 2 discover the need for remediation.

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:

The effectiveness of remediation implemented by any Remediation Method Statement shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs and depth measurements). Any unexpected contamination discovered during works should be brought to the Attention of the Planning Authority.

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.

Sustainable Drainage
Engineer

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant is required to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development and surrounding area, this should be met in order to discharge the conditions recommended below.

We therefore consider that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage; subject to an appropriate Surface Water Drainage Strategy and finalised Maintenance and Management Plan being provided. Conditions have been recommended below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

REASON FOR POSITION AND ADVICE TO LAP AND APPLICANT

We understand that the proposal is to discharge surface water to the watercourse adjacent to the site: *'...The geology is described as 'lime rich loamy and clayey soils' and goes on to state that drainage is impeded. Therefore soakaways are not expected to be a suitable means of surface water disposal for the development. The new development will therefore drain to Clipstone Brook using a conventional surface water drainage system'* (para 9.2 of the submitted FRA, 6th May 2015 Revision B).

This watercourse is situated within the Internal Drainage Board's (IDB) district and any connection will be subject to the IDBs approval and local byelaws. No correspondence with the IDB has been provided.

Confirmation must therefore be demonstrated from the IDB and provided to the Local Planning Authority prior to any development taking place on site, that the proposed minimum standards of operation are appropriate, and that clear arrangements are in place for the ongoing maintenance and operation requirements of the drainage system over the lifetime of the development.

We also ask that the statement made in para 9.4 of the submitted FRA (6th May 2015 Revision B) be considered in detail with the IDB and that the appropriate mitigation will be in place to deliver this statement : *'When the site is developed, run-off from adjacent land should be monitored to see if this poses a flood risk to the development. If there is a significant problem, land drainage should be installed along the site boundaries to intercept the run-off and divert it away from the development'*.

The detail to be provided will also demonstrate compliance with the 'Non-statutory technical standards for sustainable drainage system' for the design, maintenance and operation of sustainable drainage systems (Ref : PB14308):

- That the peak runoff rate from the development to the receiving surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event (+30% for Climate Change) will not exceed the peak greenfield runoff rate for the same event.
- That the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year (+30% for climate change), 6 hour rainfall event will not exceed the greenfield runoff volume for the same event.
- That the drainage system has been designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.

- That the drainage system has been designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- That the design of the site will ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.
- That components of the drainage system have been designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.
- That the materials, including products, components, fittings or naturally occurring materials, specified by the designer are of a suitable nature and quality for their intended use.
- That pumping will only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.
- That the mode of construction of any communication with an existing sewer or drainage system is such that the making of the communication is not prejudicial to the structural integrity and functionality of the sewerage or drainage system.
- That damage to the drainage system, resulting from associated construction activities, will be minimised and rectified before the drainage system is considered to be completed.

RECOMMENDED CONDITIONS

Condition (1)

No development shall take place until a scheme detailing the design, construction and associated management and maintenance for the proposed surface water drainage system, based on sustainable principles, a site-specific percolation test and correspondence from the Internal Drainage Board, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and maintenance plan, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason (1)

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site.

Condition (2)

No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority that the approved scheme has been checked by them and has been correctly and fully installed as per the approved details. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason (2)

To ensure that the construction of the surface water drainage system is in line with what has been approved and will continue to operate and function as designed for the lifetime of the proposed development.

Conservation Officer

(Reason for Consultation: development potentially affecting the immediate setting of a Grade II listed building). Providing that as much of the existing boundary hedgerow around the proposed site entrance is retained, and the new site entrance is given an appropriate 'green'/soft landscaping enclosure treatment, and is maintained as such thereafter, I am comfortable that the proposed development would not impact negatively upon the setting of the adjacent listed building (Brook House and Brook Side). In raising no direct objection, I would note, however, that any further site access provision, as proposed, which breaches traditional village boundary treatments (walls and hedges) along the A5, inevitably further erodes the traditional (historic) character of the village.

Archaeologist

The proposed development is located within a late medieval roadside settlement (HER 16877) and beside Watling Street (HER 5508) one of the major arterial roads of Roman Britain. These are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. The site is also within the setting of the Church Farm Moat (HER 10) to the east, this is a Scheduled Monument (Heritage List Number 1012915) a designated heritage asset of the highest significance (*NPPF* paragraph 132). The setting of designated heritage assets form part of the significance of the asset, development within the setting can have an impact on the setting and, therefore, on the significance of the heritage asset.

Settlement at Hockliffe is first recorded in a will of 1015 AD and again in the Domesday Survey of 1086 when it

appears to have been a substantial settlement with an estimated population of 120 (Coleman 1983). This suggests that the origins of the settlement are in at least the late Saxon period. The original core of the settlement (HER 11639) was on the ridge to the west of Watling Street around the parish church of St Nicholas (HER 5386).

There are extensive earthwork remains of the medieval settlement around Church End (11639) as well as of ridge and furrow earthworks (HER 3279), part of the medieval open field system of Hockliffe. During the later medieval the settlement focus shifted gradually from Church End to the present village along the line of Watling Street (HER 16877). The earliest recorded occupation dates to the 13th century (Coleman 1983) and as traffic movements increased along Watling Street reflecting expanding trade between London and Wales and the north in the late medieval and early post-medieval periods the settlement along the road expanded to service that traffic. Watling Street, the present A5, was one of the major routes of Roman Britain. The road crosses the Clipstone Brook immediately to the south of the proposed development site and it is likely that some form of activity developed around any crossing point. There are a number of finds of Roman material from the surrounding area (e.g. HERs 15799 and 19444).

The proposed development site has the potential to contain archaeological remains relating to the Saxon, medieval and post-medieval settlement of Hockliffe and Roman occupation and activity associated with Watling Street. It is also within the setting of Church Farm Moat designated heritage asset, development of the site could have an impact on that setting. The use of the site as an engineering workshop and yard 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 are likely to survive beneath and between the existing structures. Paragraph 128 of the *NPPF* states the following regarding applications that have the potential to affect heritage assets:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which

development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

The scale of the proposals mean that they will have a negative and irreversible impact on any surviving archaeological remains present at the site and could affect the setting of a designated heritage asset. This application does not include a description of the significance of the heritage assets, both designated and non-designated that will be affected by this application. The applicant should be asked to prepare and submit a **Heritage Statement** which comprises the results of an archaeological trial trench evaluation (of the available parts of the site). The results of the trial trench evaluation should then be used together with any technical details on the construction methods to be employed, to demonstrate the level of impact the proposed development will have on any surviving archaeological remains at the site. The **Heritage Statement** must also include a consideration of the setting of Church Farm Moat Scheduled Monument and the impact of the proposal on that setting. This must take into account paragraphs 132-134 of the *NPPF* and the guidance in *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (English Heritage 2015); in particular it should follow the staged approach to assessing impact.

In their comments on an earlier planning application for the development of this site (CB/15/01139/OUT) the Archaeology Team identified the site's archaeological potential and the requirement for a **Heritage Statement** including the results of an archaeological field evaluation. This application does not include a **Heritage Statement** and I am not aware that an archaeological field evaluation has been undertaken at the site. This application should not be determined until a **Heritage Statement** has been submitted. In order for there to be sufficient time to prepare the **Heritage Statement** it may be appropriate for the application to be withdrawn and resubmitted when it is available.

Environment Agency

No objection.

Internal Drainage Board

The Board acknowledge that there has been a reduction in the impermeable area of the site. However, if the applicant intends to discharge storm water using a newly constructed outfall structure, the Board's consent would be required and the application may be subject to a general development contribution.

The Board would also require further details of the piped culvert underneath the proposed access road. The FRA identified that overland flows are drained into Clipstone Brook. However, the quantity of overland flows generated remains unclear.

Ecology

The site lies adjacent to the Clipstone Brook CWS and within the Greensand Ridge Nature Improvement Area. I note from the layout that the dwellings will be to the north of the powerlines away from the brook which is welcomed. However as no ecological survey accompanies the application it is difficult to determine potential impacts development would have on the site. Looking at the photos submitted with the Environmental Risk Assessment it is apparent that there are a number of piles of rubble, gravel and logs which could potentially be of value for amphibians or reptiles so the removal of these should be done with care. The NPPF calls for development to deliver a net gain for biodiversity therefore to ensure the development does not result in a detrimental impact on biodiversity I would like to condition an ecological assessment of the site undertaken which would inform a mitigation and enhancement strategy for the site. Within this I would expect to see the inclusion of integrated bat and bird bricks, appropriate SuDS, enhancement of the river corridor including the provision of hibernacula and flower/ nectar rich planting.

Highways England

Numerous pre-application discussions have been carried out with the applicant and his transport consultant regarding the impact of the proposed access point on the A5 Trunk Road. This is also mentioned in the Transport Statement submitted with the planning application. Please be aware that a Road Safety Audit Stage 1 (RSA1) has been carried out to understand if there are any safety issues resulting from the introduction of the new junction. Highway England 's letter confirming that Drawing No. 09065/102 is acceptable in terms of access arrangements onto the A5 is attached to this response. However, please note that the detailed design is not yet complete. The applicant would also need to carry out works on the A5 and as such, a section 278 Agreement would be required to enable those works to be carried out.

Appropriate conditions are therefore recommended as follows :

- No development within the application area shall be undertaken prior to suitable access arrangements as

set out in drawing number 09065/102 being completed to the satisfaction of Highways England.

- No development within the application area shall be undertaken prior to the agreement of a suitable construction management plan with both the Local Planning Authority and the Highways England.

Reasons for the conditions :

To ensure that the A5 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of highway safety.

Notes to the applicant drawing their attention to the need to enter into a section 278 Agreement.

Other Representations:

Neighbours
Brook House, Raydene,
South View, The Old
Village Hall & 10 Birchs
Close

Objection:

- The start of the proposed entry road and footpaths would be too near the driveway of Brook House, and as such this would be potentially dangerous.
- The proposed road is within the Green Belt, which I feel should be kept as Green Belt.
- Hedges and mature trees would be cut down, and are unlikely to be replaced, to the detriment of the abundant wildlife.
- The two previous planning applications on Brook Side gardens, were turned down before as the Highways Agency, refused access on the busy A5. These were for two houses. The new plan is for 5 houses, that would mean possibly up to 15 vehicles using this road.
- If the proposed houses were to be approved on the Glenside site, this will set a precedent for other landowners either side of it, in that case it would mean that it could become a rat run onto the Leighton Road and this would be unacceptable.
- The new proposed road will be directly opposite South View, and Willow Cottage, and it could cause problems with their access.
- Since 1998 there have been so many accidents on this part of the road, as they speed away from the traffic lights. (Photographic evidence of the accidents is included).
- More traffic pollution given that each property has 3 parking spaces adding up to up to 15 vehicles.
- The Design and Access Statement refers to the application boundary as incorporating a portion of the garden of Brook House. This is incorrect. The

intention was probably to refer to part of the former garden of Brook Side. The document also refers to a measurement of 600 millimetres. I assume this is meant to be read as 600 metres.

- The Travel Plan refers to a proposal for 4 houses and yet the application is for 5 dwellings. The figure of 22 vehicle trips at the end of para 4.11 should therefore become 28 as an absolute minimum.
- Loss of lovely views and possible overlooking from Plot 5 resulting in loss of privacy.
- Currently the yard is possibly in use in the weekdays (infrequently) so not during the weekends. This development will generate more noise pollution throughout the week and weekends.
- The transport report is misleading as currently there is NO traffic coming from existing site. The current access road is only single lane traffic therefore any traffic going in or out could potentially have to wait/queue on the busy A5 and interrupt traffic flow when the lights are green. Surely a residential estate cannot have a single lane access road. Any change of use or residential houses built will increase traffic not reduce as the report suggests. Also a well used footpath entrance will be compromised during work or by increased traffic. This footpath entrance is used by walkers and dog walkers on a regular basis, any regular traffic would be dangerous as the current gate is right on the edge of the single lane access.
- Inadequate infrastructure in the village to cope with the proposed development and other development that has already been consented and is still to be built.
- Drainage problems would worsen.
- Three roads in close proximity would compromise safety of users.
- Wildlife would be affected by this development.

Determining Issues

The main considerations of the application are;

1. Principle of the development having regard to the location of the site in the Green Belt
2. Impact on the openness of the Green Belt
3. Impact on the character and appearance of the open countryside
4. Impact on the historic environment
5. Impact on residential amenity
6. Impact on parking provision and highway safety
7. Other material considerations

Considerations

1.0 Principle of the development having regard to the location of the site in the Green Belt

- 1.1 National advice contained within the National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90. Policy 36 of the emerging Development Strategy for Central Bedfordshire (DSCB) echoes this national advice. The current proposal is for the construction of five dwellings, garages and a new access following the demolition of an existing single storey workshop building which is used for the storage of construction plant and machinery. The partial or complete re-development of previously developed sites (brownfield land), whether redundant or in continuing use is not considered inappropriate subject to the requirement that the new use should not 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 dwellings and garages would occupy a combined footprint of approximately 562sqm thus exceeding the footprint of the existing building by about 410sqm or 270%. However, the proposed dwellings and garages would be no higher than the existing workshop building but they would be spread over a larger area beyond the existing built footprint. Having regard to the increase in built footprint and spread of the dwellings beyond the existing footprint, it is considered that the proposed development would be materially more harmful to the openness of the Green Belt than the existing use of the site and thus constituting inappropriate development. Accordingly, very special circumstances need to be demonstrated.

In an attempt to prove the existence of very special circumstances, the applicant states that :

- The site is previously developed land.
- The current use of the site for open storage and as a workshop is incompatible with the predominant residential surrounding area.
- Planning permission for residential development would discontinue a use that has unrestricted hours of operation.
- If planning permission is not granted, the site would be sold and it is likely the operations would intensify causing nuisance to its neighbours from traffic, work processes and noise.
- The proposed two storey dwellings restricted to the north-westerly portion of the site would not affect the openness of the Green Belt to any greater degree than the existing building or the unrestricted height of open storage throughout the site. The site is screened on all boundaries by mature trees and hedgerows.
- Overall, the proposed residential development would deliver a marked improvement to the visual appearance of the site and enhance the enjoyment and privacy of the properties in the area through the removal of a non-conforming commercial use.

1.2 Appraisal of the applicant's very special circumstances case

Whilst it is correct that the application site is previously developed land, national advice within the NPPF and echoed in Policy 36 of the DSCB sets limits to the amount of re-development that is acceptable. Annex 2 of the NPPF defines

'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. National advice makes it clear that in giving consideration to proposals on previously developed land, Local Planning Authorities should have regard to whether or not the new development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In this case, the proposed development would have a materially greater impact on the visual openness of the Green Belt than the existing use.

It is accepted that one benefit of the proposal is the removal of a non-conforming use from a residential location and the removal of outside storage would result in a net environment gain. Whilst this benefit is acknowledged, this argument can easily be repeated elsewhere in similar situations and as such is afforded limited weight. Furthermore, whilst the Local Planning Authority does not have a five year housing supply of land for housing as required by national advice within the NPPF, this factor does not constitute an overriding consideration. Assessed against paragraphs 14 and 49 of the NPPF, the adverse impacts of this development would significantly and demonstrably outweigh the benefits to be had having regard to the fact that the most essential attributes of Green Belts are their openness and permanence. As already discussed above, the built footprint of the proposed development would far exceed that of the workshop building and as such would be more harmful to the visual openness of the Green Belt. The applicant's statement to the contrary is therefore refuted.

With regards the existing planting around the site, this is accepted as a positive mitigation to visual harm. However, this consideration is given limited weight in the consideration of very special circumstances since the dwellings would still be visible above the hedgerow from the the open countryside.

Notwithstanding the consideration that the premises could be classed as previously developed land within the meaning of the NPPF the proposed development would be more harmful to the visual openness of the Green Belt than the existing use of the site. The benefits to be had from the scheme would therefore not amount to sufficient very special circumstances to permit the proposed scale of development.

- 1.3 National advice requires that following an assessment of the appropriateness or otherwise of a development in the Green Belt, the LPA should also examine if there would be any other harm caused by the development.

Policy SD1 of the SBLPR states that preference will be given to the proposals on sites within the first four categories of the Development Strategy and proposals on sites in the remaining categories of the development strategy will only be favourably considered where the applicant can demonstrate that:

- there is a need that could not be met by proposals in the local plan;
- there are no sites in the first four categories that could practicably meet that need;

- the proposal would be preferable to sites in the first four categories in terms of reducing the need to travel; relationship to existing services and facilities; and accessibility by modes of transport other than the car;
- there is adequate service and community infrastructure, existing or proposed, to accommodate the proposal; and
- the proposal is acceptable in terms of Green Belt Policy

In this case, the proposal conflicts with the last criterion.

1.4 Loss of an existing employment site

The requirements of Policy E2 of the South Bedfordshire Local Plan Review (SBLPR) and Policy 8 of the DSCB are relevant. Given that the site is not allocated in the local plan for employment purposes, there is no requirement in Policy 8 for the developer to have carried out comprehensive marketing prior to submitting an application for the change of use of the site to residential use. The proposed development would contribute towards the supply of housing and hence satisfy one of the principle objectives of Policy E2. Fundamentally, the loss of employment in this particular case would not be an overriding consideration given that national advice within the NPPF does not preclude the re-development of sites which are in existing use. (Paragraph 89). The site is also not specifically allocated as an employment site in the Local Plan and the loss of employment would be insignificant in this case.

- 1.5 In conclusion on the issue of principle of the development, it is considered that notwithstanding the lack of opposition to the loss of an existing employment site and the other benefits to be had from the development, the principle of residential development of the scale proposed is inappropriate in the Green Belt and the very special circumstances case submitted by the applicant is not sufficient to justify setting aside well established Green Belt policy in this instance. The Council attaches significant weight to the harm caused to the Green Belt by reason of inappropriateness and loss of openness.

2.0 Impact on the openness of the Green Belt

- 2.1 Because of the scale of the development as discussed above, the proposed development would cause significant harm to the Green Belt compared to the existing use.

3.0 Impact on the character and appearance of the open countryside

- 3.1 Whilst the proposed development would result in the change in the character of the land by incorporating gardens that would extend mainly towards the south east and the erection of garden fences that would result in an urban form of development and the domestication of a large area of the countryside, it is considered that the existing development has already got a similar impact given that there are no restrictions on the erection of fences and open storage on the premises. Furthermore, the site is well landscaped in all directions. Because of these factors, the proposed development would not result in detrimental harm to the character and appearance of the open countryside thus conforming with the requirements of Policies BE8 (S.B.L.P.R) and 43, 50 and 58 (D.S.C.B) and

national advice contained in the National Planning Policy Framework.

4.0 Impact on the historic environment

4.1 Whilst the application lies outside the Conservation Area, it nevertheless abuts two listed buildings, Brook Side and Brook House. The proposed access construction next to these two listed buildings would result in the opening up of a section of existing hedgerow which contributes positively to the village character and setting of the listed buildings. However, the amount of hedgerow to be removed is limited and the applicant proposes replacement planting behind the footpaths radii which would mitigate the resultant visual harm. Furthermore, the Conservation Officer raises no objection to the proposal. However, the Archaeological Officer considers that there is a high probability that archaeological remains relating to the Saxon, medieval and post medieval settlement of Hockliffe and Roman occupation and activity associated with Watling Street could be present on the application site. The site is also within the setting of the Church Farm Moat designated heritage asset and hence, the proposed development could have an impact on that setting. The application is not accompanied by the results of a field archaeological evaluation to enable the full impact of the development on archaeological remains to be assessed. The proposed development would therefore likely cause irreversible harm to the remains contained on the site and thus conflicting with Policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework.

5.0 Impact on residential amenity

5.1 The proposed layout submitted with the application provides adequate separation distances with the existing surrounding residential properties which far exceeds the council standards. Furthermore the site enjoys adequate screening from the existing planting along the boundaries. It is therefore considered that the proposed development would not be harmful to the residential amenity of the existing neighbouring property occupiers. With regards protecting the amenity of the future occupiers, it is considered that this could be achieved at detailed design stage. The development would therefore not be harmful to residential amenity thus complying with Policies BE8, South Bedfordshire Local Plan Review and 43, DSCB and national advice within the NPPF.

6.0 Impact on parking provision and highway safety

6.1 Matters regarding safety of the proposed access were the subject of detailed pre-application discussions between the applicant's Highways consultant and Highways England. The latter has formally issued no objections to the proposed development subject to conditions. It is therefore considered that with appropriate conditions as suggested, the proposed development would not be prejudicial to the highway safety of other users of the adjoining A5 Trunk Road. Furthermore, the development would make sufficient provision for off street parking as detailed on the site layout drawing.

7.0 Other material considerations

7.1 Planning Obligations

On 28 November 2014 changes to the National Planning Practice Guidance

were published setting out the Government's position that tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floorspace). However, following the decision of the High Court in *West Berkshire & Reading Councils vs the Secretary of State*, this section of the National Planning Policy Guidance has been deleted. As a result of this judgement, it is considered that the proposal meets the threshold at which affordable housing is required. However, in this particular case, the application was originally submitted before the High Court judgement and as such, no affordable housing contribution is sought.

With regards financial contributions, until the introduction of the Council's CIL, the Council will expect applicants for developments of 10 dwellings or less to provide relevant, site specific planning contributions as part of a Section 106 Agreement based on the impact of the development on local infrastructure and any specific and local Planning Obligations that are necessary as a result of the development. However, due to changes in legislation that came into force on 6 April 2015 under the Community Infrastructure Levy Regulations, Local Planning Authorities are now only able to collect S106 contributions that relate specifically to an infrastructure project and under Regulation 122, there are rules to ensure that they relate directly to the development. Furthermore there are restrictions on pooling Section 106 contributions that have been collected since 2010 to a maximum of 5 per infrastructure project. In this case, it is considered that the level of development proposed does not trigger the requirement for planning obligations.

7.2 Responses to objections

The applicant's agent responded to some of the specific points raised by the objectors as follows :

- 1) The proposals have been approved by the Highways Agency. If they are not approved, no doubt they would have said so, or will say so, during the planning consultation process.
- 2) The A5 is not narrow at the location of the proposed access. Indeed, the hatching is there to give the impression that the road is actually narrower than it actually is in order to reduce the speed of vehicles. The visibility has been agreed with the Highways Agency and has also been subject to a safety audit undertaken by highway engineers professionally trained in matters of highway safety. The conclusion of the safety audit process was that the access would be safe.
- 3) The errors in the Transport Statement and Travel Plan are noted, but have no bearing on the acceptability of the development, either in transport or in highway safety terms.

In view of the formal consultation response from Highways England, the agent's response is considered satisfactory. Furthermore, concerns about loss of views are not material planning considerations. With regards impact on wildlife, the Ecologist has raised no objections subject to an ecological assessment being undertaken should permission be granted. Technical errors in the Design and Access Statement and Travel Plan have been noted but do not carry weight in the determination of the current application. Similarly, references to developments elsewhere are not material as the LPA should determine each

application on its own merits.

7.3 Human Rights issues

The application raises significant human rights concerns as reflected by the objections raised by some of the local residents. However, it is considered that some of these concerns have been sufficiently dealt with in the relevant sections above or are not material planning considerations.

7.4 Equality Act 2010

No adverse equality issues are raised by the proposal.

Recommendation

That Planning Permission be **REFUSED**.

RECOMMENDED REASONS

- 1 The site lies within the South Bedfordshire Green Belt, where permission will not be granted except in very special circumstances for development for purposes other than those listed in paragraphs 89 and 90 of the National Planning Policy Framework. The proposed development would be, because of its scale, materially more harmful to the openness of the Green Belt than the existing use and as such would constitute inappropriate development in the Green Belt which, by definition is harmful. The very special circumstances case submitted by the applicant is not sufficient to justify setting aside well established Green Belt policy in this instance and the Council attaches significant weight to the harm caused to the Green Belt by reason of inappropriateness and loss of openness. The development is therefore contrary to Policies SD1 of the South Bedfordshire Local Plan Review and 36 of the emerging Development Strategy for Central Bedfordshire supported by national advice within the National Planning Policy Framework.
- 2 The site has the potential to contain archaeological remains relating to the Saxon, medieval and post medieval settlement of Hockliffe and Roman occupation and activity associated with Watling Street and also lies within the setting of Church Farm Moat which is a designated heritage asset. The application is not accompanied by the results of a field archaeological evaluation to enable the full impact of the development on archaeological remains to be assessed. The proposed development would therefore likely cause irreversible harm to the remains contained on the site and thus conflicting with Policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire and national advice within the National Planning Policy Framework.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

Planning permission has been recommended for refusal for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted

pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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Meeting: Development Management Committee
Date: 14 October 2015
Subject: The proposed diversion of parts of Eversholt Footpaths Nos. 10, 11 and 31.
Report of: Paul Mason – Head of Highways

Summary: The report proposes that parts of Eversholt Footpaths Nos. 10, 11 and 31 be diverted to more direct or unobstructed routes that are already set out or used by the public.

Advising Officer: Paul Cook - Assistant Director for Highways and Transport
Contact Officer: Adam Maciejewski – Senior Definitive Map Officer – 0300 300 6530 x76530 - adam.maciejewski@centralbedfordshire.gov.uk
Public/Exempt: Public
Wards Affected: Aspley & Woburn – Cllr. Budge Wells
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

1. The proposal reflects the following Council priorities:
 - 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 through the Tyrell's End area of Eversholt by providing more direct and user-friendly routes. Walking for local trips and for leisure reduces pollution and increases general health and wellbeing.

Financial:

2. The proposal, although initially received as an application, has been processed as a Council-generated scheme. This is because it provides enhancement to the local public rights of way network and resolves several used-route anomalies. Moreover it would be unreasonable to enforce the legal line of the footpath through the private gardens when there is a suitable and currently used alternative route close by. Under the Council's Anomalies Resolution Programme, all the costs relating to this and identified in paragraphs 3, 4, and 5 below will be met out of existing Rights of Way Team revenue budgets.

3. The costs of Council administration and advertising the making and confirmation of the order are estimated at £700 and £500 respectively. However, the order is likely to be opposed by the Eversholt Estate which means that the order would need to 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 possible venue hire. Should external legal advice or advocacy be required, this could cost potentially £1000.
4. Minor works will be required once the diversion order is confirmed. These relate primarily to: relocation of waymark posts, removal of a small gate and the alteration of two short sections of post-and-rail fencing, and the cutting back of possibly three elderly fruit trees. The costs of works is envisaged to be approximately £350.
5. The majority land owner, the Eversholt Estate, has objected to the proposed diversion of part of Footpath No. 31 on to its land and would have a right to claim compensation for any loss of value in the land caused by the coming into operation of the proposed diversion order. The anticipated value for compensation is £170 based on a 26 metre long section of 2 metre wide field-edge footpath. The Council may also need to provide a supportive independent valuation of this level of compensation which could cost about £500. The Council may also be liable to pay a similar amount for any valuation obtained by the Eversholt Estate plus associated reasonable legal expenses – possibly up to £1000. Conversely, should the Eversholt Estate be successful in objecting to the proposed diversion order at either a public hearing or public inquiry any reasonable legal costs incurred by the Estate could be claimed back from the Council. These could be over £1000.

Legal:

6. Section 119 of the Highways Act 1980 (*“the 1980 Act”*) empowers Central Bedfordshire Council, as the local Highway Authority, to make and subsequently confirm a public path order to compulsorily divert a public footpath if it is satisfied that it is expedient to do so having regard for the relevant tests of the Act.
7. The majority land owner, the Eversholt Estate, has objected to the proposed diversion of part of Footpath No. 31 on to its land. Consequently it is likely to object to any diversion order made in which case the Council would not be able to confirm the order itself but would have to forward it to the Planning Inspectorate. An independent Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs would determine whether the opposed order was confirmed, modified or not confirmed.
8. The Council’s Applications Policy for Public Path Orders, Definitive Map Modification Orders, and Town & Country Planning Act 1990 Orders provides guidelines for imposing paths on landowners without their consent. In this case the proposed diversion of Footpath No. 31 would significantly enhance the local public rights of way network and thus is permitted by the policy.
9. Sections 28 and 121 of the 1980 Act relate to the right to compensation for anybody with a legal interest in land affected by a public path order. The Eversholt Estate could claim compensation for their depreciation or loss in the value of their interest in the land caused by the coming into operation of the proposed diversion order.

Risk Management:

10. The proposed diversion of part of Footpath No. 31 would improve the local public rights of way network and is supported by all parties except the affected landowner, the Eversholt Estate. The proposal is considered to meet the required tests of the 1980 Act. However, a successful objection – if heard at a public hearing or inquiry could lead to automatic awards of costs of over £1000. Even if an objection was unsuccessful the coming into operation of the resulting order could cost the Council over £1000 in compensation and valuers' and solicitors' fees.

Staffing (including Trades Unions):

11. Not Applicable.

Equalities/Human Rights:

12. The proposed diversions would provide more easily accessible routes for the public to use whilst accessing the public rights of way network. The proposal would not discriminate against any particular group. If the proposal succeeds the Council does have a duty under the Equalities Act 2010 to ensure that it is usable as far as reasonably practicable by all members of the public. The routes as reinstated by the landowners, the Eversholt Estate, tend to be fairly level and free from crop. Additionally, the removal of parts of Footpaths Nos. 10 and 31 from the front gardens of the two properties would provide a significant increase to the owners' privacy and security. Conversely the diversion of this footpath would impose an additional section of right of way on the Estate thus devaluing the land and having a detrimental effect on the land's productivity. However the Estate does have a right to object and be heard by an independent Inspector. It also has the right to claim compensation caused by depreciation or loss in the value of their interest in the land caused by the coming into operation of the proposed diversion order.

Public Health

13. Not applicable

Community Safety:

14. 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 proposal would not have any detrimental effect on public safety.

Sustainability:

15. Not applicable

Procurement:

16. Not applicable.

RECOMMENDATION:

The Committee is asked to approve:-

- 1. The making of a public path diversion order under Section 119 of the Highways Act 1980 to divert parts of Eversholt Footpaths Nos. 10, 11 and 31 from points A-B-C-D, B-E and C-F respectively on the plan at Appendix A to points A-X-Y-D, X-E and Y-Z-F respectively.**

Introduction

17. Dr. and Mrs. Knott of “Rush Hill”, Tyrell’s End, Eversholt applied in July 2009 to divert part of Footpath No. 31 out of their and their neighbour’s (Mr. and Mrs. Williams of “Helford House”) gardens and onto the adjoining private driveway and path that have historically been used by the public to access the remainder of the footpath.
18. Parts of Footpaths Nos. 10 and 31 have been obstructed by the gardens of “Rush Hill” and “Helford House” probably since the properties were built in 1913. The houses were re-mapped by the Ordnance Survey in the mid-1970s and re-plotted in a different orientation on the 1978 4th edition of the 1:2,500 map. This revised orientation was subsequently incorporated into the post-1996 digitised version of the Definitive Map which is when the former County Council became aware of the issue.
19. Footpaths Nos. 10 and 11 follow the erratic historic lines of the old field boundaries which were grubbed out in the early/middle part of the 20th Century. However, the Eversholt Estate currently reinstates these footpaths as straight lines using Rush Hill and a telegraph pole as arbitrary markers with which to align their reinstatement activities. Consequently walkers do not currently use the legal lines of these two footpaths for the majority of their lengths.
20. The proposed diversions seek to realign the legal lines of the three footpaths onto the routes currently used by the public and, for Footpaths Nos. 10 and 11, laid out by the farmer through the crops.

Legal and Policy Considerations

21. Section 119 of the Highways Act 1980 (“the 1980 Act”) empowers the Council, as Highway Authority, to make and confirm an order to divert a public footpath subject to a number of legislative tests being met as below.
22. The Council can **make** a public path diversion order if it is expedient to do so in the interests of the owner or occupier of the land or the public. The Council also has to be satisfied that the termination points are substantially as convenient and connected to the same or a connected highway.
23. Footpath No. 10 currently runs from Hills End road (point A on the plan at Appendix A) in a generally north-eastwards direction along a meandering course through a large undulating arable field. It then crosses the private driveway to “Rush Hill” and passes through that property’s garden and into the neighbouring garden of “Helford House” where it has a junction with Footpath No. 31 (point C). The footpath then continues south-eastwards to terminate at its junction with Tyrell’s Road at point D. The proposed diversion of Footpath No. 10 would follow a direct route along the private driveway to Rush Hill between Hills End road

(point A) and Footpath No. 31 at point Y before passing through a small area of fruit trees and then along the gravelled track to terminate at Tyrell's Road (point D). The farmer would be able to reinstate a straight route rather than having to try to follow the erratic legal line of the footpath and the owners of "Rush Hill" and "Helford House" would not be obliged to open up routes for the path through their gardens. The diverted route would provide a simpler more direct route for members of the public to follow. The termination points of the footpath would remain unaffected (points A and D). The proposed diversion would be in the interest of the farmer from a land management perspective, the owners of "Rush Hill" and "Helford House" from a privacy and security perspective and in the interest of the public as it would provide a more direct route.

24. The proposed diversion of Footpath No. 11 would follow a direct route between Footpath No. 11 (point X) and the unaffected part of this footpath at point E. This alignment is currently reinstated by the farmer using the telegraph pole south-south-east of point X. The termination points of the footpath would either remain unaffected (point E) or would move a comparatively short distance (28 metres) east-south-eastwards from point B to point X. The proposed diversion would be in the interest of the farmer from a land management perspective.
25. Footpath No. 31 currently starts in the garden of "Helford House" at its junction with Footpath No. 10 at point C) and proceeds north-westwards through a hedge into and across the garden of "Rush Hill" before passing through another hedge into the corner of an arable field. The footpath then skirts the edge of a plantation before re-entering the arable field to run through the crop at a distance of approximately 8 metres from the field's edge. The proposed diversion of Footpath No. 31 would follow a route from its junction with Footpath No. 10 at point Y around the edge of the arable field to its junction with Footpaths Nos. 11 and 12 at point F. The termination points of the footpath would either remain unaffected (point F) or would move a comparatively short distance (42 metres) west-south-westwards from point C to point Y). The proposed diversion would be in the interest of the owners of "Rush Hill" and "Helford House" as it improves the privacy and security of these properties. The proposal would also be in the public interest as it would provide a more user-friendly route.
26. The proposed diversion of the three sections of footpaths between points A-B-C-D, B-E and C-F as set out above meet the required tests for making a public path diversion order and it is expedient to make an order.
27. Before **confirming** a public path diversion order the Council must be satisfied that the diversion route will not be substantially less convenient to the public and it is expedient to do so having regard to the effect on the public's enjoyment of the route as a whole and the effect of the order on the lands served by the path and the diversion.
28. Footpath No. 10 extends from point A on Hills End road in a meandering but generally north-eastern direction for approximately 412 metres to the garden of Helford House (point C) and then continues for another 32 metres to Tyrell's Road (point D). The proposed diversion would be approximately 367 metres in a straight line between points A and Y and consequently would be more convenient to the public. The route crosses the same arable field and so would be give the public a similar level of enjoyment as the current legal line. The effect of the diversion on the land served by the footpath would be to remove public access from the private gardens of "Rush Hill" and "Helford House". The effect on the arable field would be negligible beyond making reinstatement more convenient for the farmer.

29. Footpath No. 11 extends from its junction with Footpath No. 10 at point B in a northerly direction for approximately 152 metres to its junction with an unaffected part of the footpath at point E. The length walkers would have to travel between points A-B-E would increase from 280 metres to approximately 300 metres for the proposed diversion A-X-E and would utilise the route usually reinstated by the farmer. The effect on the arable field would be negligible beyond making reinstatement more convenient for the farmer.
30. Footpath No. 31 extends from the garden of "Helford House" (point C) through the garden of "Rush Hill" and then variously through the edge of a plantation and across an arable field. The current route between points C-F is approximately 234 metres. The proposed diversion route between points Y-Z-F is approximately 220 metres and is substantially as convenient for the public. The effect of the diversion on the land served by the footpath would be to remove public access from the private gardens of "Rush Hill" and "Helford House" thus increasing the properties' privacy and security. The proposed diversion would significantly enhance the public's enjoyment of Footpath No. 31. The effect on the arable field would be generally to remove the footpath from the crop and to place it around the field's edge. An additional approximately 26 metres of footpath would be created around the edge of the field between points Y-Z. This would remove approximately 52 square metres of field from agricultural production - which is about 0.04% of the area of the field and consequently is likely to have only a negligible effect on agricultural productivity.
31. The Council has a duty under Section 119(6A) of the 1980 Act to consider any material provisions contained within a Rights of Way Improvement Plan ("RoWIP") when determining whether or not to confirm a public path order. The Council's Outdoor Access Improvement Plan acts as its RoWIP. The proposal does not conflict with any of its aims. Section 29 of the 1980 Act imposes a duty on the Council to have regard to the needs of agriculture and forestry, and the desirability of conserving flora, fauna and geological and physiographical features when determining whether to make and confirm a public path order. The effect of the order would be to improve the ease with which the farmer can carry out their legal duty to reinstate the footpaths after any agricultural activities. The addition of a short additional section of field-edge footpath between points Y-Z would not significantly impact on the Eversholt Estate's farming activities. The effect on flora, fauna and agriculture would be negligible.
32. The proposed diversion of the three sections of footpaths between points A-B-C-D, B-E and C-F as set out above meet the required tests for confirming a diversion order.

Consultation

33. Dr. and Mrs. Knott were consulted on the proposal and have stated "...*We are still very interested in the proposed diversion...*"
34. Mr. and Mrs Williams were consulted on the proposal and responded by e-mail stating "...*We here at Helford House are very much in favour of this change, putting on the record traditional practice that has applied for the last century! ..*"
35. The Eversholt Estate was originally consulted on a slightly different version of the proposal which would have utilised slightly more field edge than the current route. The Estate responded in an e-mail, dated 14th April 2015, stating "...*In respect of the application being considered to stop up part of Footpath 31 and to create a new Footpath 31: OBJECTION. It is felt that the route could follow a line along the fence*

on the same side of the existing footpath. In respect of the application to stop up Footpath 10 between [point C and the edge of the field]: OBJECTION. (See above) In respect of the application to stop up Footpath 10 between [edge of field and point A]: NO OBJECTION as long as the existing path is stopped up. In respect of the application to stop up Footpath 11 and to create a new Footpath 11: NO OBJECTION as long as the existing path is stopped up. The proposed diversion of Footpath 31 between [Y-Z-F] and of Footpath 10 between [D-Y] will place pressure on the Estate by removing land out of agricultural production and for this reason we object to this application. There are a number of footpaths on this farm the responsibilities for which the Estate takes very seriously and in this regard ensures good access for the public at all times...” In a follow up e-mail, dated 1st May 2015, the Estate stated “...I have had a look at the location of the revised route [as per the current proposal]. As you know the path deviates from the public footpath. Whilst understanding the wish for the path to be moved from its proximity to a house, the route follows over Estate land; consent for this has not been granted or sought. We would seek for the route used to be realigned with / reinstated to the definitive footpath...”

36. In response – the diversion of Footpaths Nos. 10 and 31 from points D-C-F to D-Y-Z-F would provide a route that is more open and accessible to the public and less likely to discourage users when compared to a route running through the front gardens of “Rush Hill” and “Helford House”. The removal of approximately 52 square metres of land from agricultural production – equivalent to approximately 0.04% of the area of the field – by the proposed diversion Y-Z is unlikely to significantly detract from the overall agricultural productivity of the field.
37. The Ramblers were consulted and responded to support the proposal as being “very sensible”.
38. Eversholt Parish Council was consulted on the proposal and responded stating “...the Parish Council agree to the diversion but would like it noted that other paths may need to be considered for diversion in the future...”
39. Mr. Pat Richardson, although not consulted directly wrote to the Council in a private capacity - he is also vice-chair of the Eversholt Parish Council. In an e-mail, dated 23rd March 2015, he stated “...I wish to advise that I am strongly opposed to the re-siting of these footpaths... ..In the late eighties the then chairman of the parish council... lived in one of the properties at Rush Hill (this is the local name for the two properties involved in the footpath requirement). In those days the chairman of the PC was an esteemed position. [He] chose to close the footpaths FP31 and FP10 illegally as they crossed his and his neighbour’s property. Because of his position it was not opposed, locals did not want to cause ill feeling. The situation was exacerbated by Mid Beds Council, which put way markers incorrectly along the track which is now the proposed route. Whether this was at the behest of [the chairman] is not known or if he moved the direction shown. Mid Beds and Central Beds have continued to support this anomaly... ..To accept the current proposal and rationalise the footpaths that run across private domestic land is not acceptable unless the same applies to private farm land. I suggest the footpaths 31 and 10 should be put back in their legal position while the whole subject is readdressed...”
40. In response – irrespective of what actually happened with the footpaths in the 1980s, the proposed diversion routes have probably been used by the public for some 30-35 years and represent an improvement in the public rights of way network compared to the current legal lines of the paths due to the landscaping of the gardens and to them following the old lines of long-grubbed-up hedgerows.

Additionally, walkers can feel awkward about walking through private gardens and may instead prefer to use a clearly delineated route along the access track.

41. The statutory undertakers were consulted. Anglian Water responded to state that it “...has no record of any easements which will be affected by your proposals...” National Grid (gas) responded to state that it “...has identified that it has no record of apparatus in the immediate vicinity of your enquiry. National Grid therefore has no objection to these proposed activities...” Whilst British Telecom has not responded there is a telegraph pole on the proposed diversion route close to point D. UK Power Networks (electricity) were also consulted but did not respond.

Conclusions

42. Eversholt Footpaths Nos. 10 and 31 have been obstructed for many years by the hedges and fences surrounding “Rush Hill” and “Helford House” at Tyrell’s End, Eversholt. The proposal seeks to divert the obstructed sections of footpath onto the nearby private driveway and around the nearby field-edge.
43. Footpaths Nos. 10 and 11 indirectly cross a large arable field. However, the farmer reinstates more direct and convenient routes. The proposal seeks to divert the legal lines of these footpaths onto these alternative routes.
44. Whilst the proposals are well supported the owners of the two houses, “Rush Hill” and “Helford House”, the Eversholt Estate objects to the diversion of an additional short section of Footpath No. 31 onto its land. However, the proposal is in the public interest and in the interests of the owners of the two houses.

Appendices:

Appendix A – Plan showing the proposed diversions.

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