

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** 12 May 2016

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 25 May 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

## Welcome

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 11 May 2016.

(to be circulated)

4. **Members' Interests**

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

## REPORT

Item	Subject	Page Nos.
5	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b> 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.	7 - 14

### Planning and Related Applications

To consider the planning applications contained in the following schedules:

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

Item	Subject	Page Nos.
6	<b>Planning Application No. CB/16/00637/FULL</b>  <b>Address:</b> 165A Castle Hill Road, Totternhoe, Dunstable LU6 1QQ	15 - 40

Demolition of buildings and redevelopment for 20 dwellings, an estate road, open space and associated works.

**Applicant:** Taylor French Developments Ltd

7 **Planning Application No. CB/15/01907/FULL** 41 - 62

**Address:** 4 Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard LU7 9BP

Permission is sought for three additional residential caravans for three Gypsy Traveller families. The site to contain four static caravans, parking for eight vehicles and associated hardstanding and water treatment plant. Retention of workshop building.

**Applicant:** Mr & Mrs McCarthy

8 **Planning Application No. CB/16/01476/FULL** 63 - 78

**Address:** The Harrow PH Carpark, Woodside Road, Woodside, Luton LU1 4DQ

Erection of a single storey dwelling on the site of the redundant carpark of 'The Harrow' public house.

**Applicant:** Mr Rooney

9 **Planning Application No. CB/15/04872/OUT** 79 - 106

**Address:** Land rear of 43 to 91 Silver Birch Avenue South of Alder Green and Aspen Gardens, Aspen Gardens, Stotfold

Outline application for the development of up to 100 houses with all matters reserved except for access.

**Applicant:** Taylor Wimpey Strategic Land

10 **Planning Application No. CB/16/01250/FULL** 107 - 114

**Address:** Green Hythe, Standalone Warren, Haynes, Bedford MK45 3QG

Single storey rear, front & side extensions, infill covered porch, replacement of flat roof dormer with pitched roof, addition of front & rear dormers & a balcony to the rear roof. Render and cladding added to exterior & general upgrading of layouts.

**Applicant:** Ms K Oellerman

**11 Site Inspection Appointment(s)**

Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on Wednesday 29 June 2016 and the Site Inspections will be undertaken on Monday 20 June 2016.

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**Meeting:** Development Management Committee  
**Date:** 25<sup>th</sup> May 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.

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**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 25th May 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	Presentation to PFMT - further work required before a decision on options to tackle all issues.
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 March 2014 Magistrates Prosecution successful March 2016. Appeal to Crown Court	27-Sep-14	Not complied	Garage remains. Appeal against the prosecution offence made to the Crown Court. Application to retain garage with some demolition work carried out recently submitted.(CB/16/01453/FULL)
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 Sept 2015	09-Apr-16		Full internal compliance inspection to be made this month.
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				Presentation to PFMT - further work required before a decision on options to tackle all issues.
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			Not complied	Legal advice being sought as to next steps.
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 dismissed 07/03/16	07-Mar-17		Compliance period extended to 12 months - (07/03/17). All unauthorised extensions to be demolished.
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15	Appeal received 05/08/15			Appeal site visit made on 15/03/2016, awaiting appeal decision.

## Planning Enforcement formal action (DM Committee 25th May 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, Northhill, 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				Planning permission granted 01/03/16 for a replacement horticultural building (App CB/15/00727/FULL), with condition requiring removal of all skips & containers prior to the building being brought into use.
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	Presentation to PFMT - further work required before a decision on options to tackle all issues.
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		Site visit confirmed that work to reduce the wall has commenced, will be monitored until condition has been completed with
12	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeals dismissed 14/6/15	Aug-15	Not complied - Residential. Complied with Retail use and building	Lawful use application with regard to the residential use (CB/15/04424) refused in March 2016. Agent has confirmed their intention to submit an appeal in the near future. Further legal advice sought.

## Planning Enforcement formal action (DM Committee 25th May 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 - Erection of timber building  2 - Material change of use from agriculture to storage of motor vehicles  3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials.  1X Enforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15  12-Aug-15  12-Aug-15  04-Feb-16	12-Sep-15  12-Sep-15  12-Sep-15  07-Mar-16	12-Nov-15  12-Nov-15  12-Nov-15  07-May 16 07-June-16			Not complied with  Complied with	Enforcement Notice 1 has not been complied with.  No further action needed  Enforcement Notice 3 has been part complied with.  Enforcement Notice served on rear of land. Check compliance 07/05/16 and 07/06/16.
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 dismissed 15/03/16	15-Sep-16		To comply with appeal decision car sales use to cease by 15/9/16
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			Await outcome of the enforcement appeal.
16	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				Sale of the property has been agreed, awaiting confirmation of when sale will be completed. Purchasers are aware of what works need to be carried out.
17	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		Awaiting further instructions from Assets Team regarding the way forward.
18	CB/ENC/15/0046	Running Water Farm, Langford Road, Biggleswade, SG18 9RA	Enforcement Notice - Siting of a mobile home	13-Aug-15	14-Sep-15	14-Dec-15		31/03/2016		Preparing documents for prosecution case.

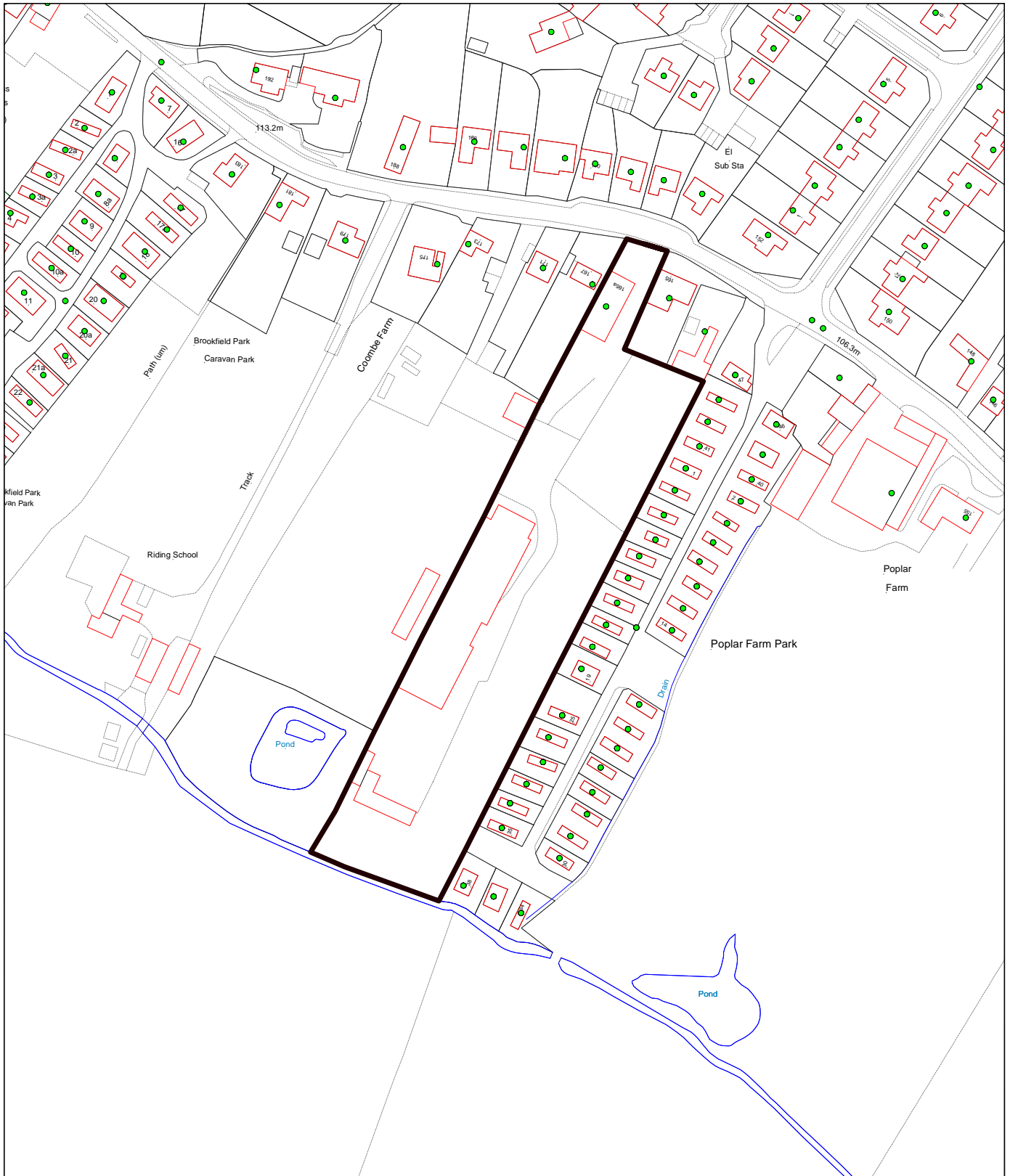
## Planning Enforcement formal action (DM Committee 25th May 2016)

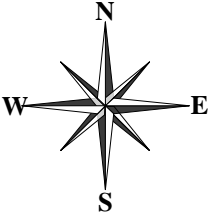
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal received 7/12/15			Awaiting appeal site inspection and decision.
20	CB/ENC/15/0182	8 The Avenue, Blunham, MK44 3NY	Enforcement Notice - Unauthorised fence	22-Mar-16	22-Apr-16	22-May-16				No appeal made, further visit to be made in May 2016 to ascertain if Notice has been complied with.
21	CB/ENC/15/0184	Land at New Road, Clifton	Breach of Condition Notice - Condition 13 attached to CB/13/01208/Full, Ground and tree protection.  Breach of Condition Notice - Condition 14 Transport Assessment details  Breach of Condition Notice - Condition 15 Works to Harbrook Lane	19-Oct-15  09-Feb-16  09-Feb-16	19-Oct-15  09-Feb-16  09-Feb-16	18-Nov-15  09-May-16  09-May-16			Complied with	  Check compliance 09/05/16.  Check compliance 09/05/16.
	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16				Check compliance 08/07/16
22	CB/ENC/15/0349	Erin House, 171 Dunstable Road, Caddington, LU1 4AN	Enforcement Notice - Unauthorised instablation of open swimming pool	28-Jan-16	01-Mar-16	01-Jun-16	Joint planning and enforcement appeal received Feb 2016			Planning Inspectorate's site visit carried out on 4 May 2016. Await outcome of the joint appeal.
23	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site.  Enforcement Notice served 11/12/15	  11-Dec-15	  11-Jan-15	  11-Jul-16 11-Oct-16	  Joint Planning and enforcement appeal received 27/12/15			Continuation of Injunction granted 5/10/15 to prevent further unlawful development.  Planning application refused.  Awaiting appeal site inspection and decision.

## Planning Enforcement formal action (DM Committee 25th May 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
24	CB/ENC/15/0542	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16	Appeal received 09/03/16			Awaiting appeal site inspection and decision.
25	CB/ENC/16/0025	Bottom Wood, Park Road, Moggerhanger, MK44 3RN	Enforcement Notice - Material change of use of land from agriculture to an outdoor activity centre and siting of a marquee and structures.	18-Feb-16	18-Mar-16	18-Apr-16	Appeal received 18/03/16			Enforcement appeal hearing on 5 July 2016. CBC statement to be submitted this month.
26	CB/ENC/16/0080	Land to the North of, Woodside Caravan Park, Hatch	Injunction served 19/02/16 - Prevention of interference with protected trees, use the land for siting of caravans/mobile homes or undertaking development including the laying of hardcore or creation of hardstanding.	19-Feb-16	19-Feb-16					Injunction being complied with, site being monitored for any possible breaches.
27	CB/ENC/16/0084	Unit 22 Pulloxhill Business Park, Greenfield Road, MK45 5EU	Enforcement Notice 1 (r/o Unit 14)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery  Enforcement Notice 2 (r/o Unit 22)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery	05-Apr-16  05-Apr-16	06-May-16  06-May-16	06-June-16 06-July-16  06-Jun-16				Appeals have been submitted for both Enforcement Notices and therefore the Notices will not come into effect until appeal decided
28	CB/ENC/16/0155	Land adjacent 29 Holly Walk, Silsoe, MK45 4EB	Temporary Stop Notice - Erection of a dwelling not in accordance with planning approval CB/15/02540/Full	03-May-16	03-May-16					Notice will cease effect on 24/05/16
29	CB/ENC/16/0158	Tree Tops, Heath Lane, Aspley Heath, MK17 8TN	Temporary Stop Notice - Breach of conditions 6, 7 & 8 attached to planning permission CB/15/03503/Full	20-Apr-16	20-Apr-16					Temporary Stop Notice served on 20/04/2016 regarding non-compliance with pre-commencement conditions relating to tree and root protection not in accordance with the Arboricultural Method Statement. Notice expires 10/05/2016.  The Notice has now been complied with and the enforcement case closed.

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	Date: 09:May:2016  Grid Ref: 498148; 221635	
Scale: 1:2000	<b>165A Castle Hill Road, Totternhoe, Dunstable, LU6 1QQ</b>	

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**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/16/00637/FULL</b>
<b>LOCATION</b>	<b>165A Castle Hill Road, Totternhoe, Dunstable, LU6 1QQ</b>
<b>PROPOSAL</b>	<b>Demolition of buildings and redevelopment for 20 dwellings, an estate road, open space and associated works.</b>
<b>PARISH</b>	<b>Totternhoe</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Janes</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>09 March 2016</b>
<b>EXPIRY DATE</b>	<b>08 June 2016</b>
<b>APPLICANT</b>	<b>Taylor French Developments Ltd</b>
<b>AGENT</b>	<b>Wilbraham Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Ken Janes - Public interest with the support of the Parish Council.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Refusal</b>

**Summary of Recommendation**

The planning application is recommended for refusal as the site lies within the South Bedfordshire Green Belt, where permission will not be granted except in very special circumstances for development for purposes other than those uses listed in paragraph 89 of the National Planning Policy Framework. No very special circumstances have been justified to outweigh the harm to the Green Belt. The harm would comprise harm by reason of inappropriateness, harm by reason of impact on openness, harm to the landscape character and appearance of the area and encroachment into open countryside. The proposal is therefore contrary to the National Planning Policy Framework (NPPF). Additionally, the limited facilities within Totternhoe are likely to result in additional journeys by private car to other locations to access health, retail and leisure opportunities. The proposal is not considered to be sustainable development and therefore is contrary to the National Planning Policy Framework and policy SD1 of the South Bedfordshire Local Plan Review.

**Site Location:**

The application site is a parcel of land which lies on the southern side of Castle Hill Road, Totternhoe. The site comprises 0.83ha of land and slopes downwards to the south with a drop in levels across the site of approximately 9m. It has a frontage of 15m to Castle Hill Road and there is an existing access at the western end of the frontage.

The application site comprises two industrial units, a stable building, area of hardstanding, outside storage, containers and part of the garden of a detached house, number 165 Castle Hill Road.

The northern industrial unit is situated close to Castle Hill Road and is currently occupied by Dial-a-Ride who park their mini buses at the site overnight and also use the building as an office, with a workshop at the rear.

The southern unit is set back some 105m from the road and is occupied by Warnerbus who adapt standard motor vehicles. This unit is a mixed B1/B2 and B8 use.

Immediately to the east of the northern unit is a detached house, 165 Castle Hill Road, with extensive outbuildings on its eastern side, behind which is a garden enclosed on its western and southern sides by commercial uses.

The site is located within the South Bedfordshire Green Belt.

### **The Application:**

The application seeks full planning permission for the redevelopment of the site for 20 dwellings. The site has an area of 0.83ha giving a density of approximately 24 dwellings per hectare.

The scheme includes five different house types and six affordable housing units. A mix of three, four and five bedroom houses are proposed. The dwellings would be two storeys in height with eaves heights between 4.8m and 5.5m and ridge heights of between 7m and 9.5m. The dwellings would have depths of between 8m and 10m.

Access will be provided from Castle Hill Road utilizing the existing access to the commercial site. The access would be modified to improve visibility in each direction and to provide access for pedestrians and other road users.

An estate road will be provided to serve the development and this would be 4.8m wide with 2 m wide footways on each side. The road would run parallel to the western boundary and then turn through ninety degrees towards the rear of the site. A turning head would be provided at the end of the estate road such that refuse and other vehicles could turn round and exit the site in forward gear.

Frontage housing will be provided to the estate road and plots 3 and 4, 7 to 10 and 19/20 will be served by three private drives accessed from the estate road. The drive serving plots 19/20 would also provide access to the open space/SUDS for maintenance. There would be a locked gate to this area to prevent unauthorised access. However a pedestrian gate will be provided so that residents of the proposed houses can use this area for recreation.

Each of the dwellings would have level access to either the front or rear doors and each would have a minimum of two parking spaces or one parking space and one garage space.

Castle Hill Road is a single carriageway road 5.9m wide. The road links with the A505 to the west and the A5 to the east and is subject to a 30mph speed limit.

### **RELEVANT POLICIES:**

## **National Planning Policy Framework (NPPF) (March 2012)**

Section 4: Promoting sustainable transport  
Section 6: Delivering a wide choice of high quality homes  
Section 7: Requiring good design  
Section 8: Promoting healthy communities  
Section 9: Protecting Green Belt land  
Section 11: Conserving and enhancing the natural environment

## **South Bedfordshire Local Plan Review Policies**

Policy SD1 Sustainability Key Note Policy  
Policy GB3 Green Belt Villages  
Policy BE8 Design Considerations  
Policy E2 Control of Development on Employment Land outside Main Employment Areas  
Policy T10 Controlling Parking in New Developments  
Policy H4 Providing Affordable Housing  
Policy H3 Meeting Local Housing Needs

*The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies SD1, GB3, E2, BE8 and H3 are broadly consistent with the Framework and carry significant weight. Policies T10 and H4 carry less weight but are considered relevant to this proposal*

## **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.

## **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)  
Affordable Housing Guidance Note (Endorsed 5th April 2016)

## **Relevant Planning History:**

Application Number	<b>CB/15/02079/PAPC</b>
Description	Pre-application non-householder charge: Redevelopment of site for housing
Decision	
Decision Date	01/09/2015
Application Number	SB/04/01561 (Units 2/3 165, Castle Hill Road, Totternhoe.)
Description	Change of use from b8 (storage) to b1 (offices)
Decision	Granted

Decision Date	09/03/2005
Application Number	SB/96/00728
Description	Erection of replacement building
Decision	Granted
Decision Date	18/12/1996
Application Number	SB/94/00542
Description	Replacement of warehouse, loading bay and offices destroyed by fire
Decision	Granted
Decision Date	03/10/1994
Application Number	SB/93/00608
Description	Demolition of warehouse and erection of extension to existing warehouse building with improvements to access
Decision	Granted
Decision Date	20/12/1993

**Representations:**

**(Consultations/Publicity/Neighbour responses)**

Parish Council	31/03/16
	Planning Application No. CB/16/00637/FULL - 165A Castle Hill Road, Totternhoe, Dunstable, LU6 1QQ
	Totternhoe Parish Council wish to comment on the above application:
	The Council are in full support of this development for the reasons below:
	<ol style="list-style-type: none"><li>1. A much needed development for affordable housing in the village.</li><li>2. In line with Central Bedfordshire's policy of finding suitable sites for affordable housing.</li><li>3. Green Belt unharmed due to volume of existing buildings on the site would be reduced.</li><li>4. Not an excessive number of dwellings.</li><li>5. Need for housing in the village.</li><li>6. Less HGV movements through the village.</li><li>7. This development would be a tasteful addition to the village.</li></ol>
	It should be noted that back in 2005 an application was put forward to SBDC to erect 40 dwellings (including affordable housing) on the site of the Lime Works in Knolls View, Totternhoe. This was unfortunately turned

down to the detriment of the whole village and especially the residents of Knolls View.

Since 2009 when the site changed hands the residents of Knolls View have had to put up with the movements of many HGV's trundling up and down this pleasant village road each week, day and night to cover the type of businesses that now operate from the site.

The Parish Council would hope that this does not happen again with the site under this current Planning Application which is located in the centre of the village.

04/04/16

Totternhoe is an ageing village, with little opportunity for its young people to find housing that they can afford. Opportunities have been lost in the past to provide affordable housing - for example the development rejected by South Beds District Council at the former Lime works - and my Council do not wish to see a similar prospect lost. The development at 165A Castle Hill Road includes a significant proportion of affordable housing for young people and families, which is welcomed and fully endorsed. My Council is aware that a precedent has been set for the use of what was formerly industrial land for housing at Sundon Road Harlington, and considers that such an opportunity should not be lost in Totternhoe due to the obvious benefits to the village. The landowner's previous enterprise caused some degree of concern to residents, which had no controls on it in terms of hours of operation, noise or lorry movements, and residents would not wish to return to such a situation should Central Beds Council persist in its commonly held attitude regarding industrial sites, as demonstrated by the former lime works situation. A precedent has been created in Harlington, and should apply to this development as well.

Totternhoe Lower School has been judged 'good with outstanding features' by Ofsted, and would welcome more pupils from local families. There is a proportion of its students from other villages and from Dunstable, attracted by the quality of its teaching, but the Governors and Headteacher are concerned that the intake from the village is being adversely affected by the lack of suitable housing for young families.

The development is on a site currently occupied by a number of commercial activities, in premises previously used by the landowner's own enterprise. My Council weighed the industrial benefits against the housing opportunities and came down firmly and without reservation on the side of housing. Housing is clearly and

unequivocally what Totternhoe needs and given the lack of suitable land within the village, which is washed over by the Green Belt, 165A Castle Hill Road is eminently suitable.

The Village is working on a Village Plan, and members have had considerable difficulty in identifying land for anything other than minor infilling. This development is therefore welcomed and would transform an industrial landscape into a small, but tasteful, housing opportunity.

During its deliberations on the plans, my Council commented on one aspect of the development, which we understand was a proposal from the Planning Department during initial discussions with the landowner. An area of land adjacent to the brook is shown as a 'green'. It is not clear in the documentation who will be responsible for maintaining this plot. If it remains in the ownership of the landowner, the Council is confident that it will be properly cared for, but have reservations if responsibility is passed to agents of the developer or to householders. My Council request that this point is clarified with the applicant, and a suitable maintenance plan agreed.

My Council also recognised the wider benefits to the village of a Community Infrastructure Levy on the development. The proportion of the levy available for works in the village would be used for traffic calming works in Castle Hill Road, and calls upon Central Beds Council to include such a requirement in conditions attached to approval.

In summary Totternhoe Parish Council fully supports the application and calls upon Central Beds Council to approve the development. The development is of such importance to the village that my Council requests that it should be referred to Committee for a decision.

#### Highways DM

There is not a footway on the west side of the access road as this has been used for visitor parking instead and as a result this access road is substandard. However, this authority permits shared space access roads and for that reason I consider that I would not be able to maintain an objection on these grounds alone and in my view the alternative of a shared space would be detrimental to the proposal. Further, there would be an advantage to the introduction of a footway on the west side to the limit of the first parking bay.

In relation to the junction onto Castle Hill Road:- while there is an intensification I acknowledge that there has not been any accidents in the vicinity of the site and that

improvements are proposed to achieve adequate intervisibility to the right on exit. It should also be noted that while there is a traffic calming scheme along Castle Hill Road the 85%ile speed is still above the threshold of 20mph and for that reason the proposal should include a traffic calming scheme in the area of the site to achieve the lower average speed.

While I would not offer an objection to the proposal it should be acknowledged that the proposed access road is not up to standard and for that reason the highway authority will not be willing to adopt this new road and as a result the prospective purchasers should be made aware of this and a management company put in place to manage this new road.

#### Rights of Way

Although no public rights of way lie directly within the site, Public Footpath no. 19, Totterhoe runs adjacent to the application site, directly to the south of the local stream.

I note that an 'open space' (only for new residents?) is proposed at the southern end of the site (marked green on my plan) but no information is provided as to who will own and manage this 'open space' long-term and the trees/vegetation within it. There also does not appear to be any drainage strategy provided so it is difficult to judge the impact of any proposed surface water attenuation tank on the stream or the adjacent public footpath. Although on adjacent land which is grazed by horses, we would need to make sure no drainage issues are created for the public footpath by the new development.

Public Footpath no. 19 runs along the other side of the stream in different landownership and an obvious thought is whether the developer should provide a bridge over the stream to link the new development to the public footpath. This would seem reasonable for the new residents to have direct access to the local public rights of way network. Paragraph 75 of the National Planning Policy Framework (NPPF) states that Planning Policies should protect and enhance public rights of way and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network. The applicant would have to secure all permissions of the neighbouring landowner and Internal Drainage Board, however, and put in place a long-term plan for the continued survey and maintenance of any bridge provided.

#### Ecology

I do not object to the proposed development and note that the Ecological survey does not anticipate any impact on protected sites or species. However, the NPPF calls for development to deliver a net gain for biodiversity and

whilst a number of enhancement measures are suggested in the ecological report I feel the surface water attenuation tank has missed an opportunity for a sustainable drainage solution which could be multifunction to benefit biodiversity as well. I welcome the proposals to include nectar and berry rich planting in the landscaping scheme and would also like to see integral bird and bat boxes included at a ratio of one per unit.

Landscape Officer

Thank you for the opportunity to comment on proposals and landscape: I have serious concerns regarding the scale of development on the settlement / rural edge, potential visual impact of proposed development on the wider rural landscapes and subsequent impact on landscape character and amenity, **therefore I must object to the proposals.**

**Site context:** The application site lies on the transition in landscape from the Totternhoe Chalk Escarpment and Eaton Bray Clay Vale, on sloping land with change in level overall of @9 ms from Castle Hill Road down to the southwest and brook corridor. The CBC Landscape Character Assessment provides description and assessment of landscape and visual character for the local landscape areas along with guidance to assist with DM decision making.

Totternhoe Chalk Escarpment (LCA 9b) forms part of the chalk escarpment landscape system distinctive to the south of Bedfordshire. The Totternhoe escarpment is the lowest chalk escarpment yet offers panoramic views across the clay vale to longer distant chalk escarpments at Dunstable Downs (LCA 9a) and Ivinghoe Beacon in Bucks' - both forming part of the Chilterns AONB. The LCA describes the visual sensitivity of views to and from the chalk escarpments and need to retain the characteristic rural views across the clay vale.

Eaton Bray Clay Vale (LCA 5a) extends from the Totternhoe scarp westwards to Leighton Buzzard and is described as predominantly arable with some pockets of pasture particularly near settlements. Fields are medium to large in scale and follow a essentially Medieval pattern. The vale is predominantly unsettled which contributes to the open, exposed character. Elevated escarpments to the north (Totternhoe) and east (Dunstable Downs) offer extensive views across the vale.

Settlements within the vale tend to be orientated around former hamlets, 'Greens' or 'Ends' and settings to vale settlements are typically wet meadow, pastoral with sheep and horse grazing. The area around Totternhoe



and Eaton Bray is notable for a number of old Aylesbury Prune orchards. OS Maps from 1880 and 1901 clearly show many field boundaries to the south of Totternhoe still exist today, including the application site, and included extensive areas of orchards. The CBC 'Totternhoe Countryside Vision' includes detail on landscape and access enhancement opportunities including restoring prune orchards (one may exist on the application site) and GI connectivity including the brook to the south of the application site.

Development existing on site and to the north west / south east tends to be single storey units and static mobile homes. Due to topography the downward slope from the scarp to the vale floor, and including the application site, the south west of Totternhoe is exposed to wider views from local footpaths and potentially the elevated escarpment to the south east especially.

The inclusion of 2 to 2.5 storey development on the settlement edge and extension of development visually into the wider vale landscape is of serious concern; there is no assessment of views beyond the application site from the wider landscape to the site. If the application were to be progressed a Landscape and Visual Appraisal (LVA) would be required to assess capacity of site to accommodate development, degree of impact of change both visually and in terms of landscape character, and landscape mitigation needs - if appropriate mitigation can be achieved.

The current proposals are not acceptable in terms of SuDS and proposed tanking of attenuated surface water especially given the number of ponds and tributaries which run parallel to the scarp slopes and are common landscape features. Opportunities to enhance biodiversity, including orchard planting, should be sought along with extending access to the wider footpath network.

Tree and Landscape  
Officer

In determining this application, I refer to my previous comments dated 24th July 2015 in respect of CB/15/02079/PAPC, which have been duplicated below in italics:-

*There are mature trees located along the southwestern, rear boundary, which should be allowed sufficient clearance to maintain an effective screening buffer. Unfortunately, there is a pinch point being created by the positioning of Unit 25, which would compromise the integrity of this buffer, and the unit should be relocated accordingly. Unit 24 should also be set further back to*

*avoid shading constraint issues being imposed on the property. It was also noted that a well maintained hedge, which runs along the southeastern side boundary, will also be damaged by the close positioning of several units close to this planting.*

*I therefore consider that any future layout should recognise the screening and demarcation value of boundary landscaping, and allow sufficient clearance in order that the necessary protection measures, as recommended under BS 5837 : 2012 can be accommodated.*

Having examined the plans and documents associated with this full application, whilst I welcome the landscape buffer proposed at the southwestern end of the site, it is of concern that contrary to the advice given at Pre Application stage, a number of dwellings are still being positioned too close to the southeastern boundary with the Poplar Farm Mobile Home Park. This close juxtaposition will result in significant damage to a 3.5m high cypress hedge, and thereby compromise the existing screening value that this hedge currently provides.

Whilst such a hedge cannot be protected by a TPO, and has no wider importance in the surrounding landscape, nevertheless if visual impact on neighbouring properties has been raised as an objection by affected neighbours, then at least a 5m clearance from the hedge should be maintained, which will also help avoid future nuisance regarding loss of light incurred to the habitable rooms of the new properties.

Housing Development Officer	Initial objection overcome.
Environment Agency	No objection to this application.  The site is located above a Principal Aquifer. Informatives recommended.
Drainage Officer (SUDS)	Although we do not object to the development in principle, we strongly recommend the drainage strategy is revised in line with the following comments and therefore recommend that conditions are attached to the planning permission.
Drainage Board	No objection on the proviso that storm water discharge is conditioned.
Land Contamination Officer	<b>Contaminated Land</b>

Notwithstanding the Groundsure report submitted in support of this application, further site specific detail is necessary to ensure the requirements of the National Planning Policy Framework's Paragraph 121 are met, given that the application site's former use potentially poses contamination risks. I would therefore expect the conditions and informatives to be attached to any permission granted.

#### Waste

The Council's waste collection pattern for Totternhoe is as follows:

Week 1 – 1 x 240 litre residual waste wheelie bin, 55 litre glass box

Week 2 – 1 x 240 litre recycling wheelie bin, 1 x 240 litre garden waste wheelie bin

Each property needs to allow space to store and present the above receptacles.

Wherever possible, refuse collection vehicles will only use adopted highways. Where this is not possible the Council shall exercise discretion on instructing the contractor to use other access roads. In any case the access roads must be to adoptable standards. Typically, until roads are adopted, bins are to be brought to the highway boundary or a prearranged point. We require confirmation that the road is to be adopted, which we would recommend, areas specified for bin collection would require the householders to drag their bins more than the 10m we specify. If residents are required to pull their bins to the entrance to the highway, a hard standing area needs to be provided for at least 2 wheelie bins per property.

In the full application the developer will need to provide vehicle tracking and an indication of where bins will be presented for collection. If collection points are to be the only means of residents presenting their bins for emptying they must be as close to the kerbside as possible and large enough for at least two bins from each property on collection day.

The Waste Services Team will need to see vehicle tracking for all locations where the developer is proposing to put turning locations in place. Vehicle access would only be possible if roads leading up to waste collection points are completely free of parked cars on both sides, giving the collection crews space for manoeuvrability and making visibility clearer. Tracking needs to be provided for a vehicle of a minimum 12metres in length and 4.5 metres in width, and to take into account parked cars. Our contractor's vehicles must be able to enter and exit a development in forward gear.

Archaeology No objection subject to condition.  
Sustainability Officer No objection subject to condition.

### Other Representations:

#### Neighbours

208 Castle Hill Road, 29 Poplar Farm Close  
Objections; summary of responses:  
- Village does not have the local amenities to house the extra houses. Village road is not really equipped to take the extra cars, there are not sufficient doctors, school or shops to take the extra people  
- increase in traffic  
- no shop  
- limited public transport

5 Lancot Drive  
31a, 32 Church Road  
24 Church Green  
38 & 45 Poplar Farm Close  
86, 27 Knolls View  
35 (Apple Cottage), 38 Wellhead Road  
86, High Ridge, 154, 156, 160, 162, 166  
Castle Hill Road  
46 The Orchards  
Support; summary of responses:  
- brownfield site  
- decrease of commercial vehicle movements  
- demand for smaller dwellings  
- sympathetic development

### Determining Issues

1. **Green Belt & Principle of the development**
2. **Harm to the Green Belt**
3. **Very special circumstances**
4. **Impact on Biodiversity and Landscape**
5. **Flood Risk and SuDS**
6. **Amenity**
7. **Loss of Employment Land**
8. **Highway Impact**
9. **Affordable Housing**
10. **Other Issues**

### Considerations

1. **Green Belt and Principle of the Development**
  - 1.1 In accordance with policy GB3 of the South Bedfordshire Local Plan Review, Totternhoe is washed over by the Green Belt. Policy GB1 of the SBLPR which provides the principle criteria for assessing new developments in the Green Belt was deleted and in effect has been replaced by national guidance now contained in the National Planning Policy Framework (NPPF). This national

advice and the emerging policy state that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90 of the NPPF. If the development is considered inappropriate, paragraph 87 of the NPPF states that it is, by definition harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (paragraph 88).

- 1.2 A portion of the site can be considered as 'previously developed' within the meaning of the NPPF. Annex 2 of the NPPF defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. National advice at paragraph 89 of the NPPF is clear that in giving consideration to proposals on previously developed land, Local Planning Authorities should have regard to whether or not the new development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 1.3 The site only has two existing buildings, the largest of the two, the commercial building, is located to the far west of the site, the proposed development is proposed to be spread across the whole site, including an undeveloped, grassed area of the site and as such would be considered as more intrusive in the landscape than the existing buildings and therefore, the proposal would be inappropriate within the meaning of the NPPF.
- 1.4 Paragraph 87 advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Further advice at paragraph 88 is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.5 The proposal is therefore by definition harmful to the Green Belt by reason of inappropriateness. Very special circumstances will therefore need to be demonstrated to clearly outweigh the harm to the Green Belt by inappropriateness and any other harm which would arise as a result of the development.
- 1.6 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.7 Economic Role  
The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the

construction of 20 houses would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than one year. Totternhoe provides limited employment opportunities. There are no allocations for employment within the village. Therefore it is concluded that the development lacks the appropriate infrastructure to support the additional 20 dwellinghouses and number of occupants and fails to conform to this sustainable dimension.

1.8 Social Role

The NPPF notes that sustainable development should support healthy communities by providing housing to meet the needs of the present and future generations. Local services should be accessible and reflect the communities needs. The application site is located within the existing settlement however there are no community facilities such as a convenience shop close-by and public transport links are poor. Residents would need to travel further afield for community facilities and doctor surgeries putting greater pressure on the highway network. As such, the proposal would fail to conform to this sustainable dimension.

1.9 Environmental Role

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. The site provides views in to the open countryside. The steep slope of the site results in views into the countryside from Castle Hill Road. Furthermore the Councils Landscape Planner has objected to this application (which is explored in more detail later in this report under section 3) on the grounds that the supporting information supplied in respect of this application fails to fully consider the visual impact of the development nor provides appropriate mitigation against any identified impact. As such, the proposal would fail to conform to this sustainable dimension.

1.10 Furthermore, paragraph 55 allows housing development in rural areas where it would enhance or maintain the vitality of rural communities, it would represent the optimal viable use of a heritage asset or where it would re-use redundant or disused buildings. The application site is not a heritage asset nor is it a redundant or disused building and as such makes no such contribution.

1.11 Paragraph 50 of the NPPF suggests that developments should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) and specifically reflecting local demand. Whilst affordable housing provision has been proposed in accordance with local demand, the potential benefits identified by the applicant, to be had from the development comprising the addition to the village's housing stock including the policy presumption in favour of using land effectively are acknowledged but are not considered sufficient on the basis of the information supplied to outweigh the identified harm that 20 new residential units in this location would result in an unsustainable form of development which would be harmful to the character of the rural area and detrimental to protected species and contrary to the aims and objectives of the NPPF. The objections to the proposal therefore significantly and demonstrably

outweigh the benefits of the proposal.

- 1.12 Considering the prevailing rural, spacious character of Totternhoe, the proposal would represent a cramped form of development, at odds with the existing grain of development. The proposal would therefore be in conflict with policy BE8 of the South Bedfordshire Local Plan Review

## **2. Harm to the Green Belt**

- 2.1 The application suggests the VSCs should outweigh the presumption against inappropriate development in the Green Belt. This is not the test that the NPPF applies, the NPPF requires that VSCs clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. In order to consider whether the VSCs outweigh the potential harm, that harm first needs to be identified.
- 2.2 The proposal would cause harm by reason of inappropriateness, it would also cause harm by reason of loss of openness, harm to the character and appearance of the area and conflicts with the purposes of including land in the Green Belt by failing to safeguard the countryside from encroachment. The level of harm caused by each of these is considered in more detail below.
- 2.3 The NPPF highlights the openness of the Green Belt as its most important attribute and the development of the site would result in the loss of openness. Openness is the absence of development and it is considered that although part of the site can be considered as 'previously developed', the proposal would have an adverse impact on the openness of the land within the Green Belt.
- 2.4 It is accepted that a limited amount of development would result in limited harm; however the proposal comprises a development of 20 dwellings and associated road, landscaping etc which would cause significant harm to the openness of the Green Belt.
- 2.5 Significant weight should be given to the harm to openness which would result from the development. The development, compared to the existing buildings on the site, would have a greater impact on the openness of the Green Belt and would therefore be considered to conflict with section 9 of the NPPF.

## **3. Very Special Circumstances**

- 3.1 The application sets out that there are a number of reasons to approve the application, although these matters have not been referred to as 'very special circumstances'. The reasons are set out below.

- 3.2 **The majority of the site is in industrial/commercial use and accordingly comprises a previously developed (brownfield) site. Although the housing will extend onto the grassed area on the eastern side of the site this land is not perceptible in the wider landscape as an open area. It does not contribute in any meaningful way to the openness of the Green Belt.**

It is accepted that a portion of the site meets the definition of 'previously developed land,' however, the eastern part of the site is undeveloped. Although there may not be an impact with regard to encroachment outside of the planning unit into the wider countryside, there is encroachment onto

undeveloped land and the site does lie within the Green Belt and as such, the principle to protect openness remains.

- 3.3 **Whilst the development will increase the number of buildings on the land it will provide space between and around each of them and will provide buildings more in keeping with the character and appearance of the village. The removal of the stable building at the southern end of the site together with the caravans and containers and the laying of this area to grass will improve the openness of this part of the Green Belt. Consequently the openness of the Green Belt will be increased as a result of the development.**

The development would spread across the majority of the site on to an area which is devoid of permanent buildings, it is therefore considered that it would have a much greater impact upon openness than the existing development.

- 3.4 **The principle of replacing commercial buildings with housing has already been accepted by the Council at a site at Lower Wood Farm, Sundon Road Harlington under reference CB/13/03477/OUT. That site lies to the south of Harlington within the Green Belt and permission was granted to demolish the existing buildings and replace them with 13 dwellings.**

Each application is assessed on its own merits, however, this application site is materially different when compared with Lower Wood Farm in that a large portion of the application site is undeveloped with a large, pleasant planted area being included within the application site.

- 3.5 **The Council do not currently have a five year housing land supply**

Although the Council at the time of writing, cannot demonstrate an up to date 5 year housing land supply, this small scale site in the Green Belt does not accord with paragraphs 49 and 14 of the NPPF where “the adverse impacts of this development would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole.”

- 3.6 The proposal would cause harm by reason of inappropriateness, it would also cause harm by reason of loss of openness, harm to the character and appearance of the countryside and conflicts with the purposes of including land in the Green Belt by failing to safeguard the countryside from encroachment. The level of harm caused by each of these is considered in more detail below.

- 3.7 Overall it is not considered that the very special circumstances set out above clearly outweigh the harm identified to the Green Belt. The proposal therefore would be contrary to Section 9 of the NPPF.

#### **4. Impact on Biodiversity & Landscape**

##### **4.1 Biodiversity**

Section 11 of the NPPF requires a net gain in terms of green infrastructure provision and biodiversity and geodiversity. The Natural Environment and Rural Communities (NERC) Act 2006 requires the Council in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

- 4.2 The Ecology Officer has recommended that bird boxes be provided at one box per dwelling which is considered to be in accordance with the relevant policies



and conditions could secure a scheme. The proposal is therefore considered to be in accordance with Section 11 of the NPPF.

4.3 Landscape Character

This site is in a sensitive location within the historic context of Totternhoe and the site faces the open countryside, including views to the Chilterns to the south and west.

4.4 The Landscape Officer has concerns about the principle of the development considering the inclusion of 2 to 2.5 storey development on the settlement edge and extension of development visually into the wider vale landscape. The proposals and information provided in the application regarding visual impact are inadequate as there is no assessment of views beyond the application site from the wider landscape to the site. If the application were to be progressed a Landscape and Visual Appraisal (LVA) would be required to assess the capacity of the site to accommodate development, the degree of impact of change both visually and in terms of landscape character, and landscape mitigation needs - if appropriate mitigation can be achieved.

4.5 The current proposals are also not acceptable in terms of SuDS and the proposed tanking of attenuated surface water especially given the number of ponds and tributaries which run parallel to the scarp slopes and are common landscape features. Opportunities to enhance biodiversity, including orchard planting, should be sought along with extending access to the wider footpath network.

4.6 The courtyard approach places houses too close to the boundary hedgeline – especially plots 4,8 and 9. This point is made by the Trees and Landscape Officer. The mature cypress hedge along the southern boundary will not respond well to “trimming.”

4.7 The application as it stands therefore conflicts with policy BE8 of the Local Plan and Section 11 of the NPPF.

4.8 Landscaping

South Bedfordshire Local Plan Review policy BE8 requires that the proposal takes full account of the need for landscaping and takes into account existing trees and vegetation.

4.9 The Tree and Landscape Officer acknowledges the landscape buffer proposed at the southwestern end of the site, however, it is of concern that contrary to the advice given at Pre Application stage, a number of dwellings are still being positioned too close to the southeastern boundary with the Poplar Farm Mobile Home Park. This close juxtaposition will likely result in significant damage to a 3.5m high cypress hedge, and thereby compromise the existing screening value that this hedge currently provides.

4.10 Whilst such a hedge cannot be protected by a TPO, and has no wider importance in the surroundings landscape, visual impact on neighbouring properties is important and it is recommended that at least a 5m clearance from the hedge should be maintained, which will also help avoid future nuisance regarding loss of light incurred to the habitable rooms of the new properties.

- 4.11 The application as it stands therefore conflicts with policy BE8 of the Local Plan and Section 11 of the NPPF.

## **5 Flood Risk and SuDS**

- 5.1 The site is located above a Principal Aquifer, no objections have been raised by the Environment agency.
- 5.2 From 6<sup>th</sup> April 2015 local planning policies and decisions on planning applications relating to major development (developments of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and County Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDS) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate.
- 5.3 A Flood risk assessment alongside a drainage strategy was supplied for consideration as part of the application and the Councils SuDS Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as to limit any flooding potential and as such has not wished to raise any objection to this proposal subject to the imposition of conditions. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the section 10 of the NPPF.

## **6. Amenity**

- 6.1 South Bedfordshire Local Plan Review policy BE8 requires new development to be of high quality and appropriate in scale and design to its setting as well as contributing positively to creating a sense of place and respecting local distinctiveness, in addition the policies require a high quality development in terms of design, layout and provision of open space. The Central Bedfordshire Design guide states that proposals should be visually distinctive and should be designed as a sensitive response to the site and its setting.
- 6.2 Future Occupiers  
The Design Guide includes a back to back distance of 21m which should be achieved between dwellings to ensure privacy is maintained. The proposed dwellings have no 'back to back' relationship conflicts, there are 'back to side' relationships to consider, distances range between 11 and 15m, although fairly tight in terms of spacing, the placing of fenestration is such that adequate separation distances have been achieved to protect the residential amenity of existing residents.
- 6.3 The Design Guide requires that for dwellings with 3 or more bedrooms, the minimum area for rear gardens should be 60m<sup>2</sup> with a depth of 12m. Where dwellings have awkward shaped plots side gardens could be taken into account.
- 6.4 Many of the dwellings shown on the layout plan do not have gardens large enough to comply with the guidance set out in the Design Guide. Considering the location of the site, close to open countryside and within a small, rural village, the site would appear cramped in comparison and would not be characteristic of the locale.

- 6.5 The proposed development would result in a density per hectare of 24. Whilst this doesn't constitute high density for most rural locations, the siting of the units and level of amenity for each unit as indicated on the site layout plan is not representative of the general grain of development.
- 6.6 Whilst bin storage and collection points and cycle storage facilities have not been identified on the indicative plan, this could be secured by condition as part of a planning permission.
- 6.7 Residential Amenity - Existing residents  
South Bedfordshire Local Plan Review policy BE8 requires that new development ensures general and residential amenity is not adversely affected.
- 6.8 Given the length of the garden spaces of adjacent dwellinghouses, and the opportunities to secure appropriate boundary treatments by condition, the development would unlikely result in the harmful overshadowing of adjoining gardens.

## **7 Loss of Employment Land**

- 7.1 In line with South Bedfordshire Local Plan Review Policy E2, the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. National guidance within the NPPF sets out that business and enterprise in rural areas should be supported. Accordingly proposals for non-employment generating developments will generally only be considered where suitable evidence is submitted in accordance with the detailed criteria set out within Local Plan Review Policy E2. In this context, it should be demonstrated that the redevelopment of the site would not unacceptably reduce the supply, variety or quality of available commercial land within the area.
- 7.2 The site is currently occupied by two separate businesses; Dial a Ride in the northern unit and Warnerbus in the southern unit. The planning statement states that both businesses will relocate within the Central Bedfordshire area. Dial a ride will relocate to premises at Dunstable and Warnerbus will relocate to premises at Leighton Buzzard. The businesses which currently occupy the site generate a limited level of employment with Dial a Ride employing four people and Warnerbus employing two people full time and one person part time. Both businesses are on a rolling lease. Warnerbus are moving to smaller premises, as the building on the site is too large, financially burdensome and not up to a suitable modern standard to support the operation of their business.
- 7.3 Due to the age of the main industrial building, substantial refurbishment works would be required to bring the premises up to a standard suitable for modern commercial use.
- 7.4 As the existing businesses will relocate within Central Bedfordshire and considering the amount of employees the site supports and the availability of alternative employment land, it is considered that the loss of employment land would not unacceptably reduce the supply available and as such, the development would broadly accord with policy E2 of the South Bedfordshire Local Plan Review and the National Planning Policy Framework.

## **8. Highway Impact**

- 8.1 The Highways Officer has acknowledged that the existing access is sub-

standard in terms of visibility although there have been no accidents recorded and as such, he has not wished to object to the use of the access. However, due to the results of a speed survey indicating that the average speed is above 20mph on Castle Hill Road, he would recommend that a traffic calming scheme be required by condition, should permission be granted. In addition, he has also recommended that the footways should be improved and constructed to improve highway safety.

- 8.2 Subject to the imposition of recommended conditions, the proposal is not likely to have a detrimental impact upon highway safety and is therefore in accordance with Section 4 of the National Planning Policy Framework.

## **9. Affordable Housing**

9.1 On 5th April 2016, the Council's Executive endorsed interim guidance in relation to Affordable Housing in the South area of Central Bedfordshire, and shall apply until such time as the Central Bedfordshire Local Plan reaches submission stage and its emerging affordable housing policy carries sufficient weight. The South Bedfordshire Local Plan 2004 (Appendix A) remains the adopted development plan for this area and Policy H4 Affordable Housing remains the extant policy. The guidance is concerned with the percentage of affordable housing required and is not intended to provide detailed advice around the procedures related to the implementation of affordable housing policy. The requirement for affordable housing is 30% on all qualifying sites of 4 dwellings or more.

9.2 The application originally submitted, offered six affordable units, all being provided as shared ownership, against the Council's tenure requirements which demonstrate an overarching need for affordable rented units, however, after further discussion with North Herts Homes Housing Association, the proposal now offers six affordable units which adhere to the tenure requirements of Central Bedfordshire Council providing 4 units of affordable rent (73%) and 2 units of shared ownership (27%). On this basis, the Housing Development Officer supports the proposed scheme, however, no detailed negotiations on the Section 106 agreement have taken place due to the in principle objection to the development.

## **10. Other Issues**

### **10.1 Consultation Responses**

#### **Archaeology**

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, a condition is to be attached to any permission granted in respect of the application.

10.2 Sustainability Officer

The Sustainability Officer has requested that the following planning conditions to be attached, should the planning permission be granted for this development:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres per person per day. However, such conditions would be difficult to enforce. Building Regulations set the criteria for renewable energy and as such, these matters would be addressed as part of that process.

10.3 Rights of Way

Paragraph 75 of the National Planning Policy Framework (NPPF) states that Planning Policies should protect and enhance public rights of way and local authorities should seek opportunities to provide better facilities for users, for example by adding links to the rights of way network. The Rights of Way Officer has requested that the developer provide a bridge over the stream to link the development with Public Footpath no. 19 which runs along the other side of the stream. In order to do this, the applicant would be required to secure all permissions of the neighbouring landowner and Internal Drainage Board.

10.4 The Agent has responded to the request stating that a bridge would be a significant burden on such a small scheme and would not be deliverable as the land is not under the applicant's control and that access to the wider footpath network is reasonable and is not significantly different to the access afforded to the residents of the park home adjacent. She also states that Footpath 21 links directly to footpath 19 which runs along the rear of the site and that 'Secured by design' would also not encourage an unnecessary thoroughfare through the development.

10.5 The Council's policy is to improve residents' access to the rights of way network and the countryside, particularly new residents and footpath 21 is approximately 130m from the application site. It is considered reasonable for the Council to ask for improvements particularly as the development is not subject to any planning obligations except for the affordable housing requirement. Although this issue would not be subject for a reason for refusal, if Members are minded to approve this application against the officer's recommendation, further negotiations regarding this matter should take place in order to improve footpath links.

10.6 Parish Council Comments

Totternhoe Parish Council have supported the application. A comparison was made between this application and a refused planning application for residential development of 40 houses at the Lime Works in 2005. Although the Council acknowledge the situation which has occurred since the refusal for residential development at the Lime Works, this application site is significantly different, particularly taking into account the use classes and restricted operations permitted at the application site.

10.7 Planning Obligations

The Planning Obligation Strategies that have previously been used to inform

the collection and negotiation of contributions can no longer be applied. From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL). Spending Officers from Leisure, Education and Sustainable Transport have been consulted and have not requested any contributions.

#### 10.8 **Human Rights Act**

It is not considered that the application raises any issues under the Human Rights Act.

#### **Equality Act 2010**

It is not considered that the application raises any issues under the Equality Act.

### **Recommendation**

That Planning Permission be REFUSED for the following reasons:

#### **RECOMMENDED REASONS**

- 1 The site lies within the South Bedfordshire Green Belt, where permission will not be granted except in very special circumstances for development for purposes other than those uses listed in paragraphs 89 & 90 of the National Planning Policy Framework (NPPF). The proposal would spread built development across the whole site, including an undeveloped and open area of the site and as such would have a greater impact on the openness of the Green Belt and would be more intrusive in the landscape than the existing buildings, therefore the proposal would be inappropriate within the meaning of the NPPF. The very special circumstances put forward do not outweigh the harm to the Green Belt. The harm would comprise harm by reason of inappropriateness, harm by reason of impact on openness, harm to the character and appearance of the area and encroachment into open countryside. The proposal is therefore contrary to Section 9 to the National Planning Policy Framework (NPPF).
- 2 The limited facilities within Totternhoe are likely to result in additional journeys by private car to other locations to access health, retail and leisure opportunities. The proposal is not considered to be sustainable development and therefore is contrary to the National Planning Policy Framework and Policy SD1 of the South Bedfordshire Local Plan Review.
- 3 Insufficient information has been provided to enable a proper assessment of the proposal in terms of landscape and visual impact. The site extends to open countryside and the proposal would introduce a new urban edge into the landscape, detrimental to the rural landscape of the locality. The proposed landscaping is inadequate to ensure integration or appropriate wildlife habitat. At present the proposal conflicts with the National Planning Policy Framework (NPPF) and policy BE8 of the South Bedfordshire Local Plan Review.
- 4 The proposed development would have inadequate garden sizes and would result in a cramped form of development which would be incongruous and out of character with the existing uniform grain of development and with adjoining dwellings in the locality, exacerbated by the close proximity of the proposed

development against the eastern boundary hedgerow which would result in the likely loss of the hedgerow which provides significant greening and visual screening of the site. The visual impact of the proposed development would also be exacerbated by the gradient of the land and thereby would be harmful to the visual amenities of the countryside and to the character of the area. The proposal therefore fails to conform with policy BE8 of the South Bedfordshire Local Plan Review, the Central Bedfordshire Design Guide and Section 7 of the National Planning Policy Framework (NPPF).

**INFORMATIVE NOTES TO APPLICANT**

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

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

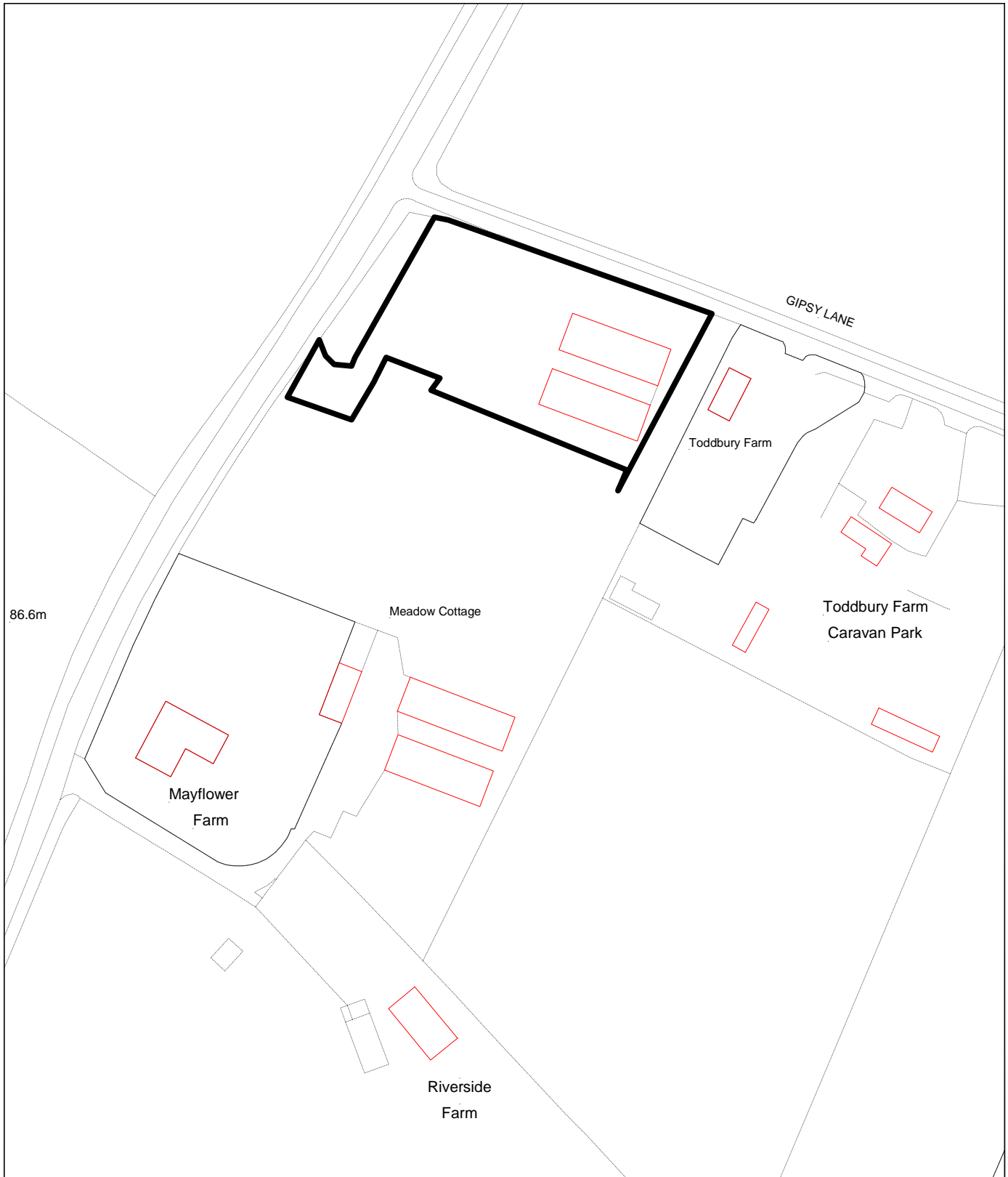
The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did 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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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<b>Application No.</b> <b>CB/15/01907/FULL</b>
	Date: 09:May:2016	
	Grid Ref: 493427; 221817	
Scale: 1:1250	<b>4 Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP</b>	

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**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/15/01907/FULL</b>
<b>LOCATION</b>	<b>4 Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP</b>
<b>PROPOSAL</b>	<b>Permission is sought for three additional residential caravans for three Gypsy Traveller families. The site to contain four static caravans, parking for eight vehicles and associated hardstanding and water treatment plant. Retention of workshop building</b>
<b>PARISH</b>	<b>Billington</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Janes</b>
<b>CASE OFFICER</b>	<b>Peter Vosper</b>
<b>DATE REGISTERED</b>	<b>19 May 2015</b>
<b>EXPIRY DATE</b>	<b>14 July 2015</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs McCarthy</b>
<b>AGENT</b>	<b>BFSGC</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Development Infrastructure Group Manager recommends that the application be determined at Committee given the public interest and the objections lodged by Billington Parish Council and Slapton Parish Council</b>
<b>RECOMMENDED DECISION</b>	<b>Full application - Recommended for Approval</b>

**Summary of Recommendation:**

The principle of the business use of the site has previously been established by previous planning permissions. With regard to the residential use of the site, the site is in the Green Belt and therefore very special circumstances need to be demonstrated to justify the development. The proposal would result in harm by reason of inappropriateness. However, in this case the lack of a five year supply of deliverable sites, the overall general need for pitches, the personal circumstances of the families to occupy the site, the need of families with Gypsy status to live on the site, and the minimal impact in terms of openness and visual amenity, together on balance, clearly outweigh the harm to the Green Belt.

**Site Location:**

The site forms the north west portion of the 'L' shaped Toddbury Farm Gypsy and Traveller site, and is to the north of the internal access road. The site is to the east of Slapton Lane and to the south of Gypsy Lane, and is approximately 1km south of Little Billington.

Greenacres Gypsy and Traveller site is to the east of Toddbury Farm.

The site is in the Green Belt and the open countryside.

### **The Application:**

Planning permission was granted in 2014, under reference CB/13/04368, for the change of use of land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/04383) and a residential caravan site for one Gypsy/Traveller family. The application included the retention of two workshop buildings. As a result of this approval, the site has consent for the siting of one static caravan and one touring caravan.

In determining planning application CB/12/04383 for the business use of the site, it was judged that the change of use to existing buildings for commercial use was appropriate development in the Green Belt and in accordance with policy and itself followed an allowed appeal in 2001. The site is thereby deemed to constitute a developed extension to the existing Toddbury Farm site.

Planning permission is now sought for three additional residential caravans for three Gypsy Traveller families. The site would therefore contain a total of four static caravans (but no touring caravans), parking for eight vehicles, associated hardstanding and water treatment plant, and the retention of one workshop building for mobile home/vehicle repairs. The alternative fallback position (i.e. the implementation of extant permission CB/13/04368) is for the two workshops to contain business uses and for two caravans.

The site is proposed to be laid out with the four static pitches adjacent to the north boundary, the retention of a workshop adjacent to the south boundary, and an access track with vehicle turning area to the centre. Vehicular access would be taken from the existing access in the south west corner of the site. A second workshop adjacent to the north boundary would be removed.

The above proposal is a revision to the original application plans submitted for the application which consisted of five additional residential caravans and four additional touring caravans for five Gypsy Traveller families, resulting in a total of six static caravans and five touring caravans, and parking for twelve vehicles.

### **Relevant Policies:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

Section 9: Protecting Green Belt Land

#### **Planning Policy for Traveller Sites, August 2015**

#### **South Bedfordshire Local Plan Review (January 2004)**

No policies directly relevant to Gypsy and Traveller development.  
BE8 (Design Considerations)

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

## Development Strategy

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: Submission Version June 2014

In June 2014 the 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 consideration 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 19 August 2014 and subsequently at Full Council on 11 September 2014) that the plan was withdrawn. This plan therefore carries no weight in the determination of applications. However for the purpose of assessing the suitability of a proposed site, the policies contained within the plan are considered to be useful guidelines as to whether the proposal is 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 Number	CB/15/02269/VOC
Description	Variation of Conditions 3 & 4 of planning permission CB/10/01951/FULL - To allow the addition of a second static caravan to Plot 5 to provide accommodation to a family member
Decision	Decision pending
Decision Date	
Application Number	CB/13/04368/FULL
Description	Change of use of land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/4383/FULL) and a residential caravan site for one Gypsy/Traveller family. The site to contain one static caravan, one touring caravan on the existing hard standing.
Decision	Conditional planning permission
Decision Date	7 February 2014

Application Number	CB/13/01044/FULL
Description	Extension to the existing Gypsy Traveller Caravan site to provide two additional pitches for members of the immediate family. Each pitch to contain one static caravan, one touring caravan, one utility block, one shed and parking for two vehicles together with hardstanding and a shared septic tank with associated extension to access road and a turning circle.
Decision	Conditional planning permission
Decision Date	3 July 2013
Application Number	CB/12/04383/FULL
Description	Change of use of barns to mobile home/vehicle repairs and sales.
Decision	Conditional planning permission
Decision Date	28 March 2013
Application Number	CB/12/01528/FULL
Description	New access.
Decision	Conditional planning permission
Decision Date	7 August 2012
Application Number	CB/12/1577/VOC
Description	Variation of condition 3 of planning permission CB/10/01951/FULL - Addition of 1 named resident Bridget Maloney.
Decision	Conditional planning permission
Decision Date	25 July 2012
Application Number	CB/10/01951/FULL
Description	Extension of existing residential gypsy caravan site to provide 8 additional pitches, increase the number of caravans from 8 to 30, laying of hardstanding and provision of new access road.
Decision	Conditional planning permission
Decision Date	17 January 2012
Application Number	SB/TP/00/00627
Description	Change of use of redundant barns to B1 use.
Decision	Allowed at Appeal
Decision Date	5 March 2001
Application Number	SB/TP/98/0088
Description	Continued use as a Gypsy caravan site.
Decision	Refused 24 June 1998. Appeal upheld and consent granted with 4 conditions relating to a maximum of 8 caravans but with no named occupier condition.
Decision Date	1 July 1999
Application Number	SB/TP/91/0856
Description	Use of land as a Gypsy caravan site for one family.
Decision	Refused 12 October 1991. Appeal upheld for five year

Decision Date temporary consent granted for a maximum of five caravans.  
27 January 1997

**Consultees:**

Billington Parish  
Council

Initial Submission

Billington Parish Council would like to object to the above planning application, for a number of reasons.

First, the description of this as "4 Toddbury Farm" is misleading. As you will see from the attached map supplied by you in November 2014, the logical location for No.4 is on the unlabelled site between No.3 and No.5 – not Toddbury Farm Barns.

Secondly, when the application was put forward to turn the Barns into a repair yard for mobile homes (CB/13/04368), we were concerned that before long this area would be turned into another residential. Indeed there was an additional request that a single caravan should be allowed on the site. We objected to this, not least because once again we felt that the commitment of CBC to limit the number of Gypsies and Travellers was likely to be ignored. In the event, the Development Management Committee on 5<sup>th</sup> February 2014 granted the application on condition that the industrial site should be established before any residential component should be considered.

Now, after a period where there has clearly been no serious attempt to complete the establishment of this repair yard, we are faced with a blatant application for a new site, with a potential large increase in the population.

We call upon the DMC to reject this application out of hand.

Following Amended Plans

Billington Parish Council wishes to register its strong objection to this revised planning application.

When the original application under this reference was submitted, we registered an objection. Now the application has been slightly amended but the same objections apply.

There are several reasons for our objection. First, the description of this site as "4 Toddbury Farm" is misleading. The logical location for "No. 4" is on the unlabelled site between "No. 3" and "No. 5" - not Toddbury Farm Barns.

Secondly, when the application was put forward to turn the Barns into a repair yard for mobile homes (CB/13/04368), many people in Billington were concerned that before long this area would be turned into another residential caravan site. In the event, the Development Management

Committee on 5<sup>th</sup> February 2014 granted the application on condition that the industrial site should be established before any residential component should be considered. This has not happened.

Thirdly, after a period where there has clearly been no serious attempt to complete the establishment of this repair yard, we are faced with a revised blatant application for a new site, with a potential large increase in the population. The area of South Bedfordshire which includes Billington, Stanbridge and Tilsworth already has far more than our fair share of Gypsy & Traveller Sites, and in Little Billington there are already far more Gypsies and Travellers than the settled population. We do not see why we should be even further penalised because of the failure of CBC to provide sufficient sites for the recognised G&T population.

Fourthly, there is good evidence that some of the plots on Toddbury Farm are being offered for rent. This surely indicates that they do not need any additional accommodation.

We call upon CBC to reject this application out of hand.

Slapton Parish  
Council

Slapton Parish Council would like to oppose this planning application for the following reasons:

We completely concur with the strong and clear objections to this application from Billington Parish Council.

In addition, we are aware that the site in question is renting out accommodation to the general public and has been doing so for some time. We know this to be true as the people renting are in the Carpenters Arms every evening. They are working and being trained at BAE in Leighton Buzzard. As they come from all parts of the UK, they responded to an advertisement offering accommodation. The conditions applying to the site stipulate that permissions are for Gypsies and Travellers exclusively.

In addition, if there is spare capacity at the site to accommodate these purely commercial activities, there is no need for further static or touring caravans.

Private Sector  
Housing

Submission to Original Plans

I have reviewed the plans and visited the site and this response is on behalf of the Housing Solutions Service-Private Sector a statutory consultee with regards to the site licensing provision.



These are the following comments;

The proposed site needs to comply with the site licensing requirements, they must apply for a site licence, or to amend the current licence that is issued. There must be a minimum of 6 metres spacing between the caravans, with 3 metres off the boundary fences and a minimum of 2 metres off the access road. The plan shows touring caravans, I notice that there is no sanitary provision for the tourers in the form of a toilet and shower block. It is a requirement to provide sanitary provision for the tourers.

The electrical installation will need to comply with current wiring regulations, a requirement of the site licensing provision.

It should also be noted that there is a potential conflict on the usage of the land. The existing site has consent for a commercial operation of caravan repairs. The spacing of the site does not allow for there to be sufficient separation of the commercial operation to the residential units. The plan shows touring caravans adjacent to the building being used for the commercial repair of caravans.

There is no evidence of how and where the foul waste provision will be located for this site, although the application mentions that it will be connected to a package treatment plant.

We have also received complaints with regards to the existing Toddbury Farm site that caravans are being rented out to individuals who can not demonstrate that they are a Gypsy and Traveller. The renting out of caravans to non travellers is in breach of the current planning consent. It would demonstrate that if there are vacant plots which are being commercially rented out there is no additional need for further caravans to be developed on the site.

It is recommended that these comments are taken into consideration when a decision is made.

Highways  
(Development  
Management)

The proposal is for the introduction of 5 Gypsy Traveller family plots. This site has previous permission for commercial use and I am aware that the visibility from the existing access to the highway is acceptable for the speed of traffic using the highway.

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

The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, before the premises are occupied. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

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

Trees and Landscape If you are minded to grant consent to this application, then it is requested that a standard landscape condition is imposed to secure hedgerow planting of the 2m strip located along the northern boundary of the site, as being shown on the plan drawings for indicative planting, and which should be planted up as follows:-

The hedge specimens should be made up of "Transplants" of a size category being 60 to 90 cm, with the hedge planted as a double staggered row, with each row set 500mm apart, and the transplants set 500mm apart in each row. This will provide for a good, thick, dense and strong hedge. The following mixture is recommended:-  
50% Hawthorn (*Crataegus monogyna*)  
30% Blackthorn (*Prunus spinosa*)  
10% Dogwood (*Cornus sanguinea*)  
10% Spindle (*Euonymus europaeus*)

Buckingham and  
River Ouzel Internal  
Drainage Board

It is noted that the proposed means of surface water discharge is direct to a watercourse under the Board's control.

However, I can't find any reference to this on the drawing provided. Based on the information provided it remains unclear how the applicant intends to discharge surface water to the existing watercourse.

Therefore, the Board must object until further information is received regarding the applicants proposed storm water drainage strategy.

The nearby watercourse is under the statutory control of the Board, and in accordance with the Board's byelaws the applicant will require land drainage consent to discharge any storm water to the nearby watercourse.

In addition any storm water discharge to the nearby watercourse will need to be attenuated to greenfield run-off rates.

**Other Representations:**

Neighbours 15 representations were received raising the following objections:

Dangerous traffic.

Already full quota of Gypsies and Travellers in area.

Need is not demonstrated as there is a surfeit of caravans already on the Toddbury Site.

Caravans are available for rent to non travellers. Toddbury Farm is a Traveller Site not a Commercial Caravan Park which has a different licence and standards.

Previous application granted on condition that industrial site for the repair of mobile homes be created before any residential component be added; this has not transpired.

Local residents slowly being outnumbered by the Traveller community.

Description as '4 Toddbury Farm' has been cynically used to hide the fact that this application is for 'Toddbury Farm Barns'.

Site overpopulated and unsanitary and problem causing to surrounding villagers.

The failure of CBC to provide a robust traveller site plan, fairly distributed across the county, has resulted in our village and those adjoining being swamped.

Do the constant stream of Eastern European people, including children, walking past our front door enjoy Traveller status?

Why are so many young men walking past at all hours of the day and depositing their empty drink cans in the hedge? The road constantly has the appearance of a third world country.

**Determining Issues:**

The main considerations of the application are:

1. Policy Background
2. Gypsy and Traveller Pitch Provision
3. History of Site
4. Current Proposal

5. Impact on Openness and Visual Impact
6. Very Special Circumstances
7. The Impact on Residential Amenity
8. Highway Considerations
9. Drainage Considerations
10. Other Issues
11. Conclusion

## **Considerations:**

### **1. Policy Background**

The locality of the site lies outside of any built up area within the open countryside and Green Belt where there is a general presumption against the granting of planning permission for new development. However, the site itself has an extant commercial permission for the repair and sale of mobile homes and vehicles and is an extension of the existing Toddbury Farm Gypsy and Traveller site. The new "Planning Policy for Traveller Sites (PPTS)" (August 2015) guidance sets out that Local Authorities should strictly limit new Traveller site development in open countryside that is away from existing settlements.

PPTS guidance sets out that Local Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. The guidance requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers in their area and identify a supply of deliverable sites sufficient to provide five years worth of sites against their locally set targets.

Paragraph 25 of the PPTS states "*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*"

Paragraph 27 of the PPTS 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 permission. Several exceptions to this are stated, including where the proposal is on land designated as Green Belt.

### **2. Gypsy and Traveller Pitch Provision**

In June 2014 the 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 consideration 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 19 August 2014 and subsequently at Full Council on 11 September 2014) that the plan was withdrawn. This plan

therefore carries no weight in the determination of applications. However, for the purpose of assessing the suitability of a proposed site, the policies contained within the plan are considered to be useful guidelines as to whether the proposal is acceptable for its intended purpose.

In preparation of the Gypsy and Traveller Plan, the Council had a Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) undertaken; this was agreed at Full Council on 30 January 2014. The GTAA identifies that the Council has allocated sufficient sites to provide the required number of pitches to deliver a five year land supply; however, as the Plan was withdrawn, the five year supply cannot be demonstrated. Nevertheless, 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.

### **3. History of Site**

As detailed above, several planning permissions have been granted for Gypsy and Traveller pitches on the Toddbury Farm site.

Planning permission was also granted in 2014, under reference CB/13/04368, for the change of use of land, the subject of the current application, for a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/04383), and a residential caravan site for one Gypsy/Traveller family, resulting in the site containing one static caravan and one touring caravan. The application included the retention of two workshop buildings for the business use. Such business use was not considered to be in conflict with the general thrust of national Green Belt policy. In respect of the residential proposal, very special circumstances taken together were considered, on balance, to clearly outweigh the harm to the Green Belt by reason of inappropriateness. A condition was attached to the permission requiring no caravan to be located on the site to be occupied for residential purposes until the business use has been commenced.

In determining planning applications CB/12/04383 and CB/13/04368 for the business use of the site, it was judged that the land constituted an extension to the existing Toddbury Farm site; this should also apply to subsequent applications.

### **4. Current Proposal**

The current proposal is for a total of four static caravans, to include the static caravan approved by planning permission CB/13/04368. Therefore an additional three static caravans for three Gypsy Traveller families are proposed. No touring caravans are proposed. One of the two existing workshop buildings would be retained for use for mobile home / vehicle repairs as previously approved, and a turning area for commercial vehicles is proposed.

The site is in the Green Belt and the proposal conflicts with the policy set out in section 9 of the National Planning Policy Framework (NPPF) and the reasons for including land within the Green Belt set out in paragraph 88.

As alluded to above, "Planning Policy for Traveller Sites" states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate. It also states that if a Local Planning Authority wishes to make an exceptional limited alteration to the defined Green Belt boundary to meet a specific, identified need for a Traveller site, it should do so only through the plan-making process and not in response to a planning application.

The proposal is therefore by definition harmful to the Green Belt by reason of inappropriateness. As with application CB/13/04368, Very Special Circumstances will therefore need to be demonstrated to overcome the harm to the Green Belt by inappropriateness.

#### **5. Impact on Openness and Visual Impact**

Consideration also needs to be given to any other harm which would arise as a result of the proposal. Planning permission was allowed on appeal in 2001, under reference SB/TP/00/00627, for change of use of the two barns on the site to B1 business use. In determining the appeal the Inspector concluded that the imposition of conditions regarding landscaping and surfacing would mitigate the potential harm to the openness of the Green Belt and that there was no requirement to demonstrate very special circumstances to overcome this harm. The current application would involve the retention of one barn and its change of use to business use. However, instead of retention of the second barn, residential caravan use is proposed. Such use would be subject to similar control to the retention of the second barn over landscaping and protection of openness. It is therefore not considered that the proposed development would cause any harm by reason of loss of openness.

Harm could also arise by reason of visual harm. It is considered that there is sufficient landscaping around the site to mitigate any harm by reason of visual intrusion. In addition a landscaping scheme will be secured by a condition on any planning permission granted to reinforce the existing screening. The visual impact of standing vehicles on the site was dealt with in the 2001 Appeal Decision when the Inspector concluded that any business use, even stabling, would attract vehicles to the site which is inevitable with any use. In the same Appeal Decision, it was recognised that the use of landscaping conditions would be adequate to mitigate the impact of the operation upon the visual amenity of the Green Belt.

It was considered that the static caravan, touring caravan and vehicle repairs and sales use proposed by application CB/13/04368 would preserve the character and appearance of the Green Belt and open countryside. This proposal involved the retention of the two barns. The current proposal involves the retention of one barn and loss of the second, as well as the permanent siting of four static caravans. It is also of note that the site is already fenced off and there is a fallback position of the extant permission CB/13/04368 for the retention of the two barns to contain business uses and for two caravans to be implemented. Subject to the imposition of suitable conditions, the current proposal would preserve the character and appearance of the Green Belt and open countryside. It is therefore not considered that the proposal would result in harm by reason of visual impact.

## 6. Very Special Circumstances

As stated above very special circumstances need to be demonstrated to clearly outweigh the harm to the Green Belt by reason of inappropriateness in relation to the residential use on the site.

Several matters are presented in the Design and Access Statement submitted with the planning application to be considered as very special circumstances.

Firstly, the lack of available sites/pitches in the area and the lack of a five year supply of land for Gypsy site provision.

In response, as stated above, the last version of the Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) identified that the Council had allocated sufficient sites to provide the required number of pitches to deliver a five year land supply. However, the Plan has been withdrawn and therefore the five year supply cannot be demonstrated.

In a recent appeal decision in Central Bedfordshire at Twin Acres, 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."*

This decision has previously been referred to in reports to this Committee. 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."*

Secondly, the personal circumstances of the families to occupy the site. These include the need of families to be able to access regular health care, and the children of the families needing to be able to access schooling and education and a stable place to live is required for that to continue.

Thirdly, the need of families with Gypsy status to live on the site. The Design and Access Statement states, *"There has never been a challenge to the Gypsy status of any of the families concerned, and we have no reason to think that will change, as the families have only ever lived on Gypsy sites, travel often and maintain a Gypsy lifestyle."*

The four proposed pitches would be occupied by:

1. Patrick Nolan
2. Kathleen Nolan

3. James Nolan
4. Barbara Nolan

By means of background, planning permission CB/10/01951 (details above) allowed 16 pitches and 30 caravans (of which up to 16 can be statics) on the main Toddbury Farm site. Subsequently an extension to the Toddbury Farm site was granted planning permission under reference CB/13/01044; this allowed an additional two pitches and four caravans (of which up to two can be statics). Then planning permission was granted under reference CB/13/04368 on the extended part of Toddbury Farm subject of the current application for one additional pitch and two caravans (of which one is a static and one is a tourer). Therefore, overall there is planning permission for 19 pitches and 36 caravans (of which up to 19 can be statics).

Patrick Nolan is a named occupant on the unimplemented planning permission CB/13/04368, but is not living at Toddbury Farm at present. Kathleen Nolan, Barbara Nolan and James Nolan are part of the extended family currently living on the main Toddbury Farm site, but are not named occupants on any of the planning permissions. The current application would help in regularising this situation, i.e. the main Toddbury Farm site would be occupied by Gypsy and Travellers with almost all then having named occupant status. Similarly the number of caravans at the site would be compliant. The additional regularisation of the remaining un-named occupants is currently being pursued in parallel to this application.

A condition should be attached to any planning permission granted requiring occupation of the caravans to be limited to the named occupants (i.e. Patrick Nolan, Kathleen Nolan, James Nolan and Barbara Nolan) and their dependent relatives.

As stated above, the lack of a five year supply of deliverable sites should be a significant material consideration in any subsequent planning decision, but an exception is when land is designated as Green Belt. However, in this case the overall general need for pitches, combined with the personal circumstances of the families to occupy the site, the need of families with Gypsy status to live on the site, and the minimal impact in terms of openness and visual amenity on a previously developed site (brownfield land), together on balance, clearly outweigh the harm to the Green Belt by reason of inappropriateness.

## **7. The Impact on Residential Amenity**

There are no existing dwellings adjacent to the site for which the proposal could have an impact in terms of matters such as noise, lighting and activities from the site.

The consultation response of Private Sector Housing to the original plans above provides requirements for sites to ensure an acceptable level of residential amenity for future occupants. This includes a minimum of 6 metres spacing between caravans, with 3 metres off the boundary fences and a minimum of 2 metres off the access road. These requirements need to be met for a site licence to be issued. The revised plan, indicating a total of four static caravans, instead of the six static caravans and five touring caravans originally proposed, allows more space for the licensing requirements to be achieved. The provision



of facilities on site through the site licence and as shown on the indicative layout plan (reference PP-04187533) allows enough space for the residential and commercial uses.

Consideration should also be given to the impact the business use would have on the proposed occupiers of the new residential pitches. To protect the amenities of residents, for example from noise disturbance, a condition was attached to planning permission CB/13/04368 restricting operational hours of the business use to 8am to 6pm Monday to Friday and 8am to 2pm on Saturdays, Sundays and Bank Holidays. Such a condition should also be attached to any planning permission granted for the current scheme.

#### **8. Highway Considerations**

Highways (Development Management) are satisfied that the visibility from the existing access, to the south west of the site, is acceptable for the speed of traffic using the highway.

The eight proposed car parking spaces for the residential use, and the commercial use parking and turning area, are acceptable.

#### **9. Drainage Considerations**

The proposed means of surface water discharge is direct to a watercourse under the control of the Internal Drainage Board.

However, there is no reference to this on the submitted plans. The Drainage Board are therefore concerned that based on the information provided it is unclear how it is intended to discharge surface water to the existing watercourse. The Board therefore object to the proposal until further information is received regarding the proposed storm water drainage strategy.

Whilst the concerns of the Board are acknowledged, it is considered that this matter can be addressed by a condition attached to any planning permission granted. Such a condition would require the submission of a storm water drainage strategy to demonstrate that discharge to the nearby watercourse would be attenuated to greenfield run-off rates.

#### **10. Other Issues**

Billington and Slapton Parish Council's, and neighbouring residents, raise a number of concerns. Several of these are considered in the discussion above.

As with previous application CB/13/04368, a condition should be attached to any planning permission granted requiring no caravan located on the site to be occupied for residential purposes until the business use of the retained workshop has been commenced.

Whilst it is understood that No. 4 Toddbury Farm is not located between Nos. 3 and 5, this is not a material planning consideration and requires no further comment.

Claims have been made that some of the plots on Toddbury Farm are being offered for rent, including to non travellers, and that this indicates that they do not need any additional accommodation. Whilst this concern is acknowledged,

no evidence of this has been provided. This has been investigated by the Enforcement Section, together with the proposed occupation of this site, and no indication of non-traveller occupation has been confirmed.

Regard has been had to the Human Rights implications of the application. Details of the personal circumstances of the intended occupiers have been considered in the context of the claim for very special circumstances.

It is recognised that the refusal of consent would lead to an interference with the intended occupiers rights to a home and private family life. The refusal of consent would also lead to an interference with their property rights. Such interference must be balanced against the public interest in pursuing the legitimate aims of Article 8 of the European Convention on Human Rights, which include the protection of the environment. In the present case, the analysis above suggests that the likely impact of the development upon the Green Belt, or upon the character and appearance of the countryside, is limited and that the refusal of permission would place a disproportionate burden upon the intended occupiers and would result in a violation of their rights under the Convention.

Notwithstanding the above if Member's are minded to refuse this application consideration should be given to a temporary consent. If a temporary consent were to be granted the impact of the proposed development could be judged over a period of time.

## **11. Conclusion**

The principle of the business use and associated residential use of the site has previously been established by previous planning permissions. With regard to the residential use of the site, the site is in the Green Belt and therefore very special circumstances need to be demonstrated to justify the development. The proposal would result in harm by reason of inappropriateness. However, in this case the lack of a five year supply of deliverable sites, the overall general need for pitches, the personal circumstances of the families to occupy the site, the need of families with Gypsy status to live on the site, the planning fallback position of the permitted use of the site, and the minimal impact in terms of openness and visual amenity, together on balance, clearly outweigh the harm to the Green Belt.

## **Recommendation**

That Planning Permission be GRANTED subject to the following:

### **RECOMMENDED CONDITIONS**

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

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

- 2 The business use of the premises hereby permitted shall only be operated by those persons named on the permission hereby granted or on a relevant

planning permission as being permitted to reside on the adjoining Toddbury Farm, Traveller Site.

Reason: The Local Planning Authority considers that the personal circumstances of the applicant and adjoining Traveller site override the planning objections which would normally compel the authority to refuse permission for the development hereby permitted.

(Section 9, National Planning Policy Framework)

- 3 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2015.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

(Section 9, National Planning Policy Framework)

- 4 The occupation of the residential caravans on the Site hereby permitted shall be limited to the following persons and his/her dependant relatives:

1. Patrick Nolan
2. Kathleen Nolan
3. James Nolan
4. Barbara Nolan

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted.

(Section 9, National Planning Policy Framework)

- 5 No more than four caravans, of which up to four can be static caravans, shall be located on the Site and occupied for residential purposes.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted.

(Section 9, National Planning Policy Framework)

- 6 In the event that the residential caravans shall cease to be occupied by those named and identified in Condition 4 above the residential use hereby permitted shall cease and all residential caravans shall be removed from the Site within 28 days of that date.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted.

(Section 9, National Planning Policy Framework)

- 7 **The uses hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority and the scheme has been implemented accordingly.**

**Reason: To demonstrate that discharge to the nearby watercourse would be attenuated to greenfield run-off rates and to protect and prevent the pollution of controlled waters (particularly the Secondary aquifer and**

River Ouzel to the south of the site) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework.

(Section 11, National Planning Policy Framework)

- 8 Before the premises are occupied, details of surfacing for all on-site vehicular areas shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the approved details 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.

(Policy BE8, S.B.L.P.R)

- 9 Before development begins, a landscaping scheme to include any hard surfaces and earth mounding, and hedgerow planting of the 2m strip located on the northern boundary of the site as shown on plan PP-04187533, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory standard of landscaping in this rural, Green Belt location.

(Policy BE8, S.B.L.P.R and Sections 7 and 9, National Planning Policy Framework)

- 10 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, before the premises are occupied. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 11 The business use hereby permitted shall not be undertaken outside the hours of 08:00 to 18:00 on Mondays to Fridays and outside the hours of 08:00 to 14:00 on Saturdays, Sundays, Bank and Public Holidays.

Reason: To protect the amenities of the area.

(Policy BE8 S.B.L.P.R)

- 12 The business premises shall only be used for vehicle, mobile home and caravan repairs with ancillary sales and no other purpose (including any other purpose falling within Class B2 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2006), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the development in the interests of amenity.  
(Policy BE8 S.B.L.P.R)

- 13 No vehicles, goods, waste or other materials shall be stored, stacked or deposited outside the buildings to a height exceeding 2 metres, excepting where the height of a single vehicle or mobile home is higher.

Reason: To safeguard the amenities of the area and Green Belt.  
(Policy BE8, S.B.L.P.R and Sections 7 and 9, National Planning Policy Framework)

- 14 The uses hereby permitted shall not commence until the parking arrangements for cars, commercial vehicles and mobile homes, and turning areas, within the confines of the site shown on drawing no. PP-04187533 have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the parking shall thereafter be retained for such use.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.  
(Policies BE8 & T10 S.B.L.P.R)

- 15 This consent relates only to the details shown on the submitted plans, numbers PP-02910172 and PP-04187533

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. In respect of condition 9, the hedge specimens should be made up of "Transplants" of a size category being 60 to 90 cm, with the hedge planted as a double staggered row, with each row set 500mm apart, and the transplants set 500mm apart in each row. This will provide for a good, thick, dense and strong hedge. The following mixture is recommended:-

- 50% Hawthorn (*Crataegus monogyna*)
- 30% Blackthorn (*Prunus spinosa*)
- 10% Dogwood (*Cornus sanguinea*)
- 10% Spindle (*Euonymus europaeus*)

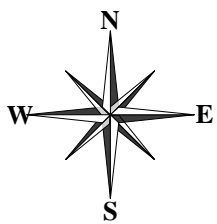
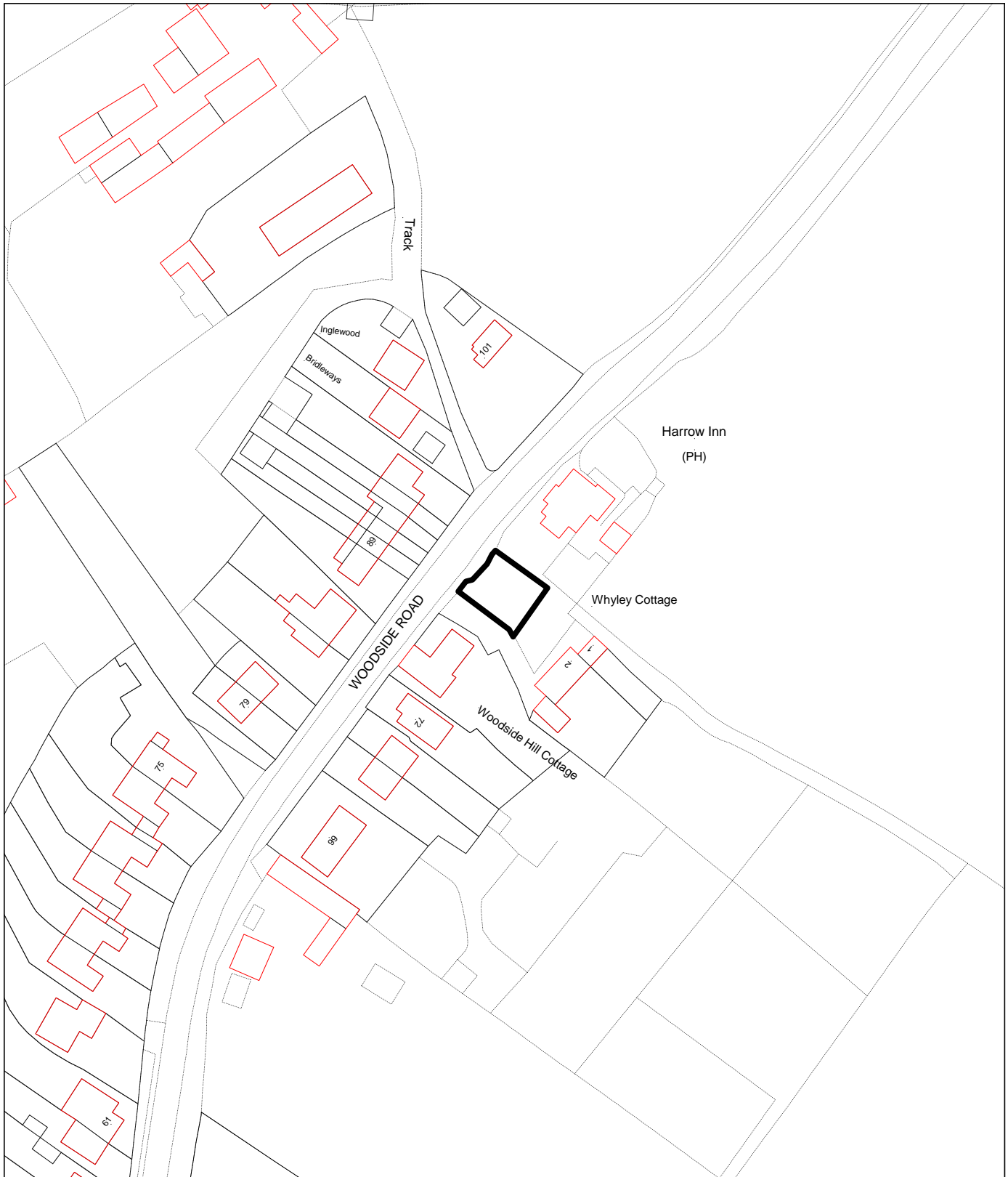
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

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

**DECISION**

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Date: 09:May:2016

Grid Ref: 507241; 218561

Application No.  
CB/16/01476/FULL

Scale: 1:1250

The Harrow PH Car Park, Woodside Road, Woodside,  
Luton, LU1 4DQ

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**Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/16/01476/FULL</b>
<b>LOCATION</b>	<b>The Harrow PH Carpark, Woodside Road, Woodside, Luton, LU1 4DQ</b>
<b>PROPOSAL</b>	<b>Erection of a single storey dwelling on the site of the redundant carpark of 'The Harrow' public house.</b>
<b>PARISH</b>	<b>Slip End</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>14 April 2016</b>
<b>EXPIRY DATE</b>	<b>09 June 2016</b>
<b>APPLICANT</b>	<b>Mr Rooney</b>
<b>AGENT</b>	<b>Butler</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Cllr Stay for the following reasons:</b> <ul style="list-style-type: none"><li>• <b>The proposal is entirely in keeping with current policies;</b></li><li>• <b>The proposal is in keeping with and will enhance the existing village scene;</b></li><li>• <b>The proposal does not impact on neighbouring properties;</b></li><li>• <b>The parking is adequate;</b></li><li>• <b>The design is in keeping with local housing;</b></li><li>• <b>A fully supported application which will complete the conversion of the former public house and tidy up a local eyesore.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Refusal</b>

**Summary of Recommendation**

The proposed development would constitute inappropriate development within the Green Belt and would have a harmful impact upon the openness of the Green Belt. The very special circumstances case submitted by the applicant is not considered to be sufficient to outweigh the harm that would be caused to the Green Belt. The proposed development would also be cramped and out of character with the grain of the village and thus the proposal would have a detrimental impact on the character and visual amenities of Woodside. The proposal is therefore considered to conflict with Sections 7 and 9 of the National Planning Policy Framework, policy BE8 of the South Bedfordshire Local Plan Review, and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises an area of hard surfaced land which lies on the eastern side of Woodside Road, within the hamlet of Woodside, to the south west of the M1 motorway.

The site was previously used as a car park for the former Harrow public house,

which was recently converted into a dwelling. The site has a frontage to Woodside Road of some 29m and is divided by a definitive right of way: Public Footpath (No. 4 Slip End). To the north of the footpath the site is approximately 15m deep by 7m wide; to the south of the footpath the site is approximately 26m deep by 19m wide. The former public house is located to the north, and ribbon development continues along Woodside Road to the south. At the rear of the site are Nos. 1 & 2 Whyley Cottages. The site is inclined, with the land falling towards the road.

The site is washed over by the South Bedfordshire Green Belt. It is also located in a designated Archaeological Notifiable Area.

**The Application:**

The application seeks planning permission for the erection of a detached, two bedroom bungalow with associated garden, parking, bin storage and cycle storage. The smaller section of the site, to the north of the footpath would provide four parking spaces and a waste storage and collection point. The larger section of the site would accommodate the dwelling, its garden and cycle storage.

The dwelling would measure 10.6m wide and 7.2m deep, with a rear projection measuring 1.8m deep by 3.7m wide. It would have a pitched roof with an eaves height of 2.5m and a ridge height of 4.7m. The dwelling would comprise a lounge/diner, kitchen, two bedrooms and a bathroom. The garden area would be approximately 100 square metres.

Between the public footpath and the proposed dwellings, an access way providing vehicular access to the dwellings behind the site would be retained, measuring 2.6m wide.

The application follows a refusal for a detached chalet bungalow on the site under application reference no. CB/15/00115/FULL, which was refused planning permission in 2015 for the following two reasons:

1. The site is washed over by the South Bedfordshire Green Belt, where new residential development is considered to be inappropriate and therefore harmful to the Green Belt by definition. The proposed development would also have a detrimental impact on the openness of the Green Belt. The proposal would not constitute infilling as the site is defined as being part of the countryside within policy GB3 of the South Bedfordshire Local Plan Review and policy 4 of the emerging Development Strategy for Central Bedfordshire. The very special circumstances case that has been submitted is not considered to be sufficient to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and harm to openness. The proposal is thus contrary to Section 9 of the National Planning Policy Framework and policy 36 of the emerging Development Strategy for Central Bedfordshire.

2. The site is too restricted in size and would appear cramped in relation to adjoining development. In addition, as a result of the site's location in front of Whyley Cottages, the proposal would result in the creation of tandem development that would be out of character with the grain and pattern of surrounding development. The proposal would thus create an unsatisfactory form of development, detrimental to the visual amenities of the surrounding area and the residential amenities of the occupiers of Whyley Cottages. The proposal is therefore contrary to the principles of

good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review, Policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

The application differs from the previous application predominantly in that the application now seeks a single storey bungalow instead of a one and a half storey chalet bungalow. The ridge height would be 1.8m lower than the previous scheme, and the footprint of the bungalow would not be significantly different, measuring 1m more in width but 0.4m less in depth.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (2012)**

#### **South Bedfordshire Local Plan Review Policies**

GB3 Green Belt Villages

BE8 Design Considerations

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

H12 Controlling Infilling in Villages

T10 Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies GB3, BE8, H2 and H12 are still given significant weight. Policy T10 is afforded less weight).*

### **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)

Design Supplement 5: Residential Development, 2014

### **Relevant Planning History:**

CB/11/01424/PAPP - Advice given on proposal for the change of use of the Public House to residential and 1 detached dwelling. Advice offered was that there is a presumption against residential development within the Green Belt, particularly new buildings and therefore planning permission is unlikely to be granted.

CB/12/00616/PAPC - Advice given on proposal for the erection of two new detached dwellings. Advice offered was that there is a presumption against residential development within the Green Belt, particularly new buildings and therefore planning permission is unlikely to be granted.

CB/12/00640/FULL - Application withdrawn for the change of use of restaurant on ground floor with 3 beds and bathroom over to 3 bed detached house with garage.

CB/12/02743/FULL - Application refused for alterations and extensions to the Harrow to form 2 new dwellings. Appeal dismissed.

CB/12/04303/FULL - Application granted for change of use of restaurant on ground floor with 3 bedrooms and bathroom over to 1 no. 3 bedroom detached house with garage.

CB/13/03407/FULL - Application granted for the retention of "As Built" alterations and additions.

CB/14/00173/FULL - Application refused for the erection of 2 semi-detached houses.

CB/14/03260/FULL - Application refused for the erection of 2 semi-detached houses on 'Brownfield site' of redundant car park (Resubmission of CB/14/00173/FULL.)

CB/15/00115/FULL - Application refused for the erection of 2 bed chalet bungalow. Appeal dismissed.

**Consultees:**

Slip End Parish Council      The Parish Council fully supports and welcomes this development.

Ward Cllr Richard Stay      A single dwelling on the site is entirely appropriate and would clean up an existing eyesore.

Highways Officer      The Planning Statement refers to a "raised flat top" across the road to link the two public footpaths and the sum of £10,000 as a financial contribution towards its provision. I would point out that this has not been requested by Highways Development Management and therefore it is not within my remit to offer highway conditions for its implementation. Any proposed traffic calming scheme here will need to be designed, checked, safety audited and implemented by the Highway Authority. I think it's too early at this stage to say what form the traffic calming scheme may take or indeed whether £10,000 would be sufficient to cover the costs.

In relation to the residential unit I have the following comments to make.

This application is for the construction of a two bedroom bungalow on the former car park of The Harrow public house with off-street parking for four vehicles, although this parking area has not been included in the red line but it is referred to in the application form.

There is a public footpath adjacent to the proposed unit and a 2.8m wide vehicle access to serve the existing rear property. This new vehicle access will require the kerbs to be lowered and the existing redundant vehicle crossing to the frontage of the new property will need to be closed and the footway reinstated. This work must be carried out by the Highway Authority, at the applicant's expense. I shall impose a condition to secure its provision. There is

also a footpath 'finger post' type sign which will also require repositioning. The Rights of Way section are aware of this and will be offering their opinion on an alternative location for the sign. The process for the repositioning of the sign will be undertaken as part of the construction works for the new vehicle crossing.

The Planning Statement confirms that there shall be no physical barrier between the public footpath and the access to the rear of the proposed development.

The applicant has indicated pedestrian intervisibility splays for the new vehicle access which is fine, however the existing access to the south west of the development, will also require a pedestrian splay across the corner of the front boundary of the adjacent proposed unit.

Driver / driver intervisibility shall be provided and maintained at the new and existing vehicle access. To secure this splay I would recommend that a 2.4m wide margin, parallel to the main carriageway, is kept clear from all obstruction, measured in to the site from the face of the nearside kerb line of the main carriageway.

I would not wish to raise any highway objection to the application subject to the supplied conditions.

Rights-of-Way Officer

I note that the Public Footpath is to remain unaffected by the proposals and the Planning Statement submitted states that there will be no physical boundary between the footpath and the access to the rear property (point 5) and that provision would be made if necessary to stop drivers driving down or parking on the public footpath (point 6). I acknowledge and welcome the latter, but would prefer no bollards are installed at this stage until we assess whether this has become an issue. Is there a way to require any new property owner to install them at their expense should it become an issue?

On the basis of the above, I have no objections to the application but would suggest conditions to attach these aspects to the granting of permission to cover any future property owners.

I completely support the comments made by Highways Development Management regarding vehicle crossovers and movement of the public footpath signpost. I would reiterate my comment that I would prefer the signpost to remain somewhere on the Harrow side of the road. With regard to construction of the development, consideration will have to be given as to whether Public Footpath no.4 would have to be temporarily closed on public safety

grounds and the applicant would be responsible for all costs associated with any temporary closure. There is no reason why this cannot be considered by the applicant at the same time as submitting information to the Council's Highways Development Management team regarding the details of dealing with construction debris and construction vehicles.

I note the comment regarding the £10,000 Section 106 agreement sum offered and once again suggest that this could be secured for the Caddington and Slip End Neighbourhood Plan's Heritage Greenway proposals should this be more appropriate. The Greenway will involve the creation of a local multi-user route through Slip End and Caddington and involve, among other things, new public path creations and surfacing.

CBC Archaeologist                      Comments not yet received - to be reported on the Late Sheet.

Pollution Team                              No objection subject to a condition regarding land contamination.

**Other Representations:**

Neighbours (No 2  
Whyley Cottage)

Support the application for the following reasons:

- The dwelling offers the best case scenario for dealing with the eyesore of the current site;
- The proposal would preserve and improve the village;
- The support of the immediate neighbours should have great weight determining what happens with the land;
- The support of the Local Councillor should also be given weight;
- The land currently looks terrible and the current situation provides a great deal of uncertainty regarding the future of the site;
- There were previous dwellings on the site;
- The reduced height of the building and the elevation of the land means there is no loss of openness;
- The Green Belt and tandem development reasons are understood, but planning should not be a tick box exercise but one that carefully considers the implications of decisions for the people most affected.

**Determining Issues:**

The main considerations of the application are;

1.        **Principle of Development and Green Belt Implications**
2.        **Impact on the Character and Appearance of the Area**
3.        **Neighbouring Amenity**
4.        **Parking, Highway Safety and Rights-of-Way**
5.        **Other Considerations**

## Considerations

### 1. Principle of Development and Green Belt Implications

- 1.1 The application site is located within the South Bedfordshire Green Belt within the hamlet of Woodside, within the parish of Slip End. Woodside is separated from the village of Slip End to the south by open fields. Woodside is not listed within Policy GB3: Green Belt Villages of the South Bedfordshire Local Plan. Slip End is identified within these policies as being inset from the Green Belt, however, the application site is located a significant distance outside the inset boundaries of Slip End. The application site is therefore washed over by the Green Belt and is considered to be part of the countryside. Neither Policy H2 nor H12 of the South Bedfordshire Local Plan Review, which apply to fall-in sites and controlling infilling in villages respectively, can be applied to this application as these policies specifically exclude sites that are washed over by the Green Belt.
- 1.2 The principle of the development therefore must be considered against Section 9 of the National Planning Policy Framework (NPPF) , which states that the construction of new buildings within the Green Belt should be considered as inappropriate development, excluding certain limited exceptions. Among these listed exceptions are the following:
  - 1) limited infilling in villages; and
  - 2) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), 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.
- 1.3 Development which is inappropriate is, by definition, harmful to the Green Belt. Section 9 of the NPPF states that planning permission should not be granted for inappropriate development within the Green Belt unless there are 'very special circumstances' which exist and would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.
- 1.4 In this case it is not considered that the proposal can constitute limited infilling of villages because, as a result of its small scale and rural character, Woodside is not considered to be a village in terms of the Settlement Hierarchy, but part of the open countryside. It is also noted that villages that are washed over by the Green Belt do not have a defined village envelope and therefore it cannot be stated that the site is located within the village envelope. Policy GB3 sets out those villages within the South Bedfordshire Green Belt where infilling will be permitted and Woodside is not included within these lists. It is therefore judged that the proposal cannot be considered to represent "infilling within villages".
- 1.5 It is accepted that the site previously held two dwellings and therefore constitutes brownfield land. However, there is little evidence as to exactly when the building was demolished, it has certainly disappeared from the Ordnance Survey maps by 1971; the site has therefore been open for at least 40 years and in recent years has been used until recently for car parking for the adjoining Harrow Public House. The test must therefore be whether or not

the proposal would have a greater impact on the openness of the Green Belt than the existing development.

- 1.6 It is considered that the erection of buildings in this location would have a significantly greater impact on the openness of the Green Belt than the use of the site for car parking and therefore the redevelopment of this site would not fall within the categories of permissible 'exceptions' and would constitute inappropriate development within the Green Belt.
- 1.7 A material consideration in the determination of this application is the Appeal decision on the most recent application, CB/15/00115/FULL. The Inspector concluded that the erection of a new dwelling in this location would constitute inappropriate development within the Green Belt.
- 1.8 Another material consideration is an earlier Appeal decision, for application reference no. CB/12/02743/FULL. This application sought to extend the Harrow public house into the northern part of the current application site and to convert the extended building into a pair of semi-detached dwellings. It is noted that the Inspector considered that the proposed development would result in a material increase in the footprint of built development, which would materially erode the openness of the Green Belt and have a significantly greater impact than the existing building. No very special circumstances were submitted and the Inspector concluded that substantial weight should be given to the harm that would have been caused by the proposal to the Green Belt. The Appeal was consequently dismissed. While it is noted that the current proposal is significantly smaller than the previous approval for two, two storey houses, it is the views of Officers that the provision of any new building on the site, including the current proposal for a single storey dwelling, would have a significant detrimental impact on the openness of the Green Belt.
- 1.9 The applicant has submitted that, in this case, Very Special Circumstances exist which outweigh the harm that would be caused to the Green Belt in terms of inappropriateness and loss of openness. These are as follows:
  - 1) The site is on what used to be a car park to The Harrow public house, which is now a private dwelling house and therefore the former car park is redundant.
  - 2) The site is a brownfield site within the village envelope. There was at one time dwellings on the land which were demolished in the (we believe) 1960s.
  - 3) The applicant is prepared to contribute £10,000 towards the creation of a raised crossing of the Woodside Road, linking the two sections of the public footpath that adjoins the site. The crossing would provide an element of traffic calming and would also form part of a "heritage greenway" which has been identified within the emerging Caddington & Slip End Neighbourhood Plan.
  - 4) The 2 local councillors, the parish council and the representatives of Whyley Cottages are supportive of the proposal.
- 1.10 The first two points have been addressed above and it is considered that neither of these points can contribute to a Very Special Circumstances case.
- 1.11 The fourth point indicates that there is a strong degree of support for the proposal. It is noted that the most recent application was supported by Slip End Parish Council and the representatives of Whyley Cottages, and the



current application is supported by the residents of Whyley Cottages and a Ward Councillor, however it is considered that, on its own, the level of local support an application has is not sufficient to outweigh the harm that would be caused to the Green Belt by development. Furthermore, this level of local support is not considered to add material weight in the consideration of this application.

- 1.12 The previous two applications were also accompanied by a suggested £10,000 contribution towards the provision of a raised table and this was explored fully during the consideration of those applications. The proposal for a heritage greenway would comprise a route from the southern tip of Slip End to the northern tip of Caddington, which would include the upgrade of existing footpaths to encourage sustainable methods of transport such as walking, cycling and horse riding. The existing public footpath adjacent to the site is part of this route and the section immediately across the road is expected to be one of the first to be upgraded. The viability report that has been prepared for the proposed heritage greenway proposes that the provision of the crossing of Woodside Road should be the second highest priority.
- 1.13 It is noted that there is an issue with the alignment of the crossing with the footpath. A representative from Amey (the appropriate agent for the Highway Authority at the time) has previously indicated that a simple table crossing would cost in the region of £10,000. However, it will not be possible to provide a simple table crossing to align with the footpath desire line due to a number of adjacent accesses to private properties. There are therefore two options: 1) to provide a crossing away from the desire line of the footpath or 2) to raise a much larger section of Woodside Road incorporating the various accesses. The anticipated costing for this is between £20,000 - £30,000.
- 1.14 Paragraph 88 of the National Planning Policy Framework states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes on to say that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.15 The Caddington & Slip End Neighbourhood Plan is at an early stage of preparation, and as yet the draft plan is not complete and formal pre-submission consultation has not been carried out. Due to the early stage of the Neighbourhood Plan, no weight can be given to the aspirations that can be found within it. Therefore the level of weight that can be given to the public benefit that would result from the provision of a crossing to Woodside Road is extremely limited, particularly considering that the proposed contribution would not be sufficient to provide the crossing on the appropriate desire line. Furthermore, the Highways Officer has previously raised concerns in regards to the effectiveness, safety and level of funding towards the proposed raised table in regards to its contribution towards traffic calming within the village, which is considered to also limit the weight that can be given to the proposed contribution.
- 1.16 Given the substantial weight that must be given to potential harm to the Green Belt, it is not considered that the proposed public benefit of the provision of

£10,000 for the crossover of Woodside Road is sufficient to outweigh the harm that would be caused to the Green Belt both by reason of inappropriateness and loss of openness. The applicant has thus failed to demonstrate that Very Special Circumstances exist in this case. It is therefore considered that the proposed development would conflict with Section 9 of the NPPF and significant weight should be given to this harm.

- 1.17 Again, the decision of the Appeal Inspector who considered application reference no. CB/15/00115/FULL is a material consideration in this matter. The same very special circumstances case was considered by the Inspector and he concluded that the very special circumstances case was not sufficient to outweigh the harm that would be caused to the Green Belt. He also considered that the use of the site as a car park was at odds with the character and appearance of the area, but concluded that the current appearance and condition of the appeal site is not unduly harmful and does not justify granting planning permission for development that is inappropriate by definition. Finally, he considered that the Council cannot demonstrate a five year housing land supply and therefore the provision of an additional dwelling would provide limited economic and social benefits. However, he concluded that the provision of one additional dwelling would not be significant within the context of the Council's strategic housing requirements and does not outweigh the harm to the Green Belt. The appeal was subsequently dismissed.

## **2. Impact on the Character and Appearance of the Area**

- 2.1 Policy BE8 of the South Bedfordshire Local Plan Review sets out certain requirements in terms of the design of new development and their impact upon the character and appearance of the surrounding area. Among other things, development proposals should ensure that:

- proposals take full account of the need for opportunities to enhance or reinforce the character and local distinctiveness of the area; and
- the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views; and
- the setting of any development should be carefully considered, whether in the countryside or built-up area. Attention should be paid to its impact on public views into, over and out of the site. Those views should not be harmed and opportunities should be taken to enhance them or open up new views.

- 2.2 In terms of appearance and materials it is considered that the proposed bungalow would respond well to its setting and would complement other dwellings within the vicinity, with bungalows not being uncommon within Woodside. The scale and height of the bungalow would also be respectful of surrounding development.

- 2.3 However, in relation to the pattern of development and the grain of the area, it is considered that the proposed development would be out of character. The garden would be cramped in depth, failing to meet the Council's suggested minimum depth and being significantly smaller than rear garden depths for other dwellings within the vicinity.

- 2.4 Furthermore, there are two dwellings located behind the site, Nos. 1 & 2 Whyley Cottages, and the introduction of a dwelling in front of these cottages would relegate them to backland status. The dwellings are set at a higher ground level than the application site and would therefore rise above the proposed bungalow and the cramped rear garden depth of the new dwelling would further give the impression of tandem development of a very different character to the surrounding ribbon development.
- 2.5 The Appeal decision for application reference no. CB/15/00115/FULL is also a material consideration in considering this aspect of the development. The Inspector stated that the proposed dwelling would sit in a visually uncomfortable position in front of Whyley Cottages, creating a form of tandem development that would be at odds with its surroundings. In addition, the relatively short back garden would reinforce this uncharacteristic appearance. He considered that this would add to the Green Belt harm that had already been identified.
- 2.6 Also considered relevant is the Appeal decision for application reference no. CB/12/02743/FULL. The Inspector stated, in paragraph 10, that it was important to maintain a sense of openness and space for Whyley Cottages. This is considered to add weight to the judgement that the development would have an unacceptable impact on the visual amenities of the local surroundings.
- 2.7 Overall it is considered that the proposal would fail to reinforce the character of the area and to complement and harmonise with the local surroundings, particularly in terms of the grain of the area. Public views through the site of No. 1 & 2 Whyley Cottages would be damaged by the introduction of development in front of these cottages and there would be harmful impact on views from the public footpath. It is therefore considered that the proposal conflicts with Section 7 of the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

### **3. Neighbouring Amenity**

- 3.1 It is considered that the proposed alterations to the scheme has overcome previous concerns in regards to the outlook of the occupiers of Nos. 1 & 2 Whyley Cottages. The height of the bungalow would be sufficiently modest that there would be no loss of light or privacy and even the loss of outlook would be limited and within acceptable limits.
- 3.2 In this aspect, therefore, the proposal is considered to be in accordance with Section 7 of the NPPF, Policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

### **4. Parking, Highway Safety and Rights-of-Way**

- 4.1 The proposed parking arrangements and impact on the right-of-way would be identical to the most recent previous scheme. No objections were raised by the Highways Officer or the Rights-of-Way Officer to that scheme and it is considered that, subject to the imposition of appropriate conditions, the development would not have a detrimental impact upon highway safety or the

public right of way.

## **5. Other Considerations**

### **5.1 Human Rights issues:**

The proposal raises no Human Rights issues.

### **5.2 Equality Act 2010:**

The proposal raises no issues under the Equality Act 2010.

## **Recommendation:**

That Planning Permission be REFUSED for the following:

## **RECOMMENDED REASONS**

- 1 The site is washed over by the South Bedfordshire Green Belt, where new residential development is considered to be inappropriate and therefore harmful to the Green Belt by definition. The proposed development would also have a detrimental impact on the openness of the Green Belt. The proposal would not constitute infilling as the site is defined as being part of the countryside within policy GB3 of the South Bedfordshire Local Plan Review. The very special circumstances case that has been submitted is not considered to be sufficient to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and harm to openness. The proposal is thus contrary to Section 9 of the National Planning Policy Framework.
- 2 The site is too restricted in size and would appear cramped in relation to adjoining development. In addition, as a result of the site's location in front of Whyley Cottages, the proposal would result in the creation of tandem development that would be out of character with the grain and pattern of surrounding development. The proposal would thus create an unsatisfactory form of development, detrimental to the visual amenities of the surrounding area. The proposal is therefore contrary to the principles of good design set out within the National Planning Policy Framework, Policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

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

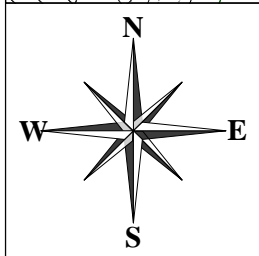
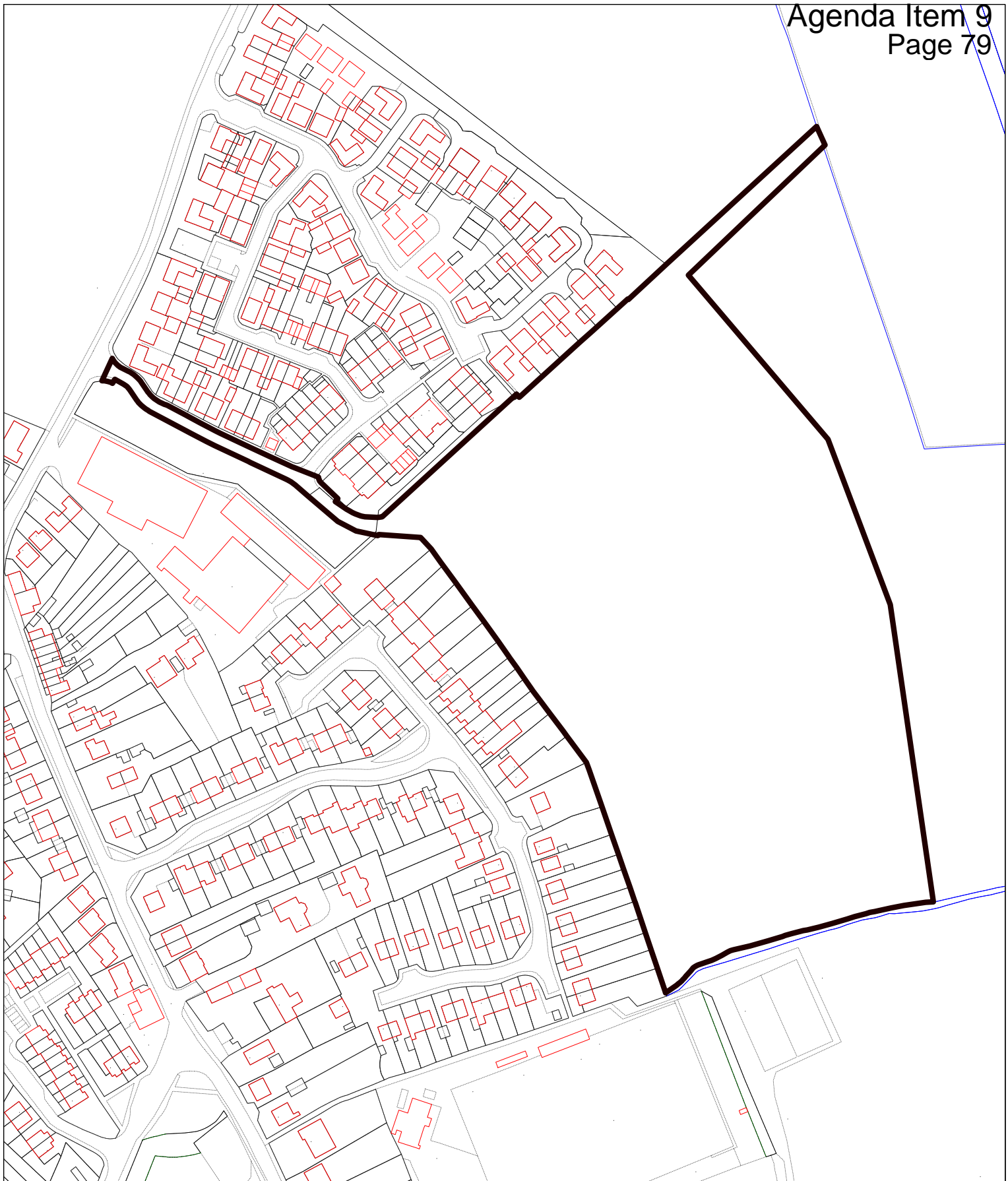
In the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application. The Council has therefore complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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Date: 10:May:2016

Map Sheet No

Application No:  
CB/15/04872/OUT

Scale: 1:2500

Land rear of 43 to 91 Silver Birch Avenue  
South of Alder Green and Aspen Gardens, Aspen Gardens, Stotfold

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**Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/15/04872/OUT</b>
<b>LOCATION</b>	<b>Land rear of 43 to 91 Silver Birch Avenue South of Alder Green and Aspen Gardens, Aspen Gardens, Stotfold</b>
<b>PROPOSAL</b>	<b>Outline application for the development of up to 100 houses with all matters reserved except for access.</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dixon, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>21 December 2015</b>
<b>EXPIRY DATE</b>	<b>21 March 2016</b>
<b>APPLICANT</b>	<b>Taylor Wimpey Strategic Land</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This is a major application to which the Town Council has objected</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - approval</b>

**Reason for recommendation:** The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement envelope of Stotfold which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education, highways and rights of way. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

**Site Location:**

The site has an area of approximately 4.4ha and is to the north of the Riverside Recreation Ground, to the south of the 'Beauchamp Mill' housing development. To the west are houses on Silverbirch Avenue. The River Ivel is to the east.

An area outside of the application site, to the east of it is designated as falling with Flood Zones 2 and 3. This land is within the control of the applicant.

There are a number of public rights of way around the application site.

The site is adjacent to but outside of the Stotfold Settlement Envelope.

### **The Application:**

Outline planning permission with all matters reserved except access is sought for up to 100 dwellings at the site. 35% of the units would be affordable. Access would be taken from the existing road from Taylors Road through the Beauchamp Mill site.

### **Relevant Policies:**

#### National Policy and guidance

National Planning Policy Framework (NPPF) (2012)  
National Planning Practice Guidance (NPPG) (2014)

#### Local Policy and guidance

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

CS1	Development Strategy
CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS4	Linking Communities – Accessibility and Transport
CS5	Providing Homes
CS6	Delivery and Timing of Housing Provision
CS7	Affordable Housing
CS13	Climate Change
CS14	High Quality Development
CS15	Heritage
CS16	Landscape and Woodland
CS17	Green Infrastructure
CS18	Biodiversity and Geological Conservation
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix
DM13	Heritage in Development
DM14	Landscape and Woodland
DM15	Biodiversity
DM16	Green Infrastructure
DM17	Accessible Green Spaces

Site Allocations (North) Development Plan Document (2011)

Central Bedfordshire Design Guide (2014)

Central Bedfordshire Sustainable Drainage Guidance SPD (2014)

Mid-Bedfordshire Landscape Character Assessment (2007)

Minerals and Waste Local Plan: Strategic Sites and Policies (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:**

There is no recent and relevant planning history relating to the site. Planning permission was granted for 118 dwellings at Beauchamp Mill under reference CB/12/02503/FULL in 2013.

### **Consultation responses:**

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

Stotfold Town Council

Objection for the following reasons:

- The site is outside the Settlement Envelope and the Council can demonstrate an ability to meet housing need
- The site is Grade II agricultural land and other sites should first be considered
- Historic applications for development have been refused
- There is not sufficient local infrastructure
- The submitted traffic data is inadequate
- The site is at risk of flooding
- There could be noise problems

Neighbours

66 letters of objection were received (including one from the Campaign for the Protection of Rural England). In addition, a petition signed by 498 individuals has been submitted in opposition to the proposed development. Comments made can be summarised as follows:

- The site is greenfield and outside the settlement envelope
- The development would diminish a green corridor between the A1 and Stotfold
- The site is in a flood zone
- There is not enough local infrastructure

- There would be a loss of local amenity
- There would be a loss of farmland
- There would be harm to local wildlife
- The application uses old data
- The site is not sustainable
- There would be increased traffic congestion
- There could be harm to heritage assets
- There would be harm to living conditions at nearby properties
- There have been enough developments in Stotfold
- Employment growth does not match new housing delivery
- The junction would be dangerous
- There is not enough school places
- Construction would be disruptive
- The Council does have a five year housing land supply
- The submitted LVIA is inadequate
- There are limited bus services through Stotfold
- There are other, more suitable sites in the area
- Open space within the flood zone cannot be relied upon
- The site cannot accommodate 100 dwellings
- Gas, electricity and water services cannot cope
- There would be environmental and noise pollution
- The roads are already dangerous
- The development would not be in-keeping
- There would noise and loss of light and privacy
- The development would be too dense
- The indicative layout is inadequate
- Trees have been removed from the site
- There would be no community benefits
- There are not enough facilities in Stotfold for young people
- The site is used for walking

**Consultee responses:**

Archaeology

Response pending

Pollution Control

I have now had the opportunity to consider the report and the proposed noise mitigation of a southern barrier block using the quiet façade principle along the boundary with the MUGA and based on the submitted monitoring data this should achieve CBC noise standards at the proposed dwellings with respect to the MUGA noise. I note that the Skate park is 130m away from the proposed dwellings (beyond the MUGA) and therefore is not a significant noise source in this case, mitigation measures for the MUGA will also reduce skate park noise anyway. I would therefore suggest that a condition requiring a noise scheme to be submitted at reserved matters stage such as the

following condition;

*Development shall not begin until a scheme for protecting the proposed dwellings from noise from the Riverside recreation ground adjacent to the proposed development has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.*

*Reason: to protect the amenity of future occupiers of the proposed dwellings and to safeguard the use of the recreation ground facilities.*

I also raised concerns regarding light pollution impact from the MUGA floodlights. Do you have any additional information in this respect? Are you in discussions to relocate the MUGA with the Town Council? I have noted that you propose non habitable rooms facing the MUGA for properties with a direct line of sight on the Southern boundary to mitigate noise, this will also reduce light impact on those properties in living rooms and bedrooms but I would suggest that light impact on the dwellings is also carefully considered at reserved matters stage.

In conclusion, based on the submitted noise assessment and proposed noise mitigation including layout changes, I would be happy to withdraw my earlier objection to the proposed development subject to a noise scheme condition being attached to the outline permission and additional details on noise and light being submitted at reserved matters stage.

Environment Agency

No objection

Trees

The existing site is arable land with a number of trees and hedgeline features located around the boundaries either within the red line of the site or just outside it.

Supplied with the application is a tree survey that identifies trees on and offsite that could be affected by the proposals, looking at the supplied information including the Indicative Masterplan, Design and Access Statement and the Landscape Statement it would appear that the intention is to be to retain these boundary features and incorporate into the new development.

Landscaping and boundary treatment would be conditioned and we would look for extensive use of native tree and shrub planting suitable for the landscape character of the area. Landscaping around the drainage attenuation areas should take full advantage of the opportunities for water loving species.

Adult Social Care

There is a need for older people's housing in Central Bedfordshire and in the area and a proportion of these units would be appropriate to help meet that need

Sustainable Transport      Amendments required to Draft Travel Plan

Landscape

Landscape Character/ Visual Impact 15/04872 : this development would increase the urbanisation on the northern edge of Stotfold but also has the potential to significantly increase accessible greenspace in the Ivel Valley corridor. The site lies within the landscape character area 4C - the Upper Ivel Valley .Development guidelines for this area include the need to safeguard the rural character and qualities of the Ivel corridor and seeking to enhance low key informal access to the river. It is also important to resist development which results in the loss of hedgerows and hedgerow trees.

I do not have landscape objections to the development, but am concerned that a number of the trees on site have not been given sufficient weight for their amenity value. e.g. the trees illustrated in the Arboricultural Report numbers T8-12, which have screening value , and particularly Group 36 . I would like to liaise with Pat Longland to gain his views on trees to be retained.

The Landscape Scheme and Indicative Masterplan illustrate a sympathetic, ecologically rich treatment of the open space. I would like to see an increase in tree planting to provide clumps of trees within the development red line area . This would still allow views out from properties but provide a more filtered edge.

I would also like to see a stronger gateway feature at the entrance to new development from Aspen Gardens as although a two pairs of trees are shown - either additional planting or an appropriate structure would provide local identity - otherwise this small space may be dominated by what appears to be car parking slots.

Additional planting would also be beneficial along the southern edge of the site to aid separation and screening between the existing playing fields and footpath.

I also have concerns about the space for trees within the Shared Surface Streets - and would like to see the detailed drawings for tree planting in due course.

By Condition, a fully detailed planting and management plan will be required. I would like this to be based on native species, including within the development, to reinforce the sense of place within the river valley. Landmark trees would also be highly desirable where space permits .

Sustainability

The proposed development should comply with the requirements of the development management policies DM1: Renewable Energy and DM2: Sustainable

### Construction of New Buildings.

Policy DM1 requires all development above 10 dwellings to deliver 10% of the development's energy demand from renewable or low carbon sources. Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of the Building Regulations and deliver 10% of their energy demand from renewable sources to meet requirement of policy DM1.

I would encourage the developer to achieve a higher energy efficiency standard than this prescribed by the 2013 part L of the Building Regulations, as energy efficient fabric leads to lower energy demand and smaller renewable energy installation to satisfy the requirement of policy DM1. Energy demand can also be lower by application of the Passivhaus design principles.

The development should be design with climate change in mind taking account of increase in rainfall and temperature. The development should therefore minimise hard standing surfaces and increase green, natural areas to allow rainwater infiltration and minimise heat island effect through evaporation and tree shading. Light colour building and landscaping materials should be prioritised over dark coloured which absorb more sun light and retain heat increasing urban heat island effect.

I note that a significant proportion of dwellings have east-west orientation which has a higher risk of unwanted solar gains that leads to overheating. I would recommend that solar gains are considered in more detail and measures are put in place to control unwanted solar gains. Risk of overheating can be minimised through passive design and use of shading measures such as such as overlarge eaves and canopies, brise soleil or solar control glazing. Shading can be achieved by planting of appropriate deciduous trees which would provide shade in summer and allow light and heat to penetrate dwellings in the winter months when heat gain is beneficial. Tree planting must be taken into consideration at the initial planning stage of the development to ensure that the spreading roots and canopy with not cause damage to the properties and underground services when the tree reaches maturity. I would advice a consultation with a tree officer to select the most appropriate tree species.

In terms of water standard, the development should achieve water standard equivalent to CfSH level 3/4 requirement. The nearest new technical standard is the

higher water efficiency standard of 110 litres per person per day. This standard can be met through installation of water efficient fittings such as low flow taps and dual flush toilets. I would also encourage the applicant to fit each of the dwellings with garden water butt.

The Planning Statement argues that the Core Strategy and Development Management Policies have been adopted prior the National Planning Policy Framework and therefore they have to be considered with regard to their compliance with the Framework.

Policies DM1 and DM2 are in compliance with the Framework. The core planning principles in paragraph 17 state that planning should 'support the transition to a low carbon future in a changing climate (...) and encourage the use of renewable energy'. Paragraph 93 says: 'Planning plays a key role in helping shape places and secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' Paragraph 94 of the framework states that 'Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, (...) and water supply and demand considerations.' The above paragraphs clearly show that requirements of policies DM1 and DM2 are compliant with the Framework and should be attributed their full weight.

Should the planning permission be granted I would expect the following condition to be attached:

- 10% energy demand of the development to be secured from renewable or low carbon sources;
- The dwellings should be water efficient and achieve standard of 110 litres per person per day.

SuDS Team

We consider that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system be agreed at the detailed design stage), if the following planning conditions are included.

Please also note, compliance must be shown to the in accordance with the 'Non-statutory technical standards for sustainable drainage systems (Defra, 2015). Where surface water is to be infiltrated on site a detailed infiltration assessment will be required, particularly at the location of any intended infiltration device, and infiltration rates should be no



lower than  $1 \times 10^{-6}$  m/s. Groundwater level monitoring must ensure that the infiltration surface is at least 1m above the maximum anticipated level. Appropriate pre-treatment (i.e. silt/sediment removal systems) will also need to be demonstrated at the detailed design stage. The final submitted design to manage surface water will need to take account of the construction, long term operation and maintenance requirements of both surface and sub-surface components of the system; a management and maintenance plan should be provided for the surface water drainage system, proportionate to the size and nature of a development.

Green Infrastructure

The site has the potential to deliver a net green infrastructure benefit, in line with policies CS17 and DM16 of the Core Strategy for Central Bedfordshire (north).

The proposed development is located on a site identified (among several) by the Stotfold Parish Green Infrastructure Plan as one where creating community woodland is identified as a priority aspiration by the local community.

The opportunity to include community woodland within the public open space (potentially together with SuDS features through the use of wet woodland habitats) should be considered. This could include proposals for land and habitat enhancement on adjacent land within the applicant's control.

The applicant would need to demonstrate, at the reserved matters stage, that consideration had been given to the design of the open space, taking on board aspiration's in the Parish GI plan, along with guidance on green infrastructure design within CBC's Design Guide.

The Sustainable Drainage Strategy shows features within the green space part of the site. However, little information is provided on how surface water would be collected, treated and conveyed within the residential area. Sustainable drainage proposals should be integrated throughout the development site, and should demonstrate at surface conveyance and treatment of surface water, as well as attenuation. Central Bedfordshire Council's adopted Sustainable Drainage SPD sets out a series of requirements for the design of SuDS. A condition could be used to require provision of drainage design information in line with Central Bedfordshire Council's adopted Sustainable Drainage SPD. This would need to demonstrate how the design of the drainage was integrated throughout the development, and with the design of the landscaping and open space part of the site.

Public Art

No objection subject to condition

Housing Development  
Officer  
Leisure

No objection

Contributions required.

## Highways

The principle of residential development on this site, albeit for a lesser number was accepted in the recent pre-application submission. This latest proposal is supported by a Transport Assessment to identify the traffic implications. I am content that the TA is realistic and provides an accurate analysis and that as such there is no fundamental highway safety or capacity reason to justify a highway related objection to the principle of the proposal. However given the outline nature of the application I have not assessed the supporting indicative layout to ensure compliance with Design Guide standards.

I note that the submission suggests that the applicants would be willing to make a financial contribution toward measures to discourage drivers from using Taylors Road as an access to and from the A1 Trunk Road in line with my comments made at the time of the pre-app. In this respect I suggest a figure of £20000 (based on a maximum of 100 dwellings) would be appropriate to provide physical measures and any Traffic Regulation Order as necessary.

With regard to any subsequent reserved matters planning application I would expect the site layout to be fully Design Guide compliant in terms of road layout together with vehicle parking, garaging as well as cycle provision.

In these circumstances the following highway conditions and advice notes are recommended should the grant of planning permission be considered.

## Ecology

I have read through the submitted documents and offer the following comments;

- The ecological assessment identifies protected species as potentially present, these include; badgers, bats, water vole, otter, grass snake and other reptiles.
- Kingfisher are an identified receptor though no bird survey has been undertaken and I would expect a number of bird species to be associated with the site including farmland and wetland birds.
- The report makes recommendations which include a pre-commencement badger check, consideration to lighting impacts, retention of hedgerow and tree corridors for foraging / commuting bats. I would advise a Construction Environment Management Plan be conditioned as follows;

*No development shall take place (including demolition, ground works, vegetation clearance) until a construction*

*environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.*

- a) Identification of “biodiversity protection zones”.*
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- c) The location and timing of sensitive works to avoid harm to biodiversity features*
- d) The times during construction when specialist ecologists need to be present on site to oversee works.*
- e) Responsible persons and lines of communication.*
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- g) Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

- Opportunities for enhancements to the biodiversity value of the site in line with the NPPF are also proposed which include integrated bird and bat bricks in the built fabric of the new dwellings and kingfisher tunnels along the lvel. I would expect to see these identified within a Reserved Matters application.
- Amphibians are discounted as ecological receptors but there is a known toad breeding pond within 500m of the red line boundary. Toads are known to travel up to 2km to get to their breeding ponds so there is every possibility that they could hibernate in the field boundaries of the site or in the gardens of Silver Birch Ave. A toad crossing sign is on Taylors road and I would expect provision to be made for further toad habitat and hibernation opportunities within the open space of the development.
- The Heads of Terms document includes a reference to a contribution or commuted sum towards the maintenance/mitigation of new and/or existing Green infrastructure, including Neatherd Moor. This is not within the local area and instead consideration should be given to supporting the Stotfold Mill Local Nature Reserve. The ecological report acknowledges a rise in visitor numbers from the development could increase pressure on the habitats within the reserve.

- In addition to this, although the report recognises additional pressure on the LNR there will also be increased pressure on the immediate environment and hence, whilst the amount of open space included within the development together with that contained in the blue line allows significant opportunities for habitat mitigation the level of overall enhancement achieved could be limited.
- I welcome the inclusion of proposed wildflower and wetland meadow habitat along the River Ivel corridor but would also raise a concern over the loss of the boundary vegetation along the western edge of Silver Birch Avenue. Here the vegetation is well established where urban meets rural and there is a natural uncropped edge which in turns adds to the interest of this corridor which will be used by mammals, birds, amphibians and invertebrates. The proposed layout appears to indicate new buildings right up to this boundary, thereby losing this corridor, replacing it with minimal garden length. Instead I would wish to see this edge enhanced to become a wider green link between existing and new homes where properties front the corridor which would be in the public realm.

#### Countryside Access

The application site is affected by three issues.

1. A current diversion application to the Beauchamp Mill (Taylor's site) to the north which incorporates Aspen Gardens. See attached Diversion Plan for expected rights of way outcome.
2. The Stotfold Parish Green Wheel Initiative (called the Etonbury Green Wheel in the area)
3. Countryside Access Service standard rights of way network enhancement in peri-urban planning situations.

As a result of the forces brought to bear from the above three issues, I attach a plan illustrating the main contributions required for access and connectivity with regard to the application site.

Diversion Plan immediately below and the Rights of Way Plan outlined there under. Note that a contribution must be sought for the enhanced surfacing of a public footpath which runs south of the planned application, through the recreation ground to Malthouse Lane. This section of path has a sub base but I will seek a contribution to upgrade to a metalled Bitmac surface = 364metres of surface upgrade.

Internal Drainage Board No objection

#### Determining Issues:

The considerations in the determination of this application are:

1. The weight that should be afforded to the development plan
2. The principle of the development
3. The appearance of the site, the landscape impact, Green Infrastructure and countryside access
4. The impact on neighbours and future living conditions
5. Access to the site and other highways implications
6. Heritage assets
7. Trees and hedgerows
8. Ecology and biodiversity
9. Land quality
10. Drainage
11. Energy efficiency
12. Planning obligations
13. The planning balance and conclusions

### **Considerations:**

#### **1. The weight that should be afforded to the development plan**

S38(6) of the Planning and Compulsory Purchase Act (2004) and the National Planning Policy Framework (NPPF) (2012) set out that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (para 11).

At the heart of the NPPF is a presumption in favour of sustainable development. Local planning authorities should positively seek opportunities to meet the development needs of their area. Local Plans should meet objectively assessed needs. For decision making this means that planning permission should be granted where the development plan is absent, silent or out-of-date (para 14). Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing targets (para 49). There should be an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land (para 47).

Recent appeal decisions have found that the Council does not have a five year housing land supply and insofar as a number of the Council's policies are concerned with the supply housing, they should be considered out of date. Policy DM4, where it prevents development outside of Settlement Envelopes, is one such policy.

Paragraph 14 of the Framework confirms that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted.

It is first necessary to consider whether the site can be considered sustainable and so benefiting from the presumption in favour of its development.

It is necessary then to determine whether the impacts arising from granting planning permission are adverse and whether they would significantly and demonstrably outweigh the benefits of that permission in addressing the housing shortfall.

## **2. The Principle of the development**

In the current land supply context, whether or not the principle of the development would be acceptable relies upon whether or not the site can be considered sustainable rather than whether or not it falls within the Settlement Envelope.

The site immediately adjoins existing properties to the north and west and the Riverside Recreation Area is to the south.

Stotfold is defined by Policy CS1 as a Minor Service Centre and provides a range of facilities. The range of shops is not extensive but those that exist can meet the day to day needs of Stotfold residents. The largest food store in Stotfold, the Co-op, is around a 20-minute walk (approximately 1 mile) away from the site. Whilst some might walk that journey, others might cycle or drive.

The site is sufficiently sustainable to benefit from the NPPF presumption in favour of its development.

The development would deliver up to 100 homes, 35% of which would be affordable. A clause in a s106 agreement would require compliance with a Build Rate Timetable. This would ensure that all of the units at the site were delivered within five years of the planning permission being granted.

The development would make a meaningful and significant contribution towards meeting housing need in Central Bedfordshire. This should be attributed significant weight in the planning balance.

A number of residents have raised concern that the development would result in the loss of agricultural land. The NPPF does seek to ensure that the best and most versatile agricultural land is not developed without sufficient justification. That justification has not been sufficiently provided and that weighs against the approval of the application in the planning balance.

Whether or not planning permission should be granted depends on whether any harm caused by the development significantly and demonstrably outweighs the benefits.

## **3. The appearance of the site and its context, the landscape impact and Green Infrastructure**

### Appearance of the site and its context

Whilst the application is submitted in Outline with all matters reserved but for access, the applicant has submitted an indicative layout plan to show how the

development might be accommodated.

Policy DM3 states that all proposals for new development will be appropriate in scale and design to their setting and contribute positively to creating a sense of place.

The pre-amble to Policy CS16 states that the countryside outside settlements is a highly valued resource for agriculture, recreation, landscape and wildlife. The Council will protect the countryside for its own sake, safeguarding it from the increasing pressures of development.

When considering the impact of the development on the appearance of the site and its immediate context, its green rural character would be lost to an extent and replaced by an urban one. The green space that would be provided within the site would lessen that impact.

#### Landscape impact

Landscape Character Assessments (LCA) are nationally recognised tools to help protect the essential character of defined types of landscape and enhance landscapes of lesser quality. Policy DM14 reinforces these policy objectives.

This site falls within the Ivel Valley Landscape Character Area as defined by the LCA which is recognised as being visually sensitive to change.

The urbanisation of the site would be intrinsically harmful and the fact that there are a number of public rights of way in the area would make the site easily visible from public viewpoints.

The development would, though, be seen from the east in the context of the existing Beauchamp Mill development and that housing would limit views of the proposed housing from the west.

#### Green Infrastructure and countryside access

Green Infrastructure is strategically planned and managed networks of green spaces, access routes, wildlife habitats, landscapes and historic features which meet the needs of existing and new communities.

Policies CS17 and DM16 require development schemes to provide a net gain in green infrastructure through the protection and enhancement of assets and the provision of new green spaces.

A number of residents have set out that access to the site is currently possible because the landowner is comfortable with people walking through it. That is an informal arrangement, however, and could change.

This development would formalise public access to the site which is beneficial because of the riverside setting and the wildlife and plant life in the area. There would be a direct and formal link between the north of the site and the Riverside Recreation Area to the south. A contribution would be secured towards the enhancement of rights of way in the vicinity of the site, including the introduction of footbridges across the ditch at the south of the site.

These enhancements would represent a significant benefit associated with the development and would mitigate the harm that would be caused to the landscape by it.

#### **4. The impact on neighbours and future living conditions**

Policy DM3 requires that new development to respect the amenity of neighbouring properties. The neighbours most likely to be affected by the development are those on Silverbirch Avenue. Additional traffic would also be passing through Beauchamp Mill. The layout of the development would be reserved for subsequent approval. It is clear at this stage that a scheme could be designed of up to 100 dwellings that would not cause unacceptable harm to living conditions at neighbouring properties in accordance with the Council's Design Guide.

Policies CS14 and DM3 seek design that is of a high quality. That includes complying with the current guidance on noise. The Council's Design Guide reinforces the objectives that new residential development is of a high quality that provides an acceptable standard of living accommodation for future occupiers.

Activity associated with the Riverside Recreation Ground could result in noise and disturbance for future residents of the development. A noise report has been submitted that provides potential design solutions. The Council's Pollution Control has recommended a condition to address this issue as the layout of the development is advanced.

#### **5. Access to the site and other highways implications**

##### Highways

Policies CS14 and DM3 require that developments incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport and that they provide adequate areas for parking and servicing. The Council's Design Guide provides further detailed technical standards that should be applied to new residential development.

The proposed access to the site would be in the same location as that which exists from Taylor's Road through Beauchamp Mill. The Council's Highways Officer is satisfied that this access is safe and could accommodate the additional traffic associated with the proposed development.

A contribution would be secured toward measures to seek to prevent drivers from using Taylor's Road as a link to the A1.

Subject to internal road layouts and parking provision that could be controlled at Reserved Matters stage, and planning conditions that would have been imposed in the event of an approval, the highways implications of the development would be acceptable.

##### Sustainable Transport



The application is supported by a Travel Plan, which would require amendments in order that it could be considered acceptable. A condition would ensure that this was achieved to ensure that sustainable transport measures were maximised.

## **6. Heritage Assets**

Policies CS15 and DM13 seek to protect, conserve and enhance the district's heritage assets, including archaeology.

The applicant has submitted an Archaeological Assessment of the site and the County Archaeologists comments will be reported in the Late Sheet.

## **7. Trees and hedgerows**

The application has been supported by a tree survey which is satisfactory. A scheme for hard and soft landscaping across the site would be secured at reserved matters stage. The weight being attached to public access to the site in the planning balance reinforces the requirement that such a scheme would be of a very high standard.

## **8. Ecology and biodiversity**

An Ecological Survey has been submitted in support of the application. The NPPF calls for development to deliver a net gain for biodiversity. An acceptable scheme for the net gain for biodiversity and a scheme for biodiversity protection during construction would be secured by condition in line with policies CS18 and DM15 and the Council's Design Guide and the NPPF.

## **9. Land quality**

The applicant has submitted a Geo-Environmental Survey. Conditions would ensue that any contamination at the site would not cause a risk to human health.

## **10. Flood risk and Drainage**

Whilst Flood Zones 2 and 3 are near by the site does not fall within them. Land within the Flood Zones to the east is within the ownership of the applicant and would be given over as additional public recreation space. The Environment Agency and the Internal Drainage Board have not objected to the application.

Policy DM3 requires that new development complies with current guidance on water. The Central Bedfordshire Sustainable Drainage Guidance SPD (2014) contains current guidance on how water should be managed within development sites.

Conditions would secure details of a sustainable drainage scheme for the site.

## **11. Energy efficiency**

Policy DM1 requires that developments achieve 10% or more of their own energy requirements through on-site or near site renewable or low carbon technologies unless it can be demonstrated that to do so would be impracticable

or unviable. Policy DM2 requires that all proposals for new development should contribute towards sustainable building principles.

A condition would require details of energy efficiency measures.

## **12. Planning obligations**

Policy CS2 states that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate an existing deficiency.

Policy CS7 states that on all qualifying sites, 35% or more units should be affordable.

35% of the units at the site would be affordable homes (73% of those would be for rent and 27% would be shared ownership).

A contribution of £815,794.72 would be secured towards local education provision.

£20,000 would be secured towards the relocation of and supplies at Stotfold Library.

Around £36,000 would be secured towards enhancements to the rights of way network in the area.

The transfer or management of open space at the site would be controlled through a legal agreement.

The applicant has agreed to comply with a Build Rate Timetable that would see all of the units delivered within 5 years of planning permission being granted.

## **13. The planning balance and conclusions**

Planning law requires that planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Council cannot currently demonstrate an ability to meet its housing need for the next five-year period. As such, Policy DM4, insofar as it prevents development outside of the Settlement Envelope, is out of date.

There is a presumption in favour of sustainable development at paragraph 14 of the NPPF. The development would be sustainable.

Significant weight must be given to the delivery of up to 100 homes (including affordable homes) at the site over the next five-year period.

There are no harmful impacts associated with the development that would significantly and demonstrably outweigh that benefit, and the other benefits of the development, including Green Infrastructure and connectivity enhancements.

**Recommendation:**

That Planning Permission is approved subject to the successful completion of a legal agreement reflecting the terms set out above and the following conditions:

**RECOMMENDED CONDITIONS / REASONS**

- 1 AN application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

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

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

- 5 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

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

**The soft landscaping scheme, with particular emphasis on the tree planting on the site boundaries, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The soft landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.**

**The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread). Notwithstanding the details submitted with the application hereby approved the measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.**

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

- 7 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (Project Ref: 32219, Report Title: Doc Ref: 32219 FRA, December 2015) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall 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. The scheme shall include provision of attenuation for the 1 in 100 year event (+30% for climate change) and restriction in run-off rates as outlined in the FRA. The scheme should also include details of a site specific ground investigation report (in accordance**

with BRE 365 standards) to determine the infiltration capacity of the underlying geology and ground water level, as well as details of how the scheme shall be maintained and managed after completion.

**Reason: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system, in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.**

- 8 **No development shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 6 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 6.**

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

- 9 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a management and maintenance plan for the surface water drainage, and confirmation that the approved surface water drainage scheme has been checked by them and correctly and fully installed as per the approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved; in accordance with the DCLG Ministerial Statement HCWS161.

- 10 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 11 **No development shall commence at the site before a scheme for protecting the proposed dwellings from noise and lighting from the Riverside recreation ground adjacent to the proposed development has been submitted and approved by the local planning authority. None of**

**the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

**Reason: to protect the amenity of future occupiers of the proposed dwellings and to safeguard the use of the recreation ground facilities in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.**

- 12 **No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

**A Phase 2 intrusive Geoenvironmental Ground Investigation as recommended by the previously submitted Peter Brett Associates Phase 1 Ground Condition Assessment (Ref: 32219/3501) of August 2015, along with any necessary Remediation Method Statement(s) for the mitigation of plausible pollution pathways thereby identified. Works shall be undertaken by competent persons and follow the 'Model Procedures for the Management of Land Contamination, CLR 11'.**

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

**A validation report that demonstrates the effectiveness of all remediation measures implemented by any approved Remediation Method Statement(s). Works shall be undertaken by qualified professionals and follow the 'Model Procedures for the Management of Land Contamination, CLR 11'.**

**Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 13 **Prior to commencement of development full engineering details of the vehicle and pedestrian access arrangements shown for indicative purposes on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority and no dwelling approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works, have been implemented.**

**Reason: To ensure the provision of appropriate access arrangements and associated off-site works in the interests of highway and pedestrian safety in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 14 Any subsequent reserved matters application shall include the following;

- Estate roads designed and constructed to a standard appropriate for

- adoption as public highway.
- Pedestrian and cycle linkages to existing routes as required
- Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
- Cycle parking and storage in accordance with the councils standards applicable at the time of submission.
- A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
- Materials Storage Areas.
- Wheel cleaning arrangements.
- A Residential Travel Plan.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 15 **No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.**
- a) Identification of “biodiversity protection zones”.
  - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - c) The location and timing of sensitive works to avoid harm to biodiversity features
  - d) The times during construction when specialist ecologists need to be present on site to oversee works.
  - e) Responsible persons and lines of communication.
  - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - g) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity is properly protected at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 16 **No development shall commence at the site before a scheme for Biodiversity Enhancement to the site have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be carried out as approved.**

Reason: To ensure compliance with the biodiversity objectives of the National Planning Policy Framework (2012).

- 17 Other than where specifically required by a condition attached to this decision the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and reports referenced T.0298\_02 rev J, Landscape Statement, , Arboricultural Survey, Impact Assessment and Protection Plan, Design and Access Statement, Phase 1 Ground Condition Assessment, Report on Five Year Housing Land Supply, Draft Heads of Terms, T.0298\_01 rev C, Planning Statement, Transport Assessment, Residential Travel Plan, Outline Waste Audit, Statement of Community Involvement, 32219/2001/501 rev A, Ecological Appraisal, Noise Impact Assessment, Archaeological Evaluation, Flood Risk Assessment and Drainage Strategy

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

### **INFORMATIVE NOTES TO APPLICANT**

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Local Authority in writing.
3. Any unexpected contamination discovered during works should be brought to the Attention of the Planning Authority.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency



should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

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

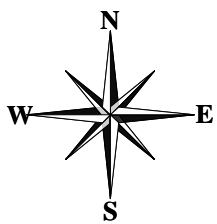
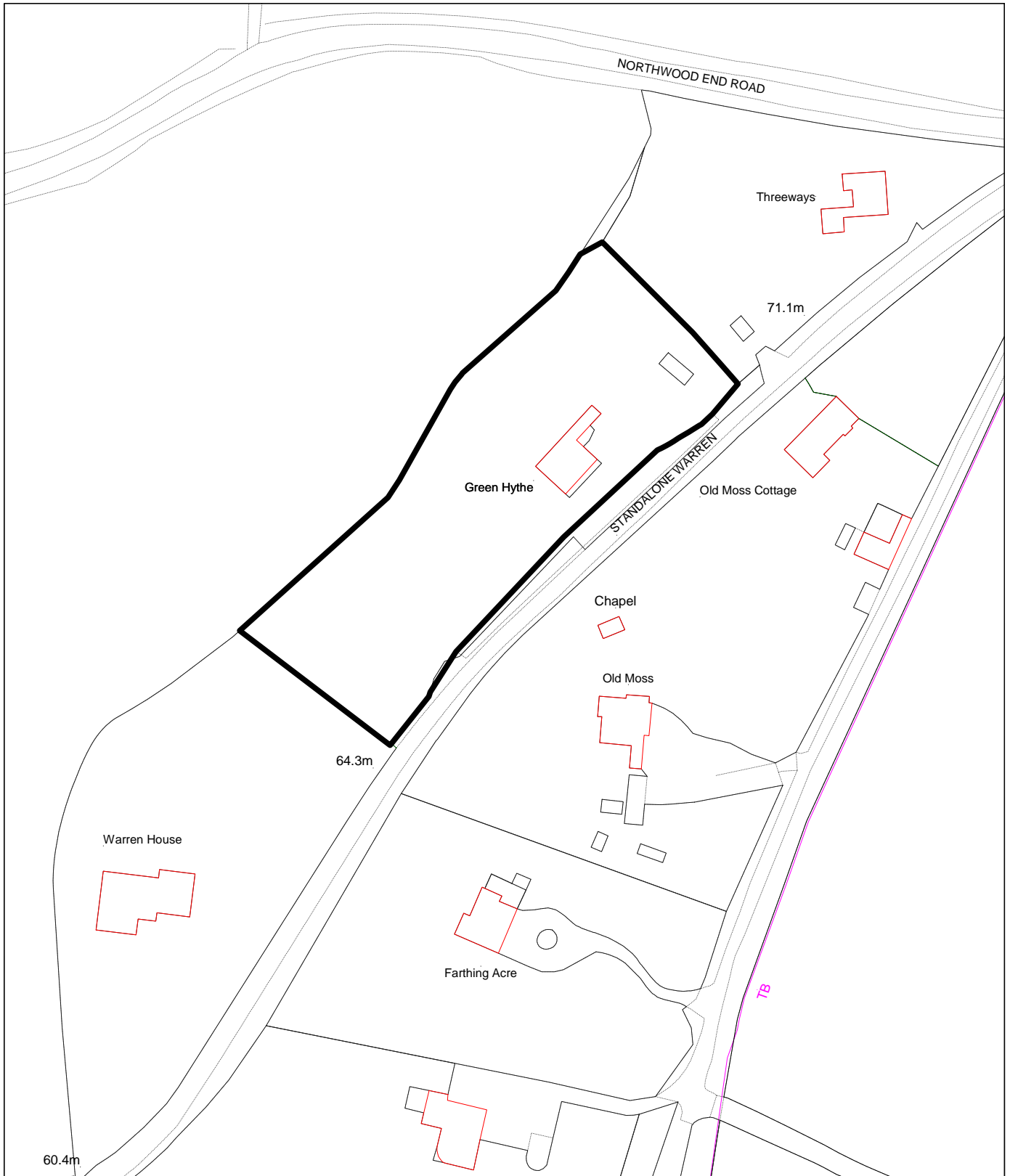
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

**Reason for recommendation:** The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however the application site is adjacent to the existing settlement envelope of Stotfold which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education, highways and rights of way. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

**DECISION**

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Central Bedfordshire Council  
Licence No. 100049029 (2009)  
Date: 10:May:2016  
Map Sheet No

Application No  
**CB/16/01250/FULL**

Scale: 1:1250

**Green Hythe, Standalone Warren, Haynes, Bedford, MK45 3QG**

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**Item No. 10**

**APPLICATION NUMBER** CB/16/01250/FULL  
**LOCATION** Green Hythe, Standalone Warren, Haynes, Bedford, MK45 3QG  
**PROPOSAL** Single storey rear front and side extensions and infill covered porch to dwelling house, render and cladding to exterior of dwelling house, construction of a pitched roof to detached garage building, roof alterations and enlargements to the dwelling house including replacement of flat roof dormer with pitched roof, addition of front and rear dormers, installation of roof light in the front roof slope and installation of a velux roof balcony in the rear roof slope.  
**PARISH** Haynes  
**WARD** Houghton Conquest & Haynes  
**WARD COUNCILLORS** Cllr Mrs Barker  
**CASE OFFICER** Benjamin Tracy  
**DATE REGISTERED** 05 April 2016  
**EXPIRY DATE** 31 May 2016  
**APPLICANT** Ms K Oellermann  
**AGENT** Wastell & Porter Architects Ltd  
**REASON FOR COMMITTEE TO DETERMINE** The application is made on behalf of a Senior Officer of the Council.

**RECOMMENDED DECISION** Approve Planning Permission.

**Reasons for Recommendation**

The principle of enlargements and alterations of an existing residential dwelling and detached garage are acceptable. 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. It is recommended for the imposition of a condition to safeguard existing trees within the site during the construction period. Therefore subject to conditions, the proposed development is in conformity with Policy DM3 and DM14 of the Core Strategy and Development Management Policies, November 2009; and The National Planning Policy Framework.

**Site Location:**

The site consists of a detached dwelling house and its curtilage, located to the northwest of Standalone Warren, Haynes.

To the northeast of the site is the neighbouring dwelling house known as Threeways. To the southwest of the site is the neighbouring dwelling house known as Warren House. To the southeast of the site separated from the site by the highway are the dwellings known as Old Moss Cottage and Old Moss.

The site is located beyond settlement envelopes whereby the site is within the open countryside.

**The Application:**

The application seeks planning permission for a single storey side and rear extensions including porch canopy following the demolition of existing enlargements as well as for alterations and enlargements to the roof of the dwelling house consisting of: two new dormer windows, alterations to an existing dormer and a new roof light to the principal elevation as well as two dormer windows and a velux roof balcony to the rear of the dwelling house. The planning permission is also sought for the removal of a chimney on the roof of the dwelling house and for the construction of a dual pitched roof upon the existing flat roofed garage building.

**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

DM14 Landscape and Woodland

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:**

None relevant to the determination of this application for planning permission.

**Consultees:**

Haynes Parish Council No response received.

Trees and landscaping The Council's Trees and Landscaping Officer has issued the following pre application response:

The proposals would be acceptable but I was unable to access the site as the owners were on holiday. I did however walk down the side of the field to the rear to look at the rear of the site.

My only comments would be to ensure that trees located on the front of the site and identified as G8 on the 2006 Tree Preservation Order are protected through development from indirect damage eg plant/material storage etc., through the use of tree protection fencing in line with distance and detail shown in BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.

No additional landscape requirements.

### **Other Representations:**

Neighbours                      No response received.

### **Considerations**

#### **1. Impact upon the Character and Appearance of the area and the openness of the Countryside**

1.1 The proposed enlargements and alterations to the dwelling house and detached garage would be visible from public viewpoints and would alter the character and appearance of the building. The existing dwelling house within the site is considered to be of little architectural or historic interest whereby there is no objection to the principle of the latter, subject to the proposed development not causing harm to the character and appearance of the area and the openness of the countryside.

1.2 The proposed developments would appear subservient to the host dwelling house in accordance with the design principles outlined within the design guide and would form enhancements to the buildings' character and appearance, offering depth and interest to this modest building within a spacious plot. Furthermore; the proposed external materials are considered to be acceptable within the context of safeguarding the visual amenities of the locality.

1.3 When considering the scale and siting of the developments proposed it is not considered that the proposed development would cause harm to the intrinsic open and rural character and beauty of the countryside that would justify the refusal of planning permission in the context of the NPPF and Policy DM3 of the Core Strategy and Development Management Policies (2009).

1.4 Therefore for the reasons outlined above subject to the imposition of conditions that would ensure the external materials used are acceptable in the context of the site, 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) and the National Planning Policy Framework. The proposed development would further accord with the Central Bedfordshire Design Guide (2014).

#### **2. Impact upon the Amenity and Living Conditions of Occupiers of Neighbouring Dwellings**

- 2.1 When considering the scale, nature and location of the proposed development, it is considered that the principal dwellings to be effected by the proposed development would be Threeways, Warren House, Old Moss Cottage and Old Moss.
- 2.2 When considering the scale of the proposed development, the topography of the site and the separation between proposed development and the neighbouring dwelling houses known as the Threeways, Warren House, Old Moss Cottage and Old Moss, 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 the neighbouring dwellings known as Threeways, Warren House, Old Moss Cottage and Old Moss.
- 2.3 Furthermore; when considering the scale of the proposed development, the topography of the site and the separation between the proposed development and the neighbouring dwelling houses known as Threeways, Warren House, Old Moss Cottage and Old Moss, it is considered that the proposed development would not cause an unacceptable impact in relation to loss of outlook or overbearing impacts.
- 2.4 When considering the proposed location and orientation of fenestration and the proposed velux roof balcony, in the context of the topography of the site and the separation between the proposals and the neighbouring dwellings known as Threeways, Warren House, Old Moss Cottage and Old Moss, and their immediate private amenity space, it is considered that the proposed development would not provide an unacceptable view into or towards the immediate private amenity space of or the windows serving the neighbouring dwellings known as Threeways, Warren House, Old Moss Cottage and Old Moss. Therefore it is considered that the proposed development would not cause an unacceptable degree of loss of privacy to the occupiers of any neighbouring dwelling.
- 2.5 For the reasons outlined above, it is considered that the proposed development would not cause harm to the amenity or the living conditions of Threeways, Warren House, Old Moss Cottage, Old Moss or any other neighbouring dwelling, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework. The proposed development would further accord with the Central Bedfordshire Design Guide (2014).

### **3. Trees**

- 3.1 The site contains a number of trees including tree identified as G8 on a 2006 Tree Preservation Order reference: MB/06/00004. It is not considered that the proposed development would directly affect trees; however the trees could be vulnerable to indirect damage during the construction period. It is therefore considered to be necessary, relevant and reasonable to impose a precise and enforceable condition that would ensure no materials, plant or machinery are sited or stored within the root protection areas of trees during construction. However it is considered that a condition for the erection of tree protection fencing for all trees within the site would be unreasonable and unnecessary when considering the separation between the development and the trees.
- 3.2 For the reasons outlined above, subject to conditions, it is considered that the



proposed development would accord with Policy DM3 and DM14 of the Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework.

#### 4. Car Parking and Highway Safety

- 4.1 The proposed development includes the provision of an additional bedroom whereby the proposed development could result in additional vehicular movements to and from the site. It is considered that sufficient car parking provision is available within the boundaries of the site, in accordance with the Car Parking Standards outlined within the Central Bedfordshire Design Guide (2014).
- 4.2 For the reasons outlined above it is considered that the proposed development is acceptable within the context of car parking and highway safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

#### 5. Equality and Human Rights

- 5.1 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 the materials illustrated on drawing number: PL01A, unless otherwise agreed in writing by the Local Planning Authority.

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 No equipment, machinery or materials brought on to the site for the purposes of the development hereby permitted shall be stored within the root protection area of any tree for the full period of construction works for the development hereby approved.

Reason: To protect trees, in accordance with Policies CS16 and DM14 of the Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework.

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

numbers: PL01A; PL02; and 01A.

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:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.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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