

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

**This meeting
will be filmed.***



please ask for Helen Bell
direct line 0300 300 4040
date 25 November 2016

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 7 December 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, Cllr S Dixon, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, T Swain and J N Young

[Named Substitutes:

D Bowater, A D Brown, Mrs C F Chapman MBE, I Dalgarno, R W Johnstone, Ms C Maudlin and I Shingler]

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.

***This meeting may be filmed by the Council for live and/or subsequent broadcast online at**

<http://www.centralbedfordshire.gov.uk/modgov/ieListMeetings.aspx?Committeeld=631>.

You can view previous meetings there starting from May 2015.

At the start of the meeting the Chairman will confirm if all or part of the meeting will be filmed by the Council. The footage will be on the Council's website for six months. A copy of it will also be retained in accordance with the Council's data retention policy. The images and sound recording may be used for training purposes within the Council.

By entering the Chamber you are deemed to have consented to being filmed by the Council, including during any representation you might make, and to the possible use of the images and sound recordings made by the Council for webcasting and/or training purposes.

Phones and other equipment may also be used to film, audio record, tweet or blog from this meeting by an individual Council member or a member of the public. No part of the meeting room is exempt from public filming unless the meeting resolves to go into exempt session. The use of images or recordings arising from this is not under the Council's control.

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 9 November 2016.

(previously circulated)

4. Members' Interests

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

REPORT

Item	Subject	Page Nos.
5	Planning Enforcement Cases where Formal Action has been taken	7 - 14

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

Planning and Related Applications

To consider the planning applications contained in the following schedules:

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

Item	Subject	Page Nos.
6	Planning Application No. CB/16/04121/REG	15 - 40

Address: Silsoe Lower School, High Street, Silsoe, Bedford, MK45 4ES

Outline Planning Permission: Demolition of
existing school buildings and the redevelopment to
14 residential dwellings with details of access

Applicant: Central Bedfordshire Council

7 **Planning Application No. CB/16/03048/FULL** 41 - 60

Address: Warehouse, Bonds Lane, Biggleswade, SG18 8AY

Erection of 6 x 3 bedroom houses & 3 x 2
bedroom flats associated parking, cycle stores,
bins and landscaping.

Applicant: Whitebarn Developments Ltd

8 **Planning Application No. CB/15/03850/FULL** 61 - 94

Address: Eversholt Beeches, Watling Street, Caddington,
Dunstable, LU6 3QP

Permission is sought for change of use of land to a
residential caravan site, for two Gypsy Traveller
families. The site to contain two static caravans,
two touring caravans and parking for four vehicles
with associated hardstanding and water treatment
plant.

Applicant: Mr J Price

9 **Planning Application No. CB/16/04420/FULL** 95 -
112

Address: Eversholt Beeches, Watling Street, Caddington,
Dunstable, LU6 3QP

Change of use for the retention of caravans for
occupation by four Romani Gypsy families, with
associated hardstanding and access. The site to
contain, four static caravans, four touring caravans
and associated residential parking.

Applicant: Mr O Price

10 **Planning Application No. CB/16/04933/FULL** 113 -
122

Address: 19 Lincoln Way, Harlington, Dunstable, LU5 6NG
Two storey side and part two storey part single
storey rear extension and new pitched roof over
existing single storey side flat roof

Applicant: Mr S Caldbeck

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 4 January 2017 and the Site Inspections will be undertaken on Tuesday 3 January 2017.

This page is intentionally left blank

Meeting: Development Management Committee

Date: 20th July 2016

Subject: Planning Enforcement cases where formal action has been taken

Report of: Director of Regeneration and Business

Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

Advising Officer: Director of Regeneration and Business

Contact Officer: Sue Cawthra Planning Enforcement and Appeals Team Leader
(Tel: 0300 300 4369)

Public/Exempt: Public

Wards Affected: All

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

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

Background

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

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 20th July 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 to be considered by the Crown Court in September 2016. Application to retain smaller garage submitted.
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		A full internal inspection has been carried out and the property has been returned to a single dwelling in accordance with the requirements of the enforcement Notice. The enforcement case has now been closed.
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		Awaiting compliance with Notice - deadline 7 March 2017.

Planning Enforcement formal action (DM Committee 20th July 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15	Appeal part allowed, but Enforcement Notice upheld with revision	Jun-16		Appeal decision made on 19th May 2016 & allowed with regards to the retention of the plastic rainwater goods. Enforcement notice upheld with variations regarding the remaining unauthorised works. Site visit June found no compliance yet, warning letter sent, further visit scheduled for 7th July.
8	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Seeking confirmation of full compliance with breach of condition notice. Further visit scheduled for 7th July.
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		Further visit to be made to ascertain if works to comply with the condition has been completed.
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	Planning appeal received 07/06	Aug-15		Residential use continues. Residential lawful use application refused in March 2016(CB/15/04424), appeal received Hearing to be held. Legal advice being sought with regard to possible prosecution action.

Planning Enforcement formal action (DM Committee 20th July 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	<p>3 X Enforcement Notices - -Erection of timber building</p> <p>2 - Material change of use from agriculture to storage of motor vehicles</p> <p>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.</p> <p>1XEnforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.</p>	<p>12-Aug-15</p> <p>12-Aug-15</p> <p>12-Aug-15</p> <p>04-Feb-16</p>	<p>12-Sep-15</p> <p>12-Sep-15</p> <p>12-Sep-15</p> <p>07-Mar-16</p>	<p>12-Nov-15</p> <p>12-Nov-15</p> <p>12-Nov-15</p> <p>07-May 16 07-June-16</p>			<p>Not complied with</p> <p>Complied with</p>	<p>Enforcement Notice 1 has not been complied with.</p> <p>No further action needed</p> <p>Enforcement Notice 3 has been part complied with.</p> <p>Enforcement Notice has not been complied with. Prosecution to be considered.</p>
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 exchange of contracts. 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		Still awaiting further instructions from Asset's Team - Planning and Legal are now chasing an update.
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		Case with Legal for Prosecution - Legal have written to the owner & tenant and asked that the mobile home be removed from the site by 16/06/2016 or prosecution proceedings will commence.

Planning Enforcement formal action (DM Committee 20th July 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			Not complied	Fence still exceeds 1 metre in height therefore further action to be taken.
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 Complied with	Further site visit confirms no compliance with Breach of Condition Notice in relation to condition 15. Report submitted to legal to consider whether prosecution action should be taken.
22	CB/ENC/15/0258	The Coach and Horses, 95 The Green, Stotfold, SG5 4DG	Enforcement Notice - Unauthorised construction of play equipment	17-May-16	17-Jun-16	17-Jul-16	Appeal received 10/06/16			Appeal received.
23	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16				Site inspection to check compliance with Notice anticipated to take place in July 2016.
24	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 hearing, site inspection and decision.

Planning Enforcement formal action (DM Committee 20th July 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
25	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 the Inspector's decision on the appeal.
26	CB/ENC/15/0585	10 Town Meadow, Shefford, SG17 5EF	Section 215 notice - untidy land	16-Jun-16	16-Jul-16	16-Aug-16				Check compliance 16/08/16
27	CB/ENC/16/0001	Rear of, 2 Wrestlingworth Road, Potton, SG19 2DP	Enforcement Notice - Material change of use of the land from agricultural use to a use for the storage of materials, equipment and machinery associated with the unauthorised demolition buisness.	01-Jun-16	01-Jul-16	01-Aug-16	Appeal received 10/06/16			Appeal received, await outcome of appeal.
28	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 stuctures.	18-Feb-16	18-Mar-16	18-Apr-16	Appeal received 18/03/16			Enforcement appeal hearing scheduled for 5 July 2016 has been cancelled by the Planning Inspectorate, await new date. Both parties statements submitted to the Planning Inspectorate
29	CB/ENC/16/0077	Land to the South of, High Road, Shillington	Enforcement Notice - Material change of use from agriculture to the parking and storage of vehicles and trailers	24-May-16	24-Jun-16	24-Jul-16				Check compliance 24/07/16
30	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.
31	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. Statement to be submitted by 19th July 2016

This page is intentionally left blank



<p>© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)</p>	<p>Application No. CB/16/04121/REG3</p>
<p>Date: 21:November:2016</p>	<p>Silsoe Lower School, High Street, Silsoe, Beds, MK45 4ES</p>
<p>Map Sheet No Scale: 1:1250</p>	

This page is intentionally left blank

Item No. 6

APPLICATION NUMBER	CB/16/04121/REG3
LOCATION	Silsoe Lower School, High Street, Silsoe, Bedford, MK45 4ES
PROPOSAL	Outline Planning Permission: Demolition of existing school buildings and the redevelopment to residential dwellings with details of access
PARISH	Silsoe
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Ms Graham
CASE OFFICER	Nikolas Smith
DATE REGISTERED	21 September 2016
EXPIRY DATE	21 December 2016
APPLICANT	Central Bedfordshire Council
AGENT	Fisher German
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	The Council is the applicant and there have been objections to the application
	Regulation 3 - approve

Reason for recommendation

This site will no longer be needed as a school when the new school at the former Cranfield University site are opened. Whilst the development would result in the loss of Important Open Space, that space has limited visual or functional value and new facilities would be provided at the alternative site. The site is within the Settlement Envelope where residential development is acceptable in principle. The layout, scale, appearance and landscaping of the development would be assessed at Reserved Matters stage.

Background:

Planning permission was granted in 2009 for a mixed-use development at the former Cranfield University site in Silsoe. That development includes a new lower school that it is planned to open in January 2017. This school would be closed as a result and this application seeks permission for its redevelopment.

Site Location:

Silsoe Lower School is on the west side of High Street and comprises the school buildings, car parking and playing fields to the rear.

To the north of the site are playing fields, separated from the site by an un-adopted path that runs west to east. To the northeast, south of the site and on the opposite side of High Street are houses.

Access is taken from High Street. There is a lay-by on the road outside of the school.

The site is within the Settlement Envelope for Silsoe and the playing fields are designated as Important Open Space.

The site abuts Silsoe Conservation Area and so this development would be in its setting.

The Application:

Outline planning permission (with all matters reserved except for access) is sought for residential development at the site after the demolition of existing buildings there. The applicant does not state how many units are proposed, although an indicative layout has been provided that shows 14 units.

The existing access would be modified to meet current standards and the lay-by would be returned to verge to ensure that cars parking within it did not interrupt visibility splays.

35% of the units would be affordable.

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
DM5	Important Open Space Within 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:

Planning history at the site relates to the school, which would be demolished as a result of the development.

Consultation responses:

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

Silsoe Parish Council

Objection for the following reasons:

- No attempt has been made to consult with the Parish Council or local residents.
- Silsoe does not need another housing development.
- The development fails to demonstrate any benefit to the village.
- More detail should have been provided. Local people do not know what they are commenting on.
- The development would not meet local housing need.
- Priority should be given to local people to live in the houses and there should be bungalows.
- The site should be treated as a rural exception scheme.
- The Parish Council would like to provide a

consulting room at the lower school. Contributions should be sought to acquire land and a building.

- There should be a 20m distance between housing and the junior football pitch at the neighbouring site.
- There should be a requirement for lighting over the nearby footpath.
- It is not clear how neighbours would be protected from demolition disruption or how the site would be protected from vandalism.
- There could be asbestos at the site.

Neighbours

10 letters of objection were received. Comments made can be summarised as follows:

- There is already a problem with traffic, especially on High Street.
- There would be more pressure on schools and the GP surgery
- There has been an increase in anti-social behaviour
- There is a doubt over who owns the school.
- There will not be enough school places when the site is lost.
- The site should be used as a pre-school.
- There is not enough local infrastructure.
- The lay-by should not be lost and it is well used and will result in more parking on the highway and a greater risk of accidents.
- Access to the nearby flats would be interrupted.
- The traffic generation of the development has been underestimated.
- Housing for older people, or a health centre should be provided.
- Not enough detail is provided with an outline application to make an informed decision.
- The indicative layout does not comply with the Council's Design Guide.
- Construction should be carefully managed.

Consultee responses:

Highways

The proposal is to redevelop the old school site to form 14 dwellings. The application is outline with all matters reserved except access. There is an indicative master plan included within the application and while I am mindful that the application is only outline; I am sceptical of the layout and the parking provision and recommend that the applicant should be reminded at this point of the authority's standard.

The proposal is to include the removal of the lay-by which I would support. The junction is to be a simple priority

junction with 3.0m radius kerbs where in this location they should be 6.0m.

The applicant should be reminded that the access road should be 5.0m wide with a 2.0m footway on either side with a turning head suitable to serve the authority's design vehicle which is a refused vehicle measuring 13.5m long. In a highway context I recommend that the following conditions be included if planning approval is to be issued:

Development shall not begin until details of (the improvements to) the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

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

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

The applicant is advised that in order to comply with Condition 'above'... of this permission, along with the removal of the lay-by, it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN,

All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any amendment thereto.

Trees and Landscaping

Supplied with the application is an Arboricultural Impact Assessment as requested in the pre application advice. This identifies all trees on and off site that could be affected by the proposals and their retention category. It identifies that a number of trees will need to be removed to facilitate the development, a total of 12 trees including 3 Category B trees. Normally Category B trees would be looked on for retention in any planned development, however I would suggest that their loss would be

acceptable provided that it was mitigated for with suitable level of new planting which seems to be shown on the Indicative Masterplan.

A tree protection plan is also supplied showing position of trees to be retained and position of tree protection fencing. All tree protection fencing is to be in place prior to any works including demolition works are undertaken and will remain in place throughout development.

Full and detailed landscape and boundary treatment details will be required to include species, sizes and densities of planting and we will expect it to include substantial tree planting as indicated.

All new service lines and soakaways for the development are to avoid root protection areas of trees to be retained.

Housing Development

I support this application as it provides for 5 affordable homes which reflects the 35% affordable housing policy requirement. The application also complies with the required tenure split as identified through the Strategic Housing Market Assessment (SHMA) providing 73% affordable rent (4 units) and 27% shared ownership (1 unit).

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

Ecology

I do not object to the proposal and having read through the Ecological Report I am satisfied that the site was found to have negligible value to roosting bats. Three trees, which are currently proposed to be retained within the Illustrative Masterplan, offer low potential to be used by roosting bats and should therefore be subject to a precautionary soft felling methodology if they are to be removed.

A nearby pond was found to have evidence of GCN but the proposed works are not expected to have an impact.

A number of enhancement measures are proposed which are welcomed and I would ask that, given the consideration required for protected species and to ensure the development delivers a net gain for biodiversity in line with the NPPF, a Biodiversity Method Statement be conditioned as follows;

No development shall take place (including any demolition, ground works, site clearance) until a method statement for activities related to construction has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works, see part 4, recommendations of Extended Phase 1 and Bat Assessment 2016;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives ;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Sustainable Growth

It is disappointing that the issues raised in pre-application advice have not been addressed in the outline submission. Should the planning permission be granted for this development, to ensure that sustainability requirements of policy DM1 and DM2 are met I request the following conditions to be attached:

- 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;
- Development to include climate change adaptation measures to minimise risk of overheating.

Public Protection

Whilst we have no record of any previous contaminative uses for this site, it would be prudent to check the site for any potentially contaminative operations (e.g. fuel tanks, made ground etc). As it is the responsibility of the developer to make the site safe and suitable for use, I recommend the following conditions to be attached to any granted permission

No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in

writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment

Informatives:

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.

Sport England

Sport England –Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing

field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal involves the redevelopment of Silsoe Lower School site for residential which would involve the loss of the school's playing field to the west of the site. It is proposed that this would be replaced through the provision of a new playing field that would be provided to support the new Silsoe Lower School site in another part of the village.

Assessment against Sport England Policy

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception E4 of the above policy, which states:

E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E4.

The background to the proposal is that planning permission has been granted for a mixed use redevelopment of Cranfield University's former Silsoe Campus nearby which included provision for a new lower school to replace the existing school. As part of the former

Silsoe Campus redevelopment, a new dual use playing field is proposed adjoining the new school, part of which would be dedicated for the lower school's use. The new lower school and playing fields are under construction and it is understood that the school will relocate to the new site in January 2017, following which the existing school site would close. In this context, it has been proposed that the new playing fields on the former Silsoe Campus would replace those that would be lost on the existing Silsoe Lower School site and therefore the principle of redeveloping the playing field would be acceptable.

Sport England is familiar with the former Silsoe Campus site and has been engaged in the redevelopment proposals for this site since the pre-application stage in 2007. Consequently, I am satisfied that the proposals within this scheme for a new lower school and dual use playing fields represent a genuine proposal for replacing the existing school site and that there is a direct relationship between the two sites. Exception E4 would therefore be applicable if the proposals for replacement playing field provision on the former Silsoe Campus site met the criteria in exception E4. I would make the following assessment of the proposals against these criteria:

Quantity of Provision: The area of playing fields (that could be used for marking out playing pitches) on the existing Silsoe Lower School site is estimated to be around 0.2 hectares. The new dual use playing field that the new lower school would have access to is estimated to be around 2.3 hectares in total of which it has been advised that the lower school would have access to a dedicated area of 0.75 hectares. In quantitative terms, the replacement site would appear to clearly provide a greater level of provision than the existing site therefore.

Quality of Provision: Sport England was consulted on the construction specifications for the new playing field earlier in 2016 as details had to be submitted and approved to meet the requirements of a planning condition imposed on the Silsoe Campus planning permission. The construction specification was considered acceptable and I therefore consider that the replacement playing field would be at least equivalent in terms of the quality of the playing field provision. Supporting facilities provided in the new school and adjoining community centre are also considered to be equivalent or better.

Location: As the school including the new playing fields would be relocated within Silsoe, the location would be acceptable.

Management Arrangements: While the management arrangements for the new playing fields have not been confirmed, the school would have use of a dedicated area of the playing field which would be expected to safeguard access for meeting its needs.

It is understood that the new school would be ready to occupy in January 2017 and the playing fields are understood to be at an advanced stage of construction. Subject to the phasing arrangements being confirmed, it is therefore expected that continuity of access to playing field provision for the school would be secured by the time the school relocates.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet/ exception E4 of the above policy. The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

Phasing: A planning condition requiring details of the phasing arrangements to be submitted and approved for the closure of the existing school site and the completion of the playing fields that the new school will have access to. These phasing details are required to demonstrate that Silsoe Lower School will have continuity of access to playing field provision following its relocation. A scenario where the existing school site is closed but the new school playing fields are not completed/operational should be avoided. The information submitted should confirm that the construction of the new playing fields has been completed and that they are available for the school to use. This condition is justified as no details of phasing of the closure of the existing school and the completion of the school's new playing fields have been provided in support of the planning application. If this information is satisfactorily provided before the planning application is determined it may not be necessary for this condition to be imposed. Sport England has developed a schedule of model planning conditions for local authorities to use which are on our website at www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/.

The following condition is requested to be imposed to address this which is based on model condition 7 of the schedule:

No development shall commence until details for the

phasing of the development, including the provision of the replacement school playing field have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The details shall ensure that the development hereby permitted shall not be commenced before the replacement playing field is completed and operational. The development hereby permitted shall not be carried out other than in accordance with the approved details.

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy **.*

If you wish to amend the wording of the conditions or use another mechanism in lieu of the condition, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. Should the condition recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet exception E4 of our playing fields policy, and we would therefore object to this application and then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the National Planning Casework Unit.

Waste Services

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

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

SUDS Management

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 agreed at the detailed design stage, if the following planning conditions are included:

Comments and recommendations

The conveyance of surface water should be considered,

there are other elements of SuDS that could be used to convey water instead of a piped system, the area of green marked “Sally’s Grove” would make the use of a swale simple. Anglian Water can adopt SuDS if they are consulted early and their requirements met.

Where permeable paving is proposed we advise the design criteria is demonstrated in accordance with the ‘CIRIA RP992 The SuDS Manual Update: Paper RP992/28 Design Assessment Checklists for Permeable/Porous Pavement’.

Details of the proposed construction, phasing of works, management and future maintenance requirements of the surface water drainage scheme should be provided with the final detailed design. This should fulfil the requirements set out in the “CBC Sustainable drainage supplementary planning document” and “Surface water advice note”, Adequate access to the surface water system should be provided in the sizing and layout of the scheme, with details of the proposed arrangements for maintenance. The existing pond, associated with the A507 Arlesey Road, will need to be retained at the minimum with the existing capacity, it will also need to be part of the management agreement for the SuDS on site (highway drainage is the (riparian) responsibility of the land owner). No further connection should be made.

Discharge to a water course will require consent from the IDB.

Recommended conditions:

Condition: No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Report number 16-163-01A, September 2016) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall 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 pipe sizes and inclination details, positioning and type of any control structure / device and exceedance should any item fail, it should also include details of how the scheme shall be maintained and managed after completion. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved final details before the

development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

Condition: 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 that the approved surface water drainage scheme has been checked by them, has been correctly and fully installed as per the approved details. The scheme shall be implemented in accordance with the approved final details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written statement - HCWS161.

Anglian Water

Section 1 – Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

Section 2 – Wastewater Treatment

The foul drainage from this development is in the catchment of Clophill Water Recycling Centre that will

have available capacity for these flows.

Section 3 – Foul Sewerage Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 – Surface Water Disposal

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 – Trade Effluent

Not applicable

NHS

No response at time of writing.

Conservation Officer

No response at the time of writing.

Historic England

No response at the time of writing.

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. The appearance of the site, the area and heritage assets
3. The impact on neighbours and future living conditions

4. Access to the site and other highways implications
5. Trees and hedgerows
6. Ecology and biodiversity
7. Land quality
8. Drainage
9. Energy efficiency
10. Existing local infrastructure
11. The planning balance and conclusions

Considerations:

1. The Principle of the development and housing delivery

The loss of the school

Given that replacement lower school facilities would be provided at the former Cranfield University site, the loss of the school at this site would be acceptable in principle.

The loss of Important Open Space

The playing fields associated with the school are designated as Important Open Space.

Policy DM5 states planning permission will be refused where the loss of Important Open Space would have an unacceptable adverse impact on its value either in visual or functional terms. Redevelopment will only be considered favourably where proposals would result in enhanced provision, where there are exceptional circumstances and where there would be no adverse effect on the visual quality of the settlement.

In this case, the open space has very limited visual value, given that it is located at the rear of the school. Its functional value is as school playing fields, which would no longer be required if the school was not located at the site.

New playing fields would be re-provided at the new school site. Sport England has raised no objection to the application, subject to a condition which ensured that these new facilities were provided before those at this site were lost. The loss of the Open Space would not harm the visual quality of the settlement.

In this case, given the circumstances that surround the relocation of the school, which are exceptional and the benefits associated with providing new housing at this sustainable site, the loss of the Important Open Space at this site would be acceptable in principle.

Providing housing at the site

The site is within the Settlement Envelope, where residential development is acceptable in principle. A number of residents, and the Parish Council, have suggested that the site could be better used in a community use. This application must be assessed as proposed, and a residential use in this location would be acceptable.

2. The appearance of the site, the area and heritage assets

This application is in Outline only and so the scale, appearance, layout and landscaping would be reserved for subsequent approval. An indicative layout has been provided that shows that up to 14 units could be provided at the site. It is likely that a scheme could be delivered at this site that related well to the character of the area.

Silsoe Conservation Area abuts the site to the south and so this development would be within its setting. S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to preserving the special character and appearance of Conservation Areas. That special attention has been paid here.

The layout and design of the development will need to take full and proper account of that relationship with that heritage asset but there is no reason to think that a scheme that preserved or enhanced the character and appearance of the Conservation Area could not be delivered.

There are listed building on High Street but that are not near enough to the site to be affected by the proposed development.

3. The impact on neighbours and future living conditions

It is likely that a scheme could be provided that ensured that the proposed houses at the site had acceptable levels of outlook, light and amenity space. The layout would need to properly respond to the relationship between the open space to the north, which is used for sport and play and could result in noise or disturbance for future residents.

The layout will also need to take account of the relationships between proposed houses and existing houses to the northeast on the Fairways and to the south at the Oaks. There is no reason to think that a successful scheme in this regard could not be achieved given the size of the site and its relationship with adjoining dwellings.

4. Access to the site and other highways implications

Highways

The existing access to the site would be modified so as to ensure that it met current standards. This would include re-instating the existing lay-by outside the site as a verge. Some residents have raised concern that this lay-by would be removed but if it were not, parking cars would interrupt visibility from the access.

Traffic generated by the proposed development would be less than that generated by the use of the site as a school.

The layout would need to ensure that all houses were provided with car and cycle parking in accordance with the Council's Design Guide.

The indicative layout shows a pedestrian link between the site and the open

space to the north. This is encouraged.

5. Trees and hedgerows

The development would result in the loss of 12 trees at the site, some of which are Category B but this would be acceptable providing that the proposed landscaping scheme for the site was of a high quality. This would be secured at Reserved Matters stage.

6. Ecology and biodiversity

An Ecological Appraisal and Bat Survey has been submitted with the application which satisfactorily demonstrates that ecology at the site would be suitably protected, subject to compliance with the recommendations outline in that report.

7. Land quality

A condition would ensure that potential contamination at the site was investigated and remedied, if appropriate.

8. Drainage

Conditions would ensure that an acceptable drainage scheme at the site was provided.

9. Energy efficiency

A condition would ensure that sustainability objectives were achieved at the site.

10. Existing local infrastructure

A planning condition would secure the provision of affordable housing at the site in line with policy requirements. Given the link between the development of this site and the re-provision of education facilities elsewhere in Silsoe and in Central Bedfordshire generally, no education contribution would be required.

11. Conclusions

This site will no longer be needed as a school when the new facilities of the former Cranfield University site are opened. Whilst the development would result in the loss of Important Open Space, that space has limited visual or functional value and new facilities would be provided at the alternative site. The site is within the Settlement Envelope where residential development is acceptable in principle. The layout, scale, appearance and landscaping of the development would be assessed at Reserved Matters stage.

Recommendation:

That Planning Permission is approved subject to the following conditions:

- 1 No development shall commence at the site before details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") relating to that Phase have been submitted to and approved in writing by the local planning authority. 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.

- 2 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.

- 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 **Notwithstanding the submitted details, no development shall commence at the site before details of the junction between the proposed estate road and the highway and the re-instatement of the existing lay-by on High Street have been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until that those works has been completed in accordance with the approved details.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 5 **No development shall commence at the site before a scheme showing the provision of affordable housing at the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show not less than:**

- **35% of the total number of units at the site as affordable housing**
- **73% of the affordable housing units as being for affordable rent**
- **27% of the affordable housing units as being for shared ownership**

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the housing tenures at the site meet the identified needs of Central Bedfordshire in accordance with Policy CS7 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 6 No development shall commence at the site before a scheme showing how the development would achieve the following has been submitted to and approved in writing by the Local Planning Authority.**

- 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;**
- Climate change adaptation measures to minimise risk of overheating.**

The development shall be carried out in accordance with the approved scheme.

Reason: To meet the sustainability objectives of Policies DM1 and DM2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 7 No development shall commence at the site before details of the phasing of the development, including the provision of the replacement school playing field have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The details shall ensure that the development hereby permitted shall not be commenced before the replacement playing field is completed and operational. The development hereby permitted shall not be carried out other than in accordance with the approved details.**

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory playing field provision which secures a continuity of use.

- 8 No development shall commence at the site before a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Report number 16-163-01A, September 2016) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall 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 pipe sizes and inclination details, positioning and type of any control structure / device and exceedance should any item fail, it should also include details of how the scheme shall be maintained and managed after completion. The scheme shall include provision of attenuation and a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved final**

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

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 9 No dwelling shall be occupied before a management and maintenance plan for the surface water drainage scheme including provision of confirmation that the scheme has been correctly and fully installed as per the approved details has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved

- 10 **No development shall commence at the site before a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.**

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 11 No more than 14 dwellings shall be constructed at the site.

Reason: To ensure that the scale of development is appropriate in this location.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers EDP3438/01a, EDP3438/05c, 16-085-01, 16-085-01a, 001 rev B, 002 rev B, 003 rev V, Planning, Design and Access Statement dated August 2016, Heritage Assessment dated August 2016, Extended Phase 1 and Bat Assessment dated August 2016, Findings of Arboricultural Assessment dated July 2016 and Transport Statement dated September 2016.

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

Informatives:

1. The applicant is advised that in order to comply with conditions attached to this permission, it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN,
2. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any amendment thereto.
3. 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.
4. 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.
5. 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.
6. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can

commence.

7. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

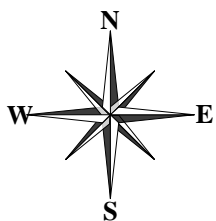
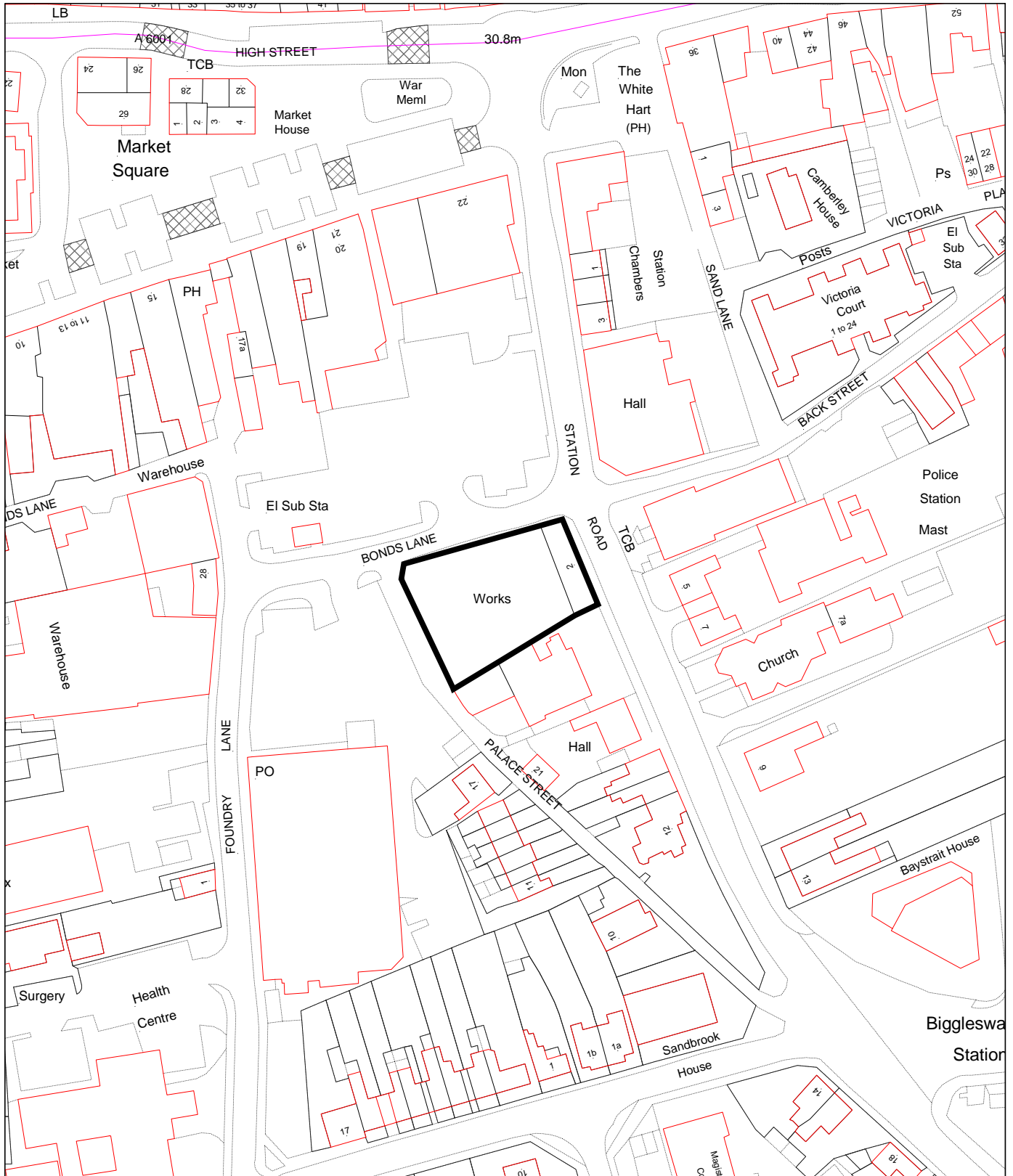
The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and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

DECISION

.....
.....

.....
.....

This page is intentionally left blank



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 22:November:2016

Map Sheet No

Application No.
CB/16/03048/FULL

Scale: 1:1250

Warehouse, Bonds Lane, Biggleswade, SG18 8AY

This page is intentionally left blank

Item No. 7

APPLICATION NUMBER	CB/16/03048/FULL
LOCATION	Warehouse, Bonds Lane, Biggleswade, SG18 8AY
PROPOSAL	Erection of 6 x 3 bedroom houses & 3 x 2 bedroom flats associated parking, cycle stores, bins and landscaping.
PARISH	Biggleswade
WARD	Biggleswade South
WARD COUNCILLORS	Cllrs Lawrence & Woodward
CASE OFFICER	Alex Harrison
DATE REGISTERED	29 July 2016
EXPIRY DATE	23 September 2016
APPLICANT	Whitebarn Developments Ltd
AGENT	Wastell & Porter Architects Ltd
REASON FOR COMMITTEE TO DETERMINE	Call in by Cllr Woodward <ul style="list-style-type: none">• Concerns regarding safe vehicle access and egress onto Bonds Lane and Palace Street• Insufficient parking spaces• Development allows for 24 beds and visitors and only 9 parking spaces in a busy town centre location where parking is already an issues
RECOMMENDED DECISION	Full Application - Approval recommended

Reason for recommendation:

The proposal for residential development is considered to be acceptable in light of the Core Strategy and Development Management Policies Document 2009. The site is in a sustainable location and will propose dwellings that would make a contribution to the Council's five year housing land supply. The development would serve as an enhancement to the character and appearance of the conservation area and would not adversely affect the setting of an adjacent listed building. There would be no amenity harm to existing residents. The scheme does not accord with the Biggleswade Masterplan which seeks mixed use development however on balance the benefits of the scheme are considered to outweigh this impact. The scheme proposes a shortfall in on plot parking but in this instance there is not considered to be significant and demonstrable harm from this given its town centre location.

Site Location:

The application site consists of a commercial warehouse which is redundant. The building effectively occupies the entire site and sits hard up to the highway. There is no roof on the building.

The site lies within Biggleswade Town Centre and is within the Conservation Area. The site is also within the Biggleswade Masterplan Study Area.

South east of the site lies the Aldi supermarket, immediately south is the Sea Cadets building with residential beyond. To the east lies a mixture of post office and commercial uses, police station and bingo hall. To the north lies a public car park with the High Street shopping area beyond.

The Application:

Planning permission is sought to demolish the existing building and construct nine residential units on the site with associated amenity space and parking. The accommodation will be provided in the form of 6 no. 3bed dwellings, in two terraces of three, and 3 no. 2-bed flats over three storeys in a corner building at the north eastern part of the site.

Access will be gained from the western side of the site via Palace Street in a one way entrance and exit arrangement, with egress onto Bonds Lane. 9 parking spaces are provided to serve the development.

Private gardens are proposed for the 6 dwellings.

The plans have been amended following their initial submission in response from comments made by consultees.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

CS14 High Quality Development

CS15 Heritage

DM2 Sustainable Construction of New Buildings

DM3 High Quality Development

DM4 Development Within and Beyond the Settlement Envelopes

DM13 Heritage in Development

DM15 Biodiversity

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Biggleswade Town Centre Adopted Strategy and Masterplan (2011)

Relevant Planning History:

Application Number	CB/14/04972/FULL
Description	Demolition of existing building
Decision	Under consideration
Decision Date	-

Consultees:

Biggleswade Council	Town	<p>It was resolved that the Town Council object to this Planning Application on the grounds of:</p> <ul style="list-style-type: none">• Highway Safety due to concerns regarding access and egress onto Bonds Lane and Palace Street, and• Parking, due to the development including accommodation for 24 residents and parking spaces for only 9 cars in a busy town centre location where parking is already an issue. It is understood that the provision for parking is below the CBC planning guidance regarding residential parking and not in keeping with the Town Centre Strategy and Masterplan.
---------------------	------	---

The development site is identified within the Town Centre Strategy and Masterplan as a key opportunity area, (Key Area 4), Bonds Lane and Foundry Lane area to Regenerate the area to provide a mix of uses including potential for car parking, shops, residential, commercial, food and drink and healthcare uses.

It was further resolved that this application should be called in to Development Management Committee and this request has been made to Cllr T Woodward.

Following the submission of amended plans.

- Highway safety due to concerns regarding access and egress onto Bonds Lane and Palace Street.
- Parking, due to the development including accommodation for 24 residents and parking spaces for only 9 cars in a busy town centre location where parking is already an issue. It is understood that the provision for parking is below the CBC planning guidance regarding residential parking.
- Not compliant with the Master Plan which specifies mixed retail and residential units in this location.

It was requested that this application be called in to

Development Management Committee by Cllr T Woodward if planning time restrictions allow.

Highways

Whilst there is no fundamental highway objection to the principle of residential on this town centre site I do have concerns with the layout that I believe would justify a highway safety objection as submitted.

In the main I am unhappy with the lack of pedestrian facility around the perimeter of the site. It would be hugely beneficial to the prospective residents if a 2m (1.8m min) footway were provided as part of the scheme. In addition the proposed access from Palace Street has zero visibility adding to the unsafe pedestrian environment.

Following amendments

Comments awaited.

Conservation Officer

Conservation area; nos. 4 and 6 Station Road- Grade II listed buildings- immediately to south of application site.

With refinement of the elevational designs and additional specification information of all materials- for the building and spaces around- this now, more-or-less, accords with the general form and scale of the townscape approach previously agreed - although some spans still seem wide, which may create an undesirable slightly over-scaled, bulky feel.

The nearby listed buildings are discrete, low-key, refined, early 19th century houses, with restrained pale Gault brickwork with low slate roofs. The corner site- Bonds Lane/ Station Road/ Palace Street- is prominent and sensitive- so weaving these 2 relatively large blocks into the fabric of this part of the town requires careful handling. The former cinema opposite is also a key reference point in terms of townscape context.

The Bonds Lane/ Station Road corner (main entrance/ stair well) is the key focal feature of the proposed building group. This needs to be designed to a greater scale- to show just how the entrance door and curved roof achieve the high quality of design refinement required. This might need further consideration- of perhaps some alternative approaches.

All materials- red brick/ bond, window/ door arches, natural slate, dormer windows- and some architectural detailing- doors/ window openings and joinery, still needs to be fully defined/ detailed.

The margins between frontage walls and pedestrian footway/ highway need proper designing- in terms of surfacing materials, railings. Is planting practical in this urban space?

So basically almost there but still some lingering questions about the scale/ bulk/ spans- in particular with regard to no. 4 adjacent to the site to the south and wider context/ setting; architectural detail- windows/ doors/ corner feature; edge space between buildings and highway; choice of brick- would Gault-like buff be more subtle?

Following amendments

From conservation and design point of view- this seems an imaginative and positive way forward for the corner projection detail. As always - much will depend on the fine detail and high quality materials throughout.

Pollution Team

The site is located close to commercial food outlets and associated odour and noise sources. It will therefore be necessary to ensure as with any development that the end users are protected from odour and noise.

Previously the Public Team with respect to a similar application raised an objection on the basis that odour and noise from the extract systems serving neighbouring commercial premises was likely to be to the detriment of future occupiers. In addition noise from deliveries and commercial deliveries to existing premises has not been considered and therefore technical assessments would be required to determine the impact(s) in order to make an informed planning decision.

As the applicant has failed to provide such information I have no option but to object to the application.

Sustainable
Drainage Officer

Urban

In accordance with PPG paragraph 80, all planning applications must follow the hierarchy for surface water discharge destinations. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destinations were selected.

Indicative data held by the council shows significant constraints at the site for infiltration. The application has not considered the drainage potential of the ground or provided an indicative approach to disposal of surface water. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate

assessment carried out under Building Research Establishment (BRE) Digest 365. All designs shall be based on actual infiltration figures obtained through percolation tests, carried out in accordance to BRE Digest 365.

If infiltration is not viable, subject to evidence being provided to support the choice of discharge destination, proposals to dispose of surface water in to a watercourse, surface water sewer, highway drain or another drainage system, should be accompanied by evidence of the system having spare capacity downstream.

A combined sewer is present in the adjacent road Foundry Lane and in accordance with the discharge hierarchy and adopted local standards for surface water ('Central Bedfordshire Sustainable Drainage Guidance' Adopted April 2014, Updated May 2015) discharge to combined sewers must be avoided.

The site has also been previously developed and there may be an increased risk of contamination. The detailed design must have regard to the nature of potential ground contamination, this should be appropriately investigated and managed so as not to cause damage to local water bodies.

On brownfield sites, existing drainage infrastructure could be usefully reused as part of a cost-effective drainage strategy. As such it will be important to understand the location and capacity of existing drainage to determine its potential.

No objection subject to condition.

Internal Drainage Board	Had no comments to make
Ecologist	I have no objection to the proposal but advise that the NPPF calls for development to deliver a net gain for biodiversity and opportunities for enhancement should be considered. The inclusion of integrated bird bricks and flower/ nectar rich planting would support biodiversity gains.
Trees and Landscape	No objection to the proposal. Details of landscape and boundary treatment details will be conditioned.
Landscape Officer	This is an urban redevelopment which I think will enhance the street scene. It is important that the architecture dominates but I think more consideration needs to be

given to the landscape treatments planned- at present some frontage planting is proposed - but I am not sure how effective this will be. Brick built low planters might be one solution.

I do not think there is sufficient space for the trees indicated on the elevation drawings.

I would welcome a more imaginative treatment of the carpark boundary eg planted fences would help to "green up" the internal courtyard.

Some trees are proposed for the garden are - flowering trees with good autumn colour are recommended to provide interest.

I do not object to the proposal but request that further details are prepared to formalise the planting proposals - at present there is insufficient information.

Archaeology

The proposed development site lies within the core of the historic town of Biggleswade (HER 17124) and under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

Biggleswade was recorded in the Domesday Survey of 1086 AD and is therefore likely to have late Saxon origins. Between the 12th and 13th centuries Biggleswade developed a number of urban characteristics, and was granted the right to hold a weekly market in the 13th century. A trapezoidal market place developed and a series of streets that probably included the High Street, Church Street, Shortmead Street and Mill Lane became formalised routes at this time. Biggleswade was given town status in the 14th century.

The initial post medieval expansion of the town was probably fairly slow, however the proximity of the Great North Road (A1) clearly had an impact on Biggleswade and the town was at its most successful between the middle of 17th and 19th centuries. Following the creation of the Turnpike Trusts in the early 18th century Biggleswade's position as an important stopping point along the route became well established and by 1824 there were 15 coaches leaving Biggleswade each day. Amongst the other trades associated with the town's provision for travellers of the Great North Road a successful brewing industry developed in Biggleswade from the middle of 18th century onwards. The site of the former Greene King Brewery was on Church Street (HER 7322) and Samuel Wells, the major brewer in town began brewing there in 1764. At one time Biggleswade had 26

maltings supplying both the local area and further afield via the Ivel Navigation (HER 14539) which canalised the river in 1757.

Very few archaeological investigations haven been carried out within the area of the medieval town. These include a trial trench evaluation in the market place where numerous stake holes and burgage plots were recorded (HER 16080) and another at 10 Hitchin Street where a number of pits and other archaeological features, including a substantial boundary ditch dated to the medieval period were found (EDB 957) together with a post-medieval quarry pit (19456). Further excavations at this site by Albion Archaeology has confirmed the presence of archaeological deposits dating from the medieval period onwards and demonstrate the survival of largely intact archaeological deposits within this part of Biggleswade. In addition, a number of Roman urns found in 1843 appear to have been situated adjacent to the site within or near to the junction of Bonds Land and Station Road (HER 177). As a consequence, the proposed development site is considered to have the potential contain heritage assets with archaeological interest.

The ground works associated with the proposed development (ground reduction, new foundations, services etc) will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach a condition to any permission granted in respect of this application.

Economic Development Officer Comments awaited

Waste Officer Comments awaited

Other Representations:

Neighbours One letter of objection received and one letter of support received.

- The letter of objection raises the following grounds:

- Palace Street is for access only and is of poor quality. There is no where for pedestrians on Palace Street.
- Signage should be erected if approved to make drivers aware.

The letter of supports raises the following points:

- Town centre has a history of difficulty in filling and retaining existing retail units.
- Existing building has not had long term occupiers.
- Addition of retailing/mixed use would result in more empty units and not create vibrant town centre.
- Proposal is an attractive redevelopment; existing building offers nothing in terms of the conservation area. May inspire other landowners to redevelop.
- Bin store is prominent and should be enclosed.
- Construction Management Plan would ensure no construction traffic on Palace Street.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

Considerations

1. Principle

- 1.1 It is considered that the site was previously an established a commercial site although it has been vacant for a considerable period. The proposal will result in the loss of employment land, however it is also noted that the site is not a safeguarded employment site as set out in the adopted Site Allocations Document 2011.
- 1.2 However it does sit within the designated town centre and forms a Key Site in the area designated under the Biggleswade Master Plan. This site is identified as Key Site 7 (within Area 4, Bonds Lane and Foundry Lane) of the Masterplan which highlights the importance of this area (and this site within it) as providing a valuable opportunity to expand the retail offer of the town centre. The masterplan highlights several objectives for Area 4. The most pertinent of these to this specific application are: to maximise the retail and food and drink uses at ground floor in this area to create active uses and secondly, to provide a high quality environment with a group of well designed buildings and spaces which work together to maximise the opportunity of this area.
- 1.3 The application proposal will not provide any additional space for typical town

centre uses such as retail, food or drink or other employment based uses. It is therefore apparent that this proposal will not meet the goals of the Masterplan, one of the reasons the Town Council objects. There are no site specific policies in the Core Strategy that allocate development or this site or the wider area. The Masterplan, as adopted SPD, should therefore be read in context with the planning policy overall, including the NPPF and Core Strategy with appropriate weight provided to its supplementary status.

- 1.4 The scheme proposes residential development and policy DM4 of the CSDMP states that, within the settlement envelope of Major Service Centres such as Biggleswade, residential development of appropriate scales are considered to be acceptable in principle. At the time of writing the Council cannot demonstrate a five year supply of deliverable housing land. This means that under the provisions made in paragraph 49 of the National Planning Policy Framework 2012, policies concerned with the supply of housing must be regarded as 'out-of-date', and the NPPF states that permission should be granted unless the harm caused "significantly and demonstrably" outweighs the benefits.
- 1.5 Recent case law tells us that these policies should not be disregarded. On the contrary, 'out of date' policies remain part of the development plan, and the weight attributed to them will vary according to the circumstances, including for example, the extent of the five year supply shortfall, and the prospect of development coming forward to make up this shortfall.
- 1.6 The provision of 9 dwellings will make a contribution to the Council's housing land supply. A site within the settlement envelope and within the town centre, close to services and transport links is considered to be a sustainable location.
- 1.7 It is acknowledged that the proposal would not realise the intentions of the Masterplan however the Council's housing land supply position is such that weight has to be afforded to the provision of housing, regardless of its scale. Furthermore the Masterplan is a document that has been in place for a number of years and this site has been vacant for a significant period with no formal interest outside of this proposal. It currently has a negative impact on the character of the conservation area and the scheme would improve this. There is no policy that restricts the development of the site for residential development and in this instance it is considered that greater weight is applied to the provision of housing. The fact that the site would be redeveloped in a conservation area location is also considered to be a benefit. On this basis it is considered that the principle of development can be considered acceptable.

2. Affect on the Character and Appearance of the Area

- 2.1 The proposed development will remove a prominent feature in the streetscene however it is currently seen as a dilapidated building, unused and without a roof. The proposed development would have a positive impact on the character of the area.
- 2.2 The design of the scheme creates a proposal with frontages to its most prominent facades, those fronting Bonds Lane and Station Road. These frontages enhance the streetscene in this location. The scale of the proposal is considered to be appropriate. The 2.5 storey scale of the dwellings reflects the

scale of buildings in this area and the corner block housing the proposed flats have been designed to have a scale that reflects the bingo hall directly opposite. The plans were amended since their original submission, in part, to enhance the design of the scheme. The external elevation treatment of the corner block has been improved to reflect the character of the bingo hall.

- 2.3 The frontage landscape areas have been amended to remove the previously shown soft landscaped areas and change them to show a widened footpath and hard landscaped areas. It is considered that appropriate surfacing and enclosures to these small front curtilage areas would have a better impact on the streetscene than planting as these can prove problematic in terms of management and upkeep. The hard landscaping would contribute to providing consistency in the streetscene in the frontage locations. The comments from the Landscape Officer are noted however so is the fact that this is an urban site with no landscaping at present. The proposal is considered to make a better streetscene impact from the increased footpath width and hard landscaping frontage than would be achieved through soft landscaping in this instance.
- 2.4 The design of the scheme is considered to be an enhancement of the area and as a result there are no objections to the impact on the character and appearance.

3. The Historic Environment

- 3.1 The site also lies within Biggleswade Conservation Area. In terms of the historic context, policy CS15 states that the Council will protect, conserve and enhance the district's heritage including its Conservation Areas and their setting and policy DM13 states that applications within Conservation Areas will be assessed against the relevant Conservation Area Appraisal and inappropriate development will be refused. The site is also adjacent to 4 and 6 Station Road which is Grade II listed building. The Local Planning Authority has particular duties when considering applications that affect the setting of listed buildings. These are set out in the Planning (listed Buildings and Conservation Areas) Act 1990. Section 66 states that... 'In considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting...'. Section 72 makes it a duty to '*pay special attention... to the desirability of preserving or enhancing the character of appearance*' of a conservation area.
- 3.2 The existing building is an established feature in the conservation area. However in its current state it is not a building that makes a positive contribution to the character or appearance of that area. The Conservation Officer has considered the application and did not raise objections in principle to the proposal. The scheme was amended taking account of comments aimed at improving the scheme and this is considered to have been achieved, particularly in the scheme drawing influence in its elevations from the bingo hall, which is the former town cinema.
- 3.3 In terms of the setting of the listed building the proposal will remove built form from being directly on the boundary as it currently does. The scale of development will still be visible in the setting of the listed building and the impact of this current proposal is considered to have a negligible impact on the setting

of the building given its relationship with the existing building.

- 3.4 The scheme is considered to provide a number of public benefits, namely the provision of town centre housing and an improved streetscene in the conservation area. In this instance the impacts on designated heritage assets are not considered to be adverse on their own merits and in any case there are public benefits to the scheme that outweigh any perceived harm that would be identified.
- 3.5 As a result it is considered that there is no significant harm to designated heritage assets that would warrant a reason to refuse this application.

4. Neighbouring Amenity

- 4.1 The site does not abut any residential properties. The nearest properties are located further south on Station Road, flats to the east on Back Street, or in flats above shops on the High Street to the north. There is a significant distance between nearby existing dwellings and the application site to the extent that there would be no impact of significance on any existing neighbouring residential amenity.
- 4.2 Consideration has to be given to the extent to which amenity levels are achieved within the development itself. The proposed houses are provided with private rear gardens. Not all of the gardens proposed directly comply with the design guide standards for size and depth but provision is made. The proposed flats are not afforded any amenity space as a result of the proposal. A lack of amenity space is therefore considered to be detrimental to the application however consideration should be given to the town centre location of the development and the view that in such locations a reduction in the level of amenity space can be apparent. The provision of garden space for the proposed dwellings is considered acceptable in this instance. The lack of provision for the proposed flats is not ideal however in this instance it can be considered acceptable on balance.
- 4.3 The layout is such that there is a window arrangement that shows the kitchen windows of the flats will look directly into one of the private dwellings gardens. The plans show awareness to this and they have been annotated to be fitted with obscure glazing. Although serving a prominent room for the flats the layout of these is open plan meaning the kitchen window is secondary in terms of light source and outlook and therefore while this is not ideal of occupiers it does not amount to a poor living arrangement for occupiers. The case is the same for the bathroom windows but it is assumed these would be fitted with obscure glazing. The obscure glazing can be secured through condition.
- 4.4 Subject to the condition detailed above the scheme is considered to provide appropriate amenity levels for occupiers in this town centre location.
- 4.5 The Pollution Officer has raised objection on the grounds that there is insufficient detail to assess the noise and odour impacts from nearby food outlets. There are no immediate food outlets adjacent to the site but there would be such facilities in a town centre. An objection is not considered to be sustainable in this location and it is considered that a condition requiring appropriate mitigation can be included on an approval to address this matter.

5. Highway Considerations

- 5.1 The access proposal sees vehicles enter from Palace Street and leave onto Bonds Lane. The access is not wide enough to allow two vehicles to pass within the site and therefore the application would need to ensure that this arrangement remains in place. Measures such as collapsible plates are one idea, but the detail can be reserved by condition. The egress point onto Bonds Lane is such that suitable pedestrian visibility splays can be provided. The access into the site from Palace street means that the arrangement can be considered acceptable and will not lead to congestion on the site.
- 5.2 Initially the Highway Officer raised concerns over the extent of public space around the perimeter of the site citing it would lead to highway safety concerns. The footpaths around the site are to be retained as existing and have always been in situ and the amended plans show that the applicant has agreed to increase the footpath provision as part of the scheme. The amended plans also show the access to come from Palace Street which has no footway and is unlikely to be subject to pedestrian movement. The egress onto Bonds Lane has been designed to include visibility splays and while it will cross a footpath that is used by pedestrians, this is not an uncommon relationship. The Highway Officer has not formally commented on the revised plans at the time of drafting this report and comments will be form part of the late sheet.
- 5.3 The proposal shows an under-provision of parking. Under the Design Guide standards the development would necessitate 2 on plot parking spaces per unit and 3 visitor spaces, 21 in total. The application proposes 9 spaces, one per unit. Justification was provided by the applicant for the shortfall citing the sustainable location of the site in the town centre reducing the need for the private car. The justification provided is considered to be appropriate. The site is in a wholly sustainable location with a number of services yards from the site. The under-provision is unlikely to lead to problems of on street parking as the immediate roads in the area are subject to parking controls in the forms of double yellow lines. Where there are on street parking bays these are limited to and hour long stay between 0800 and 1800.
- 5.4 It is considered in this instance that the application is acceptable in spite of an under-provision of parking spaces. The town centre location is wholly sustainable and reliance on the car is lessened. The concerns of the Town Council have been addressed and while acknowledged are not considered to be sufficient to warrant refusal. Subject to confirmation from the Highway Officer that the scheme is acceptable in regards to footpath provision, the proposal is therefore considered acceptable in highway terms.

6. Other Considerations

6.1 Human Rights issues

Based on the information submitted there are no known issues raised in the context of Human Rights/equalities Act 2010 and as such there would be no relevant implications with this proposal.

Recommendation:

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 No development relating to the construction of the dwellings hereby approved shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

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

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

- 4 The development hereby approved shall not be brought into use until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 3 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 3.

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

- 5 No development relating to the construction of the dwellings hereby approved shall take place until a detailed surface water drainage design has been submitted to, and approved in writing by, the local planning authority.

The approved design shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. The scheme to be submitted shall include:

- Plans and calculations showing appropriate disposal, storage and conveyance of surface water.
- Details of infiltration rates and ground water assessment.
- Details of to whom the surface water drainage system, in its entirety, will be managed by and how it will be maintained for the lifetime of the development.

The final detailed design shall be compliant with the standards set out in the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and prevent the increased risk of flooding both on and off site for the lifetime of the development in accordance with para 103 & 109 NPPF; and 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 Written statement - HCWS161.

- 7 No development beyond demolition 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.

- 8 No development relating to the construction of the dwellings hereby approved shall take place until 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).

- 9 Prior to the occupation of any dwelling hereby approved, details of proposed noise and odour mitigation measures shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how acceptable amenity levels will be achieved for the occupiers of these plots in light of their proximity to nearby commercial uses. The works shall be carried out in accordance with the approved details and shall be in place prior to the occupation of the dwelling to which each works relate and thereafter be retained to the same standard.

Reason: To ensure suitable levels of amenity are provided for residents in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

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

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Section 7, NPPF)

- 11 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 12 Notwithstanding the details in the approved plans, no development relating to the construction of the dwellings shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the proposed bin stores enclosures. The works shall be carried out in accordance with the approved details and therefore be retained.

Reason: To ensure the development proposes details that do not adversely affect the character and appearance of the conservation area in the interests of policy DM13 of the Core Strategy and Development Management Policies 2009.

- 13 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the houses or material alterations to the external appearance,

including the roofs, hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area.
(Section 7, NPPF)

- 14 No demolition or development shall take place until a written scheme of archaeological resource management; that includes provision for post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.

Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* (NPPF) that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1702 PL10D, 1702 PL11C, 1702 PL12C, 1702 13D and 1702 PL14C.

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.

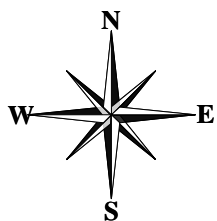
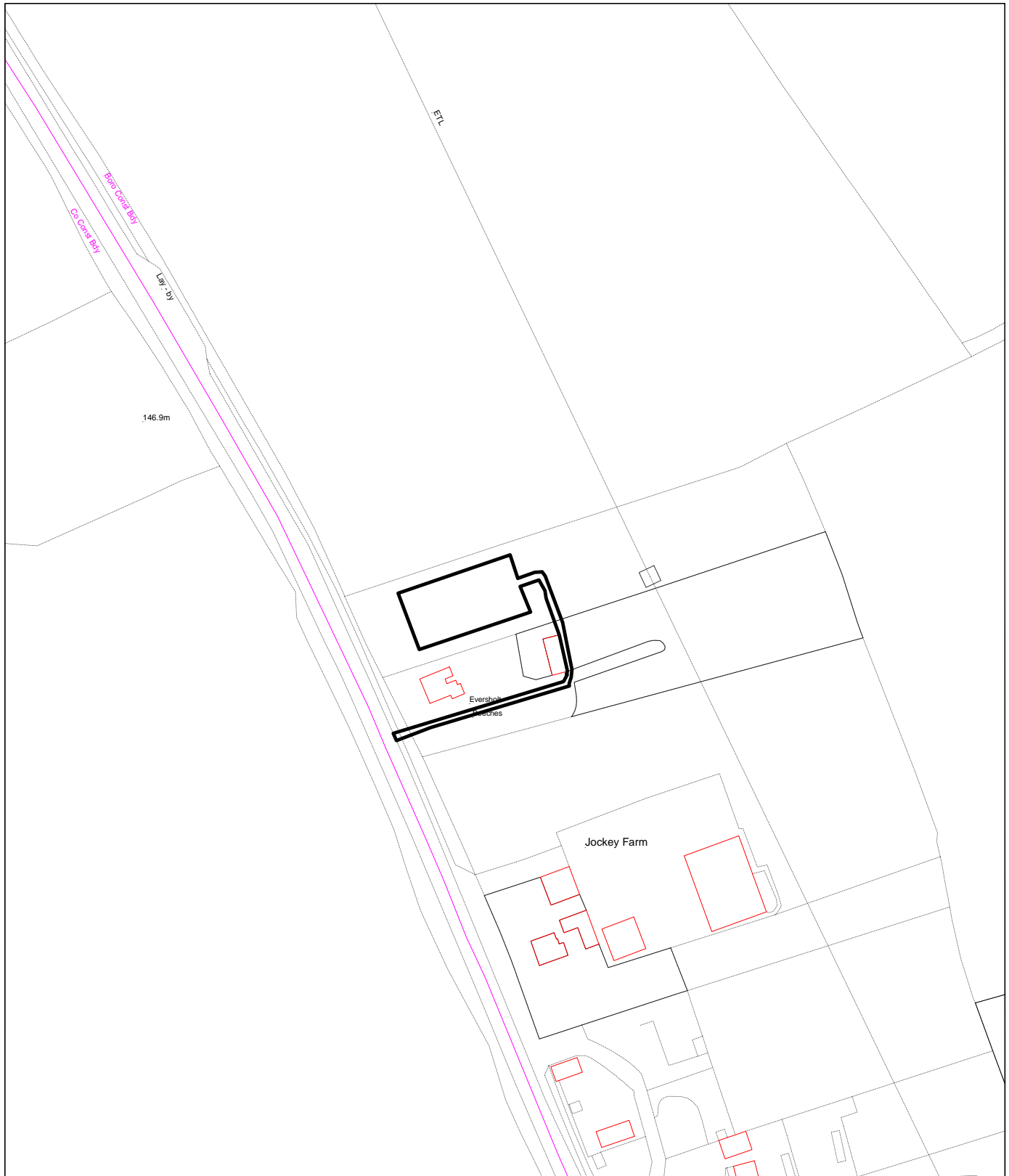
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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

.....

.....



© Crown Copyright. All rights reserved.
Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 23:November:2016

Grid Ref: 504598; 219217

Application No.
CB/15/03850/FULL

Scale: 1:2000

Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP

This page is intentionally left blank

Item No. 8

APPLICATION NUMBER	CB/15/03850/FULL
LOCATION	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
PROPOSAL	Permission is sought for change of use of land to a residential caravan site, for two Gypsy Traveller families. The site to contain two static caravans, two touring caravans and parking for four vehicles with associated hardstanding and water treatment plant.
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Peter Vosper
DATE REGISTERED	12 October 2015
EXPIRY DATE	07 December 2015
APPLICANT	Mr J Price
AGENT	BFSGC
REASON FOR COMMITTEE TO DETERMINE	The application has been called to Committee by the Ward Member Cllr Stay, on the basis that:- Development in the Green Belt. Over-development leading to ribbon development along the A5. The extended Eversholt Beeches extends beyond the current build line. Visual impact on the Green Belt and adjacent AONB is unacceptable. Located within the Green Belt this development would add to an already negative impact on Green Belt and adjacent AONB.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed development is an extension to an existing site within the Green Belt, A.O.N.B. and A.G.L.V. and the countryside, contrary to Policy H15 of the Local Plan.

There would be some harm to the landscape of the A.O.N.B although this could be mitigated by significant landscaping.

The development constitutes inappropriate development in the Green Belt, although the shortfall in sites and the applicant's personal circumstances are considered to amount to the very special circumstances needed to warrant the granting of permission for inappropriate development in the Green Belt.

The development would provide 2 permanent pitches to meet an identified need in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites, at a time when the Council cannot demonstrate a 5 year land supply.

The proposal would not result in any appreciable adverse impact on the residential amenity of nearby properties and improvement works to the existing access would be beneficial in terms of highway safety, and there are no technical waste/drainage or flooding issues.

On balance, the proposal is considered to be acceptable, and in conformity with The National Planning Policy Framework; and Planning Policy for Traveller Sites.

Site Location:

Eversholt Beeches is an established Gypsy and Traveller site, situated on the north-East side of the A5 (T) between Dunstable and Junction 9 of the M1. It is some 2km to the south of Dunstable within Caddington Ward.

The site lies within the Green Belt, the Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

The application site lies immediately to the north of the Eversholt Beeches site, and consists of a central area within a grass paddock area, very long and narrow in form, which runs from the mature hedge alongside the A5 in an easterly direction, with a slight slope upwards as it moves away from the A5.

The paddock is dominated by a substantial electricity pylon and lines which bisects the site, and the application site itself consists of a rectangular area within the paddock, and a short access to the Eversholt Beeches site.

The Application:

The proposal is to create an extension to the Eversholt Beeches site, to house the applicants family (Jim and Emma Price and family on one pitch and Jim Price's sister Ashleigh Price and Sansom Price and their child on a second pitch), as the existing site is over-crowded, and is currently occupied by 4 generations of the Price family, consisting of Florence Lee (Senior), Oram and Lucy Price, Fred and Chantelle Price, Arum Price, Dixie and Naomi Price, Jim and Emma Price and Ashleigh and Sansom Price.

The extension to the site would consist of the siting of 2 static caravans, and 2 touring vans and an area for parking 4 cars within a hard-standing area. An associated waste-water treatment plant is proposed for the applicants land to the south of the caravan site, and a waste storage area is indicated.

Access to the new site would be from the existing Eversholt Beeches site, and the agricultural gated access on to the A5 would not be utilised.

The plans indicate that boundary screening would be provided particularly to the A5 (west) and northern boundaries, which currently have well-established hedges, which would be supplemented.

The applicant states that whilst it is a Traveller tradition to look after all family members, the relationship between Jim Price and his Grand-mother have broken down as a result of the over-crowding, and that the new area would restore harmony to the family, and would be beneficial for the health and educational needs of the applicant's children. (Confidential Reports have been prepared).

The applicant states that the accommodation is necessary to allow their Romany Gypsy traditional way of life to continue and for the well-being of the applicant's children, as required by the Human Rights Act, Article 8.

The applicant states that fire regulations would not allow expansion at the present site and that the Price family are an established Romany Gypsy family, and the applicant regularly travels for trading purposes, to visit family and to attend markets, shows and other cultural events.

The applicant states that this would be a sustainable site, well screened (extra planting is proposed) and with good access to bus services giving ready connection to Dunstable's range of facilities including schools, doctors and shops.

The applicant states that if a permanent consent is not considered appropriate, then a temporary consent should be given, and that the lack of sites and the children's health and educational needs amount to the very special circumstances needed to justify the granting of permission within the Green Belt.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

The presumption in favour of sustainable development is a 'golden thread' running through the N.P.P.F.

Paragraph 17 establishes core principles, one of which is protecting the Green Belt, and recognising the intrinsic character and beauty of the countryside, and paragraph 55 indicates that isolated development in the countryside requires special justification. Paragraph 115 states that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty".

Section 9 of the Framework re-affirms the Government's commitment to the Green Belt, and that inappropriate development requires very special circumstances to warrant the granting of permission.

D.C.L.G - Planning Policy for Traveller Sites - August 2015

This document establishes the government's policy in relation to the provision of Gypsy and Traveller sites, establishing a requirement for a 5-year supply of sites.

Paragraph 14 indicates that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

In relation to Gypsy sites within the Green Belt, it states:-

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child,

personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the planmaking process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a Traveller site only.

South Bedfordshire Local Plan Review

Policies:

SD1 (Sustainable Keynote Policy),
BE8 (Design and Environmental Considerations)
NE3 (Development in Areas of Great Landscape Value)
H15 (Siting of Mobile Homes in the Green Belt).

[The above policies remain consistent with the N.P.P.F, and as a result, can be afforded significant weight].

Draft Gypsy and Traveller Local Plan

The Central Bedfordshire-wide Gypsy and Traveller Local Plan (GLTP) was prepared to deliver the assessed pitch and plot requirement for the period 2014 to 2031 and was subject to pre-submission public consultation following approval at full Council in February 2014. The Plan was submitted to the Secretary of State in June 2014, however the subsequent Examination was not held and the Plan withdrawn in September 2014. It therefore carries no 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.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Council Gypsy and Traveller Accommodation Assessment (GTAA) August 2016

Relevant Planning History:

No relevant history on application site, history on adjacent site is as follows:-

Case Reference	CB/10/01497/VOC
Location	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
Proposal	Variation of condition 4 of planning permission SB/TP/09/0078 to allow a maximum of five caravans, as existing, but including no more than three mobile homes, in lieu of the single mobile home currently permitted.
Decision	Variation of Condition - Granted

Decision Date	24/06/2010
---------------	------------

Case Reference	SB/09/00078
Location	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
Proposal	Retention of Gypsy site to provide a maximum of five pitches.
Decision	Full Application - Granted
Decision Date	13/03/2009

Case Reference	SB/99/00290
Location	EVERSHOLT BEECHES, WATLING STREET, CADDINGTON.
Proposal	CHANGE OF USE TO RESIDENTIAL GYPSY CARAVAN SITE
Decision	Full Application - Refused
Decision Date	24/08/1999

Consultees:

Caddington
Parish Council

This application has been brought forward because of overcrowding on the Eversholt Beeches main site and it seems that family members are at loggerheads. We are a little confused because drawing number BP-LS-10 block plan shows four static caravans on the Eversholt beeches main site. This is one more than the granted permission for three and two tourers, so if the overcrowding is this one extra caravan and its tourer why are they seeking permission for two pitches, tourers and car parking. If the forth static caravan on site and its occupants are the ones in conflict with other family members then a suggestion could be to move right to the top of the site past the electric pylon and Vodafone installation. Open a gap in the hedge and make room for one pitch which is one static caravan, one tourer and two parking spaces, problem resolved. We are of the opinion that family disputes and overcrowding are no more of an issue for travellers than they are for the settled community so these are not extenuating circumstances.

The parish of Caddington has just passed a consultation process for their neighbourhood plan and as far as we are aware the over riding principle to protect the greenbelt from inappropriate development has not been challenged. Where the neighbourhood plan accepts certain parts of land must be brought forward to secure the future of the parish and the rest remaining in the greenbelt must be protected. There was also a housing study undertaken that brought forward a need for certain forms of dwellings, no mobile home parks or caravan sites. The neighbourhood plan must be a consideration in this application.

The proposed new site is in the greenbelt and to develop and seek change of use of agricultural land which has

been used for grazing you have got to prove extra special circumstances, sustainability, best interest to the community and is not seen to be harmful to the surrounding area, and it does not have an impact that causes harm to the greenbelt. This application for a caravan park is contrary to all of these. The government is no longer in favour of extending travellers sites into the greenbelt. Policy H15 states that new caravan parks in the greenbelt would be treated in the same way as permanent dwellings so all the facts as previously stated would apply and the application would not be granted.

Disputes between relatives and overcrowding of existing travellers site does not constitute for special circumstances and to continuously say that C.B.C. is not producing enough traveller sites maybe if the applicant was to wait to see the outcome of the gypsy/traveller revue, which is being undertaken at this present time to supply sites for the next five years, maybe the problem would be resolved. We are a little confused as a planning committee as to understand why the revised plan has moved the applicant closer to the conflict with the relatives. He would be using the existing traveller site entrance, more conflict! As we have previously said would it not be better to put a greater distance between the two parties, owing to the site plan showing that there is only one caravan causing a problem. Therefore would it not be sensible to move it to the top of the Eversholt Beeches site and not to create a new caravan park.? We also understand that children are no longer a considered issue when determining a travellers application.

Is this application in the best interest for the community and would it have an adverse effect on the neighbouring communities? The applicant has not shown that the new caravan park and its residents would have any form of interaction with the rest of the parish and according to the neighbours, Kensworth, there are more than one ongoing issues with the travellers in the village. The N.P.F.W. says that if there are these kinds of issues it is contrary to policy.

From the boundary of the new proposed caravan park to the next dwelling on the A5 going North developers could probably put forward a good case to infill causing ribbon development, because of this application stepping outside the natural boundary line of a block of properties along the A5. Then, could it also be deemed that the next natural boundary line is Dunstable Rd, Millfield Lane so the agriculture land could become infill development land. Is this not the foreseeable massive harmful effect to the greenbelt.

This is an area of outstanding natural beauty and landscape value. What is the worth of setting up these sites of outstanding natural beauty and then placing a caravan site there because the visual impact from the surrounding land could be changed in a detrimental way because of the slope of the land.

If this application for caravan park not traveller site comes under the same rules and regulations as normal mobile homes/caravan parks will it be regulated on a regular basis? Are the rules for the two completely different?

Summing up

There does not seem to be enough evidence to support change of use on this application unless there is something or things that the parish council planning committee are not aware of. Therefore can only proceed with the evidence in front of them, overcrowding, family disputes which are there throughout the housing sector at this present time and there are no answers, so can we all buy a piece of land and turn it into a caravan park. No.

As previously stated it would have a harmful effect on the greenbelt and the neighbouring community and the government in the 2015 traveller's document is opposed to extending sites into the greenbelt. It will have a visual and harmful effect on the area of outstanding natural beauty and also landscape value.

A solution has been suggested to resolve the issues in the existing site without extending outside the boundaries with all the harmful effects that it would have. There is not an understanding of why the revised scheme puts the applicant in a position that could cause more conflict.

Kensworth P.C

OBJECT on grounds of over development, impact on the Greenbelt and AONB, contributing to ribbon development extending along the Eastern side of the A5, visual impact from Public Footpaths, destruction of ancient grassland, flora and fauna, new close board fencing already erected which does not allow ancient hedgerow to flourish, site already overcrowded and will contribute to existing site management problems, close proximity to existing sites at Jockey Farm and Greenvale Nurseries (which also has an application submitted for additional plots CB/15/04411), and highways safety concerns with additional traffic turning on and off the A5, especially following serious accident on 29th February 2016

1. The applicant states the new area (937m²) would restore harmony to the family, and would be beneficial for the health and educational needs of the applicant's children. The extension is a maximum of 60 meters away from any existing pitch. If there is a family breakdown, moving such a short distance whilst using the same access passed via the existing pitches, increasing the mobiles by 50% while increasing the pitches by 50% will not relieve overcrowding or assist with family harmony.

2. The scale of the ribbon development of G&T sites on Watling Street are felt to dominate Kensworth and therefore contravene PPTS Policy C pt 14 page 4 'When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community'

3. The applicant states the same access will be used though he has now submitted a revised plan. CBC Highways highlight the vehicular access problems on the 0.75 mile stretch of this stretch of Watling Street, which now has numerous entrances, often with large vehicles and caravans parked on either side restricting visibility. The parish council have also been made aware that the meadow on the opposite side of the A5 has now been purchased by a member of the extended Price family and the gateway has already been widened by 50%.

4. The site has a National Grid high voltage line which could have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. The applicant and his neighbours have suggested that these are due to be buried underground by the power company. Verification of this action from the National Grid would be required.

5. NPPF pt 58 page 15 states 'Planning policies and decisions should aim to ensure that developments: create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'

Police stats for crime reported from the existing G&T sites on Watling Street show 17 crimes reported between January and May 2016:

May 2016 - 6 crimes reported Anti-social behaviour x 2
Other theft x 1: Violence and sexual offences x3

April 2016 - 5 crimes were reported . Anti-social behaviour x 2 Shoplifting x 1 Vehicle crime x 2

February 2016 - 4 crimes were reported Anti-social

behaviour x 1 Other crime x 1: Violence and sexual offences x 2

January 2016 – 2 crimes were reported. Anti-social behaviour x 2

In addition, in February there was 24/7 police protection for 5 days after major incident involving firearms and the Packhorse Pub (a listed building) was eventually closed in December 2015 after Police were called to an incident after the landlord walked out unable to keep order and the unmanned bar was raided.

Highways England

No objection.

CBC Highway Authority

Initial response

The site is shown to be served via Eversholt Beeches by an existing access off the A5 Trunk Road - Refer to Highways England as the relevant highway authority for the Trunk Road.

The application form indicates that no new vehicular access will be created. However the existing access is only 3.6m in width and therefore is only capable of accommodating one way traffic.

No additional information has been submitted in relation to the number of units or pitches the access is already serving and therefore it is not possible to determine whether or not the access is capable of accommodating the additional traffic the proposal may generate.

Nevertheless, it is very likely that the access needs to be widened to 5.5m for a length of 10.0m into site, measured from the highway boundary and be provided with kerb radii of 6.0m. This will allow two vehicles to pass at the point of access and also allow a vehicle entering the site to stand clear of the main carriageway in the event that another vehicle is exiting. However, the land required for the widening of the access is not shown to be under the applicant's control.

It is worth noting that despite being stated in the application form that a new access is not to be created, a crossover has been created in front of the site directly off the A5, a drive of hardcore has been constructed and a gate installed at the access. All these indicate the intention to access the site through this created access which may be unauthorised.

These are matters that should be addressed by Highways England as the relevant Highway Authority.

However insofar as this Council is concerned as local highway authority I would recommend that the planning permission be refused for the following reasons:-

Insufficient information has been submitted to properly and accurately assess the proposal and any effect that it may have on highway safety.

Further response following submission of plan Access-2016-01-JP

Having looks at the revised drawing I am satisfied that the proposal can provided an access wide enough to ensure that safety access can be provided. While I am a little concerned with the detail on the drawing in relation to the access I believe that this matter can be dealt with by way of condition.

While this section of the A5 is part of the Highway Truck Road and within the jurisdiction of Highways England this is due to be redesignated and handed over this highway authority. I suggest therefore and for clarity this highway authority should deal with highway matters. With that I have offered appropriate detailed below.

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

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

Reason

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

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

Reason

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

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

Reason

In the interests of the safety of persons using the access and users of the highway.

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

Reason

To enable vehicles to draw off the highway before the gates are opened.

Development shall not begin until details of refuse storage area and collection point have been approved by the Local Planning Authority and no building shall be occupied until the said storage and collection points have been constructed in accordance with the approved details.

Reason

To ensure the refuse collection bins do not cause a hazard or obstruction to the highway or parking area.

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

Reason

In order to promote sustainable modes of transport.

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

Reason

In the interest of road safety and to reduce the number of

points at which traffic will enter and leave the public highway.

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

Reason

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

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

Reason:

To minimise the impact of construction vehicles and to improve the amenity of the local area.

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

The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters,

statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN

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

Pollution Team

No objections - this site is directly adjacent to an existing residential caravan site and in essence comprises an extension to it further away from the existing commercial uses to the south.

The site, outlined in red in the application documents, is sited some distance from the road and from the pylon, mobile phone mast and ancillary equipment.

Environment Agency

No objection - advises informatives.

Waste Services

The properties will be allocated 1 x 240 litre recycling bin, 1 x 55 litre glass box, and 1 x 240 litre residual bin (and 1 x240 litre garden waste bin if required)

Bins need to be presented at the curtilage of the property, by the highway on collection day. The collection vehicle will not access the property driveway.

Trees and Landscape

I can confirm that the site is surrounded by hedgerow, offering a good foundation baseline on which to add further screen planting around the proposed new caravan pitches.

Advise that a standard landscape planting condition should be imposed in order to secure additional, native, hedgerow planting, as set out in the Design and Access Statement, in order to maximise the effectiveness of the surrounding hedgerow screening belt.

Local Plans Team

Background

This application seeks permanent planning permission for

2 additional Gypsy and Traveller pitches to the existing 5 authorised pitches, and is one of a cluster of Traveller sites interspersed with commercial use south of Dunstable. The application is for a greenfield site located in the Green Belt beyond the settlement boundaries of both Dunstable (2.0m) and both Caddington and Kensworth (1.7m) in open but far from remote countryside adjacent to the CBC boundary with Dacorum to the south.

The Eversholt Beeches site comprises an extended family occupying an authorised 5 pitches in a combination of static and touring caravans, with some additional temporary structures. At the frontage of the site is a bricks and mortar bungalow originating from early in the last century which is apparently occupied by the applicant Mr. Price's grandmother, who is referred to in the application's D&A statement. The applicant and his neighbours have suggested that these are due to be buried underground by the power company. The land the subject of this application immediately to the north has been fenced off and has an existing separate farm-style access to the A5, with a somewhat weak boundary hedge to the open countryside beyond.

There is no proposed provision for travelling showpeople at this site and therefore this response excludes all reference to the needs of this part of the travelling community.

National "Planning Policy for Traveller Sites" (PPTS, August 2015)

This statutory guidance sets out the Government's policy for planning and managing the development of accommodation for Gypsies & Travellers. It provides specific guidance on determining planning applications for Traveller sites which seeks to facilitate the traditional, nomadic life of Travellers whilst respecting the interests of the settled community.

The PPTS requires that LPAs carry out a full assessment of the accommodation needs of Gypsies and Travellers in their area together with neighbouring authorities; determine the local need for sites and set pitch targets (as defined). In particular LPAs should "identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years worth of sites against their locally set targets" (para.10a). PPTS further states (para.27) 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 planning permission”.

Of particular relevance to this application is para. 14 which requires LPAs to ensure that the scale of sites located in the countryside do not “dominate the nearest settled community” and para. 25 which advises that LPAs “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. More specifically the August 2015 PPTS strengthens the presumption against Traveller sites in the Green Belt in Policy E, para. 16, which states that Traveller sites would need to demonstrate “very special circumstances” to outweigh harm. Para 17 indicates that defined Green Belt boundaries should only be altered through the Plan making process and not in response to a planning application.

Local Planning for Gypsy and Travellers

The Central Bedfordshire-wide Gypsy and Traveller Local Plan (GLTP) was prepared to deliver the assessed pitch and plot requirement for the period 2014 to 2031 and was subject to pre-submission public consultation following approval at full Council in February 2014. The Plan was submitted to the Secretary of State in June 2014, however the subsequent Examination was not held and the Plan withdrawn in September 2014. Whilst the withdrawn GTLP document therefore carries no weight in law when determining current planning applications, the policies contained within the document remain useful practical guidelines for the assessment of the suitability and acceptability of proposed Gypsy & Traveller sites in Central Bedfordshire.

The withdrawn Plan assessed the current and future need for Traveller sites (see below); identified criteria for assessing planning applications and sought to allocate 66 Gypsy & Traveller pitches (Policy GT1) considered deliverable in the first 5 years of the Plan period (ie 2014-19) and therefore capable of meeting current need. These pitches were to be accommodated on 6 separate sites which included the expansion of the nearby Greenvale site by 8 pitches to the current authorised 14 under Policy GT12 Site 92, notwithstanding the AONB and Green Belt designations (see below).

The withdrawal of this Plan however, means that there are currently no “allocated” Gypsy and Traveller sites to satisfy unmet current need. The Council has commenced

work on a new Central Bedfordshire Local Plan which will include provision for Gypsies and Travellers. A Call for Sites has recently closed which sought proposed sites to accommodate the Travelling community. This New Plan which will include a review of Green Belt boundaries in allocating sites to meet re-assessed needs, is currently scheduled for submission in December 2017 with examination the following summer. It will therefore be more than two years before any allocated sites are confirmed.

The additional pitches nonetheless required before this time will therefore need to be achieved through either a more intensive use of, or extensions to, existing authorised sites or on new unallocated “windfall” sites, each of which make an important contribution to the delivery of the 5 year supply of Gypsy and Traveller pitches required by the PPTS. There is no substantive need for a site to be formally allocated to be found suitable for Gypsy and Traveller use. It is open to site owners and / or promoters, including members of the Travelling community and the Council themselves, to bring forward sites as they become available and for the LPA to consider each proposal against established need following full and proper consultation.

Gypsy & Traveller Accommodation Need

In preparing the 2014 GTLP the Council commissioned a Gypsy, Traveller and Showpersons Accommodation Assessment from specialist consultants (GTAA, ORS January 2014) using a baseline survey date of November 2013. This Assessment considered the number of unauthorised pitches, temporary consents, concealed households and overcrowded sites, together with the number of Travellers on waiting lists for Council sites, in order to identify the current unmet need (or backlog of provision) within the authority area at that time. Future need was then estimated for 5, 10 and 15 year periods taking into account migration patterns and rates of new household formation, set against allocated and vacant sites and unimplemented permissions. This GTAA identified a backlog of 35 pitches. Assuming a 2.5% growth rate, it estimated a total requirement of 63 pitches for 2014-2019 and a total of 165 pitches for 2014-31.

The Submission Version of the Gypsy and Traveller Local Plan (June 2014) was accompanied by a trajectory which sought to demonstrate that the additional sites to be allocated would deliver a 5 year pitch supply if the GTAA results utilised a Council preferred 2.0% growth rate. This acknowledged the backlog of 35 pitches but

estimated a reduced need to 2019 of 54 and to 2031 of 131 pitches. The Plan's proposed allocation of 66 new pitches therefore met the 5 year supply and relied on continuing windfalls to meet the additional requirement beyond 2019 to 2031.

Following the withdrawal of the GTLP, the GTAA was further updated by ORS in December 2014 with the commencement of the preparation of the Council's new Local Plan. This assessment moved the baseline forward to January 2014 and took into account the difficulties that the Inspector, together with some consultees, identified with the figures in the submitted GTLP. The update re-affirmed the current backlog of 35 pitches and identified an unmet need in December 2014 of 56 pitches to 2019 and an overall net need 2014-31 of 136 pitches, utilising the lower 2.0% growth rate.

Recent planning permissions and appeal decisions over the last year have granted consent for a number of additional pitches, including making permanent some temporary pitches. Current site provision in Central Bedfordshire is continually being reviewed through monitoring and site visits including the bi-annual caravan count. The Council has therefore commissioned a further GTAA from ORS, which will have a baseline updated to 2016 and a new 5 year supply period to 2021. It will necessarily reflect the provisions of the revised PPTS, including the new "planning" definition of Gypsies and Travellers which requires consideration of the extent to which their "nomadic habit of life" is continuing (Annex 1 para.2). This work is underway and was due to report, for consideration by Members, in May 2016.

In the meanwhile, the Council accepts that whilst the immediate backlog may well now have been resolved, there remains an unmet need going forward resulting in the lack of a 5 year supply of suitable accommodation to 2019. This will be extended to 2020/21 under the New Plan. In recent appeals including APP/P02740/W/15/3004755 (Twin Acres, Arlesey) Inspectors have noted that if there is such a significant unmet immediate need for Gypsy and Traveller pitches due to the absence of an up to date 5 years supply of deliverable sites (a "policy failure"), this is a significant material consideration. The LPA can therefore expect to lose further appeals until this need is demonstrably met. This application for two permanent additional Gypsy and Traveller pitches, to meet a growing family need and resolve personal issues between members of the family, would make a windfall contribution towards meeting the

outstanding shortfall in supply.

The Eversholt Beeches Site

Eversholt Beeches is one of a cluster of 3 physically separate but apparently related Gypsy and Traveller sites in this locality. The extension of Greenvale to the south was one of the six proposed allocations in the GTLP 2014 having been selected through a long and detailed 3 stage process in 2013/2014, which included extensive consultation. It was considered that exceptional circumstances justified development in the AONB and the extension would have a limited impact on the landscape and on biodiversity. This site was considered to be at a reasonably accessible distance from Dunstable which provides a full range of services; vehicular access was satisfactory and it was capable of being effectively screened within the open countryside. As an existing site seeking to expand, it was deliverable in the required timescale to meet accepted need. These factors all apply in principle to the Eversholt Beeches site, however the proposed extension to the north would constitute a further incursion into the Green Belt, under stricter PPTS policy guidance.

Another particular issue is whether this site can be considered sustainable within the terms of the NPPF and PPTS. The CBC Planning policy approach in the now withdrawn GTLP – Part 5 Consideration of New Sites stressed that a sustainability approach required access to a variety of community services including health; schools; local shops and employment opportunity:

Para. 5.3 acknowledged that whilst proximity to existing settlements is the Council's first preference, it is often the expressed preference of the Gypsy and Traveller community to live in the countryside and indeed that of the nearest settled community that there should be more separation between the two forms of housing.

Policy GT5 proposed a criteria-based approach to assessing planning applications, which included ensuring "satisfactory and safe vehicular access to and from the public highway".

Para. 5.9 confirmed this as "essential" and adds "Access to local services by foot, cycle or public transport should ideally be available, to reduce the reliance on private vehicles."

This issue has been addressed by inspectors on appeal on a number of occasions both locally and nationally.

Increasingly the view is emerging that sustainability does not necessarily equate solely to being in walking distance of facilities, particularly if to do so would raise safety issues, and that a wider interpretation should be employed. Examples of this approach locally include Twin Acres, Arlesey (Appeal Ref: APP/P0240/W/15/3004755), where the Inspector concluded:

“However, there is no requirement in national policy to provide pedestrian links to gypsy and traveller sites. Government policy envisages such sites in rural areas, where providing footpath links will often be impractical or inappropriate. Paragraph 29 of the Framework acknowledges that “different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

This view is not new however and was reached earlier in the Woodside appeal, Hatch, SG19 1PT. The decision letter came in the same month as the revised PPTS, August 2015, APP/P0240/A/11/2156395/NWF.

Conclusion

The Council previously approved the adjoining site for this use, the proposals have been designed in a sympathetic manner to reduce impact on the surroundings and to incorporate safe vehicular ingress and egress. The site is within a reasonable distance of a major settlement providing all required facilities, bus access is available and the use would meet an established, genuine and urgent need for a genuine growing Traveller family grouping. The location ensures that the development will not dominate any adjoining settlement.

Previous Pre-App. advice has suggested that the use of the existing site could be improved to accommodate more caravans, perhaps by utilising the adjoining land for grazing and less intrusive uses. The future of the overhead cables is a relevant consideration in this. It may be appropriate to pursue this approach until the results of the Green Belt review are known which could consider this area and an appropriate policy response to it. It is understood that there are local community concerns regarding the number of caravans in this area and similarly concerns have been expressed regarding the speed of traffic and potential road obstruction beyond the boundary of the 50 mph limit some distance to the north. It is also the case that the land under the applicant's control could potentially accommodate more than the two

pitches currently applied for.

Other Representations:

Two letters of objection
has been received
which state:-

Bury Farm Cottage,
Church End

My key concern is that extending this residential site will have considerable impact on traffic and child safety on the A5 trunk road. Slow moving vehicles exiting this development are already a hazard and are likely to increase if the site is further developed. There are also vehicles frequently parked on the verges and children walking from the site on the verges to the petrol station on the A5. It is clear this is not a site that is suitable for residential development. Separately, given that the development is in the Green Belt and an Area of Outstanding Natural Beauty, further ribbon development along the A5 further should not be allowed.

Phillips Planning
Services (on behalf of
residents living in the
area)

Previous Committee Report fundamentally flawed in that it fails to apply Green Belt policy and other significant policy constraints relevant to the proposal.

Our view is that, based on the information in the report, the inappropriate development proposed creates significant harm to the openness of the Green Belt and creates other harm (adverse landscape impact and highways). This is not outweighed by the countervailing factors put forward by the applicant. Very special circumstances do not therefore apply and the application should be refused.

25 Standard Letters of
Support state:-

Jockey Meadow Ind
Units, Watling St,
Dunstable

Support the Jim Price application as there is a shortage of Gypsy Traveller sites in Central Bedfordshire, and this type of private provision is a good way forward and much needed. Request that CBC look favourably on this application.

Jockey Meadow Farm,
Watling St, Dunstable

Ditto

147 Tennyson Road

Ditto

Jockey Meadow Farm,
Watling St, Dunstable
21 Parklands,
Dunstable

Ditto

Ditto

48 Ashcroft, Dunstable
184 Spoodell,

Ditto

Ditto

Dunstable	
Unit 20 Tavistock Place, Dunstable	Ditto
35 Jardine Way, Dunstable	Ditto
The Spinney, Coventry	Ditto
The Spinney, Coventry	Ditto
16 Suncote Avenue, Dunstable	Ditto
16 Suncote Avenue, Dunstable	Ditto
6 Finsbury Place, Dunstable	Ditto
Rador Road, Luton	Ditto
Jockey Farm, Watling St, Dunstable	Ditto
Jockey Meadow Farm, Watling St, Dunstable	Ditto
Jockey Meadow farm, Watling St, Dunstable	Ditto
Jockey Meadow Farm, Watling St, Dunstable	Ditto
Jockey Meadow Farm, Watling St, Dunstable	Ditto
24 Leyburn Road, Luton	Ditto
Jockey Meadow Farm, Watling St, Dunstable	Ditto
Jockey Meadow Farm, Watling St, Dunstable	Ditto
Jockey Meadow Farm, Watling St, Dunstable	Ditto
Jockey Meadow Farm, Watling St, Dunstable	Ditto
13 Manor Road	Ditto

Determining Issues:

The main considerations of the application are:

1. Principle of Development in the Green Belt
2. Affect on the Character and Appearance of the Countryside
3. Neighbouring Amenity
4. Highway Considerations
5. Drainage and Waste
6. The planning balance
7. Other Considerations

Considerations:

1. Principle of Development in the Green Belt

- 1.1 The provision of Gypsy sites is governed by similar restrictions as

conventional housing - there is a requirement for the Local planning Authority to identify a 5-year supply of sites to meet an objectively assessed need - and such sites should be in sustainable locations, with good access to facilities - especially educational and medical needs - with a general requirement to avoid isolated sites within the countryside.

- 1.2 Policy H15 of the Local Plan, indicates that applications for the siting of mobile homes or residential caravans in the Green Belt will be treated in the same way as applications for permanent dwellings and judged against the provisions of Green Belt policy.
- 1.3 The site falls within the statutory Green Belt, and the development constitutes 'inappropriate development' which is by definition, harmful. The N.P.P.F indicates that inappropriate development should be refused, and requires very special circumstances to be demonstrated - that outweighs the harm arising from the inappropriateness, the harm to the openness of the Green Belt and all other harm - to warrant the granting of planning permission for inappropriate development.
- 1.4 The National Planning Policy for Gypsy and Traveller sites indicates that:-
"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. (This application does not seek to amend the Green Belt boundary).
- 1.5 The above National Guidance suggests that the shortage of sites and the applicant's personal circumstances would not individually amount to the 'very special circumstances' necessary to justify the granting of permission.
- 1.6 The comments from the Council's Local Plans Team however indicates that the shortfall in the provision of Gypsy and Traveller sites is such, that it could, cumulatively, amount to the very special circumstances as demonstrated by recent appeal decisions.
- 1.7 Since the comments from Local Plans, a Gypsy and Traveller Accommodation Assessment was published on the Council's website in August 2016. This will form part of the technical studies that are consulted on in December 2016 to inform the new Local Plan. The assessment highlights that given the new definition of Gypsy and Traveller within the 2015 Planning Policy for Traveller Sites, that the need has substantially reduced within Central Bedfordshire for 'Travelling Gypsies and Travellers'. The Central Bedfordshire Local Plan will need to allocate a total of 23 pitches to 2035 to meet identified 'Travelling Gypsy and Traveller' needs, with a further 48 pitches potentially to be delivered for 'Unknown' Gypsies and Travellers. Therefore, the total need within the plan period has been indicated as being up to 71 pitches. 14 of these would need to be delivered by 2021 for 'Travelling' Gypsies and Travellers in order to ensure Central Bedfordshire has an up to date 5 year

supply and potentially 11 further for 'Unknown' Gypsies and Travellers, totalling 25 pitches.

- 1.8 In addition the Assessment recognises a need for 98 pitches for 'Non-Travelling Gypsies and Travellers' in the period up to 2035, including 50 in the current 5 year period. The Council has not at present agreed a policy on how culturally appropriate accommodation will be provided for these Gypsies and Travellers.
- 1.10 It should be noted that the Accommodation Assessment has not yet been through any consultation process or agreed by the Council in terms of providing policy for the forthcoming Local Plan. Nevertheless, pitches delivered through applications on existing sites or new unallocated sites, such as that proposed by this planning application, would contribute to the number of windfall pitches provided.
- 1.11 In addition, the applicant has advanced personal circumstances - the Eversholt Beeches site is currently overcrowded, causing friction and problems within the family and the additional pitches would allow enough physical separation to diffuse existing conflict; the resultant ability for the family of 4 generations to provide extended family/community care, which is a cultural preference; the educational and health issues of his (4) children and child of his sister - which were updated in August 2016 following the original submission in October 2015, to justify needing to remain at the current site, and a confidential educational and medical report has been provided, including reference to a serious ongoing condition of the applicants daughter that requires regular check ups and attendance at hospital.
- 1.12 The applicant indicates that his human rights (and those of the children) would be harmed if the site is not developed, and that the above, in total, constitutes the 'very special circumstances' needed to warrant the granting of permission.
- 1.13 It is apparent from the Local Plan team response, that despite the National Planning Policy for Gypsy and Traveller sites indicating that the lack of 5-year supply of sites, and the personal circumstances would rarely amount to the 'very special circumstances' needed to justify inappropriate development within the Green Belt, in this instance the short-fall in the availability of Gypsy sites is such, that the combination of the shortfall, and the applicant's personal circumstances would in this instance, amount to the 'very special circumstances' needed to warrant the granting of inappropriate development within the Green Belt.
- 1.14 It is apparent that the development constitutes inappropriate development, and that the 'very special circumstances' must outweigh the harm caused by virtue of the inappropriate development, the harm to the openness of the Green Belt, and any other harm.
- 1.15 The development would cause harm from being inappropriate, and it would also be an intrusion in to the open land to the north of the current site, and would therefore harm the openness of the Green Belt, by introducing development on to a site that is currently open and a greenfield site, with the

only development being the electricity pylon.

- 1.16 The applicant suggests that the cable could be placed underground and the removal of the pylon would result in the land being more open in the future and therefore the intrusion of the caravan site in to the countryside would be more apparent.
- 1.17 The land is presently fairly well screened by virtue of boundary hedging, and whilst the site could be landscaped further, and partially screen the site, this would not lessen the harm to openness.
- 1.18 Other harm - to the character of the A.O.N.B and A.G.L.V.- is discussed in the following section.

2. Affect on the Character and Appearance of the Countryside

- 2.1 The character of the land around is of open countryside, and rolling downs and falls within the Chiltern Hills Area of Outstanding Natural Beauty, (which the N.P.P.F indicates should be afforded the highest level of protection) and the Local Plan designated Area of Great Landscape Value.
- 2.2 The site would be visible from vantage points in the surrounding area, including public footpaths, although less so from the A5 due to boundary treatment.
- 2.3 Whilst the site could be screened further by the introduction of additional planting, it would still be an encroachment in to the countryside of the A.O.N.B, and within such areas, the cumulative impact of the development considered with other developments, is an important consideration within the A.O.N.B.
- 2.4 The area already has electricity pylons and several commercial and Gypsy and Travellers sites that are developed and intrude into the countryside of the A.O.N.B. and A.G.L.V. in this locality on the eastern side of the A5, and although the proposed development would intrude further, and is a greenfield site, the additional harm to the locality is lessened by this context.
- 2.5 It is considered that there would be moderate harm caused to the landscape in the short-term, that could be mitigated for by means of additional planting, and in the medium-to-long term, the impact would be lessened as the landscaping matured, to the extent that it would only be distant views that would be affected, although due to the elevated view-points, it could not be said that the development would cause no harm.
- 2.6 It is considered that a high standard of landscaping to the boundaries of the site would be necessary in order to minimise the impact on the A.O.N.B. and A.G.L.V. but this could be conditioned accordingly.

3. Neighbouring Amenity

- 3.1 There are no immediate neighbours in close proximity to the site, and the development falls centrally within the larger paddock area to the north of the existing Eversholt Beeches site.

3.2 The use of the site would not therefore have any appreciable impact on the amenities enjoyed by the occupants of any nearby residential properties.

3.3 The access to the site extension is taken from the existing access to Eversholt Beeches, and the modest increase in traffic that is likely to be generated would not impact on the level of amenities enjoyed by neighbouring property.

4. Highway Considerations

4.1 The proposed access to the site is via the existing access to Eversholt Beeches, which is seen as preferable to introducing another new access on to the Trunk Road.

4.2 The Highway Authority initially recommended refusal of the proposal as submitted as the existing access does not allow for 2-way traffic to pass in the mouth of the access, which could result in vehicles turning in to the site having to stop on the A5 (T), should another vehicle be emerging from the site.

4.3 A revised plan (Access-2016-01-JP) has been submitted indicating a widened access which would allow vehicles to pass within the entrance (thereby avoiding the need for vehicles needing to wait on the trunk road). The Highway Authority are content with this arrangement.

4.4 Highways England has no objection. It should be noted that whilst the section of the A5 which passes the site is currently part of the Highway Trunk Road and therefore within the jurisdiction of Highways England, this is due to be designated and handed over to Central Bedfordshire as Highway Authority.

4.5 It is considered that on the basis of further detail of the widened access shown on plan Access-2016-01-JP being provided and these improvement works taking place before the development is occupied, a matter which can be dealt with by a condition, then no highway safety issues would arise.

5. Drainage and Waste

5.1 In the absence of any public sewers in the area, under the sequential test for non-mains drainage, a package treatment plant as proposed, is the most sustainable method of foul drainage, and no objection has been raised by the Environment Agency, and the discharge from the unit would be dealt with under their 'permit' regime.

5.2 It is considered that the proposed method of foul sewage disposal is acceptable and the siting of the unit itself is appropriate.

5.3 The caravans themselves would discharge the run-off to soakaway, and the size of the site would ensure that there would be no likelihood of the run-off flooding adjacent or surrounding land.

5.4 The site would have an assigned area for the positioning of wheelie-bins, which would be placed at the access drive junction with the public highway for

collection on the assigned day.

- 5.5 There is no objection to the proposal on technical drainage/waste grounds.

6. The Planning Balance

- 6.1 The site falls with the A.O.N.B and A.G.L.V. and would have a moderate impact on the landscape in the short-term, which would become a minor impact over time when any additional landscape.
- 6.2 The development would be well screened from localised views along the A5 by existing planting, although longer views from elevated positions and public footpaths would be affected.
- 6.3 The N.P.P.F indicates that the protection of such sensitive areas should be afforded the highest level of protection, and therefore a substantial planting scheme would be required in mitigation.
- 6.4 The site constitutes inappropriate development within the Green Belt and would be contrary to saved policy H15 of the adopted South Bedfordshire Local Plan Review 2004, which requires residential caravan sites to be dealt with in the same manner as conventional dwellings.
- 6.5 The N.P.P.F indicates that inappropriate Development is by definition harmful to the openness of the Green Belt and that very special circumstances - that outweigh the harm from inappropriateness, the openness of the Green Belt and any other harm - needs to be demonstrated in order to warrant the granting of permission for inappropriate development.
- 6.6 The national planning policy for Gypsies and Travellers indicates that the lack of a 5-year supply of Gypsy and Traveller sites, and any personal circumstances advanced by the applicant would in themselves rarely amount to the very special circumstances needed to offset the harm.
- 6.7 In this instance, on balance, it is considered that the lack of a deliverable 5 year supply of pitches and shortage of sites, compounded by the applicants personal circumstances (the retention of the extended family and educational and medical needs of the children) do in this instance amount to the very special circumstances needed to warrant the granting of permission for inappropriate development.
- 6.8 By attachment of a condition, the development would result in improvements to the existing access that would have a modest highway safety improvement.
- 6.9 The overall planning balance in view of the above points is that planning permission should be granted for the development as proposed.

7. Other Considerations

- 7.1 **Human Rights issues:** in this instance, the applicant indicates that the refusal of permission would be contrary to the human rights of his children in

relation to their educational and medical/health needs, and the lack of a 5-year supply and lack of available sites would contravene his human rights to home and property.

- 7.2 **Equality Act 2010:** the applicant is a member of the Gypsy and Traveller community, and as such, issues of equality were considered in the formulation of the above report, although no breach of the Act was considered to have occurred.
- 7.3 **Temporary permission:** Consideration is also required to be given to whether temporary consent would be appropriate as the Planning Policy for Traveller Sites sets out this should be considered where there is no 5 year supply of sites. However, in this case it has been considered above that the circumstances are such that a permanent permission is justified.

Recommendation:

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS

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

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

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

Reason: To ensure an acceptable standard of landscaping and to provide screening for the site in view of its location within the A.O.N.B., AGLV and Green Belt.

(Policies BE8 & NE3, SBLPR and Sections 7, 9 & 11, NPPF)

- 3 Unless otherwise agreed by the Local Planning Authority, the site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance which amends or supersedes the above.

Reason: To limit the use of the site to gypsies and travellers as the proposal is justified on addressing a need for such accommodation in accordance with the Planning Policy for Traveller Sites 2015.

(Section 9, NPPF)

- 4 No caravan located on the site shall be occupied for residential purposes by any person other than the following or their dependants: Jim and Emma Price and Sansom and Ashleigh Price and the caravans and associated structures, shall be removed from the site within 2 months of the named occupants or their dependants ceasing to occupy the site.

Reason: In recognition of the location of the site in the Green Belt and the “very special circumstances” case accepted in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites.

(Section 9, NPPF)

- 5 No more than four caravans shall be located on the site and occupied for residential purposes, and no more than 2 caravans shall be static caravans, and the said caravans shall be sited within the pitches indicated on the submitted plan reference BP-LS-2016-07. Notwithstanding the details of the said plan no approval is hereby given to any details that remain the subject of other conditions attached to the original grant of planning consent.

Reason: In recognition of the location of the site in the Green Belt, an Area of Outstanding Natural Beauty and AGLV and having regard to the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

(Policy NE3, SBLPR and Sections 9 & 11, NPPF)

- 6 No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to ensure appropriate development in the open countryside and the A.O.N.B and AGLV, and In order to protect the openness of the Green Belt.

(Policy NE3, SBLPR and Sections 9 & 11 NPPF)

- 7 **The development hereby permitted shall not be occupied or brought into use until the details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.**

Reason: To protect the visual amenity of the site and the open countryside of the A.O.N.B, AGLV and Green Belt and its surrounding area.

(Sections 7, 9 & 11, NPPF)

- 8 **Details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any pitch. The scheme shall be fully**

implemented prior to occupation and shall be retained thereafter.

**Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway.
(Policy BE8, SBLPR and Sections 4 & 7, NPPF)**

- 9 **The residential caravans hereby approved shall not be brought on to site until details of a development scheme have been submitted to and approved in writing by the Local Planning Authority, and the approved development scheme shall be implemented in full prior to occupation of any caravan, and thereafter retained in the agreed form.**

- (i) The proposed means of foul and surface water drainage of all parts of the site;**
- (ii) Walls, fencing, gates or other means of enclosure on the boundary of and within all parts of the site, together with any additional such walls, fencing, or other enclosures on all parts of the site;**
- (iii) The waste storage facilities to serve the various parts of the site; and**
- (iv) The treatment of the hard-surfaced areas of the site.**

**Reason: To provide a satisfactory appearance in recognition of the location of the site in the Green Belt and an Area of Outstanding Natural Beauty and AGLV.
(Policies BE8 & NE3, SBLPR and Sections 7, 9 & 11 NPPF)**

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

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

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

**Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Section 4, NPPF)**

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

LP-05 1/1250 Scale - Revised Location Plan, received on 26 July 2016
BP-LS-2016-07 1/500 Scale - Revised Block plan/Proposed Site Layout, received on 26 July 2016
Access-2016-01-JP 1/100 Scale - Vehicular Access layout, received on 08 July 2016

Reason: To identify the approved plans, to define the terms of the permission and for the avoidance of doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the 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. **Informative from Environment Agency**
In addition to planning permission the applicant may also require an Environmental Permit from the Environment Agency.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

PPG4: Sewage treatment and disposal where there is no foul sewer

Septic tanks and treatment plants: permits and general binding rules

4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
5. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

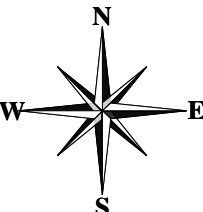
The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and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

DECISION

.....

.....



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/16/04420/FULL
	Date: 22:November:2016	
	Grid Ref: 504592; 219179	
Scale: 1:2000	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP	

This page is intentionally left blank

Item No. 9

APPLICATION NUMBER	CB/16/04420/FULL
LOCATION	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
PROPOSAL	Change of use for the retention of caravans for occupation by four Romani Gypsy families, with associated hardstanding and access. The site to contain, four static caravans, four touring caravans and associated residential parking.
PARISH	Caddington
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Peter Vosper
DATE REGISTERED	22 September 2016
EXPIRY DATE	17 November 2016
APPLICANT	Mr O Price
AGENT	BFSGC
REASON FOR COMMITTEE TO DETERMINE	Linked to adjoining site planning application CB/15/03850/Full on this Agenda.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed development is for the retention of an existing site within the Green Belt, A.O.N.B. and A.G.L.V. and the countryside, contrary to Policy H15 of the Local Plan.

There would be some continuation of harm to the landscape of the A.O.N.B although this could be mitigated by significant landscaping.

The development constitutes inappropriate development in the Green Belt, although the shortfall in provision of sites and the loss of this site from existing supply if permission were to be refused and the occupation of the site for over 16 years by the extended family, including the grant of permission in 2009 and applicant's personal circumstances are considered to amount to the very special circumstances needed to warrant the granting of permission for inappropriate development in the Green Belt.

The development would provide 4 permanent pitches to meet an identified need in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites, at a time when the Council cannot demonstrate a 5 year land supply.

The proposal would not result in any appreciable adverse impact on the residential amenity of nearby properties and improvement works to the existing access would be beneficial in terms of highway safety, and there are no technical waste/drainage or flooding issues.

On balance, the proposal is considered to be acceptable, and in conformity with The National Planning Policy Framework; and Planning Policy for Traveller Sites.

Site Location:

Eversholt Beeches is an established Gypsy and Traveller site, situated on the north east side of the A5 (T) between Dunstable and Junction 9 of the M1. It is some 2km to the south of Dunstable within Caddington Ward.

The site lies within the Green Belt, the Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

The Application:

Planning permission was granted on 13 March 2009, under reference SB/09/0078, for the retention of a Gypsy site to provide a maximum of five pitches. A subsequent application (reference CB/10/01497/VOC) for the variation of condition 4 of planning permission SB/09/00078 also allowed, on 24 June 2010, for a maximum of five caravans, but to include no more than three mobile homes.

Both these applications were subject to planning conditions (No. 6 of SB/09/00078 and No. 2 of CB/10/01497/VOC) that required the removal of the caravans, if the conditions were not complied with.

The relevant conditions required the submission of details such as drainage, lighting, boundary treatment and other matters (the details being known as the 'site development scheme'), within 3 months of the permission. However, there is no record of the submission of details of the site development scheme and therefore the conditions were not complied with in the requisite 3 months. The caravans should therefore have been removed from the site shortly after.

Planning permission is therefore now sought to regularise the situation of the site. This involves the retention of caravans for occupation by four Romani Gypsy families living on the site already, with associated hardstanding and access. The site would contain four static caravans, four touring caravans and associated car parking.

The pitches would be occupied by Oram and Lucy Price and children, Fred and Chantelle Price and children, Arum Price, and Dixie and Naomi Price and children. Florence Lee would remain living in the bungalow at the site entrance.

A planning application has also been submitted (reference CB/15/03850) for an extension to the Eversholt Beeches site to the north for the siting of two static caravans, and two touring caravans, to be occupied by Jim and Emma Price on one pitch, and Ashleigh and Samson Price on a second pitch.

The existing vehicular access from Watling Street would be used.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

The presumption in favour of sustainable development is a 'golden thread' running through the N.P.P.F.

Paragraph 17 establishes core principles, one of which is protecting the Green Belt, and recognising the intrinsic character and beauty of the countryside, and paragraph 55 indicates that isolated development in the countryside requires special justification. Paragraph 115 states that "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty".

Section 9 of the Framework re-affirms the Government's commitment to the Green Belt, and that inappropriate development requires very special circumstances to warrant the granting of permission.

D.C.L.G - Planning Policy for Traveller Sites - August 2015

This document establishes the government's policy in relation to the provision of Gypsy and Traveller sites, establishing a requirement for a 5-year supply of sites.

Paragraph 14 indicates that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

In relation to Gypsy sites within the Green Belt, it states:-

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the planmaking process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a Traveller site only.

South Bedfordshire Local Plan Review

Policies:

SD1 (Sustainable Keynote Policy),

BE8 (Design and Environmental Considerations)

NE3 (Development in Areas of Great Landscape Value)

H15 (Siting of Mobile Homes in the Green Belt).

[The above policies remain consistent with the N.P.P.F, and as a result, can be afforded 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.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Council Gypsy and Traveller Accommodation Assessment (GTAA) August 2016

Relevant Planning History:

Case Reference	CB/10/01497/VOC
Location	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
Proposal	Variation of condition 4 of planning permission SB/TP/09/0078 to allow a maximum of five caravans, as existing, but including no more than three mobile homes, in lieu of the single mobile home currently permitted.
Decision	Variation of Condition - Granted
Decision Date	24/06/2010

Case Reference	SB/09/00078
Location	Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP
Proposal	Retention of Gypsy site to provide a maximum of five pitches.
Decision	Full Application - Granted
Decision Date	13/03/2009

Case Reference	SB/99/00290
Location	EVERSHOLT BEECHES, WATLING STREET, CADDINGTON.
Proposal	CHANGE OF USE TO RESIDENTIAL GYPSY CARAVAN SITE
Decision	Full Application - Refused
Decision Date	24/08/1999

Consultees:

Caddington Parish
Council

Eversholt Beeches travellers site has permission for 3 static caravans, 2 touring caravans which is 5 units. It was brought to the attention of Central Beds. that there is an extra static caravan. We are not aware of extra tourers. This was deemed to make the site over crowded so a pending planning application, to alleviate all the overcrowding problems, was to extend the site into the field next door. This would then leave the site with 2 caravans and 2 tourers in the field next door, 3 caravans and 2 tourers on the main site. Although the new site in the field is said to be a new site under a new owner it's all under the title of Eversholt Beeches. They are all linked together as one and must be considered as one.

To grant permission for 4 caravans, 4 tourers, 8 parking spaces is overcrowding the site and is going to cause the same issues and problems that exist at the present

time. If a situation has arisen of overcrowding and the solution is to extend the site next door how can you then ask to retain the caravan and add touring caravans and parking spaces. Is this not causing overcrowding and family issues? In the design and access statement it states that it is overcrowded so if the residents admit that there is overcrowding how can we grant permission?

The 2 pending applications are looking for permission for 6 static caravans, 6 tourers, 12 parking spaces so they have permission for 5 units at present and now they wish to extend that to 12. This is a breach of green belt policy of growth in the greenbelt of over 60%.

Private Sector Housing	No comment.
Pollution Team	No comment.
CBC Highway Authority	The application is for the retention of caravans for the occupation by four Romani Gypsy families where the associated hard surfacing and parking would appear to be established.

It is likely that the access needs to be widened to 5.5m for a length of 10.0m into the site, measured from the highway boundary and be provided with kerb radii of 6.0m. This will allow two vehicles to pass at the point of access and also allow a vehicle entering the site to stand clear of the main carriageway in the event that another vehicle is exiting. While there may be in a highway context I recommend that the following conditions be included if planning approval is to be issued:

Visibility splays shall be provided at all private means of access from individual properties within the site onto the estate roads. This vision splay shall be provided on each side of the access drive and shall be 2.8m measured along the back edge of the new highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the dwelling occupier's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

To provide adequate visibility between the new estate road and the new individual accesses, and to make the accesses safe and convenient for the traffic which is

likely to use them.

Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

Visibility splays shall be provided at the junction of the access with the public highway within 6 month of the granting of permission. The minimum dimensions to provide the required splay lines shall be 215m measured along the centre line of the proposed access from its junction with the channel of the public highway and 2.4m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

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

Within 6 month of the granting of permission all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

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

Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason

In the interest of amenity.

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

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.

The applicant is advised that if it is the intention to request the Central Bedfordshire County Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN. 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.

The comments and advice in this letter are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy contained therein.

Other Representations:

Neighbours No representations received.

Determining Issues:

The main considerations of the application are:

1. Principle of Development in the Green Belt
2. Affect on the Character and Appearance of the Countryside
3. Neighbouring Amenity
4. Highway Considerations
5. Drainage and Waste
6. The planning balance
7. Other Considerations

Considerations:

1. Principle of Development in the Green Belt

- 1.1 The provision of Gypsy sites is governed by similar restrictions as

conventional housing - there is a requirement for the Local planning Authority to identify a 5-year supply of sites to meet an objectively assessed need - and such sites should be in sustainable locations, with good access to facilities - especially educational and medical needs - with a general requirement to avoid isolated sites within the countryside.

- 1.2 Policy H15 of the Local Plan, indicates that applications for the siting of mobile homes or residential caravans in the Green Belt will be treated in the same way as applications for permanent dwellings and judged against the provisions of Green Belt policy.
- 1.3 The site falls within the statutory Green Belt, and the development constitutes 'inappropriate development' which is by definition, harmful. The N.P.P.F indicates that inappropriate development should be refused, and requires very special circumstances to be demonstrated - that outweighs the harm arising from the inappropriateness, the harm to the openness of the Green Belt and all other harm - to warrant the granting of planning permission for inappropriate development.
- 1.4 The National Planning Policy for Gypsy and Traveller sites indicates that:-
"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. (This application does not seek to amend the Green Belt boundary).
- 1.5 The above National Guidance suggests that the shortage of sites and the applicant's personal circumstances would not individually amount to the 'very special circumstances' necessary to justify the granting of permission. However, it is useful to consider the basis on which the original application SB/09/00078 was approved. Whilst the policy context was different in that Planning Policy Guidance 2 (Green Belts) was the applicable national guidance, instead of the N.P.P.F, the requirement for very special circumstances to clearly outweigh harm to the Green Belt was the same. The report for application SB/09/00078 states, *'The material considerations outlined above, including the personal circumstances of some of the intended occupiers and the mutual help and support of the extended family, together with the unmet need for authorised sites in the District may, in the changed legal context, be said to weigh together to make a claim for "very special circumstances" in accordance with PPG2. Such circumstances are considered adequate to outweigh the very limited harm that could be expected to be caused to the Green Belt or the character of the countryside by this particular proposal.'*
- 1.6 Also, the comments from the Council's Local Plans Team in respect of the application to extend Eversholt Beeches (reference CB/15/03850) indicates that the shortfall in the provision of Gypsy and Traveller sites is such, that it could, cumulatively, amount to the very special circumstances as

demonstrated by recent appeal decisions.

- 1.7 Also requiring consideration is a Gypsy and Traveller Accommodation Assessment, published on the Council's website in August 2016. This will form part of the technical studies that are consulted on in December 2016 to inform the new Local Plan. The assessment highlights that given the new definition of Gypsy and Traveller within the 2015 Planning Policy for Traveller Sites, that the need has substantially reduced within Central Bedfordshire for 'Travelling Gypsies and Travellers'. The Central Bedfordshire Local Plan will need to allocate a total of 23 pitches to 2035 to meet identified 'Travelling Gypsy and Traveller' needs, with a further 48 pitches potentially to be delivered for 'Unknown' Gypsies and Travellers. Therefore, the total need within the plan period has been indicated as being up to 71 pitches. 14 of these would need to be delivered by 2021 for 'Travelling' Gypsies and Travellers in order to ensure Central Bedfordshire has an up to date 5 year supply and potentially 11 further for 'Unknown' Gypsies and Travellers, totalling 25 pitches.
- 1.8 In addition the Assessment recognises a need for 98 pitches for 'Non-Travelling Gypsies and Travellers' in the period up to 2035, including 50 in the current 5 year period. The Council has not at present agreed a policy on how culturally appropriate accommodation will be provided for these Gypsies and Travellers in the forthcoming Local Plan.
- 1.9 Additional pitches delivered through applications on existing sites or new unallocated sites would normally contribute to the number of windfall pitches provided for Gypsies and Travellers. However, in this case the site is already shown in the 2016 GTAA as providing 5 pitches towards the need for Gypsy and Traveller pitches and the grant of permission to regularise the present position would almost hold that status quo of provision, albeit that one pitch less is being requested on the existing site. If permission were not granted, the need for pitches would increase by the number lost here, i.e. 5 pitches.
- 1.10 The present site has been used as a Traveller site by this same extended family for over 16 years, the 2009 permission noting that the unauthorised use had persisted for over 10 years at that time already, before being regularised. Although unfortunately the conditions relating to that grant of consent were not followed up by the applicant or Council, the use has continued and has provided Traveller accommodation associated with the occupation of the bungalow at the frontage to the site. This planning history and the circumstances of the extended family do provide a strong basis on which to regularise the continued occupation of the site.
- 1.11 In addition, the applicant has advanced personal circumstances - the educational and health issues of the families living on the site - to justify needing to remain at the current site.
- 1.12 The applicant indicates that his human rights (and those of his children) would be harmed if the families cannot remain on the site, and that the above, in total, constitutes the 'very special circumstances' needed to warrant the granting of permission.

- 1.13 It is apparent from the Local Plan team response, that despite the National Planning Policy for Gypsy and Traveller sites indicating that the lack of 5-year supply of sites, and the personal circumstances would rarely amount to the 'very special circumstances' needed to justify inappropriate development within the Green Belt, in this instance the short-fall in the availability of Gypsy sites and the greater deficit that would result from the loss of this site from the existing supply of pitches is such, that the combination of the added shortfall, and the applicant's personal circumstances, including particularly the occupation of the site as an extended family for over 16 years, including the grant of permission in 2009, would in this instance, amount to the 'very special circumstances' needed to warrant the granting of inappropriate development within the Green Belt. Whilst the relevant national policy document has changed since the original application, the policy intention is the same, and it is therefore considered that a decision to approve the proposal can again be made.

- 1.14 Other harm - to the character of the A.O.N.B and A.G.L.V.- is discussed in the following section.

2. Affect on the Character and Appearance of the Countryside

- 2.1 The character of the land around the site is of open countryside, and rolling downs and falls within the Chiltern Hills Area of Outstanding Natural Beauty, (which the N.P.P.F indicates should be afforded the highest level of protection) and the Local Plan designated Area of Great Landscape Value.
- 2.2 The site is visible from vantage points in the surrounding area, including public footpaths, although less so from the A5 due to boundary treatment.
- 2.3 Whilst the site could be screened further by the introduction of additional planting, it would still be the retention of an encroachment into the countryside of the A.O.N.B, and within such areas, the cumulative impact of the development considered with other developments, is an important consideration within the A.O.N.B.
- 2.4 The area already has electricity pylons and several commercial and Gypsy and Travellers sites that are developed and intrude into the countryside of the A.O.N.B. and A.G.L.V. in this locality on the eastern side of the A5, and although the retained development is part of this intrusion, it is a developed site and has been for over 16 years and no additional harm to the locality would occur as a result of the retention. A condition requiring further mitigating landscaping could be attached to any planning permission granted to enhance the overall appearance of the site.

3. Neighbouring Amenity

- 3.1 There are no 'bricks and mortar' neighbouring properties in close proximity to the site. As such, the proposal would not have any appreciable impact on the amenities enjoyed by the occupants of any nearby residential properties.

4. Highway Considerations

- 4.1 The proposed access to the site is via the existing access to Eversholt Beeches. The A condition requiring details of such a widened access and these improvement works taking place before the development is occupied, should be attached to any planning permission granted.
- 4.2 The site has adequate parking and turning facilities.

5. Drainage and Waste

- 5.1 The means of foul sewage, as existing, is to septic tanks and the means of surface water disposal is to an existing watercourse. In the absence of mains sewer in the area this is considered acceptable.
- 5.4 The site would have an assigned area for the positioning of wheelie-bins, which would be placed at the access drive junction with the public highway for collection on the assigned day.

6. The Planning Balance

- 6.1 The site falls with the A.O.N.B and A.G.L.V; the impact on the landscape can be mitigated by additional landscaping.
- 6.2 The development is well screened from localised views along the A5 by existing planting, although longer views from elevated positions and public footpaths would be affected.
- 6.3 The site constitutes inappropriate development within the Green Belt and would be contrary to saved policy H15 of the adopted South Bedfordshire Local Plan Review 2004, which requires residential caravan sites to be dealt with in the same manner as conventional dwellings.
- 6.4 The N.P.P.F indicates that inappropriate Development is by definition harmful to the openness of the Green Belt and that very special circumstances - that outweigh the harm from inappropriateness, the openness of the Green Belt and any other harm - needs to be demonstrated in order to warrant the granting of permission for inappropriate development.
- 6.5 The national planning policy for Gypsies and Travellers indicates that the lack of a 5-year supply of Gypsy and Traveller sites, and any personal circumstances advanced by the applicant would in themselves rarely amount to the very special circumstances needed to offset the harm.
- 6.6 In this instance, on balance, it is considered that the lack of a deliverable 5 year supply of pitches and shortage of sites which would be worsened by the refusal of permission, compounded by the circumstances of the occupation of the site by the extended family for over 16 years, including the grant of permission in 2009 and the applicants personal circumstances (educational and health needs) do in this instance amount to the very special circumstances needed to warrant the granting of permission for inappropriate development.

Furthermore, it is noted that the intention of current relevant policy in the N.P.P.F is the same as that in PPG2 when the original planning application (SB/09/00078) was approved.

- 6.7 By attachment of a condition, the development would result in improvements to the existing access that would have a modest highway safety improvement.
- 6.8 The overall planning balance in view of the above points is that planning permission should be granted for the development as proposed.

7. Other Considerations

- 7.1 **Human Rights issues:** Regard has been had to the Human Rights implications. The site is currently occupied and has been by the extended family for over 16 years. Refusal of permission could therefore require the applicant and extended family to leave the site and may restrict the range in sites available to them and may lead to them returning to a life on the road. This could be a potential interference with their rights to a home and private family life under Article 8 of the Convention. In addition the applicant indicates that the refusal of permission would be contrary to the human rights of his children in relation to their educational and medical/health needs.
- 7.2 **Equality Act 2010:** the applicant is a member of the Gypsy and Traveller community, and as such, issues of equality were considered in the formulation of the above report, although no breach of the Act was considered to have occurred.
- 7.3 **Temporary permission:** Consideration is also required to be given to whether temporary consent would be appropriate as the Planning Policy for Traveller Sites sets out this should be considered where there is no 5 year supply of sites. However, in this case it has been considered above that the circumstances are such that a permanent permission is justified.

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 Within 3 months of the grant of this planning permission a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the approval of the scheme,

(a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping and to provide screening for the site in view of its location within the A.O.N.B., AGLV and the Green Belt.

(Policies BE8 & NE3, SBLPR and Sections 7, 9 & 11, NPPF)

- 3 Unless otherwise agreed by the Local Planning Authority, the site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance which amends or supersedes the above.

Reason: To limit the use of the site to gypsies and travellers as the proposal is justified on addressing a need for such accommodation in accordance with the Planning Policy for Traveller Sites 2015.

(Section 9, NPPF)

- 4 No caravan located on the site shall be occupied for residential purposes by any person other than the following or their dependants: Oram and Lucy Price, Fred and Chantelle Price, Arum Price, and Dixie and Naomi Price, and the caravans and associated structures, shall be removed from the site within 2 months of the named occupants or their dependants ceasing to occupy the site.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites.

(Section 9, NPPF)

- 5 No more than eight caravans shall be located on the site and occupied for residential purposes, and no more than four caravans shall be static caravans, and the said caravans shall be sited within the pitches indicated on the submitted plan reference BP-014.

Reason: In recognition of the location of the site in the Green Belt, an Area of Outstanding Natural Beauty and AGLV and having regard to the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

(Policy NE3, SBLPR and Sections 9 & 11, NPPF)

- 6 No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to ensure appropriate development in the open countryside and the A.O.N.B and AGLV, and In order to protect the openness of the Green Belt.

(Policy NE3, SBLPR and Sections 9 & 11 NPPF)

- 7 Prior to provision, the details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and retained as such thereafter.

Reason: To protect the visual amenity of the site and the open countryside of the A.O.N.B., AGLV and Green Belt and its surrounding area.
(Sections 7, 9 & 11, NPPF)

- 8 Within 3 months of the grant of this permission details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented within 3 months of approval and shall be retained thereafter.

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

- 9 Within 3 months of the grant of this permission details of a development scheme shall be submitted for approval in writing by the Local Planning Authority, and the approved development scheme shall be implemented within 3 months of the approval and thereafter retained in the agreed form.

- (i) The proposed means of foul and surface water drainage of all parts of the site;
- (ii) Walls, fencing, gates or other means of enclosure on the boundary of and within all parts of the site, together with any additional such walls, fencing, or other enclosures on all parts of the site;
- (iii) The waste storage facilities to serve the various parts of the site; and
- (iv) The treatment of the hard-surfaced areas of the site.

Reason: To provide a satisfactory appearance in recognition of the location of the site in the Green Belt and an Area of Outstanding Natural Beauty and AGLV.
(Policies BE8 & NE3, SBLPR and Sections 7, 9 & 11 NPPF)

- 10 Within 3 months of the grant of this permission details of the improvements to the junction of the vehicular access with the highway shall be submitted for approval in writing by the Local Planning Authority and the junction shall be constructed in accordance with the approved details within 3 months of the approval.

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

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

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Section 4, NPPF)

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

Location Plan 01 1/1250 Scale, received on 22 September 2016
BP-014 1/500 Scale - Site Plan/Block Plan, received on 22 September 2016

Reason: To identify the approved plans, to define the terms of the permission and for the avoidance of doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central

Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.

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

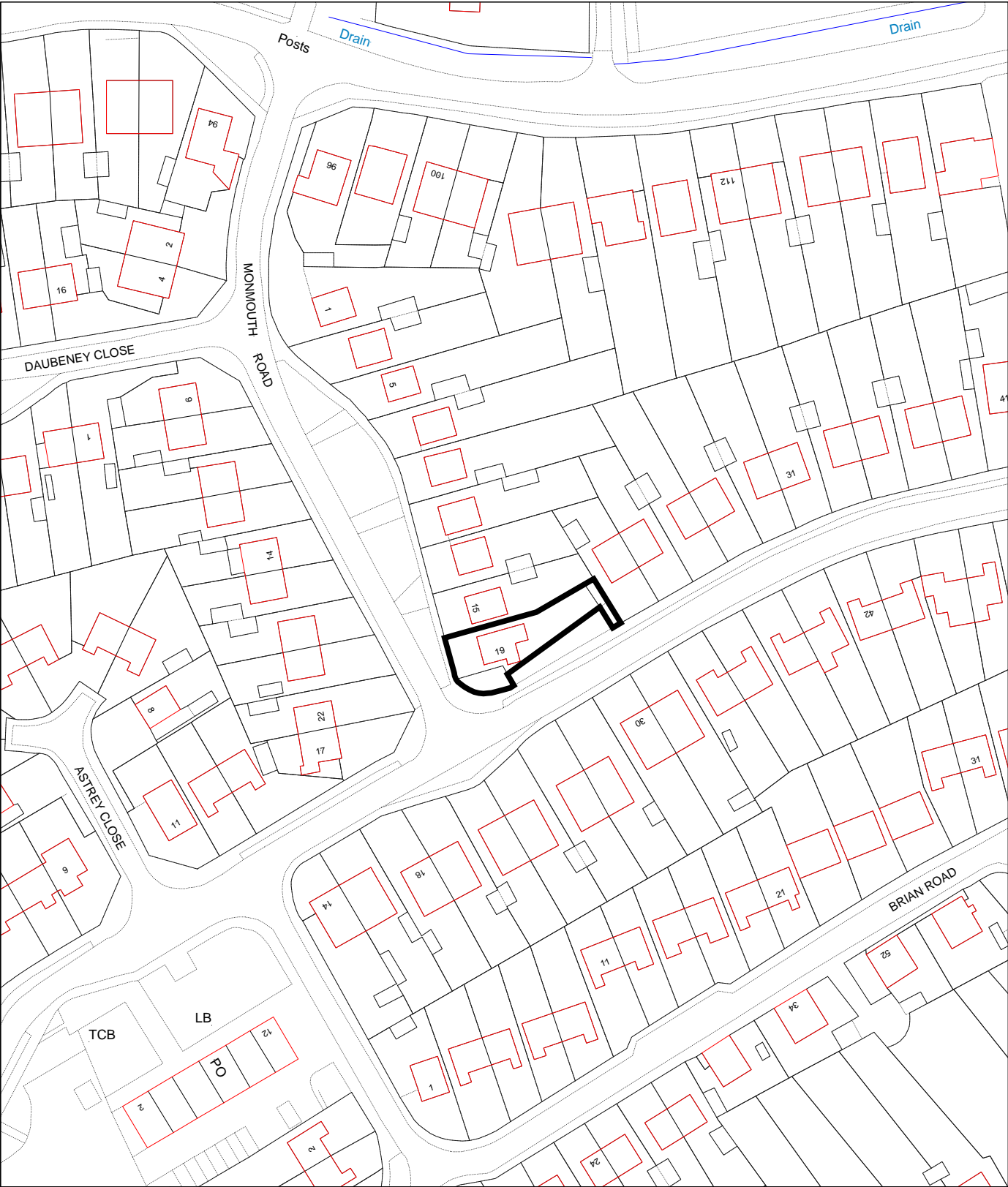
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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

DECISION

.....

.....



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<div>Application No: CB/16/04933/Full</div>
	Date: 18:November:2016	
Scale: 1:1250	<div>Map Sheet No</div> <div>19 Lincoln Way, Harlington, LU5 6NG</div>	

This page is intentionally left blank

Item No. 10

APPLICATION NUMBER	CB/16/04933/FULL
LOCATION	19 Lincoln Way, Harlington, Dunstable, LU5 6NG
PROPOSAL	Two storey side and part two storey part single storey rear extension and new pitched roof over existing single storey side flat roof
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Annabel Robinson
DATE REGISTERED	24 October 2016
EXPIRY DATE	19 December 2016
APPLICANT	Mr S Caldbeck
AGENT	Worth Planning and Design Ltd
REASON FOR COMMITTEE TO DETERMINE	The applicant is a senior manager at Central Bedfordshire Council
RECOMMENDED DECISION	Full Application - Refusal

Summary of Recommendation:

The planning application is recommended for refusal, the design of the two storey side extension would cause harm to the visual amenity of the streetscene, it would be located on an area of land outside the residential curtilage of the dwelling house, the extension would appear visually dominant within the open residential setting. The proposed access would cause harm to the junction of Monmouth Road and Lincoln Way. It is considered that this development would not be in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, CS1, CS2, CS5, DM4, DM13, CS15, the design is not in accordance with the Central Bedfordshire Design Guide or the positive design strategy within the National Planning Policy Framework.

Site Location:

The site is the residential property 19 Lincoln Way, and an area of amenity land adjacent to the property in Harlington.

The dwelling house is a three bedroom detached mid 20th Century property, largely constructed from buff bricks, with a brown hanging tile frontage. The dwelling is on a corner plot with Monmouth Road. The site is enclosed by a low level retaining wall and close board fencing. Included within the redline is an area of land adjacent to the public highway forming open amenity space within the streetscene of Lincoln Way.

The parking for the property is to the rear of the site, there is space for a single car in front of a detached garage.

The area is characterised by wide grassy frontages set back from the streetscene, creating an open attractive appearance with a range of dwelling styles, with reasonably uniform set back.

The Application:

This is a full application for a two storey side extension, and a part single storey, part two storey rear extension and change from flat roof to pitched roof over single storey side extension.

RELEVANT POLICIES:

National Policy

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies - North 2009

DM3 High Quality Development

CS14 High Quality Development

CS1 Development Strategy

Development Strategy

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

Supplementary Planning Guidance

Design in Central Bedfordshire: A guide for development

Planning History

None relevant to this application, no pre-application advice sought.

Representations:

(Consultations/Publicity/Neighbour responses)

Harlington Parish Council	HPC were in support of the application, however, asks that as part of any Planning Authority permission that it gives protection to the HPC amenity land to ensure that it does not get damaged during the construction process.
---------------------------	--

Tree and Landscape Officer	I understand that two trees, previously located on private amenity land to the side of the property, have been felled where there was likely conflict with the proposed new extension, to the detriment of
----------------------------	--

the visual amenity of the streetscene.

I am therefore unable to comment further regarding the potential adverse visual impact caused by this application proposal.

Highways
Development
Management

At present the property has three bedrooms with a garage and parking space within the Lincoln Way frontage. The extension will increase the number of bedrooms to 5 requiring the provision of additional parking to be design guide compliant.

The submitted plan is suggesting that a new vehicle access be provided at the junction of Monmouth Road with Lincoln Way to serve a hard surfaced area of front garden land that the application proposes be used for parking. Due to land ownership constraints the access would need to enter the highway at an acute angle and be located within the junction radius kerbs. Such an access would configuration and layout would lead to conditions detrimental to highway safety by conflicting manoeuvres and confusing use of indicators lights in the immediate vicinity of the junction.

In these circumstances I have no option but to recommend that the application, as submitted should not be granted planning approval for the following reason.

Reason for Refusal: This proposal does not incorporate appropriate access or provide adequate areas for parking and would introduce conflicting traffic movements in the immediate vicinity of an existing road junction detrimental to highway safety for both vehicular traffic and users of the footway contrary to Policy DM3.

Neighbouring/
Local properties

No comments received

Determining Issues

The main considerations of the application are:

- 1. Principle of Development**
- 2. Impact on the character and appearance of the surrounding area**
- 3. Impact on amenities of neighbouring properties**
- 4. Access and Parking**
- 5. Any Other Considerations**
- 6. Conclusions**

Considerations

1. Principle of Development

- 1.1** The site is completely within the defined settlement envelope of Harlington, where the principle of residential extension and development are considered acceptable, subject to normal planning considerations.
- 1.2** It is judged that the principle of a residential extension is acceptable in accordance with CS1 of the Core Strategy and Development Management Policy Document 2009.
- 1.3** It appears as though there is an area of land adjacent to the dwelling house which is within the applicants ownership, outside the curtilage of the dwelling house that has been enclosed by low level picket style fencing, the fencing has been erected for less than 4 years. The use of the land adjacent to the residential dwelling house is in dispute, it appears as though the land is associated with the grassed area of amenity land to the side of the dwelling, the levels of the land are the same, which is higher than the dwelling house, where there is a boundary wall which forms the side of the residential curtilage. No Lawful Development Certificate has been applied for to establish the use of the land as residential, and no application to change the use of this piece of land has been applied for.

It is considered that the principle of building on amenity land in this area has not been established, as no application for a change of use has been made it is considered that it is not appropriate to extend the dwelling house onto this raised area of amenity space.

2. Impact upon the character and appearance of the surrounding area

- 2.1** The proposed side extension would extend beyond the residential curtilage of the property, it is accepted that the whole area is within the ownership of the applicant; however the historic curtilage is clearly defined by the existing low level brick wall, not by the recently erected picket fencing. In addition the former lack of boundary treatment between the proposed site and the further area of grassed amenity land highlights the use of the land as amenity land adjacent to the public highway. No change of use has been applied for, so this is considered to be a residential extension proposed on grass amenity land.
- 2.2** The side extension would be located on an area of grass amenity land adjacent to the residential property. Due to the scale of the extension it would be highly prominent within the streetscene. The area of land is at a higher level than the dwelling house. The side extension would be some 4 metres in width; it is considered that it would create a bulky form of development at a raised level within the streetscene further adding to the prominence. It is considered that the side extension, due to its scale on an area of land currently open in character would have a detrimental impact upon the character and appearance of the area

resulting in an unsuitable form of development. The character of the area is defined by wide open areas of green space within the streetscene, including corner plots and grassed areas in front of driveways, it is judged that this would result in a harmful form of development out of character with the immediate area.

- 2.3** It is considered that the rear extension, although would be visible from Lincoln Way, would be unlikely to have a significant or unacceptable impact upon the character or appearance of the area.

3. Impact upon amenities of neighbouring properties

- 3.1** The closest residential property would be 15 Monmouth Way, it is considered due to the corner plot that no other residential property would be affected by this development.

The development has been considered in terms of impact upon light, outlook, privacy, and the causing of an overbearing impact.

3.2 Light amenity

3.2.1 Side extension:

As this would be on an area of land away from neighbouring property, although visible from many properties, it is considered that it would not have a significant impact in terms of light amenity to the adjacent properties.

Rear extension:

The neighbouring property at 15 Monmouth Road has side facing glazed windows at first floor level, in addition to a patio area adjacent to the site. It is considered due to the massing and orientation (due south) of the adjacent property it is likely that there would be some impact upon the light amenity to these windows and this patio area. It is considered that as the two storey element of this development has been set away from the neighbouring boundary, the impact would be limited, and not considered to be so substantial to be judged detrimentally harmful.

3.3 Outlook/Overbearing Impact

3.3.1 Side extension:

As this would be on an area of land away from neighbouring property, although visible from many properties, it is considered that it would not have a significant impact in terms of the outlook of the adjacent properties.

Rear extension:

It is considered that an extension of this size, at a higher level than 15 Monmouth Road would appear prominent when viewed by the

residents from this property. It is considered that due to the scale of extension and the orientation of the dwellings the extension would appear dominant when viewed from the rear/side windows and patio area of the adjacent properties, but not so dominant a refusal on these grounds would be sustained in the context of surrounding development and proposed off-setting from the boundary.

3.4 Privacy

3.4.1 Side extension:

There are no significant privacy concerns relating to the side extension, the views achievable from the additional windows would overlook the streetscene.

Rear extension:

Included within the application would be an additional side facing window within the north facing elevation of the existing dwelling house. It is marked on the plan (WPD-041-16-2) as “obscured” it would form 1 of 2 windows within a bedroom with an obscured window. Both windows on this plan for this bedroom are marked as obscured. It is not desirable to require bedrooms to have obscurely glazed windows, as the living accommodation within these rooms would be compromised. It is considered however this matter could be controlled by condition, and therefore would not form a reason for refusal. It is judged that should this development be found acceptable the first floor window within the north facing (side) elevation should be obscured, however the window within the east facing (rear) elevation could be clear glazed. It is considered on balance that with the imposition of suitable conditions the privacy of adjacent occupiers could be safeguarded.

4. Access and Parking

4.1 Access

4.1.1 It is considered that the access arrangements are not acceptable. It has been designed to avoid crossing the open amenity space owned by the Parish Council, although if the area of amenity land owned by the Parish Council is the whole grassed area in front of number 19 Lincoln Way the proposed cross over would have to be over the land. The inconsistency with the plan has been highlighted with the agent. The design of the junction to “miss” the amenity land at the frontage would produce a skewed access at the front immediately adjacent to the junction of Monmouth Road and Lincoln Way.

It is considered that the proposed access arrangements would be so close to the junction with Monmouth Road and Lincoln Way, that it would interfere with the use of this junction causing a potential hazard to the public highway. It is considered that this access is unacceptable.

4.2 Parking

- 4.2.1** The current parking arrangement is to the rear of the dwelling house, there is one garage, some 6 meters in depth, with one parking space to the front of the garage, there are no restriction to on street parking. It is considered that should the extensions be constructed, but the proposed access arrangements and frontage parking be found unacceptable there would be insufficient off street parking for a 5 bedroom dwelling house. Due to the size of the garage, it would not be considered a suitable off street parking space in accordance with the Central Bedfordshire Design Guide.

5. Any Other Considerations

5.1 Human Rights issues:

- 5.1.1** It is the officers understanding that the proposal would raise no Human Rights issues.

5.2 Equalities Act 2010:

- 5.2.1** It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

6. Conclusions

- 6.1** It is considered that the proposal is unacceptable. The design and location of the proposed side extension being located on amenity land would appear dominant and bulky within the streetscene causing harm to the character and appearance of the area. In addition the proposed new access arrangements would cause a hazard to the users of the junction between Monmouth Road and Lincoln Way.

Recommendation

That Planning Permission is refused for the following reasons:

RECOMMENDED CONDITIONS / REASONS

- 1 The proposal represents an undesirable form of development inappropriate to and at variance with the prevailing form of development in the vicinity. The design of the two storey side extension would cause harm to the visual amenity of the streetscene. It would be located on an area of land outside the residential curtilage of the dwelling house, the extension would appear

visually dominant on a prominent corner site and within an open residential setting. The proposal would be harmful to the character and appearance of the area contrary to the design principles with the Central Bedfordshire Design Guide, DM3 of the Central Bedfordshire Core Strategy and Development Management Policy Document, and the National Planning Policy Framework.

- 2 This proposal does not incorporate appropriate access or provide adequate areas for parking and would introduce conflicting traffic movements in the immediate vicinity of an existing road junction detrimental to highway safety for both vehicular traffic and users of the footway contrary to Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies, and The National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, 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

.....

