

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 20 January 2016

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 3 February 2016 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

1. **Welcome**

2. **Apologies for Absence**

Apologies for absence and notification of substitute members

3. **Chairman's Announcements**

If any

4. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 6 January 2016.

(previously circulated)

5. **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.
6.	Planning Enforcement Cases where formal action has been taken	7 - 12

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.
7.	<p>Planning Application No. CB/15/02482/FULL</p> <p>Address: Paradise Farm, The Causeway, Clophil, MK45 4BA</p> <p>Change of use of land to provide three additional residential pitches adjacent to the existing Gypsy caravan site, for members of the Gypsy community. The site to contain three static caravans, three touring caravans and parking for six vehicles with associated hardstanding. Retention of replacement stables. This is a part retrospective application.</p> <p>Applicant: Mr N Gumble</p>	13 - 32
8.	<p>Planning Application No. CB/15/04844/FULL</p> <p>Address: Land adjacent to Unit 22 Pulloxhill Business Park, Greenfield Road, Pulloxhill</p> <p>Change of Use: of grassed area to storage for machinery/plant and parking for Unit 14 Pulloxhill Business Park. Temporary permission for five years.</p> <p>Applicant: Bellcross Homes</p>	33 - 48
9.	<p>Planning Application No. CB/15/04264/FULL</p> <p>Address: Deans Farm, Billington Road, Stanbridge LU7 9HL</p> <p>Demolition of former agricultural buildings, office/store and two bungalows and redevelopment to provide 5,270m² (GEA) warehouse, sorting shed and office for B8/B1a Use Class purposes with hardstanding, landscaping and related development including 50 car parking spaces, 40 HGV spaces and improvements to vehicular access onto Billington Road.</p> <p>Applicant: Mr P Dean & Brickhill Properties GP Ltd</p>	49 - 84

10. **Planning Application No. CB/15/04667/OUT** 85 - 92

Address: Borderlands, Heath Park Road, Leighton Buzzard
LU7 3BB

Erection of dwelling.

Applicant: Mr & Mrs Halstead

11. **Planning Application No. CB/15/04821/FULL** 93 - 104

Address: 15 Torquay Close, Biggleswade, SG18 0FS

Extension to garage

Applicant: Mr K Goldsmith

12. **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: 3rd February 2016
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 3rd February 2016)**

	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 27/03/15- High court challenge dismissed	27-Sep-14	Not complied	Garage remains. Abuse of Process appeal considered at 18/19 Nov 2015 hearing. Prosecution case anticipated to return to Luton Magistrates in February 2016
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 dismissed 09/10/15	09-Apr-16		Revised internal room arrangements and facilities to be provided for single dwelling occupation require to be completed by 09/04/16
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 application CB/15/04328/FULL for revised scheme submitted Dec 2015.
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			Await outcome of appeal.

**Planning Enforcement formal action
(DM Committee 3rd February 2016)**

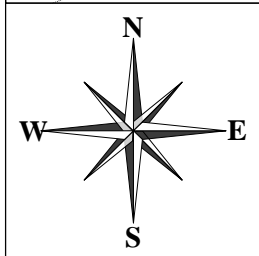
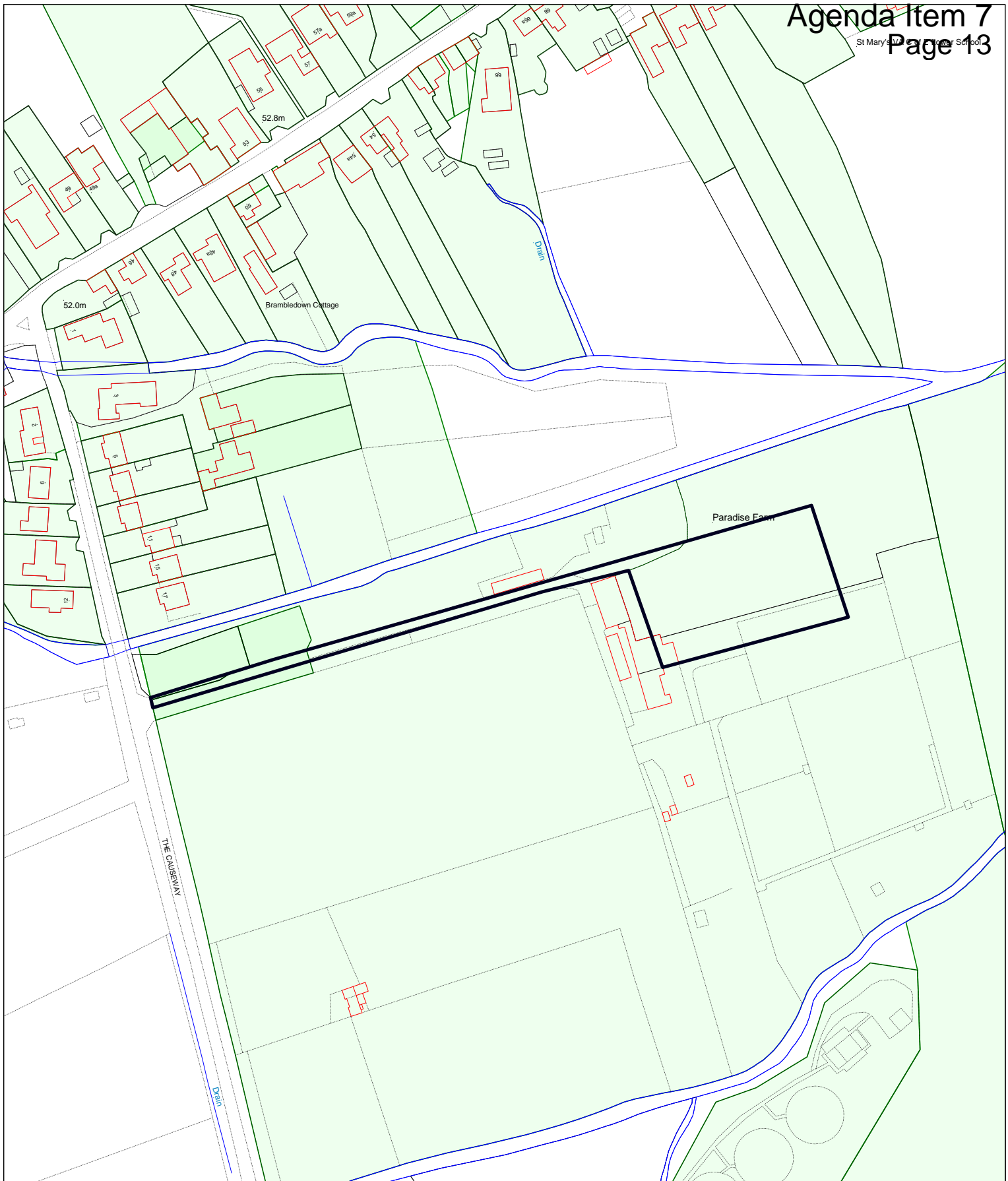
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
8	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Seeking confirmation of full 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			Part Complied	Awaiting outcome of planning application.
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		08-Dec-15		Revised application ref: CB/15/03057/FULL to retain modified walls, gates & piers approved 08/10/2015. Modification works required by condition to be carried out within two months of decision. Contractors have been instructed to carry out the required works, further visit to be made.
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 5/06/15	05/08/2015	Part Complied	Retail use and retail structure removed from site. One of the Enforcement Notices complied with. Residential use returned to site. Lawful use application for residential use (CB/15/04424) pending determination

**Planning Enforcement formal action
(DM Committee 3rd February 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
13	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - 1 -Erection of timber building (Rear) 2 - Use of land for the storage of motor vehicles (Front) 3 - Use of land for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials.(Rear)	12-Aug-15	12-Sep-15	12-Nov-15			Complied (Front)	Rear - There is still storage of some vehicles and hardcore condensed into the small rear compound and the timber building is also in place still. Further Notice for rear compound area to be served shortly
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			Inspector site visit carried out on 19/01/16 - Await outcome of appeal.
15	CB/ENC/14/0004	The Coach Yard, Streatley Road, Sundon, LU3 3PQ	Enforcement Notice - Change of use of the land for the siting of a mobile home for residential purposes	15-Dec-15	13-Jan-16	13-Mar-16	Appeal received 07/01/16			Outline application CB/16/00116/OUT, for "Erection of new dwelling and replacement garage" has also been submitted Jan 2016.
16	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	Complied	Replacement tree planted Dec 2015. Enforcement case closed.
17	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				The required work will hopefully be carried out when funds are released by the owner who lives abroad. Agreed to review Jan/Feb 2016.
18	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		Meeting arranged with Conservation, Assets, Building Control and Legal for 2nd February 2016 to discuss best way to proceed.
19	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	Complied	Timber cladding removed. Site sold. File closed.

**Planning Enforcement formal action
(DM Committee 3rd February 2016)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
20	CB/ENC/15/0046	Running Water Farm, Langford Road, Biggleswade, SG18 9RA	Enforcement Notice - Siting of a mobile home for residential purposes	13-Aug-15	14-Sep-15	14-Dec-15				Enforcement Notice has not been complied with - to discuss with Legal possible prosecution.
21	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal received 7/12/15			Await outcome of appeal.
22	CB/ENC/15/0184	Land at New Road, Clifton	Breach of Condition Notice - Condition 13 of CB/13/01208/Full, Ground and tree protection	19-Oct-15	19-Oct-15	18-Nov-15				Notice being complied with.
23	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Unauthorised development for Gypsy and Traveller site.	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Appeal received 27/12/15			Injunction served 22/09/15 and Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused. Enforcement and Planning appeals received 27/12/15.
24	CB/ENC/15/0554	The Old Chapel, Watling Street, Hockliffe, Leighton Buzzard, LU7 9NB	Temporary Stop Notice - Breach of pre commencement conditions attached to planning permissions CB/14/02382/Full and CB/14/04839/LB	27-Nov-15	27-Nov-15	27-Dec-15			Complied	No further action currently needed as the owner is discharging the conditions as required.



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Date: 14:January:2016
Map Sheet No

Application No.
CB/15/02482/FULL

Scale: 1:2000

Paradise Farm, The Causeway, Clophill, Beds. MK45 4BA

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Item No. 7

APPLICATION NUMBER	CB/15/02482/FULL
LOCATION	Paradise Farm, The Causeway, Clophill, Bedford, MK45 4BA
PROPOSAL	Change of use of land to provide three additional residential pitches adjacent to the existing Gypsy caravan site, for members of the Gypsy community. The site to contain three static caravans, three touring caravans and parking for six vehicles with associated hardstanding.Retention of replacement stables. This is a part retrospective application.
PARISH	Clophill
WARD	Amphill
WARD COUNCILLORS	Cllrs Duckett, Blair & Downing
CASE OFFICER	Lisa Newlands
DATE REGISTERED	03 July 2015
EXPIRY DATE	28 August 2015
APPLICANT	Mr N Gumble
AGENT	BFSGC
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Duckett on the following grounds: <ul style="list-style-type: none">• outside the settlement envelope• flood plain
RECOMMENDED DECISION	Full Application - Approval

Summary of Representation

The proposal would contribute towards the Council's 5 year supply of sites in accordance with the National Planning Policy Framework and the Planning Policy for Traveller Sites. The proposed development would be in a sustainable location and would not result in unacceptable harm to 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, Planning Policy for Traveller Sites and Saved Policy HO12 of the Mid Beds Local Plan Review.

Site Location:

The application site is accessed off a shared driveway with the existing Gypsy and Traveller from The Causeway. The site is known as Paradise Farm and was formerly an animal sanctuary.

There are a number of derelict buildings on the site and the applicant has cleared and tidied up a substantial amount of the land over the past few months.

The Application:

Planning permission is sought for the change of use of land to provide three additional residential pitches adjacent to the existing Gypsy caravan site, for members of the Gypsy community. The site to contain three static caravans, three touring caravans and parking for six vehicles with associated hardstanding. Retention of replacement stables. This is a part retrospective application.

RELEVANT POLICIES:

National Planning Policy

National Planning Policy Framework

Planning Policy for Traveller Sites

Mid Bedfordshire Local Plan Review December 2005

HO12 - Gypsies

Core Strategy and Development Management Policies - North 2009

CS14 - High Quality Development

DM3 - High Quality Development

DM4 - Development within and beyond Settlement Envelopes

Development Strategy for Central Bedfordshire 2014

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Draft Gypsy and Traveller Plan

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

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

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

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application:	Planning	Number:	CB/14/00465/FULL
Validated:	21/02/2014	Type:	Full Application
Status:	Decided	Date:	29/04/2014
Summary:		Decision:	Full Application - Granted
Description:	Erection of 2 stables.		

Application:	Planning	Number:	CB/13/00985/FULL
Validated:	19/03/2013	Type:	Full Application
Status:	Decided	Date:	20/06/2013
Summary:		Decision:	Full Application - Granted
Description:	Change of use for the stationing of one residential static caravan and two touring caravans and parking for two associated vehicles.		

Application:	Planning	Number:	CB/12/03645/LDCE
Validated:	12/10/2012	Type:	Lawful Development Cert - Existing
Status:	Withdrawn	Date:	05/07/2013
Summary:		Decision:	Application Withdrawn
Description:	A Lawful Development Certificate for an Existing Use is required for the dwelling on Paradise Farm, together with two static Caravans and three touring caravans.		

Consultees:

Clophill Parish Council

28/08/15

The Parish Council have received written notification from CBC that this amends the previous application to include the retention of the newly built stables. The Parish Council takes note of this change and wishes, in these circumstances, for the previously submitted comments to be taken into account when considering this application. The Parish Council would also like to add that the application for erecting new stables demonstrates a clear intention by Mr Gumble to use the land for animal

purposes. He already rents land from Gallagher's that adjoins this plot, for grazing a large number of horses. Mr Gumble also uses his current plot for the storage of his vehicle for business use. It is clear that these factors clearly demonstrate that Mr. Gumble has now become part of the settled community and should be treated no differently to other members of the established village of Clophill.

The previous objections that were submitted remain.

14/07/15

The parish council objects to this proposal on the following grounds:

1. The site is in a flood zone.

The parish council has studied this factor previously and is aware that the planning authority has surveys that are current. The council is grateful for the Flood Risk Assessment written by Mr Fryer, from Esher, Surrey. Rather than comment on the whole of the report I would draw the readers attention to the conclusions within this document:

'Some regrading of the site will be necessary', this has occurred before where lorry loads of spoil and rubble were imported to the site as witnessed and documented by local residents and previously submitted to the planning authority. During the past few week residents have again reported seeing lorries entering the site and tipping their contents.

After studying details of this site publicly available on the internet on the Environmental Agency Mapping System, the parish council believes that factually this site is all in **Flood Zone 3**. The NPPF guidance table of flood risk vulnerability and flood zone compatibility indicate that development should not be permitted for highly vulnerable developments in flood zone 3. In para 8.6 of this experts opinion it states, ' Caravans, mobile homes', (etc) are considered to be a highly vulnerable development, which is only appropriate in zone 2 if the Exception Test is passed. The wider benefit of the development as a gypsy site have already been considered, and accepted, for the application made for the existing gypsy caravan site on the access track to Paradise Farm'. This statement does not reflect the true nature of the situation. The current site is within only a few metres of the public roadway, (The Causeway) and is

in fact higher than the site that is proposed for this application, the applicant's siting for the new proposal cannot be compared like for like.

2. This site is outside the village settlement area.

3. The proposed site is designated a County Wildlife Site.

If this application is approved, it brings into question why the site was so designated. I quote from your policy from the Central Bedfordshire (N) Adopted Core Strategy.

Policy CS18: Biodiversity & Geological Conservation:

' The Council will:

Support the designation, management, and protection of biodiversity and geology including national designations (SSSI's), local important County Wildlife Sites (CWS's) and Regionally important Geological and Geomorphological Sites (RIGGS); as well as those priority habitats and species identified in the Local Biodiversity Action Plan.

Support the maintenance and enhancement of habitats, identify opportunities to create buffer zones and restore and repair fragmented and isolated habitats to form biodiversity networks.

Development that would prejudice the biodiversity network will not be permitted.

4. In this submission I would like to also refer to the Department for Communities and Local Government consultation paper dated September 2014 concerning Planning and Travellers. Whilst this paper acknowledges the need and commitment for the supply of such sites it specifically states within the 'scope' the following...'the government also believes that further measures are needed to ensure that planning rules apply fairly to both the traveller and the settled community. The Government's view is that where travellers have ceased to travel then they should be treated no differently to members of the settled community'. (Mr Gumble has also erected a range of new buildings and stables on this site for use in the interests of business. Although the Planning Enforcement team of Central Bedfordshire Council state that planning permission is required for this building work, in their opinion, it is noted by this Parish Council that the application makes no mention of this). It is interesting that this is an already held view by the

government that is quoted within this document and in the spirit of this statement should be complied with.

In the penultimate paragraph of this particular statement there is guidance to councils regarding travellers that ignore planning rules and occupy sites prior to applying for authority, as is the case in this application, (part retrospective).

For these reason the Parish Council of Clophill strongly objects to this planning application.

Should the authority decide against these objections, then the Parish Council would strongly advise that conditions be attached to the type of authority given as follows:

A. All of the additional caravans and associated paraphernalia should be sited towards the western end of the site so that it actually adjoins the existing authorised site. This would enable the planning authority (C.B.C.) to mark on a plan the limited area within which the development is allowed to be sited. It would in the future allow monitoring of the site to ensure adherence rather than using enforcement measures and retrospective applications which causes disharmony to the local settled community and would add openness and transparency to the approval.

B. If the family have ceased to travel then authority may be considered for a static home at the site but not as a gypsy site.

CBC Highways
CBC Ecology
IDB
EA
CBC LDF Team

No objection

No objection subject to management plan condition

No objection - flood compensation scheme agreed

No objection

Overall in principle, considering that we don't currently have a 5 year supply of Gypsy and traveller sites or an adopted Local Plan and that the application is adjoining an existing facility, is adjacent to the built settlement form and near to local services; as long as flood risk and landscaping issues are resolved we have no planning policy objection to the application.

CBC Trees and
Landscape
CBC Public Protection
CBC Minerals and
Waste
Greensand Trust
Wildlife Trust

No objection

No comment to make

No objection

Object on impact on CWS

Object on impact on CWS

Other Representations:

Neighbours

Objections were received by 17 residents raising the following issues:

- how can the retention of replacement stables be added into the proposal
- exceed number of stables on the site previously approved;
- movement of caravans on the site and lack of enforcement action;
- outside of the established settlement envelopes;
- a quadrupling of pitches is beyond that of the original permission and out of character with the village;
- increased traffic is not acceptable;
- access works are not acceptable or carried out to a sufficient standard;
- the replacement stables are a misnomer, the previous structure was not stabling and has not been used as such - there were some ramshackled buildings but these were not stables;
- increase in horse excrement on the road;
- noise nuisance from horse buggy;
- flood risk potential;
- further development outside settlement envelope sets a precedent;
- concerns regarding traffic, speed and the narrowness of pavements;
- environmental impacts and harm to wildlife;
- change the nature of the neighbourhood;
- soil movement and levelling will change the site;
- housing 3 families will change the nature of the site and result in increased noise and movement;
- CWS -building and landscaping should not be taking place;
- potential of opening the whole large site for further development;
- increase in commercial traffic/ traffic using The Causeway;
- description misleading - not adjacent to the existing caravan site;
- the applicant has stopped travelling - wants a permanent base and is running a business from the site;
- impact of building on flood zone 2/3;
- any further planning will impact adversely on the environmental ability this location affords to Clophill and the surrounding area as flood defences;
- lorry loads of debris deposited on the site and the site artificially raised;

- lack of enforcement action on the site;
- impact on water voles and kingfisher in this section of the Millstream;

Determining Issues

The main considerations of the application are;

1. Policy Background including Gypsy and Traveller Pitch Provision
2. Planning History of the Site
3. Flood Risk
4. Impact on the visual amenities of the area
5. Impact on the amenities of neighbours
6. Highways and parking
7. Assessment against Policy HO12
8. Assessment against Policy GT5
9. Other Matters
10. Conclusions

Considerations

1. Policy Background including Gypsy and Traveller Pitch Provision

1.1 Policy Background

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

- 1.2 'Planning Policy for Traveller Sites' is specifically designed to provide guidance on determining Gypsy applications and to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life for Travellers while respecting the interests of the settled community. The document was amended on the 31st August 2015, this made amendments to the definition of Gypsy and Travellers which states: *'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily...* This is further expanded stating that in determining whether persons are 'gypsies and travellers' for the purposes of this planning policy, consideration should be given to the following issues: a) whether they previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 1.3 National policy recognises that there is a need for most families to have a base to which they can return when not travelling in order to access essential services such as health care and education. The Courts have held that a nomadic habit of life is retained even where persons travel for no more than 2

months of the year and for the summer months.

- 1.4 The agent has confirmed that the applicants have never ceased permanent travelling. Travelling for work or cultural purposes has always been part of their lives and still is. The families involved in the application are well known members of the Romani Gypsy Community. An important part of Romani Gypsies lives is attending fairs, and the applicants regularly attend a number of fairs each year, as they are necessary for trading activities, networking, dealing of horses and tackle, or other similar activities that relate to Romani culture.
- 1.5 The family has several horses (traditional link between horses and the Gypsy community) which would benefit from the additional permanent residential presence on the site.
- 1.6 The family take part in cultural events that relate to their Romani Gypsy heritage and have always travelled for work. This includes travelling around Hertfordshire, Bedfordshire and Bucks and also travelling abroad to Holland, Belgium and Germany. From the above assessment and information, for the purpose of this application it is considered that the applicant and other members named in the application are considered to fulfill the definition set out in the guidance and are therefore considered to have Gypsy status.
- 1.7 The policy document requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area in liaison with neighbouring authorities to determine the need for sites. Sites should be specific deliverable site sufficient to provide 5 years worth of sites against the authorities locally set targets.
- 1.8 Paragraph 25 of the Planning Policy for Traveller Sites sets out that if a local authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent.
- 1.9 Gypsy and Traveller Pitch Provision

A Central Bedfordshire-wide Gypsy and Traveller Plan has been prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and was subject to public consultation following approval at Full Council in February 2014, however, as noted earlier the Inspector raised a number of questions regarding the plan. The plan was withdrawn and therefore carries little weight in the determination of this application.
- 1.10 In preparation of the Gypsy and Traveller Local Plan the Councils had a new Gypsy, Traveller and Showperson Accommodation Assessment undertaken, dated January 2014 and further refresh in January 2015. This Assessment and the refresh are considered to be up to date and highlighted that there are a small number of unauthorised pitches, temporary consents, concealed households and people on waiting lists for the Council-run sites which are

considered to represent the backlog of need within the area.

- 1.11 The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update and Full Council agreed on 30th January 2014 that the GTAA be endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.
- 1.12 While the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply the plan has been withdrawn and therefore the 5 year supply cannot be demonstrated.
- 1.13 Nevertheless, pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided.
- 1.14 Planning Policy for Travellers Sites (PPTS) policy H states that when determining planning applications for gypsy and travellers sites the existing level of local provision and need for sites is a material consideration. In a recent appeal decision at Twin Acres, also in Hitchin Road Arlesey (APP/P0240/W/15/3004755) the Inspector noted " Although the Council prepared the Central Bedfordshire Gypsy and Traveller Local Plan, that plan has been withdrawn and there are no allocated sites."
- 1.15 The Inspector went on to say "It is clear there is a significant unmet, immediate need for gypsy and traveller pitches" and again to say "As a matter of policy the absence of an up to date five year supply of deliverable sites is a significant material consideration in applications for temporary permission by virtue of paragraph 25 of the PPTS. However, this factor is capable of being a material consideration in any case and with another appeal ref APP/P0240/A/12/2179237, concerning a site within Central Bedfordshire, the Secretary of State concluded that the need for sites carried considerable weight and the failure of policy was also afforded significant weight. That must remain the case today."

1.16 Gypsy and Traveller Pitch Trajectory

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

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

Since the withdrawal of the Gypsy and Traveller Local Plan there have been a number of applications for gypsy and traveller accommodation. However the

consented pitches still do not meet the backlog of pitches required.

Recent appeals have noted there is an immediate unmet need for accommodation in the district and Inspectors have given substantial weight to the need for pitches when determining applications.

1.17 Sustainability

The PPTS accepts the principle of gypsy and travellers sites in rural and semi-rural areas. Paragraph 11 sets out the sustainability issues for gypsy and traveller sites and promotes access to health and education services. The site is in the rural area but is not an unacceptable distance from Clophill. Clophill is identified as a Large Village under Policy CS1 of the Core Strategy where there are some community facilities and links to public transport.

The location of the site has been assessed as being appropriate under the previous consent and therefore is considered to be in a sustainable location.

2. Planning History of the Site

2.1 The application site was a former Animal Sanctuary and there have been a number of buildings on the site in relation to this previous use. One of which was lived in by the previous owner.

2.2 As the application states there has also been 3 static caravans (and tourers) on the site in some form/ position in excess of over 10 years. This application seeks to reposition the 3 caravans on to the pitches proposed.

2.3 The entrance to the site is shared with the existing Gypsy site to the north of the access road, which was granted planning permission in 2013.

2.4 The site is a County Wildlife Site; under the former ownership, the site was allowed to fall into a poor state of repair and there was a lot a debris/ cages and concrete on the site. These have been cleared by the applicant to improve the character and appearance of the site and they are willing to provide a management scheme for future biodiversity improvement on the site. The Council's Ecologist is satisfied with this approach and has suggested a condition should planning permission be granted.

3. Flood Risk

3.1 The IDB and the Environment Agency have been consulted on the application and have not raised any objection. The application was accompanied by a flood risk assessment which acknowledges that the site is within flood zone 2 and some areas are within flood zone 3. The flood risk assessment includes a copy of the Environment Agency Flood Risk map.

3.2 The application has been delayed as the applicant and the IDB have been in discussion over a flood compensation scheme, this will result in the flood zone 3 areas being raised and a similar amount of land being lowered elsewhere to enable flood compensation to take place. This has now been agreed and therefore the flood risk is considered in this instance to be acceptable.

- 3.3 The caravans would be securely tethered and the underside would be above the flood level so that there would not be any risk of inundation or instability. In addition the flood risk map shows that the occupants of the site would be able to leave the site via the access to The Causeway during a flood event.

4. Impact on the visual amenities of area

- 4.1 The entrance to the site lies to the edge of the built up area of the village just beyond the edge of the ribbon of housing development on both sides of The Causeway to the immediate north of the site. The site is to the rear of the access road, the land has been cleared and generally tidied up there are a number of derelict buildings. The land is generally open and attractive and there may be partial views of the site through any breaks in boundary planting along The Causeway and A507.
- 4.2 The application does not contain any details of the external appearance of the caravans. On the two outer pitches the caravan would be parallel to the access road on the middle pitch the caravan would be in a position parallel to The Causeway.
- 4.3 The derelict buildings on the existing land would be removed and it is therefore considered that there would be an overall improvement in the visual appearance of the site.

5. Impact on the amenities of neighbours

- 5.1 Given the siting of the caravans to the rear of the site, it is considered that there would be considerable separation distance from the site to any neighbouring properties within The Causeway and the High Street. There is mature screening along the northern side of the site - on the opposite side of the access road. Whilst there may be partial views through the boundary screening it is not considered that this would be sufficient for the development to be unacceptable.

6. Highways and Parking

- 6.1 Access to the site is via the shared private driveway off The Causeway which serves the existing Gypsy and Traveller site and Paradise Farm.
- 6.2 The Highways Development Control Officer has raised no objection to the application although access to the site is achieved via the junction of The Causeway and High Street which is substandard in terms of the level of visibility available or via the junction of The Causeway with the A507 which is not subject to a speed restriction other than the National Limit; no highway objections have previously been raised to the creation of a gypsy site at this location.

7. Assessment against Policy HO12

- 7.1 Policy HO12 is a criteria-based policy for assessing planning applications and is

the relevant adopted policy for the determination of this application. Previous application adjacent to the site were assessed against this criteria and found to be acceptable however for clarity each part of the policy is addressed in turn below:

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

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

The impact on the character and the appearance of the area has been considered in section 4 above.

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

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

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

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

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

During the previous planning application both the Environment Agency and the Internal Drainage Board confirmed that they have no objection to the proposal. The Environment Agency and IDB are the expert bodies whose advise the Council as Local Planning Authority relies on.

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

Whilst the site is in the open countryside and a designated CWS large parts of the application site and other land owned by the applicant would remain undeveloped and a condition would be imposed on any grant of planning permission for a management scheme for the land.

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

The site is not within the vicinity of any other designated heritage asset.

Sites should relate well to existing built development, although a location within a defined settlement envelope will not be deemed essential. Sites which

are poorly located in relation to community facilities and public transport will not be permitted.

The site is outside of the settlement envelope but as set out in the policy this is not deemed essential. The village of Clophill is considered to be a satisfactory distance where community facilities and public transport are accessible.

8. Assessment against Policy GT5

- 8.1 Policy GT5 which is a criteria-based policy for assessing planning applications and still considered to be relevant in the assessment of planning applications however as notes above the draft Gypsy and Traveller Plan carries little weight. The previous application was assessed against this criteria and found to be acceptable. For clarity each part of policy GT5 is addressed in turn below.

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

Development such as that proposed will help identify the need for sites to be met which is a material consideration given the recent appeal decision at Twin Acres.

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

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

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

This has been addressed in Section 3 of the report and has been found to be acceptable.

Satisfactory and safe vehicular access.

During the consideration of the previous application the Highways Development Control Officer reviewed the application and confirmed that there is no technical highway reason to raise an objection.

Site design demonstrates that the pitches are of sufficient size.

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

Landscaping.

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

Sensitive boundary treatment.

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

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

The impact on neighbouring properties is considered above.

Pollution from light and noise sources should be minimised.

Disturbance is described and assessed above. A condition restricting commercial use of the site has been included should permission be granted.

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

Facilities would be within reasonable driving distance of the site. The village of Clophill would be within easy walking distance of the site.

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

The site is already connected to the existing mains sewerage system. The site is already served by water and electricity. A refuse collection service is in operation at the site.

9. Other Matters

- 9.1 This application also seeks part retrospective consent for the retention of stables. The stables are to the rear of the existing gypsy and traveller site which is located to the front of the site on the northern side of the access track. The stables are considered to be appropriate and would not have a detrimental impact on the character and appearance of the surrounding area, nor would they have a material impact on the amenities of any neighbouring residential properties.

10. Conclusions

- 10.1 The application site is within flood zone 2 and 3, a flood compensation scheme has been submitted which will take the most vulnerable development outside of flood zone 3 and into flood zone 2. The development is considered to include measures that will ensure it is flood resilient and resistant and would pass the sequential test.
- 10.2 The site has been substantial cleared and tidied up during the application process and the derelict buildings will be removed upon planning permission being granted for this proposal. This would result in an enhancement to the character and appearance of the area.
- 10.3 It could be argued that any caravans in open countryside have an adverse impact on the character of the area, however, in light of the removal of the derelict buildings, tidying up of the site and the level of identified need it is considered that on balance the visual impact of the development would not be so adverse as to justify refusing planning permission.

Recommendation

That the application 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 caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined by the Planning Policy for Traveller Sites 2015.
- Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.
- 3 No more than 3 caravans, and 3 tourers, shall be located on the Site and occupied for residential purposes.
- Reason: In recognition of the location of the site in the countryside and having regard to the provisions of the National Planning Policy Framework.
- 4 No commercial activity shall take place on the Site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity having regard to the National Planning Policy Framework and to the provisions of Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:
- i. within 3 months of the date of this decision a scheme for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
 - ii. within 3 months of the date of this decision a scheme for external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
 - iii. within 3 months of the date of this decision The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.
 - iv. within 3 months of the date of this decision a plan showing the layout of the site including the position and size of the caravans and external appearance of the static caravans shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval.

Reason: To ensure an appropriate standard of development.
(CS policy DM3 and DSCB policy 43).

- 6 No caravans shall be located on the site until the approved flood compensation works have been carried out. All caravans/ residential accommodation shall be secured in position.

Reason: To ensure that the protection of any future occupants in the event of flooding and to protect the site against future flooding.

- 7 No development shall take on the site until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. To ensure the site is managed appropriately.

Reason: To enhance the biodiversity of the site.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BP-01; SB-01; Site Location Plan; Flood compensation scheme

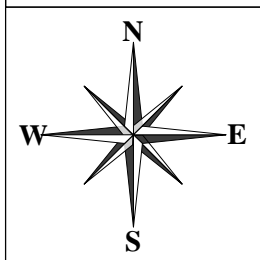
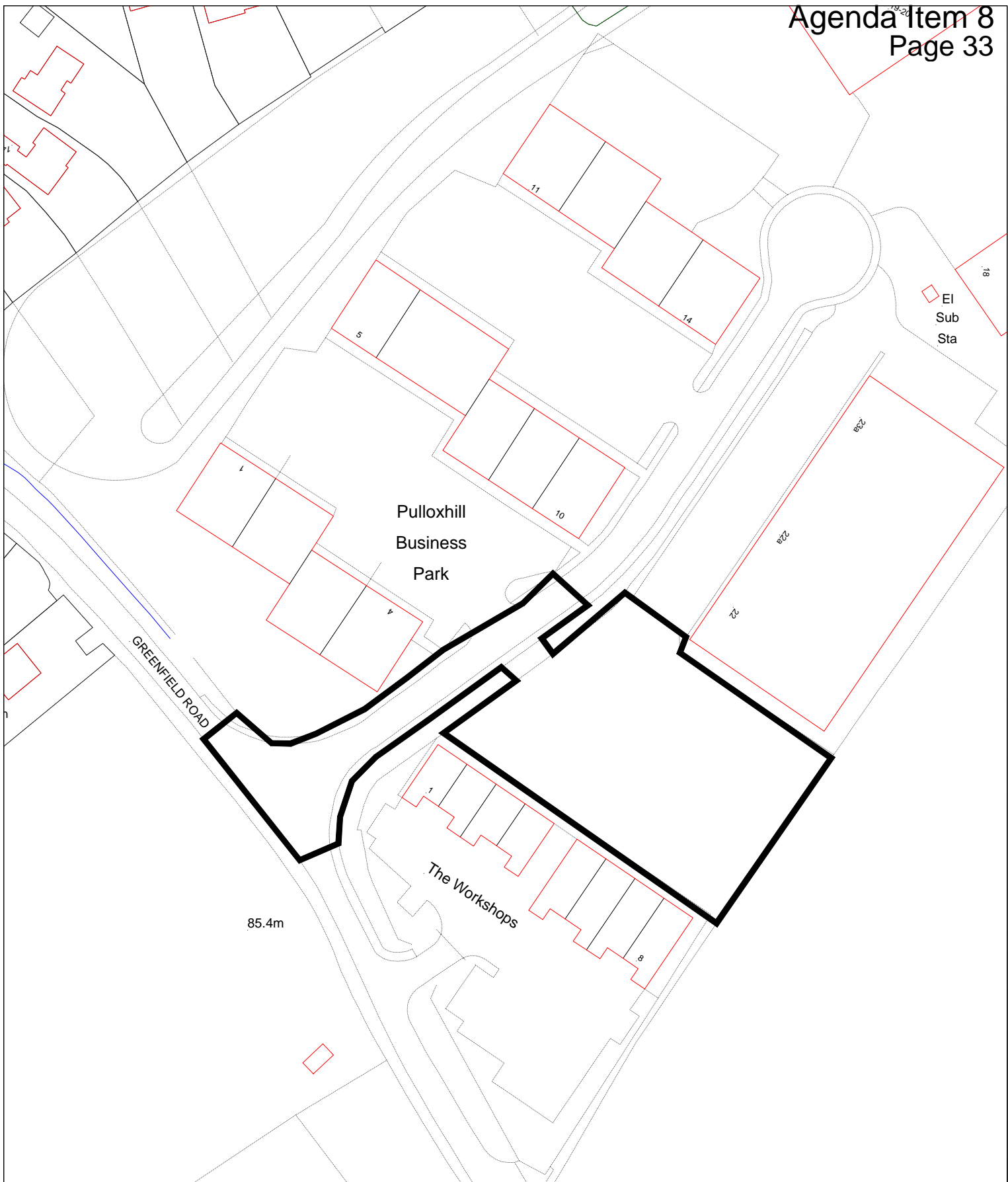
(Revision A and email dated 14th December 2015)

Reason: For the avoidance of doubt.

INFORMATIVE 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 Core Strategy and Development Management Policies Document (2009)
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.

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



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Date: 14:January:2016
Map Sheet No

**Application No.
CB/15/04844/FULL**

Scale: 1:1250

**Land Adj. to Unit 22 Pulloxhill Business Park, Greenfield Road,
Pulloxhill**

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Item No. 08

APPLICATION NUMBER	CB/15/04844/FULL
LOCATION	Land Adjacent to Unit 22 Pulloxhill Business Park, Greenfield Road, Pulloxhill
PROPOSAL	Change of Use: of grassed area to storage for machinery/plant and parking for Unit 14 Pulloxhill Business Park.
PARISH	Pulloxhill
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Debbie Willcox
DATE REGISTERED	16 December 2015
EXPIRY DATE	10 February 2016
APPLICANT	Bellcross Homes
AGENT	CMYK (Planning and Design)
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Jamieson for the following reasons: <ul style="list-style-type: none">• Noise and floodlight impact on nearby properties including the occupants of the other industrial units;• Overcrowding of the industrial site, with vehicles forced to park throughout the industrial estate;• The industrial estate was meant to be a village industrial estate, this is the continuation of a trend to a larger and busier estate not in keeping with a village;• Increased traffic through the villages of Pulloxhill and Greenfield. Particularly vans with trailers. There have already been two incidents in the village including a trailer crash by the school;• The activities have led to parking issues within the estate;• Industrial estate is designed on small industrial units with internal activity not external activity. This has created conflicts;• Concerns regarding adequate treatment of water run off from vehicle washing and also rain. Loss of greenspace within the industrial estate.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed change of use of the application site would support a local business in accordance with Section 3 of the National Planning Policy Framework and Policy CS11 of the Central Bedfordshire Core Strategy and Development Management Policies (North). The change of use of this site would not have a detrimental impact on the amenity of the occupiers of neighbouring dwellings or a significant detrimental impact on the character and appearance of the area. The impact of the proposal on the highway network is considered to be acceptable. The proposal is therefore

considered to be in accordance with the National Planning Policy Framework, policies CS11, CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North) and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises an open area of land to the south west of No. 22 Pulloxhill Business Park, which is a commercial estate located on Greenfield Road to the south of Pulloxhill. To the immediate north of the commercial estate are the dwellings in Maple Close. The site is located in the south east section of the commercial estate and is thus separated from Maple Close by the single storey commercial units on the north west side of the commercial estate. There are open fields to the south and east of the application site.

The site was originally set aside for car parking, but doesn't appear to have ever been used for this purpose and is currently open scrub land.

The Application:

The application seeks planning permission to level and hard surface the application site and to change its use from amenity land to storage (B8) and ancillary maintenance uses to allow the occupiers of unit 14 to utilise the land for the storage, cleaning and light maintenance of plant and equipment which are hired out to the construction and utilities industry.

The company are currently utilising an area of land adjacent to Unit 14 for this purpose, without planning permission. Should planning permission be granted for the current application, the applicant has stated that these activities on the land adjacent to Unit 14 would be relocated to the land adjacent to Unit 22, which is the subject of this application.

The proposal has been revised during the course of the application process. Originally, the application included the land adjacent to Unit 14 as well as the land adjacent to Unit 22.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Core Strategy and Development Management Policies (November 2009)

CS11 Rural Economy and Tourism

CS14 High Quality Development

DM3 High Quality Development

Development Strategy for Central Bedfordshire (June 2014)

At the meeting of Full Council on 19th November it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform further development management decisions.

Supplementary Planning Guidance

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

Relevant Planning History:

Application Number CB/15/03668/FULL
 Description Change of use of grassed area to storage for machinery/plant for five years for unit 14. Retrospective.
 Decision Application withdrawn
 Decision Date 23/11/2015

Application Number MB/03/00879/FULL
 Description Construction of grassed mound in conjunction with the construction of units 22-23
 Decision Planning permission granted
 Decision Date 01/07/2003

Application Number MB/87/00863/FULL
 Description Removal of Condition 10 (Hours of Working)
 Decision Planning permission granted
 Decision Date 23/07/1987

Application Number MB/85/0343B/OA
 Description Erection of Light Industrial and Storage Buildings
 Decision Outline permission granted
 Decision Date 10/08/1986

Consultees:

Pulloxhill Parish Council We have significant concerns about the nuisance caused
 (Comments on the original application) to nearby residents by activities taking place on this site.

There is insufficient detail provided for us to fully assess the impact of this proposal, particularly there are no details of the materials to be used or boundary treatments; there are no details and there is no mention of the hours of operation of the site. We are concerned that the surface water run-off will be managed via a soak away which increase the risk of flooding of the allotments and subsequent run-off of surface water onto Greenfield High Street. We also note that no further plans are submitted with the application to clarify any of the issues. The application states that the site is to be used by Industrial Unit 14, however, the application seems to distances itself from the activity of that Industrial Unit as there is no statement of employee numbers. The application is inconsistent as the application is stated as being for storage of machinery/plant and for parking but there is no statement of existing and proposed parking spaces. We can only assume that it is the intention for the whole area to be used for "storage" of plant and machinery.

This application does not seem to reflect the actual activity taking place. We would not expect “storage” activity to create noise and other nuisance to neighbours and particularly during unsocial hours. We are further concerned that any activities beyond “storage” may cause contamination of water and land arising from the industrial activities and seek assurance that cleaning, maintenance and other activities relating to the plant and machinery are undertaken in suitable conditions.

Pulloxhill Parish Council welcomes socially responsible and environmentally friendly industry and the employment provided. Pulloxhill Industrial Estate has been in existence and operating for many years, but only recently have there been complaints of nuisance arising from activities on the Industrial Estate. We ask that the planning officers and planning committee ensure that our concerns are fully addressed and mitigation measures put in place as necessary and particularly that nuisance to residents is minimised.

Pulloxhill Parish Council
(Comments on revised
application)

To be reported on the Late Sheet.

Pollution Team
(Comments on the
revised application)

This application follows detailed discussions with the applicant with regard to the relocation of the current operations at Pulloxhill Business Park. This is to mitigate the impact of noise on local residents from the existing site and in principal I am satisfied with the proposal subject to appropriate conditions. This decision is also based on the fact that I do not believe, given the context of the surrounding area, that we would have a reasonable chance of defending any appeal.

The proposed site for the operations is located a considerable distance from the residential properties which are currently affected by noise. In addition the units located in between the proposed site and the residential properties currently operate as a distribution depot 24hrs a day with HGV movements, loading and unloading with forklifts and other associated activities. The noise attributable to such will not differ significantly from that proposed with this application.

With regard to the proposal it is my understanding that a 2m acoustic fence (relative to the yard height which is elevated rather than the internal business park roads which are lower) will be constructed along the boundary of the site, possibly extending along other boundaries to further reduce any potential noise emissions. I

understand that such would not necessarily require planning consent and therefore it would be necessary to secure through a condition. A similar acoustic treatment should also be applied to access gates to prevent noise spill during operations.

Without prejudice to any decision you shall make I therefore recommend the following conditions:

- Within 4 weeks of the permission hereby being granted the applicant shall submit for approval in writing, details of the acoustic boundary treatment, to include any relevant boundary fence and access points. The applicant thereafter shall install any such agreed treatments within 4 weeks of the approval of such being granted and thereafter any approved details shall be maintained in accordance with the scheme whilst the use remains.
- Within 4 weeks of the permission hereby being granted the applicant shall submit for approval in writing a noise management plan, detailing the managerial practices and operations which will be implemented in order to monitor noise and respond to complaints. The agreed scheme shall thereafter be implemented and maintained in accordance with the approval.
- Within 4 weeks of the permission hereby being granted the applicant shall submit for approval in writing a lighting scheme. The applicant thereafter shall implement any scheme within 4 weeks of the approval of such being granted and thereafter any approved details shall be maintained in accordance with the scheme whilst the use remains in operation.

Whilst I would typically expect conditions to be dealt with prior to commencement of the use of the site, given that the current operations are detrimental to the amenity of residents, I have requested that approval is dealt with within 4 weeks of any approval being granted to allow the business to relocate in a timely manner and reduce impact on residential amenity from current operations.

Highways Officer
(Comments on the revised application)

The proposal is acceptable; please include the supplied conditions and notes to applicant in any permission issued.

Other Representations:

Neighbours
(Comments on the

Object to the proposal on the following grounds:

- The grassed area adjacent to Unit 14 was set aside for

original application)
12, 16, 24, 28, 30, 32,
36 and 38 Maple Close,
2 Beech Close, 33 High
Street, Units 15, 16 &
22, Unit 17, Units 19 &
20 Pulloxhill Business
Park

- landscaping and should be used as such;
- The use of the land adjacent to Unit 14 is causing noise problems to residents of Maple Close starting in the early hours of the morning and going on until after midnight, seven days a week. The noise is generated by the running, moving, maintenance and washing of the machinery it hires out and is a deep rumbling which prevents nearby occupiers from sleeping and can be felt as well as heard;
- The yard on the land adjacent to Unit 14 is lit up at night and light over spills into the rear gardens and houses of occupiers in Maple Close;
- There is no drainage on the site of the land adjacent to Unit 14, however, machinery is washed on the site and the water runs off the site into the gardens of Maple Close. This may be polluting the surrounding land;
- The activities include paint spraying the equipment, which results in particles drifting into the gardens of Maple Close;
- The business generates high levels of heavy traffic through the village and in close proximity to the local school;
- The alterations made to the site adjacent to Unit 14 has led to earth being piled up against the rear fences of properties in Maple Close;
- An external storage area is not in keeping with the existing Business Park, which is reasonably well landscaped and a place where tenants operate their businesses inside controlled environments;
- The business park was never intended as an industrial estate and this would allow it to be used as an industrial estate;
- The use of the site adjacent to Unit 14 has used an existing landscaping area and these activities have had a detrimental impact upon the appearance of the Business Park because of mud on the road and the loss of landscaping. If the operations are relocated to the site adjacent to Unit 22 there would be mud on the road all over the Business Park.
- The loading of the machinery onto vehicles sometimes blocks the roads on the Business Park;

Neighbours (Comments
on the revised
application)
30 Maple Close

Generally in support of the revised application, however, would like conditions put on restricting operating and delivery / collection hours overnight and at weekends and would like to ensure that the existing site adjacent to Unit 14 is returned to landscaping.

The revised application is still under consultation; the consultation period closes prior to the committee meeting

and further responses will be reported on the Late Sheet.

Determining Issues:

The main considerations of the application are;

- 1. Background**
- 2. Impact on Neighbouring Amenity**
- 3. Impact on the Character and Appearance of the Area**
- 4. Drainage and Contamination**
- 5. Highway Considerations**
- 6. Other Considerations**

Considerations

1. Background

- 1.1 The agent has provided the following information on the business: Electro Services Ltd was formed in 1987 and is a family business with its head office on Pulloxhill Business Park and has other depots throughout the UK. The Pulloxhill branch has 25 employees. The business hires machinery and plant to utilities and construction companies including National Grid, Anglian Water, Amey and Balfour Beatty. The workshop hours are 7am - 6.30pm Monday to Friday and 8am to 12 noon Saturdays, but deliveries are made outside these hours as necessitated by customers.
- 1.2 The business has been operating a depot without planning permission on the land adjacent to unit 14 since early 2014. Machinery is delivered to and collected from the site and is stored, cleaned and maintained on the site. The Council's Environmental Health Team have monitored the noise pollution that arises from these activities to the occupiers in Maple Close and have issued a noise abatement notice. Officers from the Environmental Health Team and the Planning Team identified the site adjacent to Unit 22 as being a site from which these operations could take place without harming the amenity of the occupiers of Maple Close by way of noise, light and dust pollution and requested that the applicants submit a planning application to relocate these activities to this site.
- 1.3 A previous application, reference no. CB/15/03668/FULL was submitted for the use of the land adjacent to Unit 14 for these purposes, but was withdrawn as officers advised that planning permission was unlikely to be granted for that site. This application was originally submitted for the change of use of both sites, however, officers advised the applicant that this was unacceptable and the application was subsequently amended to just include the site adjacent to Unit 22. Enforcement action by the Council's Environmental Health Team and the Planning Enforcement Team is in abeyance pending the outcome of the Development Management Committee's decision on this application.
- 1.4 Planning permission was granted for the Business Park in 1985. The planning permission included light industrial (B1) and storage and distribution (B8) uses. The proposed use of the site is B8. Originally the planning permission was granted with a condition that stated that no activities should take place between the hours of 6pm and 8am Monday to Saturday and at any time on Sundays and Bank Holidays. However, planning permission reference no.

MB/87/00863/FULL removed this condition and thus there are no restrictions on operating hours or delivery times to the units on the Business Park.

2. Impact on Neighbouring Amenity

- 2.1 The Pollution Team has been involved with bringing this application forward in an attempt to resolve the pollution problems that the operations of Electro Services Ltd on the site adjacent to Unit 14 are having on the occupiers of Maple Close and Beech Close. This includes light pollution from the high levels of lighting on the site and noise pollution from cleaning and maintenance operations, generators and the loading and unloading of plant and equipment. These activities have been subject to monitoring by the Pollution Team and the Pollution Team are of the view that, subject to the recommended conditions, the activities that are currently taking place on the site adjacent to Unit 14 could take place on the application site without causing noise and light pollution to the residential occupiers of Maple Close and Beech Close, or any other residential occupiers.
- 2.2 It is noted that the proposed site would provide a site that would allow the business to continue to function in Pulloxhill and to continue to provide employment to 25 local residents without the unacceptable levels of noise and light pollution that the residents of Maple Close and Beech Close are currently experiencing. The site would be located 140m away from the rear boundaries of the dwellings in Maple Close and the dwellings in Beech Close are further away still. The conditions suggested would require boundary treatment with acoustic properties, a noise management plan and a lighting scheme to ensure that noise and light pollution from the site is adequately controlled. The relocation of activities to the proposed site would also prevent pollution from dust, paint spraying and land contamination from reaching properties in Maple Close and Beech Close.
- 2.3 The business park as a whole currently has no restriction on operating and delivery hours and the Pollution Officer has noted that other units on the site operate 24 hours a day. In this context it is considered that the limited, mitigated impact of the proposal on the amenities of residential occupiers would not be sufficient to justify a refusal for the application.
- 2.3 It is noted that residents are seeking restrictions on the operating hours of the site. This would be controlled by the noise management plan, which would be scrutinised by the Pollution Team prior to the discharge of condition. It is considered that this would provide adequate protection to residential occupiers.

3. Impact on the Character and Appearance of the Area

- 3.1 The application site currently comprises scrub land which is bounded to the road by a bund. The proposal would level the site and use it for open storage and associated maintenance of plant and machinery. The Pollution Team has recommended a condition requiring the erection of an 2m high acoustic fence and gate to the front of the site, which would mitigate views of the open storage from the surrounding area. It is considered that, subject to the installation and maintenance of the proposed fence and gate, the proposed change of use would not have a significant detrimental impact on the character and appearance of the area.

- 3.2 It is noted that the current use of the land adjacent to No. 14 has led to mud being spread on the roads within the business park. It is considered this is partially as a result of the rough surfacing and inadequate drainage that exists on the site. It is considered that the proper surfacing and drainage of the application site would be likely to significantly reduce the mud being spread on the roads within the industrial estate.
- 3.3 The proposal would allow the relocation of the activities from the land adjacent to Unit 14. It is noted that neighbours have requested that the land be reinstated to its former landscaped condition, which is considered would be an enhancement to the character and appearance of the area. Officers have requested through the agent that the site be reinstated to landscaped amenity land. It is not possible to impose a condition controlling the reinstatement of the area of land as that site is not located within the red line of the revised application. However, the Local Planning Authority has powers of enforcement which will be considered if appropriate.

4. Drainage and Contamination

- 4.1 No details have been submitted in regards to the proposed surfacing and drainage of the application site. It is considered that it is important to ensure that the site is properly surfaced and drained to prevent surface water flooding, minimise the potential for land contamination and to prevent mud being spread on the roads. As such, it is considered important to impose a condition requiring details of the surfacing and drainage be submitted and implemented within a short timescale.

5. Highway Considerations

- 5.1 The Council's Highways Officer has raised no objections to the proposal. While the local concerns in regards to the impact of the proposal on traffic flows within the village are noted, it is acknowledged that the current Business Park has unrestricted B1 (Light Industry) and B8 (Storage and Distribution) uses for the whole site. Heavy goods vehicle traffic is associated with B8 uses and there are no conditions on the earlier planning permissions which allow this to be controlled. In this context, it is considered that the impact of the proposed change of use of this small part of the Business Park on vehicle movements though the village would not be of enough significance to justify a refusal for the application.

6. Other Considerations

6.1 Human Rights issues:

The proposal raises no Human Rights issues.

6.2 Equality Act 2010:

The application makes no reference to the Equality Act 2010. Should planning permission be granted, it is considered appropriate to impose an informative advising the applicant of Electro Services Ltd's responsibilities under the Equality Act 2010.

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 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until details of a 2 metre high acoustic barrier fence and gates to be erected around the boundaries of the application site have been submitted to the Local Planning Authority and approved in writing. The approved acoustic barrier fence and gates shall be erected prior to the commencement of the use and shall be maintained thereafter.**

Reason: The condition must be pre-commencement to prevent nuisance from noise from the proposed use to neighbouring occupiers. (Section 7, NPPF and Policies CS14 & DM3, CSDMP)

- 3 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until a noise management plan, detailing the managerial practices and operations which will be implemented in order to limit and monitor noise has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented once the use commences and maintained thereafter while the use continues on the site.**

Reason: The condition must be pre-commencement to prevent nuisance from noise to neighbouring occupiers. (Section 7, NPPF and Policies CS14 & DM3, CSDMP)

- 4 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority for approval in writing. The approved scheme shall be implemented prior to the commencement of the use and shall be maintained thereafter.**

Reason: The condition must be pre-commencement to prevent nuisance from light pollution to neighbouring occupiers. (Section 7, NPPF and Policies CS14 & DM3, CSDMP)

- 5 **The use of the site for storage (B8) and ancillary maintenance of plant and equipment shall not commence until details of the surfacing and drainage of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include arrangements for surface water drainage to soak away within the site or discharge to an appropriate drainage system and into the highway. Any discharge into the main drainage system shall include appropriate oil, petrol and grit interception facilities. The surfacing materials should be stable**

and durable. The approved scheme shall be implemented prior to the use commencing on site and maintained thereafter.

Reason: The condition must be pre-commencement to prevent any increase in flood risk, risk of pollution to land or water systems and the spread of mud and other deposits on the surrounding highway network.

(Sections 7, 10 and 11, NPPF, and Policies CS14 & DM3, CSDMP)

- 6 The use hereby approved shall not commence until the junction of the proposed vehicular access with the access for Pulloxhill Business Park has been constructed in accordance with the approved details shown on drawing number 1550 / P / 100.

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

(Section 4, NPPF)

- 7 **The use hereby permitted shall not commence until details of a turning space for vehicles within the curtilage of the site have been submitted to and approved in writing by the Local Planning Authority and the approved turning space has been constructed.**

Reason: The condition must be pre-commencement to enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

(Section 4, NPPF)

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1550/P/100 Rev A, CBC/001.

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

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that

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

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

For further information on disability access contact:

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

3. 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 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 Highways Help Desk tel: 0300 300 8049.
5. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site

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

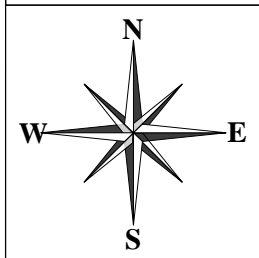
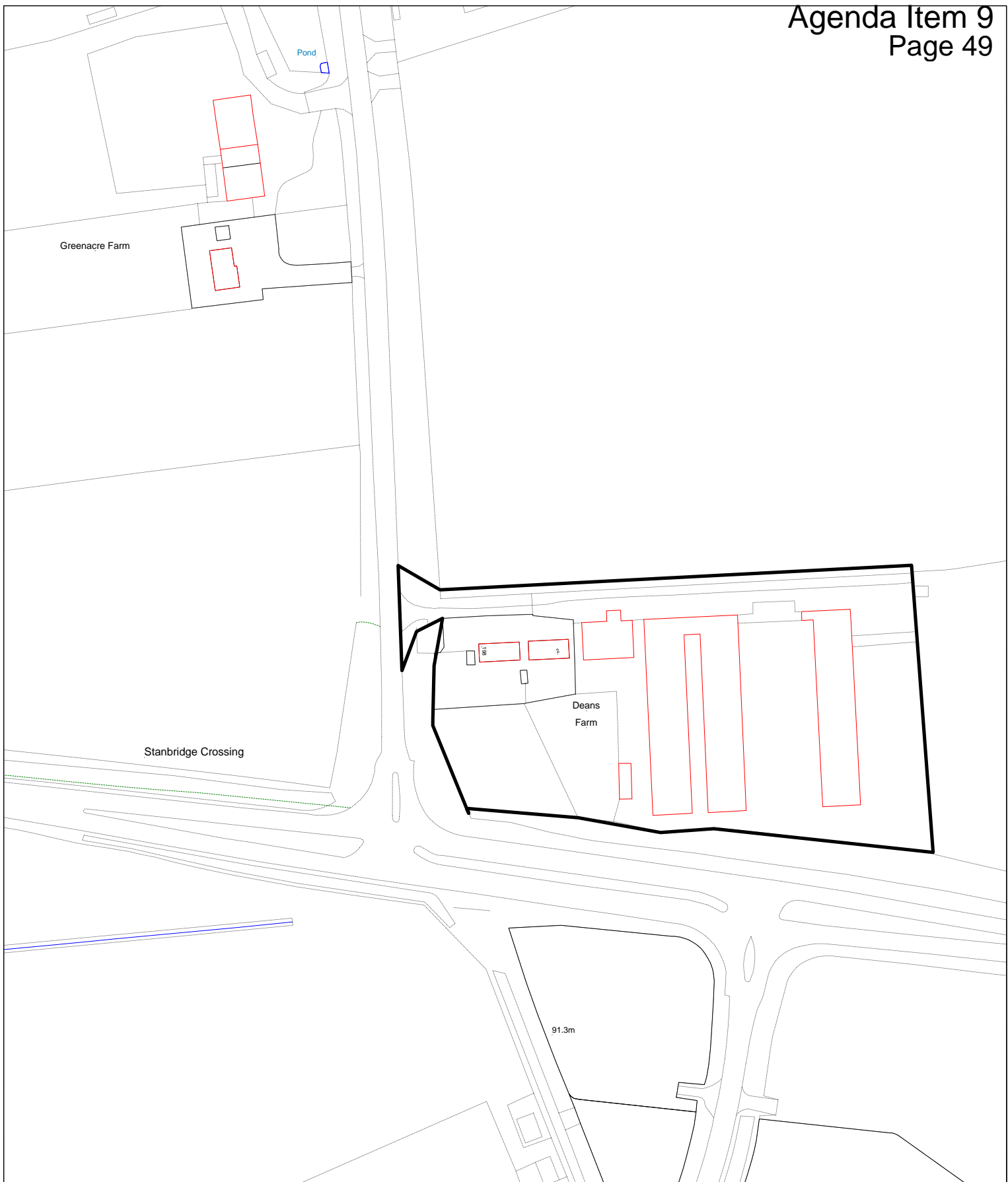
The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements 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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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 18:January:2016
Grid Ref: 495702; 223245

Application No.
CB/15/04264/FULL

Scale: 1:2000

Deans Farm, Billington Road, Stanbridge, Leighton Buzzard, LU7 9HL

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Item No. 09

APPLICATION NUMBER	CB/15/04264/FULL
LOCATION	Deans Farm, Billington Road, Stanbridge, Leighton Buzzard, LU7 9HL
PROPOSAL	Demolition of former agricultural buildings, office/store and two bungalows and redevelopment to provide 5,270m² (GEA) warehouse, sorting shed and office for B8/B1a Use Class purposes with hardstanding, landscaping and related development including 50 car parking spaces, 40 HGV spaces and improvements to vehicular access onto Billington Road.
PARISH	Stanbridge
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Abel Bunu
DATE REGISTERED	09 November 2015
EXPIRY DATE	08 February 2016
APPLICANT	Mr P Dean and Brickhill Properties GP Ltd
AGENT	David Lock Associates
REASON FOR COMMITTEE TO DETERMINE	Ward Member call-in for the following reasons : <ul style="list-style-type: none">• Contrary to policy• Loss of amenity• Overbearing• Impact on landscape
RECOMMENDED DECISION	Full Application - Recommended for Approval

Reasons for Recommendation:

Whilst the proposed development would be inappropriate in the Green Belt, the proposal demonstrated the very special circumstances required of such developments by reason of the following considerations:

- The site has previously been in agricultural/employment use but is now largely vacant and dilapidated.
- The site is previously developed in the context of the National Planning Policy Framework and it is such brownfield sites that should be given highest priority for re-development.
- The broad principle of re-developing the site for industrial use has been established with the grant of two planning permissions, reference, **CB/10/00630/OUT** and **CB/14/01366/FULL**. The latter permission is extant and therefore is capable of implementation.
- Whilst previous permissions have been speculative, the proposal is based on the specific business requirements of a well established local company within the Leighton Buzzard area which has traded and operated successfully since inception in 1971 and continues to expand its business.

- Whilst the proposed buildings would be taller than the existing sheds, the majority of the development would occupy an area that is already covered by concrete hardstanding two bungalows, agricultural buildings and a dog grooming building and garages. The proposed development would therefore not encroach onto an otherwise unbuilt area and as such, in this context the loss of openness to the Green Belt would be insignificant.
- Whilst substantial weight should be given to the harm to the openness of the Green Belt and any other harm, this should be weighed against the benefits to be had from approving the development. Given the potential boost to the local economy the development would, in this respect, conform to national advice which requires Local Planning Authorities to, among other things, support economic growth in rural areas in order to create jobs and prosperity. The goal of building a strong and competitive economy ranks high on the national agenda and requires that investment in business should not be overburdened by the combined requirements of planning policy expectations.
- The applicant has agreed to enter into a section 106 Agreement to secure infrastructure improvements in the form of two bus stops with real time information and the provision of linking footpaths thus improving the accessibility of an otherwise unsustainable location.
- Whilst acknowledging the harm to the openness of the Green Belt, it is considered limited in the context of this brownfield site. Given the planning history of the site which has already established the principle of industrial re-development of the site and the additional planting that would be secured by planning conditions, the harm to the open countryside would not carry substantial weight.
- The building is of a modern and attractive design appropriate to its location close to the site of a future roundabout and as such, the absence of substantial screening in this direction is considered acceptable. Government advice within the National Planning Policy Framework makes it clear that good design is a key aspect of sustainable development and is indivisible from good planning.
- The benefits of the proposal clearly outweigh any limited harm to the Green Belt and constitute very special circumstances that outweigh any potential harm to the Green Belt and any other possible harm.

Furthermore, with appropriate conditions to secure noise mitigation measures, the development would not be materially harmful to residential amenity and would not be prejudicial to highway safety. Overall, proposed development would conform to the development plan comprising Policies BE8, H7,T10 and SD1 and national advice contained in the National Planning Policy Framework and the Central Bedfordshire Design Guide (2014).

Site Location:

The application site lies at the junction of the A505 to Leighton Buzzard and Billington Road to Stanbridge and is situated in the Green Belt and open countryside. The site measures approximately 1.79 hectares and comprises two bungalows, a storage and office building currently used as a dog grooming studio and three chicken sheds, all but the bungalows, being of two storey height. The rest of the site comprises concrete hardstanding with trees and hedgerows along the boundaries except the eastern boundary.

The application seeks planning permission for

the re-development of the former agricultural site for Use Class B8/B1(a) as follows :

- Demolish the existing agricultural units
- Demolish the existing two bungalows
- Re-develop the site by constructing a warehouse/sorting shed (B8) over 2,184sqm and measuring 12 metres in height
- 2no. covered canopy areas over 975 and 1,175sqm
- Ground Floor Office (B1a) covering 346sqm
- First Floor Office covering 314sqm
- 46 car parking spaces
- 4 Disabled parking spaces
- 40 HGV parking spaces provided on hardstanding areas
- Improvements to the existing access
- New planting to screen the site along the boundaries

The application is supported by the following documents :

- Planning Statement - November 2015
- Design and Access statement - November 2015
- Transport Assessment -November 2015
- Framework Travel Plan -December 2015
- Landscape Design Statement - November 2015
- Tree Survey Report - November 2015
- Noise Impact Assessment -November 2015
- Flood Risk Assessment - November 2015
- Ecological Survey - November 2015
- Drainage Strategy - November 2015

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

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

Section 1 : Building a strong, competitive economy

Section 3 : Supporting a prosperous rural economy

Section 4 : Promoting Sustainable Transport

Section 7: Requiring good design.

Section 9: Protecting Green Belt Land.

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

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.

SD1 Keynote Policy
BE8 Design Considerations
H7 Loss of Housing
T10 Parking in New developments

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (September 2014)

Relevant Planning History:

Application:	Planning	Number:	CB/15/03610/SCN
Validated:	21/09/2015	Type:	EIA - Screening Opinion
Status:	Decided	Date:	08/10/2015
Summary:			
Description:	EIA Screening Opinion -Redevelopment of Deans Farm, Billington Road, Stanbridge, Leighton Buzzard for circa 4,967sqm warehouse, sorting shed and office for B8/B1a purposes, including car parking and HGV spaces and access onto Billington Road		
Application:	Planning	Number:	CB/15/01848/PAPC
Validated:	12/05/2015	Type:	Pre-Application - Charging Fee
Status:	Decided	Date:	25/06/2015
Summary:			
Description:	Pre-application non householder charge - Proposed redevelopment of existing site to provide 4967m2 warehouse, sorting shed and office for B8/B1a purposes including 69 parking spaces and 40 HGV spaces		
Application:	Planning	Number:	CB/14/02796/FULL
Validated:	18/08/2014	Type:	Full Application
Status:	Decided	Date:	18/08/2014
Summary:			
Description:	Proposed redevelopment of former agricultural buildings (Units 1-4) to two new B2/B8 Class Use buildings, including hardstanding areas for HGV access and general parking. Proposed new planting for natural screening along Eastern site boundary and enhancements to South West site boundary.		
Application:	Planning	Number:	CB/14/03166/OUT
Validated:	13/08/2014	Type:	Outline Application
Status:	Decided	Date:	30/10/2014
Summary:			
Description:	Outline Planning Permission: Proposed redevelopment of former agricultural buildings (units 1-4) to two new B2/B8 class use buildings, including hardstanding areas for HGV access and general parking. Landscaping is reserved with indicative plans.		
Application:	Planning	Number:	CB/14/02449/REN
Validated:	27/06/2014	Type:	Replacement PP sub to new time limit
Status:	Withdrawn	Date:	30/09/2014
Summary:			
Description:	Renewal of Planning Permission: Application 11/00630/Full		

Proposed redevelopment of former agricultural buildings (Units 1-4) to two new B2/B8 Class Use buildings, including hardstanding areas for HGV access and general parking. Proposed new planting for natural screening along Eastern site boundary and enhancements to South West site boundary.

Application: Planning **Number:** CB/13/04405/LDCE
Validated: 07/01/2014 **Type:** Lawful Development Cert - Existing
Status: Decided **Date:** 25/02/2014
Summary:
Description: Occupation of a bungalow in breach of an agricultural occupancy Condition No. 2 attached to Planning Permission reference, SB/TP/75/01020

Application: Planning **Number:** CB/11/03078/SCO
Validated: 06/09/2011 **Type:** Full Application
Status: Decided **Date:** 03/08/2011
Summary:
Description: EIA-Screening/Scoping Opinion: The stopping up of the southern arm of the existing Billington Road/A505 staggered junction and the construction of a new four arm roundabout and the realignment of Billington Road.

Application: Planning **Number:** CB/11/00630/FULL
Validated: 28/02/2011 **Type:** Full Application
Status: Decided **Date:** 27/10/2011
Summary:
Description: Proposed redevelopment of former agricultural buildings (Units 1-4) to two new B2/B8 Class Use buildings, including hardstanding areas for HGV access and general parking. Proposed new planting for natural screening along Eastern site boundary and enhancements to South West site boundary.

Application: Planning **Number:** CB/10/04021/FULL
Validated: 26/11/2010 **Type:** Full Application
Status: Decided **Date:** 21/02/2011
Summary:
Description: Change of Use of two residential bungalows and agricultural buildings to B1, B2, B8 use.

Application: Planning **Number:** SB/84/00348/FULL
Validated: 30/03/1984 **Type:** Full Application
Status: Decided **Date:** 30/05/1984
Summary:
Description: MODIFICATIONS TO LOADING BAY

Application: Planning **Number:** SB/82/00020/FULL
Validated: 03/01/1982 **Type:** Full Application
Status: Decided **Date:** 03/03/1982
Summary:
Description: SITE FOR ONE DWELLING

Application: Planning **Number:** SB/81/01061/FULL
Validated: 06/11/1981 **Type:** Full Application
Status: Decided **Date:** 06/01/1982
Summary:
Description: ERECTION OF EGG PACKING BUILDING AND CHICKEN HOUSE AND EXTENSION TO 3 EXISTING CHICKEN HOUSES

Application: Planning **Number:** SB/75/01020
Validated: Received **Type:** Full Application
Status: Unknown **Date:** 08/10/1975
Summary:
Description: ERECTION OF FARM MANAGERS BUNGALOW

Application: Planning **Number:** SB/75/01020/A
Validated: Withdrawn **Type:** Full Application
Status: Withdrawn **Date:** 17/09/1976
Summary:
Description: ERECTION OF EGG PACKING ROOM

Application: Planning **Number:** SB/75/01020/B

Validated:		Type:	Full Application
Status:	Received	Date:	10/11/1976
Summary:	Unknown		
Description:	TEMPORARY STATIONING OF CARAVAN FOR OCCUPATION BY ASSISTANT FARM MANAGER (RENEWAL)		

Related history

CB/11/03450/FULL : Permission. Construction of New Roundabout and Link Road together with amendments to existing Highway Arrangements.

Consultees:

Parish Council

Objection

- the development is too large, especially in height, and this will impact on the openness of Green Belt which contravenes the NPPF guidelines.
- We cannot see any real evidence of very special circumstances that would outweigh the harm of openness to the Green Belt.
- Noise, as this is a 24hr operation and pollution for the area.
- Road safety, as the number of lorries using the junction with the A505 will increase and may cause stationery traffic due to lorries waiting to turn into the new depot.
- The trees used for screening are mostly deciduous and therefore during and after leaf fall will create no screening or noise barrier. Houses most likely to be impacted on Station Road Stanbridge have not been taken into account and the road stated in the documents (Tilsworth Road) faces the wrong direction and would not be impacted by a broken view or noise so should not have been used.
- The area in and around Leighton Buzzard has other more appropriate developments that have been released from Green Belt for the purpose of being able to facilitate employment opportunities that could be more beneficial to the company for access to motorways and whilst Mini Clipper may be an established company the request should not be based on what we suspect to be cost rather than suitability and at the expense of Green Belt and local residents.

Highways Officer

The proposal is for a distribution centre with a GFA of 5,270 Sq.m. with the ability to store and park 50 heavy goods vehicles along with 50 car parking spaces. The proposal is for the development to take access from Stanbridge Road by way of a simple priority junction with the drawing itself showing the future junction improvement to Stanbridge Road and the A505 being a roundabout.

The Transport Assessment states that there would be 170 employees at the site and it is not clear if this

includes the HGV drivers. In relation to the authority's parking standards the proposal should provide a maximum of 12 HGV spaces and 24 car parking spaces. While the proposal is an over provision, I am inclined to observe that this is at the specific request of the end user who should be in a better position know their requirements.

The transport statement demonstrates that there would be 255 combined trips to and from the site daily. In relation to the Technical Directive TD42//95 (Geometric Design of Major/ Minor Priority Junctions) there would not be a technical reason to stipulate that there should be a right turn lane servicing the site. Further, having looked at TRICs this would suggest that less than 2 heavy goods vehicles would arrive in any half hour period. This is also supported in the capacity calculation within the TA. Mindful of the flow of traffic along Stanbridge Road, I would not consider that this proposal would cause a hazard or congestion to the public highway.

I consider that there would be a requirement to provide a footway from the future East Leighton Buzzard link road to the proposed development. However this has been dismissed by others.

There has been an agreement that new Bus stops would be provided at the expense of the applicant and for that reason while I will not comment further there will be a need to provide a footway to these bus stops. It is noted that the proposal considers that the speed limit of Billington Road approaching the A505 Junction is 50mph. Further, it had not considered the proposed layout of the new junction between Billington Road and the A505 approved under planning permission CB/11/03450/FULL. I consider it reasonable to specify a visibility splay in association with the average speed of 50mph.

Highway conditions and informatives are recommended in respect of the following :

- the submission of details of the improvements to the junction of the proposed vehicular access with the highway.
- the provision of visibility splays at the junction of the access with the public highway before the development is brought into use.
- the construction of a 2.0m wide footway within the highway boundary between the site and the bus stops along Billington Road.
- the details of gradient of the vehicular access in the interests of the safety of persons using the access

- and users of the highway.
- the opening of any gates provided.
- the surfacing of vehicular areas.
- implementation of Travel Plans.
- the submission and approval of details of secure cycle storage for employees' and cycle parking for visitors.
- the submission of details of a method statement of preventing site debris from being deposited on the public highway.
- the submission of a scheme detailing provision for on site parking for construction workers for the duration of the construction period.

Informatives

The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented.

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

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway.

Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.

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.

Sustainable Transport
Officer

Financial contributions required for Public Transport Facilities - Bus stop improvements including installation of real time information. Total required = 2 stops at £17,288 per stop (**£34,576**)

Tree and Landscape
Officer

I have examined the plans and documents associated with this application, namely the "Tree Survey Report" dated November 2015, and the plans forming Appendix 3a and 3b to this report, entitled "Tree Constraints/Protection Plan". I also refer to the "Landscape Design Document" dated November 2015, and the associated plan drawing "Landscape Principles" showing the planting layout. I also refer to my previous Pre-Application, consultation response in respect of CB/15/01848/PAPC.

It is noted that there are trees being removed from within the site interior, but the majority of strategically important boundary trees are being retained and protected, as shown on the "Tree Constraints/Protection Plan". However, I have always stated at Pre-Application stage, that I am concerned regarding the pinch point created with the boundary vegetation abutting the A505 Leighton Buzzard By-Pass, where there is a distinct lack of existing trees to provide screening. Whilst recognising that the "Tree Constraints/Protection Plan" will allow sufficient clearance from existing trees, and allow for adequate tree protection requirements, it is clear from the landscape planting plan that there will be little provision for new planting around this pinch-point, and there has been no attempt to rectify or mitigate my previous concern regarding this particular issue.

Given the height of this building (now reduced to 12m from 14m but still a relevant issue), as shown on the artistic impression, the lack of effective screening at this point becomes significant, especially as it is on higher ground relative to the adjacent A505, and will therefore have high visual impact on this and the surrounding countryside. The inability to visually contain the site at this point is a major failing of this application, and I therefore request that the design layout and planting plan is adjusted accordingly.

Otherwise, I am satisfied with the tree protection measures being proposed, and if you are in a position to grant consent to this application, then the appropriate tree protection condition should be as follows, unless altered by any subsequent layout amendment;-.

Implementation of Tree Work Recommendations and Tree Protection Measures

Prior to demolition work, and to be maintained throughout the course of development, all tree work and tree protection recommendations, as stipulated in Section 6 of the "Tree Survey Report", and Tree Protection Fencing, as set out in Appendix 3b of the report "Tree Constraints/Protection Plan" shall be fully implemented in strict accordance with these recommendations.

REASON

To ensure that a satisfactory standard of tree work is undertaken in order to prevent unnecessary or poor quality tree work being carried out, and to ensure that tree protection measures are implemented in accordance with the recommendations of the "Tree Survey Report" and "Tree Constraints/Protection Plan", in order to protect retained trees in the interests of maintaining their health, anchorage and boundary screening value.

Landscape Planner

Revised comments

I am concerned photo views describing the site and wider landscape setting haven't been provided – especially winter time views. Given the rural context there needs to be some assessment provided of visual impact / change and mitigation needs. At present the mass, design of the building and landscaping cannot be assessed as acceptable within the landscape context.

I previously expressed concerns the illustrated built design and materials shown were very urban in character – I urge the building design is reviewed to relate more to the rural / agricultural landscape setting.

My concerns regarding lighting and impact at night time landscape setting and biodiversity remain.

I reiterate my disappointment that there is no green / brown roof proposed or a SuDS system to convey, filter surface water run off.

If development were to be progressed I recommend:

Retention of close board fencing to the southern site boundary with the A505 is not acceptable – landscape enhancement should be sought wherever possible; any boundary treatment needs to sit within or behind the boundary landscape mitigation to ensure a native treed elevation forms the boundary with the public realm and wider landscape.

The western site boundary requires more tree / shrub screening to mitigate views to built elevation and car

parking

The 'medium height structure planting' would benefit from native shrub species as per 'indigenous structure planting' to contribute to biodiversity interest.

I hope the above comments are of assistance – please do let me know if you would like me to add comments to Acolaid.

Original comments

The application site is within a rural location within the Eaton Bray Clay Vale (LCA 5A), an open flat landscape offering distant views across an exposed plain. More elevated landscapes provide striking backdrops to the vale; Dunstable Downs (9a) and Totternhoe Chalk escarpments (9b), Billington Clay Hills (8b) is a small local knoll west of the application site, the Toddington-Hockliffe Clay Hills (8a) rise to the north.

The South Beds LCA recommends a landscape strategy for enhancement and renewal of landscape within the vale. Development guidelines include conserving views to the chalk escarpments and clay hills and ensuring scale and form of new development responds to the flat, open landscape character.

Illustrative views of the building provided in the application documents are useful but there is a need to describe the wider landscape setting including longer distance views to assess potential visual impact of development on wider landscapes and identify mitigation needs. Photo views to the application site from key viewpoints to confirm location and setting would be appreciated - especially winter time views.

Given the rural setting of the application site, all be it adjacent to the A505, it is necessary to maintain and reinforce the rural landscape character as per the LCA guidelines.

Whilst the reduced building height to 12m is an improvement the proposed development is significantly larger in terms of mass and height than existing structures on site therefore it is necessary to mitigate the visual impact of the building:

- The proposed site layout (and as described in the site elevations views) appear to limit space for landscape mitigation especially to the south east site area associated with the office approach and car park - additional landscape screening is required especially along this elevation
- The site layout describes an existing close boarded fence - if this is to be retained such a structure must

be integrated within the landscape mitigation and not form the visual boundary along the A505 or Billington Road.

- The character of the building and materials suggested are very urban - the opportunity to reflect the rural setting of the site and employ natural materials such as timber or mix of materials needs to be considered:



- More information is required on the design and layout of the site access on Billington Road - a rural road and character needs to be maintained.

Lighting: Any lighting within a rural setting needs careful consideration due to visual impact, urbanising effect and impact on biodiversity - detail on lighting is required including any highway lighting and site operational lighting.

Drainage: It is disappointing a green / brown roof hasn't been included - this would assist in attenuating surface water run-off, temperature control of the building and contribute to biodiversity.

The attenuation and filtration of surface water run off should be improved employing the site soft landscaping as bio-retention areas and which require no maintenance but can contribute to reducing run-off rates and improving water quality.

Ecology

I have read through the submitted documents and have no objection to the proposals. I welcome the proposed planting scheme and note that precautionary species protection measures are detailed in Chapter 6, these should be referred to during construction.

Sustainable Drainage

We understand that the proposal is to replicate the existing drainage regime of the site and discharge

surface water from the developed site into the minor watercourse adjacent to the western site boundary via a restricted outfall, which in turn outfalls into the minor watercourse immediately adjacent to the western boundary of the site.

We support the proposal that, in accordance with the NPPF and current good practice, the surface water runoff generated by new development should be carefully managed to prevent flooding from this source and to prevent any increase in flood risk off-site; and that SUDS should be incorporated with source control techniques being utilised where site conditions allow. Permeable paving is proposed to be incorporated into the parking areas of the site to provide the attenuation of surface water on site needed to restrict the rate of discharge to the greenfield rate.

Development must not be allowed to take place until a detailed ground assessment of permeability and the ground water conditions has been undertaken and the final detailed design of the individual components of the surface water system, their structural integrity, construction and proposed long term maintenance and management body has been submitted and approved in writing based upon this evidence.

We therefore recommend the planning conditions below. Without these conditions we would find the proposal unacceptable.

We ask to be consulted on the details submitted for approval to the Authority to discharge this condition/s and on any subsequent amendments/alterations.

Reason for position and additional advice to applicant/planner

- **Betterment to be shown by the rate of discharge:** In addition to the above point, to reduce flood risk associated with the relieving watercourse and mitigate impact on downstream capacities. As the site is brownfield, **the rate of discharge must demonstrate at least 20% betterment of the existing, or matching of the pre-developed greenfield rate** (see CBC Surface Water Advice Note and Ciria SuDS Manual). It is not apparent from the details submitted whether the rate of 12l/s is the greenfield rate of the undeveloped site, or the existing discharge rate of the brownfield site. This must therefore be clarified with the detailed design. This requirement is under

Standard 3 of the Non-statutory technical standards for sustainable drainage systems (March 2015):

S3: For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.

- **Lack of detail regarding infiltration:** On site percolation testing and ground water modelling is required and must be undertaken, and details submitted to the local planning authority prior to any development taking place on site, to establish the potential capacity of infiltration systems to accommodate the required additional surface water volume. Ground water assessment should also be considered for the detailed design of underground drainage and attenuation systems.

It must also be determined how surface water unable to infiltrate, due to limited effectiveness; will be safely routed via overflows into the on-site drainage network/discharge into the watercourse. This is integral to the drainage of the site.

The information supplied with the submission suggests the underlying soils are likely to be relatively impermeable. However BGS data on the drainage potential of the site indicates opportunities for bespoke infiltration, and therefore further ground testing should be undertaken to assess the feasibility for disposal of surface water from the development; such as swales or permeable paving where possible.

Where infiltration methods are shown not to be reasonably practicable, discharge to the watercourse should be pursued (under The Building Regulations 2000: Approved Document H 'Drainage and Waste Disposal').

- **Management of exceedance flows to be shown:** Appendix J of the submitted, demonstrates

exceedance of the system ('FLOOD') for the 1 in 100 event, details of the management of the exceedance are therefore **required with the detailed design** to demonstrate that any exceedance will be contained within the site boundaries external to the buildings, whilst maintaining a permanent dry access route to them, and shall drain down through the normal surface water drainage system for the site. This should demonstrate compliance with Standards 7, 8 and 9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015).

- **Details of the proposed outfall and works adjacent to the watercourse:** Details of the proposed Hydro-brake **must be provided prior to any development going ahead**, and it should be demonstrated during construction that this has been implemented correctly **prior to the completion of the development**.

Land Drainage Consent under the Land Drainage Act 1991 **must be in place prior to any development taking place on site**. It is therefore strongly recommended that correspondence with the IDB be demonstrated with the detailed design. This is to verify what has been approved under the planning approval process is acceptable with regards to Land Drainage Consent under the Land drainage Act. Additionally, an easement of 7-9m must be provided on the bank of any watercourse, and vegetation or structures (such as lighting) proposed within this area must be approved by the IDB. This is to ensure adequate access to the watercourse and to allow for future maintenance requirements to take place

Prior to any development going ahead, it must be made clear how permeable paving will communicate with the cellular crate attenuation system and downstream drainage network to adequately remove pollutants and silt at source, this will be vital to the longevity of the design and minimised maintenance liabilities and requirements of below ground storage. Where permeable paving does not provide upstream storage for the crates, alternative or proprietary treatment should be provided prior to discharge to the proposed outfall, locations and details of these **must also be provided**. This is not apparent on

the submitted Appendix H, and therefore the preliminary design should be amended. We support and expect that an additional 10% will be included in the storage capacity of the tanks to allow for potential long-term siltation.

Whilst we support that the combination of permeable paving and rainwater harvesting to assist with mitigating the increase in peak surface water run-off volume, any storage provided by rain water harvesting **should be demonstrated but must not be included in the final detailed design of the network in order to restrict rates to greenfield run off.**

We advise that **the EA be consulted** on the appropriateness and location of any treatment components such as separators.

- **Structural integrity:** Details **must be provided with the detailed design** to satisfy Standard 10 and 11, and 13 and 14 of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The drainage system, and in particular underground crates and permeable paving, **must be** 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. The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer, **must be shown** to be of a suitable nature and quality for their intended use.
- **Provision of long term management and future maintenance:** We support the statement that a drainage management and maintenance plan will be produced prior to commencement of development once the detailed design of the drainage system has been completed. **This must be provided prior to any development going ahead.** This should be based upon the preliminary requirements already identified in the submission. It is also assumed that maintenance responsibilities for surface water drainage will be on the land owner, and that confirmation of this will be provided with the detailed design. Leaf fall from any vegetation adjacent to the permeable paving should not cause clogging and mitigation

measures taken to actively reduce the likelihood of this.

Recommended conditions

Condition 1:

No development shall commence until a detailed surface water drainage scheme for the site based on the agreed Drainage Strategy (Prepared by Broughton Beatty Wearing on behalf of Mr Peter Dean & Brickhill Properties GP Limited. November 2015.) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation and a restriction in run-off rates to provide at least 20% betterment of the existing rate, as outlined in the Drainage Strategy. Details of inlets, outlets, hydro-brakes and propriety products, exceedance management, structural integrity, construction and long term management and maintenance of the entire drainage system will be provided as part of the scheme. It must be based on site specific ground-testing and water quality assessment. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed 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 and maintenance.

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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved.

Public Protection	To be reported at the meeting.
Waste Officer	No comments.
Environment Agency	No objection.

Campaign to Protect
Rural England (CPRE)

We have studied the revised plans submitted by the applicants, together with their accompanying letter dated 8th December 2015.

A number of issues immediately arise:-

- The case of 'Very Special Circumstances' originally argued by the applicants very much revolved around the specific needs of their prospective tenant, Miniclipper Logistics, for whom it was stated a height of 14.7m to ridge was 'essential' to meet his operational needs (see their **Planning Statement, Para. 5.16** and their **D & A Statement, Para. 9.5**).
- It would now appear that this height was not so 'essential' after all. In the circumstances, we would have expected to see, at the very least, evidence from Miniclipper that it is still interested in taking up occupancy of the proposed building, notwithstanding the proposed reduction in its height.
- There is in any event a lack of absolute clarity provided by the applicants – either in the revised plans or in their covering letter – as to whether the proposed height of 12m is to ridge or to eaves. Given the difference this would make to the profile of the structure it is particularly important that this be unequivocally defined.
- The height of '12 metres' now proposed is stated by the applicants to conform with advice given in your Pre-Application letter of 25th June 2015 that a building of this height would be acceptable. There is no such indication given in that letter. On the contrary, the only reference to such a figure in that letter is one by your Landscape Officer, who is recorded as stating that a building of 12m height or higher would be a cause for considerable concern in landscape and visual impact terms.
- We find it very surprising that the applicants should mis-quote your 25th June letter in this manner, leading us to question how their assertion as to the apparent 'acceptability' of 12m has come about. We now understand that this figure was in fact indicated by you in the course of more recent discussions which have taken place with the applicants.
- Given that the grant of Outline Consent for redevelopment of the Dean's Farm site was for a structure of only 8.5m height to ridge, we find it deeply concerning that this radical change of position by the

Council, which must surely have been the subject of letter or email confirmation to the applicants, has not been publicly posted on its Planning website as part of the Case Documentation .

- At the building height now proposed, the incremental harm caused to the openness of the Green Belt, and the visual impacts within the surrounding landscape, will remain substantial. As to the 'very special circumstances' required to justify this, we repeat our comment on the original submission, namely that Miniclipper have only – so far as we are aware - referred to 'difficulties' in finding a site suitable for their needs. Actual evidence as to the extent of their search, and the nature of the 'difficulties' encountered, does not seem to have been presented. In particular, we have suggested that the firm's reasons for discounting the existing areas of undeveloped employment land in Leighton Buzzard's Chartmoor Road employment zone require to be established.
- We would also draw attention to the employment zone land at Thorn Turn, where the Council now holds Outline consent for two substantial B8 structures built to 13m at eaves – surely better suited to Miniclipper's needs than 12m at Dean's Farm. Given that much of the 'very special circumstances' case for the consent at Thorn Turn was stated as 'urgency' in progressing employment opportunities in association with the area's housing growth, we do not see why Miniclipper need be too adversely affected by timing issues were they to be directed to this site. We would emphasise, moreover, that the Thorn Turn site is within an area which is to be taken out of the Green Belt – surely, therefore, a more appropriate location than Dean's Farm, where Green Belt considerations will remain. Surely, too, these considerations should be especially rigorously applied given the major Green Belt shrinkages now scheduled across South Bedfordshire as a whole.
- Against this background, therefore, we maintain that a sufficient case of 'very special circumstances' for a building at Dean's Farm on the scale proposed has not been made out, and the application should accordingly be refused.

Original comments

Strong objections for the following reasons :

- Whilst no objection was raised to the principle of re-

development of the site when Outline permission was sought, this was done on the basis that the scale of the development would have had a fairly neutral impact on the openness of the Green Belt having regard to the reduction in the footprint of the existing buildings.

- The current application involves a larger footprint and taller buildings.
- Design incorporates features of high quality but the building remains incongruous and intrusive in the Green Belt and countryside.
- Selected viewpoints do not include Totternhoe Knolls which is the most frequently visited public viewpoint in the locality. Even with additional mitigation planting, the roof tops of the proposed buildings would still be clearly visible from Totternhoe Knolls.
- The very special circumstances case put forward revolves around the needs of Miniclipper Logistics, a company which is understandably an important and well established employer in the Leighton Buzzard area.
- Miniclipper has not supplied evidence to demonstrate that their needs can only be met by this Green Belt site.
- No evidence has been given regarding why other alternative sites are unsuitable for example, the undeveloped site on Chartmoor on Road. The recent outline permission for the Clipstone Park area of the East Leighton Linslade Urban Extension contains 11.3 hectares of Employment land Although timing might be an issue, this site is being released from the Green Belt precisely to facilitate employment opportunities.
- The very special circumstances case is therefore not sufficiently made and the application should be refused.

Other Representations:

Neighbours None received

Determining Issues:

The main considerations of the application are;

1. Whether or not the proposal is acceptable in principle
2. Impact on the openness of the Green Belt
3. Impact on the character and appearance of the open countryside
4. Impact on employment creation
5. Neighbouring Amenity
6. Impact on traffic generation, accessibility and highway safety
7. Other Considerations

Considerations

1.0 Principle of the development

1.1 The principle of re-developing the site for industrial use has broadly been established by the grant of previous planning permissions, the latest one being an Outline permission granted in respect of a proposed re-development of former agricultural buildings (units 1-4) to two new B2/B8 class use buildings, including hardstanding areas for HGV access and general parking reference, **CB/14/01366**. However, in approving the previous full planning application reference **CB/11/00630/FULL** the Local Planning Authority gave substantial weight to the impact of the development on the openness of the Green Belt. This was resolved by keeping the height of the buildings to 8.5 metres and reducing the footprint of buildings by about 36%. Taking into account the very special circumstances case and the proposed mitigation measures in the form of new planting, the harm by reason of inappropriateness and any other harm was considered to be outweighed by the benefits to be had from the development. It should be noted that the application was considered under the criteria set out in Planning Policy Guidance 2,(PPG2) which has now been superseded by national advice within the National Planning Policy Framework (NPPF). This national advice states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt except those listed in paragraphs 89 and 90 of the NPPF. The partial or complete re-development of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is not inappropriate. However, in this case, the proposed two storey buildings would not only be taller than the existing buildings, but would also exceed the height of the previously approved development and would be built over a larger footprint. Because of these considerations, the proposed development would have a greater impact on the openness of the Green Belt than the existing buildings hence, would, by definition, be inappropriate. The applicant has sought to demonstrate the existence of very special circumstances as follows:

- The site has previously been in employment use but is now largely vacant and dilapidated.
- The site is previously developed in the context of the NPPF, paragraph 89.
- The site has been the subject of previous approvals for similar B8 industrial/employment development, most recently in 2014.
- The proposal is based on the requirements and economic growth of a local company within the Leighton Buzzard area where they have traded and operated successfully since inception in 1971 and who need new premises to meet demand, grow their business and employ more local people.
- Whilst substantial weight should be given to any harm to the Green belt, the planning system must do everything it can to support sustainable economic growth.
- The potential economic, social and environmental benefits associated with this proposal combine to constitute the type of sustainable economic growth that warrants support.
- The benefits of the proposal clearly outweigh any limited harm to the Green Belt and constitute very special circumstances that outweigh any potential harm to the Green Belt and any other possible harm.

- The proposal would not have a significant impact on the openness of the Green Belt.
- There is an opportunity to enhance the character and appearance of the countryside by the removal of dilapidated buildings and replacement with well-designed, attractive buildings set in good quality, well-maintained landscaping, which satisfies NPPF and local planning policies.
- There are local employment benefits with both retained and a variety of additional jobs that would support the local economy.
- There are no significant highway, access, travel, travel or safety impacts and a Travel Plan can assist with sustainable travel.
- The loss of two bungalows is a potential benefit with the comprehensive re-development of the entire site and a negligible loss of housing stock.
- There would be ecological/biodiversity benefits.

1.2 Employment creation

It is accepted that the proposal would support employment retention and generation and as such, is supported in this respect.

1.3 Conclusion on the principle of the development

The broad principle of re-developing the site for industrial purposes has already been established with the previous grant of planning permissions although the scale of the current proposal would be greater. The majority of the site has not been in use for many years. In such situations, national advice, whilst seeking to protect Green Belt land and the open countryside, also encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value, (paragraph 17). In this case, the site is not designated. National advice is quite clear that building a strong and competitive economy ranks high on the Government's agenda and as such, requires that significant weight should be placed on the need to support economic growth through the planning system, (paragraph 18). Further advice at paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Whilst there appears to be a conflict between the policies that seek to protect the Green Belt and the open countryside and policies that seek to promote economic growth in the countryside, the possible harm from approving the development has to be weighed against the benefits to be had. In this case, having taken regard of the established principle of re-developing the site for industrial use and the economic benefits to be had from the proposed development weighed against the harm to the Green Belt and the open countryside, it is considered that on balance, the current proposal is acceptable in principle subject to any identified harm being capable of mitigation through planning conditions and/or planning obligations under a section 106 Agreement. These matters will be explored in subsequent sections of this report.

2.0 Impact on the openness of the Green Belt

2.1 The NPPF advises, at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence.

The proposal is for a development that would occupy a larger footprint than the existing buildings and would be taller. However, the majority of the development would be accommodated on previously built up land comprising existing sheds, a dog grooming building and large areas of concrete hardstanding. The

proposed demolition of the existing two bungalows and garages would assist to improve the openness of the site. It is therefore considered that in the context of the site and taking into account its planning history, the loss of openness to the Green Belt would not be significant.

3.0 Impact on the character and appearance of the open countryside

- 3.1 The principle of industrial development on the application site has already been established through previous permissions and as such, while noting that the site lies within the open countryside, the character and appearance of this site cannot remain rural. The approval of the construction of a roundabout at the junction of the A505 and Billington Road underlines the inevitable change in the character and appearance of this part of the countryside. The proposed mitigation planting around the site to be secured by planning conditions are considered appropriate to reduce the visual impact of the development in the open countryside. Furthermore, it is considered that the design of the buildings on this prominent site close to the A505 and future roundabout is aesthetically pleasing and as such, would stand as an appropriate gateway feature to Leighton Buzzard and Stanbridge Village. Overall, the design reflects an appreciation of the prominence of the site. The recommendation by the Landscape Officer to clad the building in timber is noted but is not considered determinant in view of the industrial use of the site and national advice within the NPPF which makes it clear at paragraph 60, that Local Planning Authorities should not attempt to impose architectural styles or particular tastes through unsubstantiated requirements to conform to certain development forms or styles. The suggested mitigation measures are however considered reasonable and as such would be secured by planning conditions.

4.0 Impact on residential amenity

- 4.1 The application is supported by a noise statement which concludes that with appropriate mitigation measures to include the erection of a noise barrier in the form of a 3 metre high timber fence along the northern boundary of the site and the use of banksmen in place of reversing alarms during the night time, the development would not result in detrimental harm to residential amenity. It is therefore considered that subject to the CBC Public Protection Officer not raising objections to this proposition, the impact of the development would be acceptable in this respect.

5.0 Impact on traffic generation, accessibility and highway safety

- 5.1 The proposed development would make use of an existing access which would be improved to achieve adequate visibility at its intersection with Billington Road. Access to the site would also benefit from the construction of the approved roundabout in the future. With appropriate conditions as recommended by the Highways Officer, the development would not result in highway safety hazards. Furthermore, it is considered that whilst the parking provision exceeds the CBC guidance, it would nevertheless be acceptable given the commitment of the applicant to grow the business on this site. It is also considered that whilst the site lies outside the main settlement envelopes and as such, is not a sustainable location, the applicant has agreed to enter into a section 106 Agreement to provide two bus stops and a linking footpath to improve accessibility by public means of transport.

6.0 Loss of housing

- 6.1 The proposed development would result in the loss of two dwellings contrary to

Policy H7 of the SBLPR which states that,
Planning permission will not be given for development which would result in the loss of residential land or buildings or for redevelopment or change of use of residential accommodation for non-residential purposes where this would represent an unacceptable loss to housing stock.

However, the Council's Annual Monitoring Reports, (2012-13 & 2013-14) demonstrate that in this period, whilst there has been loss of dwellings due to re-development these have been small when compared to the completions. Furthermore, given the location of the bungalows at the site entrance, residential amenity of the occupiers of these units would be severely compromised and would place an unnecessary constraint on the future industrial use of the site. The demolition of the bungalows is therefore justifiable.

7.0 Other Considerations

7.1 Applicant's response to the representations received

Height of the building

We have significantly reduced the height of the proposed building from 14.7m to 12m at the request of the Council's planning officer. He recommended the height should be kept at the scale discussed and given in-principle support by the Council at the pre-application stage, who had regard to the potential impact on the openness of the Green Belt before giving this advice. In the previous planning permission (CB/14/03166/OUT) it was accepted by the Council that although taller than existing buildings, the proposed buildings would not be materially intrusive in the surrounding area due to existing and proposed landscaping around the site. It was also accepted that the height increase was necessary to make the buildings more functional than the existing former chicken sheds and ancillary buildings. The proposal includes greater landscaping along the site boundaries, especially to the south and east, and the finished floor level is lower than what was previously approved.

The original submission sought the optimum solution or height for the building but following the expression of concerns about the visual impact of this, further consideration took place along with discussions with the client and Miniclipper and it was decided to reduce the height to a total of 12m, which is not ideal but acceptable to Miniclipper/our client.

Footprint

The footprint of the proposed warehouse (2,184 sqm) is broadly similar to the previously approved development (2,365 sqm) and the existing agricultural buildings (2,280 sqm). Other elements (covered loading areas) have been included to screen loading/unloading activities, which also assists in terms of limiting noise and the visual impact of such activities.

Evidence of very special circumstances that would outweigh harm of openness to the Green Belt

We have outlined a detailed "very special circumstances" case in the Planning Statement addressing the issues raised by the Council, as local planning authority. This "very special circumstances" case was supported by the Council's planning case officer at the pre-application stage. It is also based upon an actual proposed requirement rather than an unknown speculative development as in the case of the two previous permissions on the site, which have also sought to demonstrate "very special circumstances", which have also been accepted by the Council. These permissions represent clear precedents

for the current proposal, which as indicated is backed by an important local business and employer searching for new premises to expand.

The fundamental issue is that Miniclipper have been unable to find suitable premises in the Central Bedfordshire area for their current and future requirements. They have carried out an extensive site search and have been engaged with the Council in this search. However, this has only led them to consider Deans Farm as the only available and economically viable site that meets the current and future requirements of the business.

Noise pollution from 24 hour operation of building

The Noise Impact Assessment confirms that the nearest sensitive residential receptor is the farm to the north-west of Deans Farm on Billington Road. Therefore there will be minimal if any impact upon other nearby residential areas, indeed this is one of the advantages of the site. Discussions are taking place between the applicant's noise consultants and the Council's Environmental Health Officer over conditions on any permission to control/mitigate any potential noise impact. The A505 is already used by a large number of HGV vehicles. In the daytime, the noise from the increased amount of HGV movements to and from the site will be similar to the levels emitted from existing road traffic. Activity levels are expected to be significantly lower during the night time. Miniclipper will be able to reduce the noise impact of reversing vehicles by using banksmen and potentially only using some of the loading bays and certain times at night, where noise mitigation is greatest. The Noise Impact Assessment concludes the maximum noise levels from the site are acceptable. Noise will be further mitigated with a noise barrier along the northern boundary of the site.

Road safety due to increased lorries using the junction of A505 and increase in stationary traffic for lorry turning

The Council's pre-application advice required confirmation of the number of lorry movements to be able to conclude that a right turn lane to avoid traffic backing up to the junction was not required. The Transport Assessment confirms that after modelling traffic generated and a simple priority junction with a 'no right turn lane', virtually no queuing occurs and thus there is no need for a right turn lane.

No screening for visual and noise in autumn and winter

The Noise Impact Assessment confirms that a noise barrier will reduce the noise impact of the development along the northern boundary of the site. Other conditions will also be agreed that control noise and any disturbance to an acceptable level.

There is existing landscaping and planting on the boundaries of the site, which is proposed to be retained wherever possible and enhanced with additional planting, which can include deciduous and evergreen species where necessary. Once established this will ensure that the site is adequately screened in an acceptable, natural way that is in-keeping with its rural surroundings. In any event, the building has a high quality design and is attractive to views into the site when compared to the existing dilapidated buildings and the previously proposed standard building designs.

Impact on the housing on Station Road, Stanbridge not taken into account

The Stanbridge area will not be affected by any noise generated by the proposed development. HGVs will not pass through the village. Movements generated by the traffic to and from the site will be similar to the noise levels emitted by existing road traffic along the A505 as there will be no significant increase and activities within the site will be controlled, screened, enclosed and mitigated in an acceptable manner. The Landscape Design Statement confirms that at the southern end of Station Road there are limited views of the site, and from the northern end there are no views of the site at all.

Tilsworth Road faces the wrong direction and would not be impacted by a broken view or noise so should not have been used

Tilsworth Road is included because the topography to the north rises gradually towards this road and the village.

There are better locations in the Green Belt near to Leighton Buzzard that would be more appropriate

This has been addressed in the response on Issue 2.

The decision should not be based on cost rather than suitability and at the expense of the Green Belt and local residents.

This has been addressed in the response on Issue 2. The Deans Farm site is the subject of this proposal, is suitable for employment use as demonstrated by the previous planning permissions for similar development, is available now and is economically viable. It meets the current and future requirements of MiniClipper and we consider "very special circumstances" apply and support the proposed development on this site.

Additional information from the applicant's commercial agent

Further information as to why this site forms the best solution to the requirement of MiniClipper and why an alternative site cannot be found, specifically, one that is not located in the Green Belt.

MiniClipper's requirements/criteria

I have acted for MiniClipper in sourcing a site to house their requirement. The physical parameters of that requirement were very clear - between 100,000-170,000 sq ft of industrial/warehousing floorspace, within a unit with a minimum eaves height above 10m. The location was to be as close as possible to Leighton Buzzard where their existing Billington Rd, Cherrycourt Way and Hi Bay facilities, already are. The building also had to ideally be within Central Bedfordshire District Council's (CBC) administrative area.

Availability

Of course, you will be aware that the availability of suitable land within Leighton Buzzard and indeed, of buildings fitting the description above, is nil and has been so for some time. This is due in the main to the limited ownership of any vacant land within the confines of the town and those particular owners' propensity to retain such land as they own, for their own long and short term purposes and at levels of quoting that are unsupportable for mortgage or lending purposes.

Proposal

MiniClipper had two separate operations which they wished to house in any new facility, which would become their new headquarters and sole facility locally. The two operations were Palletline (where pallet delivery and palletised distribution would take place on a 24 hour basis), and also a warehouse and main office function.

Discussions and Investigations

We had extensive discussions with James Cushing, Head of Economic Policy at CBC, trying to source sites and James did suggest that Thorn Turn could be a solution to the problem. We progressed the idea at Thorn Turn for some time until the timeframes concerned with gaining planning permission and getting the premises built, became too extended and the overall cost of a 'single unit fits all scheme', became unfeasible financially. This was mainly due to existing commitments to rent and the requirement to part finance through disposal and the issues that might cause for the existing business operation. At this point, alternatives were sought.

I despatched a circular to agents in Milton Keynes, Luton, Dunstable and along the M1 corridor in the hope that somebody would have a clever idea about what could be ideally bought (possibly rented), to match Miniclipper's requirements and we were in receipt of various options as far away as Birmingham and down to Watford. These were considered based on the criteria described above and always in regard to the operational location objective, close to the M1 for access to the North and South via the M1. Of course, existing buildings provided an opportunity to occupy immediately and to house a newly won contract for MHRA product.

Alternative Options Considered

We viewed various options in Milton Keynes (MK80, Hoo Hing, Ceva and Mercers Drive). In Central Bedfordshire, we looked at Eastern Avenue, Woodside and Houghton Regis and agreed to purchase the former Boots facility on Townsend Industrial Estate, which completed at the beginning of 2015. This is now being extended by a further 13,000 sq ft to provide a total 66,000 sq ft of storage in Houghton Regis, albeit at a lower eaves than ideal. This solved the immediate warehousing issue for the time being and meant we could concentrate on finding a facility in which to provide the pallet division with an efficient home/base. One of the drivers for choosing what was not an ideal building in Houghton Regis, was that it would demonstrate to Central Beds DC that MiniClipper were determined and committed in their desire to remain in the County and to keep their existing staff, by locating as close as possible to the existing operational facilities.

The palletised delivery and freight business is currently operating from the Billington Road site in Leighton Buzzard, but the site is an historic one into which MiniClipper have expanded over the years. Therefore, on frequent occasions, they have to move vehicles around within the minimal yard space provided, in order to get the right vehicle to the front of the queue without disrupting other vehicles loading/unloading in the same area. This leads to congestion, frequent vehicle movements and delays and as the business continues to expand, the site is becoming more and more obsolete. The site also causes the vehicles leaving and arriving to travel along the more and more restricted Billington Road, which has seen restrictions on width and an increase in residential development, across the last seven years.

Deans Farm

In the absence of any alternative buildings which could potentially suit the occupier's specific needs in this instance, I introduced MiniClipper to The Crossing site at Deans Farm and with the assistance of Woods Hardwick and Brickhill Properties, the scheme which is the subject of the current planning application was drafted by DLA, after very positive pre-application advice from CBDC. This is a purpose built building for incoming and despatching pallets, with covered loading and a central storage/transit area for short term warehousing between transfers.

The site is strategically located close to the existing network of facilities owned or rented by the business, logistically will be hugely improved by the A5-M1 link which completes Spring 2017 and keeps MiniClipper within the bounds not only of Leighton Buzzard, but also Central Bedfordshire, which is clearly a massive advantage to the local economy and job market. It will enable the business to expand in the county and in so doing, to employ more people locally.

Conclusion

The alternative for MiniClipper is to move away from Central Bedfordshire to possibly Milton Keynes (MK), where sites for commercial development are available, especially with an end user in tow. Of course, MK has already benefitted from Millennium Mats and Franklin Products relocation from Leighton Buzzard, due to their inability to find a suitable alternative locally. To lose MiniClipper to MK would I am sure you agree, be a massive blow to the local community, economy and image of the district as a place to live, work, develop, grow, invest and do business.

7.2 Planning Obligations

The applicant has agreed in principle to enter into a section 106 Agreement to secure the provision of infrastructure that would improve the accessibility of the site as follows :

Bus stop improvements including installation of real time information. Total required = 2 stops at £17,288 per stop (**£34,576**)

7.3 Human Rights issues:

The application does not result in any human rights concerns.

7.4 Equality Act 2010:

An informative will be included with the planning permission to draw the applicant's attention to their statutory responsibility under the Equality Act.

Recommendation:

That Planning Permission be **GRANTED** subject to the following conditions and completing a section 106 Agreement to secure infrastructure improvement:

RECOMMENDED CONDITIONS

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

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

- 2 The development shall be carried out in accordance with the material schedule shown on Drawing Number 17372-SK11B.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Policy BE8, SBLPR and Section 7, NPPF)

- 3 Notwithstanding the details submitted, the construction of the buildings hereby approved shall not take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.
(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 4 Prior to demolition work, and to be maintained throughout the course of development, all tree work and tree protection recommendations, as stipulated in Section 6 of the "Tree Survey Report", and Tree Protection Fencing, as set out in Appendix 3b of the report "Tree Constraints/Protection Plan" shall be fully implemented in strict accordance with these recommendations.

Reason: To ensure that a satisfactory standard of tree work is undertaken in order to prevent unnecessary or poor quality tree work being carried out, and to ensure that tree protection measures are implemented in accordance with the recommendations of the "Tree Survey Report" and "Tree Constraints/Protection Plan", in order to protect retained trees in the interests of maintaining their health, anchorage and boundary screening value.

(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 5 No construction work shall commence until a detailed surface water drainage scheme for the site based on the agreed Drainage Strategy (Prepared by Broughton Beatty Wearing on behalf of Mr Peter Dean & Brickhill Properties GP Limited. November 2015.) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation and a restriction in run-off rates to provide at least 20% betterment of the existing rate, as outlined in the Drainage Strategy. Details of inlets, outlets, hydro-brakes and propriety products, exceedance management, structural integrity, construction and long term management and maintenance of the entire drainage system will be provided as part of the scheme. It must

be based on site specific ground-testing and water quality assessment. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed 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 and maintenance.
(Section 10, NPPF)

- 6 No building 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved.
(Section 11, NPPF)

- 7 **Development shall not begin until details of the improvements to the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

**Reason: To ensure that the access is safe to use by traffic associated with the site and thus minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Section 4, NPPF)**

- 8 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 180m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splay shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.
(Section 4, NPPF)

- 9 No building shall be occupied until a 2.0m wide footway has been constructed within the highway boundary between the site and the bus stops along Billington Road in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.
(Section 4, NPPF)

- 10 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.
(Section 4, NPPF)

- 11 Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened.
(Section 4, NPPF)

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

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
(Section 4, NPPF)

- 13 Before the development is brought into use, Travel Plans are to be put in place and delivered in accordance with documentation submitted to and approved by the Local Planning Authority.

Reason: To promote sustainable modes of transport.
(Section 4, NPPF)

- 14 No building shall be occupied until secure cycle storage for employees and cycle parking for visitors have been constructed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: In order to promote sustainable modes of transport.
(Section 4, NPPF)

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

Reason: In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Section 4, NPPF)

- 16 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the**

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

**Reason: To ensure adequate off street parking is provided before and during construction in the interests of road safety.
(Section 4, NPPF)**

- 17 The development shall not be occupied or brought into use until the details of external lighting have been submitted to and approved by the Local Planning Authority. External lighting on the site shall be provided in accordance with the approved details and thereafter retained as such.

Reason: To protect the visual amenity of the site and its surrounding area.
(Policy BE8, SBLPR and Sections 7,9 & 11, NPPF)

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1572-01, 1572-02, 1572-03, 17372-Sk03_A, 17372-Sk04_A, 17372-Sk05_D, 17372-Sk06_A, 17372-Sk07_A, 17372-Sk08_B, 17372-Sk09_D, 17372-Sk10_D & 17372-Sk11_B, 17372-Sk14, 0733/01Rev.A and QD680_100_03B.

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

INFORMATIVE 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 National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. The applicant is advised that in order to carry out highway works, it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
7. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
8. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

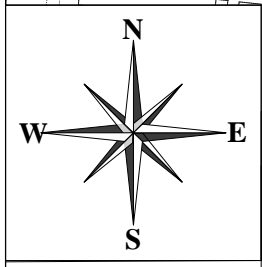
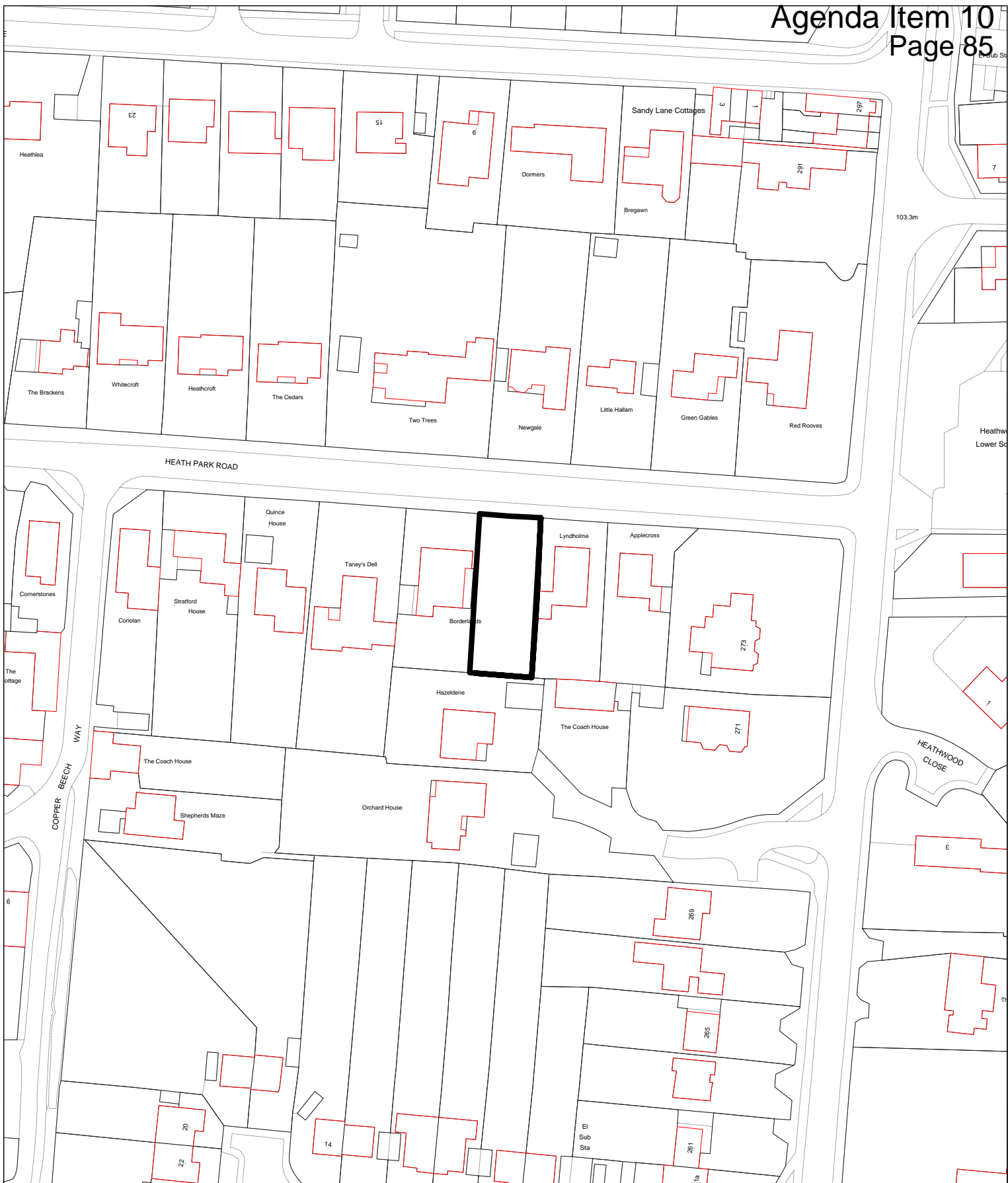
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 18:January:2016
Grid Ref: 492341; 227112

Application No.
CB/15/04667/OUT

Scale: 1:1250

Borderlands, Heath Park Road, Leighton Buzzard, LU7 3BB

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Item No. 10

APPLICATION NUMBER	CB/15/04667/OUT
LOCATION	Borderlands, Heath Park Road, Leighton Buzzard, LU7 3BB
PROPOSAL	Erection of dwelling
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Spurr & Ferguson
CASE OFFICER	Nicola Darcy
DATE REGISTERED	04 December 2015
EXPIRY DATE	29 January 2016
APPLICANT	Mr & Mrs Halstead
AGENT	PJPC Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Kenneth Ferguson for the following reasons:
	This is not a development that in any way is likely to detract from the local conservation area;
	This development is in keeping with existing other permitted developments;
	Tasteful single storey in keeping with property design and proportions; and
	No adverse impact upon Landscape.
RECOMMENDED DECISION	Outline Application - Recommended for Refusal

Summary of Recommendation

The application is recommended for refusal as the proposed development would result in the loss of an area of essentially undeveloped and open land which provides an important break within the street scene and which makes a significant contribution towards the designated Heath Road/Plantation Road, Leighton Buzzard Area of Special Character. It would result in a more urbanised form of built development within the street scene, harmful to its character and that of the locality. The proposal would, therefore, be contrary to the principles of good design set out within national guidance in the National Planning Policy Framework and to Policies BE6, BE8 and H2 of the South Bedfordshire Local Plan Review.

Site Location:

The application site is the side garden of 'Borderlands' located on the southern side of Heath Park Road, the site is flanked on the eastern side by 'Lyndholme' with 'Hazeldene' to the rear. The road is characterised by detached dwellings of mixed size and style, generally standing in spacious plots along an attractive tree lined road. Traditional local sandstone walls which front many of the plots are also a feature.

The existing pattern of development presents a relatively continuous built frontage to

the road but the site at Borderlands is an exception with the dwelling located to one side of the plot with a large open garden area to the side.

The site is within an area currently designated as an 'Area of Special Residential Character' in the South Bedfordshire Local Plan.

The Application:

Outline planning permission is sought for the erection of one dwelling with some matters reserved except for Access which is proposed to be taken from Heath Park Road. 'Borderlands' would be afforded a rear garden of approximately 15m in length by 18m in width.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

South Bedfordshire Local Plan Review Policies

Policy BE6 Town Cramming and Areas of Special Character

Policy BE8 Design Considerations

Policy T10 Controlling Parking in New Developments

Policy H2 Making Provision for Housing via "Fall-in" sites

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE6, BE8 and H2 are consistent with the Framework and carry significant weight. Policy T10 carries less weight but is considered relevant to this proposal.

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/15/02610/PAPC
Description	Erection of Dwelling
Decision	Advice released
Decision Date	04/07/15

Consultees:

Town Council

Discussion took place regarding application reference CB/15/04667/OUT (Borderlands, Heath Park Road). The size and position of the plot in relation to the surrounding properties was reviewed. It was agreed that the proposed development would be out of keeping with the surrounding area, leaving both properties with disproportionately small gardens and with the potential for overlooking neighbouring properties.

RESOLVED to recommend to Central Bedfordshire Council that an objection be made to application reference CB/15/04667/OUT (Borderlands, Heath Park Road) on the following grounds:

- The proposed development would be out of keeping with the local character.
- Overdevelopment of the site given its size and shape and proximity to other dwellings.
- The proposed development would leave Borderlands and the new property with disproportionately small gardens compared to the local area.
- Possibility of overlooking neighbouring properties.

Should Central Bedfordshire Council recommend approval of the application, it was requested that a ward councillor “call in” the application to take it to Development Management Committee.

Highways

The Highways Officer has no objection subject to the imposition of conditions.

Other Representations:

Neighbours

Objection from Lyndholme, Heath Park Rd, Leighton Buzzard:

- The additional house would have a detrimental effect upon Borderlands both aesthetically and environmentally.
- Rooflights not required to comply with Building Regulations and will allow noise to escape.
- Plot too narrow for the intended proposal.

Support Letter from Two Trees, Heath Park Road, Leighton Buzzard:

- Can see no reason why planning permission should not be granted.

Determining Issues:

The main considerations of the application are:

1. Principle of Development
2. Design
3. Impact Upon Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle of Development

- 1.1 Section 7 of The National Planning Policy Framework sets out that design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development.
- 1.2 Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 1.3 South Bedfordshire Local Plan Review policy H2 also requires that infill sites respect and enhance the character of the surrounding area. The site is within an Area of Special Character as shown on the Local Plan proposals map. Policy BE6 states that planning permission will not be granted for redevelopment to higher densities, subdivision of large plots, infilling, backland development or large extensions which would result in the loss of gardens, other open land or mature woodland, or give rise to an over-intensive level of development, in a way which would unacceptably harm the special character of the area.
- 1.4 The Area of Special Character extends from Heath Road, to a track of some 800m to the west of the rear of houses west of Plantation Road. This is one of nine Areas of Special Character designated in the Local Plan which are characterised by a feeling of spaciousness created by low to moderate density of residential development, large plot sizes, generous garden provision and well-spaced development. The landscape of these areas contributes to the established character and spaciousness and is typified by mature wooded gardens, tree lined roads, screening and softening development.
- 1.5 It is considered that the development proposed is exactly the type which Local Plan Policy BE6 is seeking to prevent. The erection of a dwelling would close an important gap which provides an important break in the street scene. The proposal would create a far more built-up appearance of the existing plot, and significantly adding to the intensity of development within the application site.
- 1.6 Pre-application advice was released in July 2015 advising the applicant that planning permission would unlikely be forthcoming for a dwelling on this plot.
- 1.7 The Council's Design Guide; Design in Central Bedfordshire: A Guide for Development provides guidance on ensuring that new residential development is appropriate in density for the surrounding area. Specific guidance is set out in Design Supplement 1 at section 6 where factors contributing to the character of an area and influencing density are listed as average existing footprint area related to average plot size; minimum and

maximum distances from boundaries and range of building heights. The agent has provided a list of percentages showing the total coverage of plots with dwelling footprint in the immediate vicinity, from the figures provided, the average plot coverage is 16.24%, the proposed dwelling would have a plot coverage of 22.63%. Although there are similar situations in the locale, the proposed dwelling would not result in an average dwelling size/plot coverage akin to the majority of properties in the locality therefore, the proposal would appear out of character with the surrounding dwellings and would adversely effect the character of the area by filling in an important gap in the street scene, which would be contrary to the NPPF, SBLP policies H2, BE6 & BE8 and Design in Central Bedfordshire: A Guide for Development, Design Supplement 1.

2. Design

- 2.1 The application has been submitted in outline form with 'design' reserved for later consideration, however, the indicative design submitted is not considered to reflect the prevailing character of the existing development, the bungalow would be 'top-heavy' and appear somewhat unbalanced, discordant with the traditionally designed dwellings surrounding the site.
- 2.2 The proposal is therefore not considered to accord with policy BE8 of the South Bedfordshire Local Plan Review or the Central Bedfordshire Design Guide.

3. Impact Upon Neighbouring Amenity

- 3.1 As the application is in outline form, indicative plans have been submitted with details of the location of the windows. Based on those plans, it is considered that the location and orientation of the dwelling would be such that there may be issues with overshadowing or mutual overlooking to the occupiers of 'Borderlands.' However, subject to the siting, size of dwelling and careful design, the proposal has the potential to accord with policies BE8 and H2 of the South Bedfordshire Local Plan Review

4. Highway Considerations

- 4.1 The Highways Officer has suggested a minor alteration in the size of the parking bays in order to allow easier manoeuvring in and out of the proposed parking spaces. Subject to minor revision and the imposition of several conditions, the Highways Officer has no objection to the development.

5. Other Considerations

5.1 Trees and Landscape

Although the siting of the dwelling has not been submitted for consideration, it is unlikely that the proposal would have a detrimental impact upon high quality specimen trees within the vicinity.

5.2 Human Rights issues

The application does not raise any Human Rights issues.

5.3 Equality Act 2010

The application does not raise any Equality Act issues.

Recommendation:

That Outline planning permission be REFUSED for the following reason:

RECOMMENDED REASON

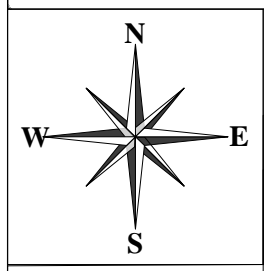
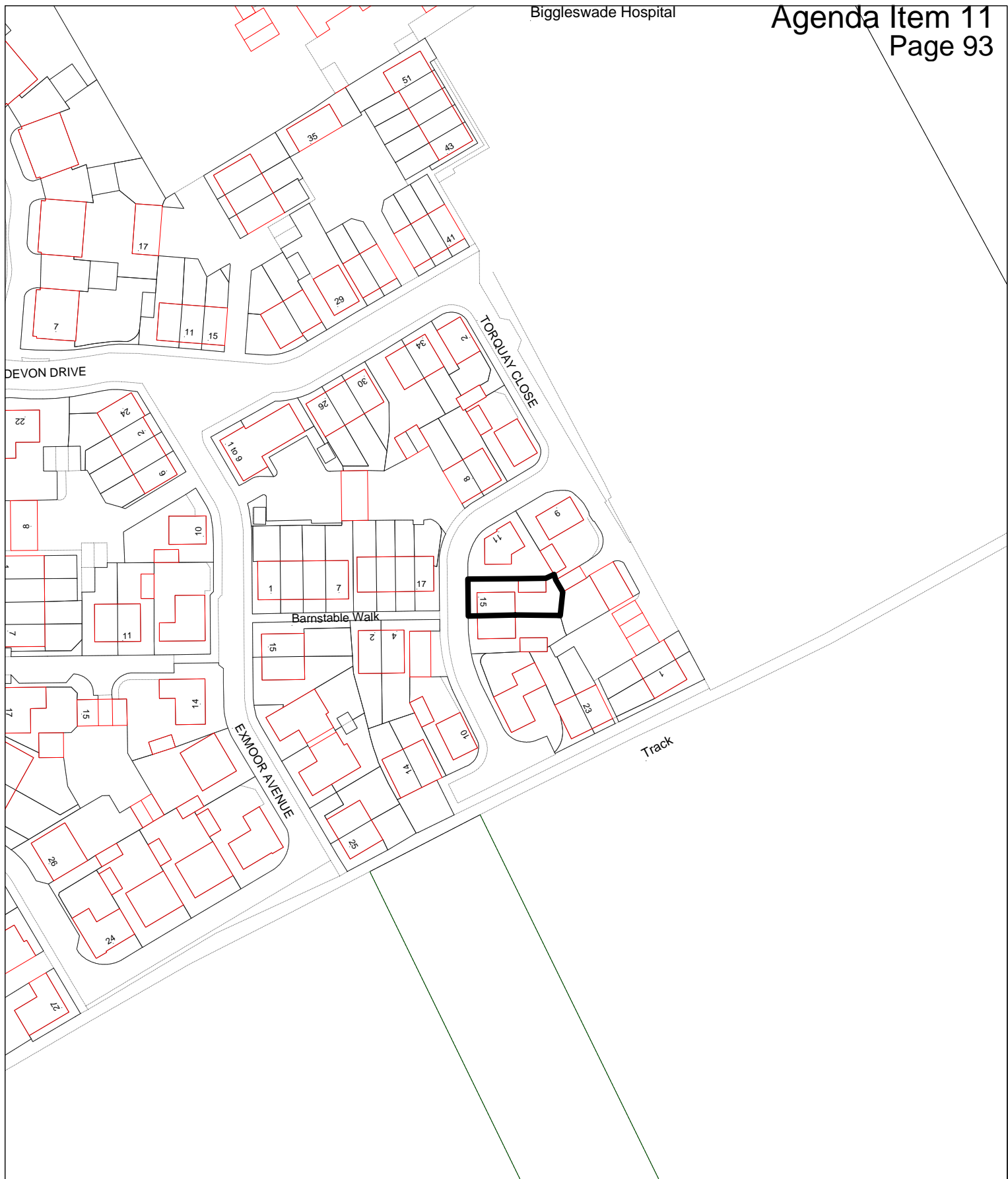
- 1 The proposed development would result in the loss of an area of essentially undeveloped and open land which provides an important break within the street scene and which makes a significant contribution towards the designated Heath Road/Plantation Road, Leighton Buzzard Area of Special Character. It would result in a more urbanised form of built development within the street scene, harmful to its character and that of the locality. The proposal would, therefore, be contrary to the principles of good design set out within national guidance in the National Planning Policy Framework and to Policies BE6, BE8 and H2 of the South Bedfordshire Local Plan Review.

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 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.

DECISION

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 Central Bedfordshire Council
 Licence No. 100049029 (2009)
 Date: 19:January:2016
 Map Sheet No

Application No.
 CB/15/04821/FULL

Scale: 1:1250

15 Torquay Close, Biggleswade, SG18 0FS

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Item No. 11

APPLICATION NUMBER	CB/15/04821/FULL
LOCATION	15 Torquay Close, Biggleswade, SG18 0FS
PROPOSAL	Extension to Garage
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Benjamin Tracy
DATE REGISTERED	16 December 2015
EXPIRY DATE	10 February 2016
APPLICANT	Mr K Goldsmith
AGENT	Richard Beaty(Building Design)Limited
REASON FOR COMMITTEE TO DETERMINE	<p>Application Call-in by Cllr Jane Lawrence for the following reasons:</p> <ul style="list-style-type: none"> • Over development: over development; • Highway safety grounds: will lead to increased on-street car parking; • Parking: loss of off-street parking leaving inadequate parking space at the property and increase pressure on parking in the neighbourhood; and <p>Other: there may be relevant covenants to restrict development.</p>
RECOMMENDED DECISION	Recommended to APPROVE the application for planning permission.

Reasons for Recommendation

The principle of the enlargement of an existing residential dwelling is acceptable. The existing three bedroomed dwelling house benefits from the parking for three vehicles, one of which within a garage. The existing garage is below the recommended size for new garages as outlined by the Central Bedfordshire Design Guide (2014), however the garage is considered to be of a size capable of parking a car and as such is accepted as a car parking space. The dwelling house as a result of the proposed development would still benefit from three car parking spaces, two of which within the enlarged garage. The enlarged garage would not accord with the recommended size of new garages for the parking of two vehicles, however the enlarged garage is capable of providing for the parking of two vehicles and as such the proposed development would maintain three car parking spaces, exceeding the minimum number of two car parking spaces as required for a dwelling house of this size by the Central Bedfordshire Council's Design Guide (2014). The development would not result in an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore the proposed development is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework.

Site Location:

The site consists of a semi-detached dwelling house and its curtilage, located to the east of Torquay Close.

To the South of the site is the attached neighbouring dwelling house known as No. 17 and to the north of the site is the neighbouring dwelling house known as No. 11.

The Application:

The application seeks planning permission for a front extension to the existing detached garage. The garage as a result of the proposed development would adjoin the host dwelling house projecting 3 metres beyond the northern side elevation of the dwelling house. The garage as a whole would externally measure: 10.6 metres deep; 3.25 metres wide; 4.6 metres high; and would have an eaves height of 2.4 metres (as measured from ground level). The internal dimensions of the garage would internally measure 2.75 metres wide by 10.2 metres deep.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance

Core Strategy and Development Management Policies (November 2009)

CS14 High Quality Development
DM3 High Quality Development

Central Bedfordshire Design Guide (2014)

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Relevant Planning History:

Application Number	CB/10/02080/FULL
Description	Full: Erection of 37 dwellings, roads and sewers.
Decision	Grant of Planning Permission
Decision Date	19/11/2010

Consultees:

Biggleswade Council	Town	The Town Council has issued the following consultation response:
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It was resolved that the Town Council object to this Planning Application.

A request was made for this to be called in.

Highway Authority

The Council's Highways Development Control Officer, on behalf of the Highway Authority has issued the following consultation response:

Please note that Torquay Close is private, non adopted highway, and is not going through the Section 38 process. However it may be prudent for the applicant to contact the developer regarding the proposal in case the developer wishes the site to go through the section 38 process at a later date.

The existing dwelling has three tandem parking spaces adjacent to the dwelling. This comprises of a 5.6m internal length garage with 11.0m in front of the garage. The proposal is to extend the garage length to 10.6m internal length with 6.0m in front of the garage, which allows for a vehicle to pull clear of the footway and the residents to also gain access to the garage door. Although the garage does not comply to current standards, the existing garage does not either, it will be possible for two vehicles to park within the garage, however please be aware that parking will be very tight and bumper to bumper, and if the applicant has a 'tall' vehicle the garage door may contact the vehicle when opening and closing. The proposal provides for two very tight spaces in the garage and one in front (three spaces).

It may be beneficial to lengthen the garage by another 0.5m with a roller shutter door so a vehicle can pull clear of the footway and the residents still access the garage door. Or keep the existing garage and replace the proposal with a car port. Either of these can be conditioned in any permission issued.

Other Representations:

Neighbours

A number of written representations have been received relating to the neighbouring property known as No. 11 objecting to the proposed development.

The objections and comments raised are summarised as:

- No. 11's garden is bordered by two garage buildings relating to No. 9 and No. 15 as well as a third garage building to the south east;
- the proposed development would result in further overshadowing and loss of light to the garden of No. 11;
- the Maythornes development was very high density and the over development of the site has caused car parking issues;

- No. 15 currently park a vehicle on the highway, obstructing visibility from the access of No. 11;
- No. 11 does not have a garage due to the driveway layout;
- across the estate there are no double length garages;
- the garage extension is unacceptable in terms of the visual impact on the front facade and driveway of No. 11;
- the noise and disturbance cause by construction is unacceptable;
- the garage extension affects the driveway layout for No. 11 and increases the density of building;
- concerns relating to safety and security issues relating to excessive darkness at the top of the drive;
- the driveway will be dark and appear narrow;
- visitors to No. 11 require disabled access for entry and exit of vehicle;
- the construction will affect No. 11's driveway substrate;
- outlook from No. 11, would be unacceptably closed in;
- loss of car parking, garages do not count as car parking spaces;
- car parking spaces should be provided to satisfy adopted parking standards;
- the forecourt to the garage needs to be 6 metres in depth from the boundary;
- highway safety will be compromised with vehicles parking on the highway, and this would restrict access for emergency vehicles;
- there is already insufficient car parking on Torquay Close, the garages of properties upon Torquay Close are too small for the parking of vehicles and are not used, thereby they should not be counted as car parking spaces;
- the lack of car parking has resulted in on-street car parking on this narrow road;
- the garage dimensions need to be checked against the width of the car to be parked inside. Can the Mercedes be parked inside the extension, leaving enough space for the car doors to be opened? Is the garage extension too small for a car?
- the garage extension space will be used for storage and not for vehicular parking. The current garage on site is full and is used as storage space;
- the proposed garage extension roof is higher than the original single garage;
- the facing of the garage extension roof will be front facing which is different to the existing roof orchestration;
- the design is too dominant and overbearing. The proposed double garage extension is a bulky structure and will take up a considerable amount of plot floor

- space;
- the proposed garage is out of character with the other garages on the estate;
- the garage design would not match that of the attached neighbour No. 17 which is designed as a pair;
- the proposed extension is within the minimum 1 metre distance from the common boundary. We understand that no distinction is made between a driveway and property;
- there is drainage / soakaway running through the drive of No. 11;
- No access to No. 11 for builders during construction;
- restrictive covenants;
- a business in being run from No. 15 contrary to restrictive covenants that forbid using the dwellings as a business unit.

Full consultation responses are available to view.

Considerations

1. Character and Appearance of the area

- 1.1 The proposed development would form a single storey enlargement to the existing garage structure. The enlargement would project beyond the front elevation of the garage structure and the northern side elevation of the host dwelling house.
- 1.2 Concern has been raised in relation to the design of the enlargement which would feature a ridge height greater than the existing garage, however when considering the scale of the host dwelling house and the set back nature of the structure from the principal elevation of the dwelling house, the proposed development would appear as a subservient addition to the host dwelling house in accordance with the design principles outlined within the Central Bedfordshire Design Guide (2014).
- 1.3 Concern has been raised in relation to the design of the structure in relation to the garage serving No. 17 as a pair of semi-detached properties. It is noted that these neighbouring properties have been designed as a pair; however the subserviently designed development and the set back of the structure from the principal elevation of the host building would not result in a harmful visual unbalance to the pair of semi-detached properties.
- 1.4 Concern has been raised in relation to the visual impact of the development in relation to the visual narrowing of the parking area of No. 11 and additional shadowing of the structure in the context of visual amenity, however when considering the single storey nature of the proposed development it is considered that an acceptable separation would be retained between the neighbouring dwelling house No. 11 and No. 15.
- 1.5 It is considered necessary, relevant and reasonable to impose a precise and enforceable condition that would ensure the materials used for the construction

of the exterior of the enlargement would match as closely as possible those of the host dwelling house, in the interest of the visual amenities of the locality.

- 1.6 Subject to conditions, it is considered that the proposed development would not cause harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009). It is further considered that the proposed development would accord with Central Bedfordshire Council's Design Guide (2014) and the National Planning Policy Framework.

2. Amenity and Living Conditions of Neighbouring Properties

- 2.1 Concern has been raised in relation to the impact of the proposed development upon the neighbouring property known as No. 11 in relation to loss of light and overshadowing of the garden area; loss of outlook; and overbearing impacts. It is noted that No. 11's private amenity space is of an awkward shape due to the corner plot location of the dwelling and that the private amenity space is currently bordered on the north-eastern side by No. 9's garage and No. 15's garage on the southern side at a point where the garden of No. 11 is at its narrowest, which provides a sense of enclosure to No. 11's private amenity space.
- 2.2 The proposed enlargement would cause an increased sense of enclosure to the garden area of No. 11, however the proposed enlargement is sited largely to the side of No. 11 and at a point which No. 11's amenity space is at its widest. When the latter is considered, in relation to the single storey nature and scale of the proposed development, in addition to what can be achieved under permitted development (not requiring the express planning permission of the Local Planning Authority), it is considered that the proposed development would not cause an unacceptable overbearing impact.
- 2.3 It is noted that the large gable end of No. 15 as well as the garage of No. 15 would cause overshadowing to the garden areas of No. 11 at different points of the day and at varying degrees during the year and that the proposed development would cause a degree of additional overshadowing to the garden of this neighbouring property. However it is not considered that overshadowing of the garden area would form a justifiable sole reason for refusal of planning permission, as it is not considered that this impact would result in harm to the amenity and living conditions of the occupiers of No. 11.
- 2.4 When considering the scale of the proposed development, the orientation of the sun, the separation between the proposal and the neighbouring property No. 11 including the windows serving No. 11, it is considered in accordance with the 45 degree rule of thumb, that the proposed development would not cause an unacceptable degree of loss of light to a window serving No. 11 that forms the sole source of light to a habitable room. Therefore it is considered that the proposed development would not cause an unacceptable impact in relation to loss of light.
- 2.5 Furthermore; when considering the scale of the proposed development in relation to the location and orientation of windows serving No. 11, it is considered that the proposed development would not cause an unacceptable degree of loss of outlook.

- 2.6 Concern has been raised in relation to the impact of the development upon No.11 in the context of noise and disturbance during construction. Noise and disturbance resulting from construction can be managed and enforced by separate legislation and as such does not form a material consideration in the determination of a planning application, whereby such impacts would not form a reason for refusal of a planning application.
- 2.7 The proposed development does not include the installation of windows, however due to the proposed enlargement adjoining the host dwelling house, the enlargement as a whole, including the existing garage would benefit from permitted development rights under Schedule 2, Part 1, Class A of the Order, which allows for the installation of non-obscure glazed ground floor windows. When the latter is considered in relation to the absence of boundary treatment between the enlarged garage and the private amenity space of No. 11, it is considered in the interest of safeguarding the privacy of the occupiers of No.11, that it would be necessary, relevant and reasonable, to impose a precise and enforceable condition that would remove the permitted development rights for the installation of windows or other openings in the walls to form the northern side elevation of the enlargement to the dwelling house (enlarged garage).
- 2.8 For the reasons outlined above, subject to conditions, it is considered that the proposed development would not cause harm to the amenity and living conditions of the occupiers of No.11 or any other neighbouring dwelling, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Car Parking and Highway Safety

- 3.1 The existing three bedroomed dwelling house benefits from a single garage with a hardstanding of a scale capable for the tandem parking of two cars, whereby the existing dwelling house benefits from three off-street car parking spaces. According to the Council's Car Parking Standards as outlined within the Central Bedfordshire Design Guide (2014) a minimum of two car parking spaces are required to serve a three bedroomed semi-detached dwelling house. However three car parking spaces are suggested.
- 3.2 Concern has been raised in relation the scale of the proposed enlarged garage and the existing garage, in the context of the Council's garage and car parking standards as outlined within the Central Bedfordshire Design Guide (2014). It is noted that the internal dimensions of the existing garage structure is below the 3.3 metre (3.15 metre between piers) width, 7 metre length and 2.4 metre garage door width as specified on paragraph 5.05.13 of the Design Guide (2014), which seeks for new garages to be of a scale to allow for both the parking of vehicles and cycle parking / general household storage. However this document forms guidance only, the existing garage is considered to be of a scale that allows for the parking of a vehicle, as accepted at the date of the original planning permission for this development, which was decided in the context of the existing adopted development plan. The proposed development does not relate to the construction of a new garage.
- 3.3 The Highway Authority has stated that the existing garage is considered to be of a scale capable of being used for the parking of a car and as such is considered to form a car parking space. Furthermore; the Highway Authority has confirmed that the proposed enlarged garage is of a size capable of parking two vehicles.

Additionally; the proposed development retains a length of 6.0 metres in front of the garage, which allows for a vehicle to pull clear of the footway and the residents to also gain access to the garage door. As such it is considered that the dwelling house would be served by three off-street car parking spaces in total, as it is the case now, exceeding the minimum number of spaces required to serve the dwelling as outlined by the Council's Car Parking Standards within the Central Bedfordshire Design Guide (2014).

- 3.4 Therefore it is considered that the proposed development would not result in the loss of a car parking space, and the number of car parking spaces serving the dwelling would accord with the Authority's car parking standards. As such no highway safety implications associated with the parking of vehicles on street are considered to directly result from the proposed development.
- 3.5 Concern has been raised in relation to the size of vehicles currently used by the existing occupiers of No. 15, in relation to the size of the garage, as well as the parking habits of individuals and the use of garages as storage space. However the number, size and type of vehicles used by individuals at a particular point in time nor the car parking and storage choices of individuals form justifiable reasons for the refusal of planning permission. It is considered that the proposed garage is of a size capable of being used for the parking of two cars and the hardstanding capable of parking a third car. As such three car parking spaces have been provided.
- 3.6 Due to the enlargement adjoining the host dwelling house, the development would result in the integral garage benefiting from permitted development rights under Schedule 2, Part 1, Class A which would allow for external alteration and the conversion of the garage. It is noted that the permitted development rights of the dwelling house known as No. 15 Torquay Close and all other dwelling house on this development have not been removed by a planning condition imposed on a previous planning permission nor by an article 4 direction, whereby a single storey side extension can be constructed without planning permission that could remove all off street car parking provision for this dwelling house. Furthermore; it is also noted that the use of the existing garage has not been restricted to garaging accommodation by a planning condition, whereby the existing garage could be internally altered without express planning permission. The Authority's Car Parking Standards requires a minimum of two car parking spaces to be provided, and one of which can only be provided as a result of the development within the enlarged garage, therefore it is considered to necessary, relevant and reasonable to impose a condition that would ensure the enlarged integral garage would be retained as garage accommodation.
- 3.7 For the reasons outlined above, subject to conditions, it is considered that the proposed development would be acceptable within a car parking and highway safety context, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4. Equality and Human Rights

- 4.1 Based on information submitted there are no known issues raised in the context of Human Rights/ The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be **GRANTED** subject to the following 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the northern flank elevation of the proposed enlarged garage hereby permitted, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the enlarged garage accommodation hereby permitted shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority.

Reason: To ensure that adequate number off-street car parking spaces are provided in accordance with the car parking standards outlined within the Central Bedfordshire Design Guide (2014) and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 15.61.OSmap; 15.61.01; and 15.61.02.

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

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country

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

2. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx

Statement required by the Town and Country Planning (Development Management Procedure) (England) 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) (England) Order 2015.

DECISION

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