

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

**This meeting
will be filmed.***

The logo for Central Bedfordshire, consisting of a black circle with the words "Central Bedfordshire" in white, bold, sans-serif font.

please ask for Helen Bell
direct line 0300 300 4040
date 17 February 2017

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 1 March 2017 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.

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AGENDA

Welcome

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 1 February 2017.

(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.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

6. **Planning Application No. CB/16/03943/OUT** 15 - 44
Address: 64 Biggleswade Road, Potton, Sandy, SG19 2LX

Outline planning permission for up to 85 residential dwellings (including up to 35% affordable housing), demolition of 64 Biggleswade Road and associated outbuildings, introduction of structural planting and landscaping, informal open space, surface water flood mitigation and attenuation, vehicular access point from Biggleswade Road and associated ancillary works. All matter to be reserved with the exception of access.

Applicant: Gladman Developments

7. **Planning Application No. CB/16/05251/RM** 45 - 64
Address: Retail Park at Grovebury Road, LU7 4UX

Approval of all reserved matters pursuant to outline planning permission CB/12/02071/OUT comprising appearance, landscaping, layout and scale concerning development of retail warehousing of 7,258sqm GIA (including mezzanines) with associated outdoor project areas and a drive thru restaurant of 246sqm GIA with provision of car parking (270 spaces) and servicing.

Applicant: Claymore Phoenix Ltd

8. **Planning Application No. CB/16/00814/OUT** 65 - 92
Address: Land at Camden Site, Grovebury Road, Leighton Buzzard

Outline: Development to provide non-food retail units (with total floor area not exceeding 7350 square metres) together with associate access arrangements, parking, servicing, circulation & landscaping areas.

Applicant: EDS Holdings Ltd

9. **Planning Application No: CB/16/04918/OUT** 93 -
Address: The Paddock New Road, Clifton, Shefford 112

Outline Application: Development of 20 dwellings, public open space, landscaping, parking and associated works. All matters to be reserved with the exception of access.

Applicant: High Street Homes Ltd

10. **Planning Application No. CB/16/05738/VOC** 113 -
Address: 11 Albany Road, Leighton Buzzard, LU7 1NS 130
- Variation of Condition 1: variation of hours from 8am to 6pm Monday to Friday to 7.30am to 6.30pm Monday to Friday and removal of condition 2: use of garden area. (SB/90/421)
- Applicant:** Footsteps Nursery Ltd
11. **Planning Application No. CB/17/00298/FULL** 131 -
Address: Commercial Yard, Watling Street, Caddington, 140
Dunstable, LU6 3QP
- Retrospective planning application for commercial building for vehicle storage.
- Applicant:** Statham's Motor Engineering Ltd
12. **Planning Application No. CB/16/05823/OUT** 141 -
Address: 9A Silsoe Road, Maulden, Bedford, MK45 2AX 152
- Outline application: Erection of one dwelling with up to four bedrooms at Land at the rear of 9A Silsoe Road, Maulden.
- Applicant:** Mr J Jamieson
13. **Planning Application No. CB/17/00053/FULL** 153 -
Address: Wren House, Station Road, Ampthill, Bedford, MK45 162
2RE
- Proposed barn for Office B1 Use
- Applicant:** Mr Caldwell
14. **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 **29 March 2017** and the Site Inspections will be undertaken on **27 March 2017**.

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Meeting: Development Management Committee
Date: 1st March 2017
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 1st March 2017)

	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	Awaiting outcome of PFMT presentation.
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. Crown Court prosecution successful.	15-May-17	Not complied	Garage remains. Appeal against the refusal of CB/16/01453 for a smaller, lower double garage in the same location dismissed. The property owner has until 15 May 2017 to fully comply with the enforcement Notice and demolish the whole structure.
3	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				Awaiting outcome of PFMT presentation.
4	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.
5	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		07-Apr-17	Appeal dismissed 07/03/16	New planning application received CB/17/00185/FULL. Planning permission CB/16/02327/FULL granted 29/9/16, condition 2 requires submission of demolition scheme and demolition of unauthorised extensions as per compliance with Enforcement Notice. Appeal received 31/10/16 against Condition 2, awaiting decision from Planning Inspectorate. Enforcement Notice requires demolition of unauthorised extensions by 7/3/17.

Planning Enforcement formal action (DM Committee 1st March 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
6	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				The Enforcement Notice has been mostly complied with. The requirement to remove all skips and storage containers has been superseded by the grant of planning permission for a horticultural building, with a condition requiring these to be removed prior to the commencement of the use of the building. The permission has not yet been implemented. The case will be closed but the Notice will remain in force.
7	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	Awaiting outcome of PFMT presentation.
8	CB/ENC/13/0011	8 High Street, Biggleswade, SG18 0JL	Unauthorised advertisement						Complied with	Prosecution case withdrawn at court on 17/01/2017 as the advertisements are now compliant.
9	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 remains. Appeal against the refusal of the Section 191 application for the use of a dwelling house for residential purposes (CB/15/04424) was dismissed in January 2017. Prosecution action for non compliance with the enforcement Notice being progressed in liaison with Legal.

Planning Enforcement formal action (DM Committee 1st March 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
10	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - -Erection of timber building 2 - Material change of use from agriculture to storage of motor vehicles 3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials. 1X Enforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15 12-Aug-15 12-Aug-15 04-Feb-16	12-Sep-15 12-Sep-15 12-Sep-15 07-Mar-16	12-Nov-15 12-Nov-15 12-Nov-15 07-May 16 07-June-16			Not complied with Complied with	Enforcement Notice 1 has not been complied with. No further action needed Enforcement Notice 3 has been part complied with. Report now with legal to move forward with prosecution.
11	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				Works are continuing to comply with the Notice.
12	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		Informal discussions have taken place with relevant Councillors re: best way forward for the Council prior to formal submission of report to relevant Committee for consideration.
13	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16		27/09/2016	Appeal decision 27/7/16 - Enforcement Notice upheld	Prosecution report completed but owners have made contact to discuss a timescale for compliance. Meeting 10/02/17.
14	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	Further valid planning application to be submitted by 7th February 2017 or prosecution action will continue.

Planning Enforcement formal action (DM Committee 1st March 2017)

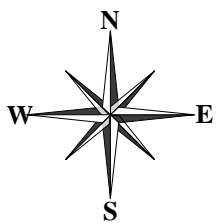
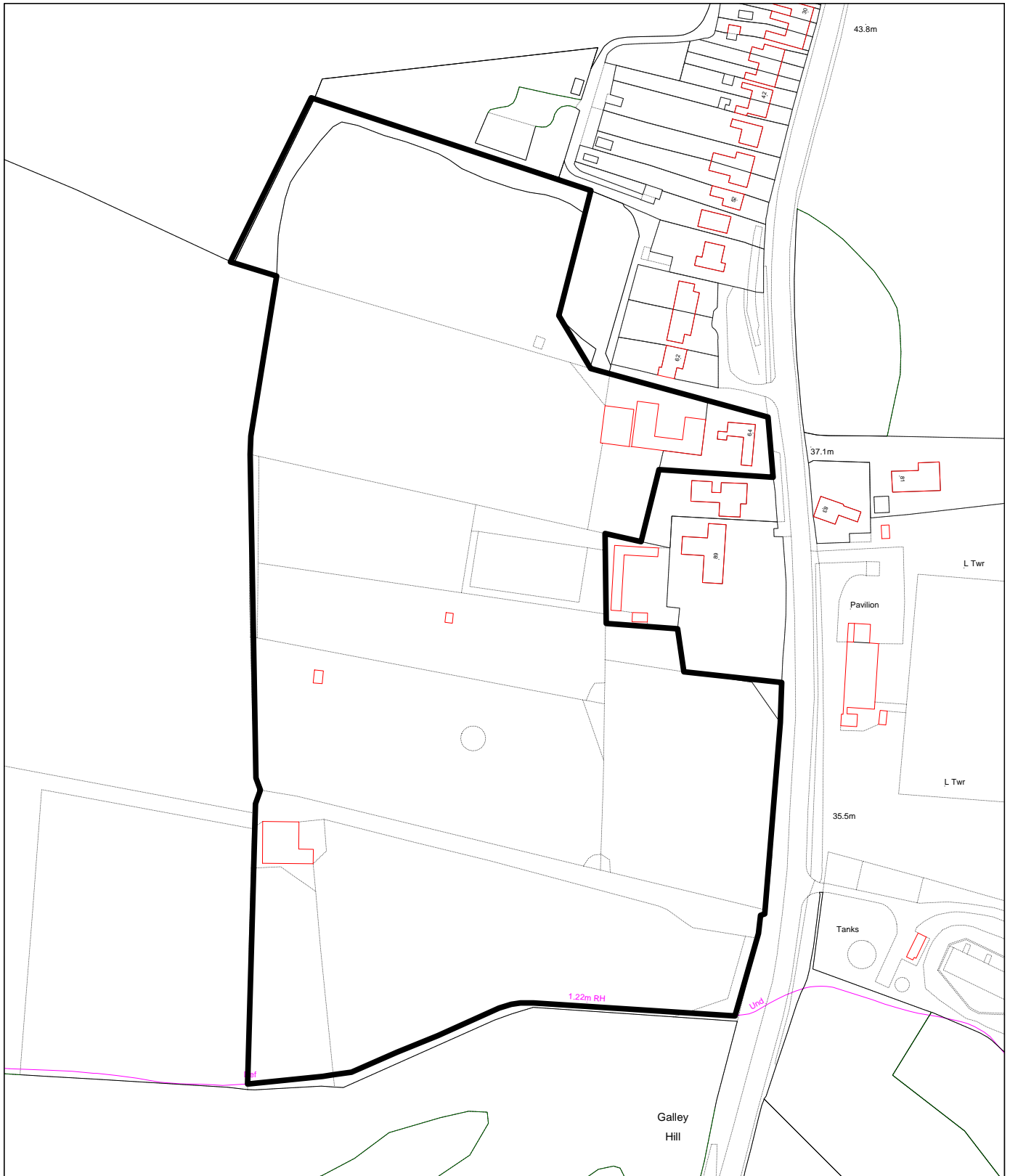
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
15	CB/ENC/15/0258	The Coach and Horses, 95 The Green, Stotfold, SG5 4DG	Enforcement Notice - Unauthorised construction of play equipment	17-May-16	17-Jun-16	17-Jul-16	Appeal received 10/06/16			Await outcome of appeal following Inspector's site visit in late November 2016.
16	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16				Part compliance with the Section 215 Notice. Two mobile homes remain. Internal and external alterations to the barn building carried out. Legal dispute over land ownership still with the courts. Planning Contravention Notice (PCN) served on all parties to assess the scale and nature of the planning breaches. All parties have returned the completed PCNs.
17	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		02-Mar-17 02-Jun-17	Appeal dismissed	Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused. Planning application to retain a single pitch (one mobile and one static) received CB/16/05603. Injunction remains in place.
18	CB/ENC/15/0466	Land at 13 Icknield Street, Dunstable, LU6 3AD	Enforcement Notice - the installation of a dormer	30-Nov-16	28-Dec-16	28-Jun-17				Check compliance 28/06/17
19	CB/ENC/15/0530	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16				Planning agent has been instructed and will be submitting an application for the retention of the cars as they have been stored for a period of more than 10 years.
20	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		19-Jan-17	Appeal dismissed	Challenge against Appeal decision has now been lodged. All action held in abeyance.

Planning Enforcement formal action (DM Committee 1st March 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
21	CB/ENC/16/0001	Rear of, 2 Wrestlingworth Road, Pottton, 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 dismissed, Enforcement notice upheld subject to corrections	Partial compliance achieved. Final check to be made in March 2017.
22	CB/ENC/16/0016	Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP	S215 Notice - Building in state of disrepair	16-Nov-16	16-Dec-16	16-Mar-17				S.215 Untidy Site Notice served - re: poor condition of the property. Windows and door have now been replaced. The owner is in discussion with Highways regarding a method to prevent spray from the highway deteriorating the lime render. The Notice requires the propety to be re-rendered and given the winter weather this will be agreed and undertaken in the Spring - although this is outside of the Notice period it makes sense to do it then in association with an agreed road closure. Current planning application submitted under CB/16/05120/FULL for change of use to residential dwelling.
23	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	17/12/2016	Appeal dismissed	Site inspection has confirmed that all structures have been removed and equipment dismantled. Condition of land to be checked in April 2017.
24	CB/ENC/16/0084	Unit 22 Pulloxhill Business Park, Greenfield Road, MK45 5EU	<p>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</p> <p>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</p>	<p>05-Apr-16</p> <p>05-Apr-16</p>	<p>06-May-16</p> <p>06-May-16</p>	<p>06-June-16</p> <p>06-July-16</p> <p>06-Jun-16</p>	<p>Appeal received 06/05/16</p>	<p>Notices withdrawn</p>	<p>Condition and use of access the subject of CB/15/04844 resolved. Other non compliances remain outstanding and likely to be the subject of a new Enforcement notice.</p>	

Planning Enforcement formal action (DM Committee 1st March 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
25	CB/ENC/16/0179	Land at 81 The Rowlands, Biggleswade, SG18 8NZ	S215 Notice - Untidy land	02-Aug-16	02-Sep-16	02-Oct016				Court date set for 21/04/2017 at Luton Magistrates Court.
26	CB/ENC/16/0214	Land at 27 Gardeners Close, Maulden, Bedford, MK45 2DY	Enforcement Notice - Unauthorised erection of an outbuilding, a raised platform and supporting frame.	22-Aug-16	22-Sep-16	22-Oct-16				Prosecution report to be forwarded to Legal.
27	CB/ENC/16/0237	Land at 3A Shannon Close and Land to the North, Lower Stondon, SG16 6EF	Unauthorised works to trees protected by Tree Preservation Orders							Court date confirmed as 20/03/2017.
28	CB/ENC/16/0254	Tree Tops, Heath Lane, Aspley Heath, MK17 8TN	Unauthorised felling of trees in a Conservation Area							Application CB/16/05240/VOC regarding re-planting approved on 03/01/2017 - will keep case open to make sure planting is carried out.
29	CB/ENC/16/0328	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16				With Legal to action.
30	CB/ENC/16/0390	7 Lovers Walk, Dunstable, LU5 4BG	Section 215 - Untidy Land	20-Oct-16	20-Nov-16	20-Dec-16				Notice not complied with - file being prepared for Legal.
31	CB/ENC/16/0548	2 Hockliffe Road, Leighton Buzzard, LU7 3FN	Enforcement Notice - Unauthorised change of use, taxi business.	12-Jan-17	12-Feb-17	12-Mar-17				Agent on behalf of owner confirms that appeal to be submitted.
32	CB/ENC/16/0549	Land rear of Unit 14, Pulloxhill Business Park, Greenfield Road, Pulloxhill, MK44 5EU	Enforcement Notice - The unauthorised material change of use of the Land to open storage and cleaning of commercial plant and machinery with the associated provision of a 2.5 metre high earth bund along the north eastern site boundary and boundary bund, fencing with gates on the road frontage.	27-Jan-17	01-Mar-17	01-Apr-17 01-Jun-17				Enforcement Notice served 27/1/17. Appeal to the Planning Inspectorate can be made prior to 1 March 2017.



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Date: 13:February:2017

Map Sheet No

Application No. CB/16/03943/OUT

Scale: 1:2000

64 Biggleswade Road, Potton, Sandy, SG19 2LX

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Item No. 6

APPLICATION NUMBER	CB/16/03943/OUT
LOCATION	64 Biggleswade Road, Pottton, Sandy, SG19 2LX
PROPOSAL	Outline planning permission for up to 85 residential dwellings (including up to 35% affordable housing), demolition of 64 Biggleswade Road and associated outbuildings, introduction of structural planting and landscaping, informal open space, surface water flood mitigation and attenuation, vehicular access point from Biggleswade Road and associated ancillary works. All matter to be reserved with the exception of access.
PARISH	Pottton
WARD	Pottton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Donna Wilkinson
DATE REGISTERED	24 August 2016
EXPIRY DATE	17 February 2017
APPLICANT	Gladman Developments
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Major application that is a departure from the Development Plan Town Council objection to a major application recommended for approval Member Call in from Cllr Zerny on the grounds that the proposal would be over development and over bearing
RECOMMENDED DECISION	Approval subject to completion of a section 106 agreement and referral to the Secretary of State as a Departure from the Development Plan

Summary of Recommendation

The proposal for residential development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however at this time the Council cannot demonstrate a 5 year housing supply and therefore developments should be considered in the context of Sustainable Development. The application site is adjacent to the existing settlement envelope of Pottton which is considered to be a sustainable location for planning purposes. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be significant or demonstrably harmful. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. Financial contributions to offset local infrastructure impacts would be sought for education and leisure

facilities. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Site Location:

This site lies to the west of Biggleswade Road on the southern side of Potton. The site contains a dwelling and associated buildings, a redundant agricultural building and consists of a mixture of agricultural and paddock land.

To the west lies open countryside and to the south and south east lies the John O'Gaunt Golf Course. Part of the eastern site boundary is marked by dwellings and their associated curtilage but the boundary is largely marked by tree/hedge planting. The town football pitch and associated building and facilities lies across Biggleswade Road with the local sewage works to the south of this.

Residential development and land allocated for residential development lies to the north.

The site falls within the Greensand Ridge Nature Improvement Area and is adjacent to but outside of the Potton Settlement Envelope. It is also designated as falling within a Minerals Safeguarding Area. A public footpath crosses the site from north to south.

The Application:

The application is to establish the principle of residential development up to 85 dwellings including a 35% affordable housing provision and is made in outline form with all matters except access reserved for subsequent approval. The proposed access would be from Biggleswade Road and would be positioned in the current location of 64 Biggleswade Road which would be demolished as part of the development.

A concept plan has been submitted demonstrating where the dwelling houses could be facilitated alongside landscaping, ecological habitat, Green Infrastructure and surface water drainage. The western boundary would be landscaped and the southern section of the site would remain undeveloped and provide mitigation for the loss of acid grassland elsewhere on the site.

The application is accompanied by the following statements:

- Minerals Resource Assessment
- Arboricultural Assessment
- Odour Assessment
- Socio-economic sustainability statement
- Statement of Community Involvement
- Design & Access Statement
- Geophysical Survey Report
- Ecology Report
- Archaeological Evaluation
- Flood Risk Assessment & SuDs Strategy
- Supporting Planning Statement

- Green Travel Plan
- Transport Assessment
- Landscape Visual Appraisal
- Grassland Management and Enhancement Plan
- Indicative Landscape Master plan
- Utilities Assessment

The site and development has been considered in relation to the EIA regulations (2011) as amended in March 2014 and is below the threshold for the requirement of an Environmental Statement.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

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

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

Section 13: Facilitating the Sustainable use of Minerals

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

CS7: Affordable Housing Provision

CS13: Climate Change

CS14: High Quality Design

CS15: Heritage

CS16: Landscape & Woodland

CS17: Green Infrastructure

CS18: Biodiversity

DM1: Renewable Energy

DM2: Sustainable Construction of New Buildings

DM3 - High Quality Design

DM4 - Development Within and Beyond Settlement Envelopes

DM9: Providing a range of Transport

DM10: Housing Mix

DM13: Heritage in Development

DM14 - Landscape and Woodland

DM15 – Biodiversity

DM16: Green Infrastructure

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

Minerals and Waste Constraints

Minerals Safeguarding Zone

Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014)

MSP 11

MSP 12

Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (March 2014)
2. Central Bedfordshire SuDs Guidance (April 2014)

Relevant Planning History:

None

Consultees:

Potton town Council It was resolved to object to the application due to overdevelopment of the town and Potton doesn't have the infrastructure to support additional houses (Potton already has developments being built, planning applications approved or planning applications at various sites and these include Biggleswade Road east, Sandy Road and Biggleswade Road west in addition to this application).

SuDS Management Team 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, this can be addressed through conditions.

Archaeology

The Cotswold Archaeology report details the results of a partial evaluation of the proposed development site (only the northern part was trenched). The evaluation recorded the presence of undated two ditches, probably associated with the medieval to post medieval agricultural landscape surrounding the town of Potton. The evaluation trenches largely focussed a series of linear geophysical anomalies

and while not all of the anomalies were found in ground, the two features recorded broadly corresponded with the geophysical results.

The discovery of further evidence of the relic agricultural landscape adds to our knowledge about the town of Potton and its relationship with its hinterland. Therefore, the project has contributed to one of the recognised local and regional areas of archaeological research. I do not feel it necessary to undertake further work at the site and therefore I have no objection to this application on archaeological grounds.

Highways

There is no fundamental highway safety or capacity reason to justify and sustain a highways objection to the principle of residential development on this site. The proposal is supported by a robust Transport Assessment that demonstrates that the traffic generation can be accommodated on the surrounding highway network. Furthermore the access location is one that can afford appropriate visibility for and of vehicles using the junction.

Nevertheless as the site access is located at a point reasonably close to the edge of the town and the start of the 30mph limit and the TA highlights that vehicles are doing in excess of the posted speed limit I consider that it is not unreasonable for the development to make a S106 contribution of £1000 per dwelling (maximum £90000) toward off-site highway works to influence and reduce the speed of traffic in the vicinity and in particular on the approach to the site from the south. Planning conditions are also recommended.

Internal Drainage Board

No objection

Ecology

Earlier comments on the application have been responded to and in the comments are agreed with but reservations over the following points;

- On visiting the site it is apparent that the ground levels between field 1 and 2 are quite significant. Two mature trees sit on the fence line and the Framework Plan indicates that they are to be retained; however it is anticipated a large degree of ground works to necessitate the levels required for construction of homes. There are concerns that this will work when it comes to RM and so ask that consideration be given to reducing built development in field 1. It is accepted that there is a desire for an access road to the adjacent allocated site and this could be accommodated but allowing the retention of more grassland habitat in field 1 would be the preference.

- The indication from the applicant that a long term management strategy can be achieved and this should be secured for the whole site, not just field 7, via s106. Concern is expressed that if field 7 is used to provide formal play space such as a LAP or LEAP this would prejudice the long term survival of the compensatory acid grassland.

Overall, if you are minded to grant permission, I can see the possibility that development could secure some ecological gains but this must be done via a management plan which looks at the ecological interest across the whole site to incorporate appropriate habitat and wildlife management with associated funds as necessary.

Trees and
Landscape

The development will be on predominantly farmland and supplied with the application is a comprehensive Tree Survey; this identifies the trees and hedgelines on and off site along with the retention categories and root protection areas. The majority of trees and features are located around the site perimeters and minimal removals will be required to facilitate development.

A detailed landscaping scheme and full details of tree protection measures will be required at reserved matters stage.

Landscape

CB/16/03943 - Biggleswade Road, Potton - Landscape and Visual - the site is highly characteristic of the Greensand Ridge, with an undulating landform, which rises up from the Biggleswade Road frontage. There are clear views of the site from the footpath which passes through it, and some views from the existing residential properties. Although used as pony paddocks, the pastures retain a healthy character, which helps to maintain an aspect of Potton's local distinctiveness. The roadside boundary is tree lined and there are also both mature and newly planted hedgerows which are valuable landscape features.

Although development of this site would result in the loss of characteristic Greensand landscape in the urban fringe, on balance I do not object to the proposal as I consider it to be a landscape led solution, which brings a significant area of publicly accessible green infrastructure. The boundary planting would also provide effective screening from the west.

Affordable Housing

I support this application as it provides for 30 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting documentation however does not indicate the proposed tenure split of the affordable units. The Strategic Housing Market Assessment

(SHMA) indicates the tenure requirement as being 73% rent and 27% intermediate tenure from sites meeting the affordable threshold. This would make a requirement of 22 units of affordable rent and 8 units of intermediate tenure (shared ownership) from this proposed development.

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.

Environment Agency Have no objection to this application.

Public Protection Parts of the site are located relatively close to the Biggleswade Road which should be assessed to maintain residential amenity via a traffic noise assessment.

Also, the site is located close to a sewage treatment works which is subject to an odour assessment: the findings of the odour assessment appear reasonable, but any masterplan subsequently submitted must show the 60m residential stand-off zone as recommended.

Conditions are recommended to address these issues.

Minerals and Waste Team A Minerals Resource Assessment has now been produced. I broadly agree with the conclusions. If the development were to be permitted a Materials Recovery Plan (MRP) could be produced. The aim of the MRP should be, as a minimum, to balance as far as possible the mineral recovered from these operations with site construction activity which would consume aggregate, such as road sub-bases, granular fill, bunding required, and mortar etc.

There are benefits in terms of sustainability which could accrue from the use of on site materials. Additionally, a reduction in the amount of mineral being brought to the site may result in cost savings, and export of 'out of grade' materials may generate some revenue.

Rights of Way It is clear the applicant is aware of both the legal line of Public Footpath No. 4 and Sutton Bridleway No.8 with run through the application site and along its southern boundary respectively.

I am in support of the applicant in developing links to Potton Bridleway No. 5 from north-west corner of the application site

All routes within the site will have to be upgraded to surfaced

paths to allow and encourage all user (wheelchair and mobility vehicles) access to the rights of way network. The 520 metre southern bridleway link to the west end of Footpath No.4 will be required to be surfaced such that all user access can be promoted in a circular fashion on the southern Green Infrastructure non-housing area. A direct link to the bridleway at the south-east corner of the application site must be made legal (access via John O Gaunt Golf Club land). Surfacing the 520 metres with either profiled green sand or an upgrade to blinded recycled planings would require a S106/CIL contribution of £29 120.00.

Public Art

If the application were to be approved I request a Condition be applied to secure a public art plan.

Education Spending Officer

85 dwellings would be expected to create 3.4 (4) pupils per year group.

There are already high numbers of children living within the catchment area of Potton Lower School, and additional children from this development, and other development planned within the village, will create a need for lower school places through an extension to the school.

Total financial contribution:

Early Years	£58,762.20
Lower School	£195,874.00
Total	£254,636.20

The total actual contribution would be dependant on the type of dwellings planned; a reduction will be applied for any 1 bed properties or 2 bed flats.

Waste Services

Raise no objection but request that adequate access is provided for refuse collection vehicles.

Leisure Officer

A development of this size should provide on-site play provision of 2 combined LEAP and LAP play areas

The requirement to provide facilities for young people i.e. 10-14yrs, should also be made within the on-site POS.

The development should provide 0.3ha of sporting space. On-site provision of sporting space is not possible, however, the increased population will add demand to the existing sporting/recreation facilities in the town, therefore a contribution toward the improvement of existing facilities is proposed.

A contribution is also requested toward the proposed skate park to serve Potton

Travel Plan Officer	<p>This travel plan has been submitted in support of an application for up to 85 dwellings on the above site. An updated plan from the housebuilder will be needed at reserved matters stage to confirm measures and delivery mechanisms and this should be secured via an appropriate condition.</p>
Wildlife Trust	<p>This proposal is within the Greensand Ridge Nature Improvement Area (NIA), where there is a particular focus on protecting, enhancing and connecting wildlife habitats across the landscape. It is, therefore, of particular importance that existing habitats are protected and enhanced. Should permission be granted for this application it would destroy an area of acid grassland, a priority habitat listed in the Natural Environment and Rural Communities Act, 2006. As the additional documents provided do not address all of our concerns, including the loss of acid grassland, outlined in our letter dated 24th September 2016, our objection remains.</p> <p>The additional documents supplied included both bat and reptile surveys. As both bats and reptiles were found to be present within the site it is very important that the mitigation suggested by the reports is properly integrated into the development proposal.</p>
Beds Fire & Rescue Service	<p>Request for the provision of fire hydrants every 180 metres which can be controlled by condition.</p>
Adult Social Care - MANOP	<p>Requests that full consideration is given to the needs of older people at the detailed design stage.</p>
Green Infrastructure	<p>This application includes opportunities to create a significant area of publicly accessible green infrastructure that relates well to the rights of way in the area.</p> <p>This open space appears to have been designed well, and includes the design of SuDS ponds. These would need to be designed to deliver biodiversity and amenity benefits, and be safely accessible - visually intrusive fencing, or health and safety infrastructure would not be appropriate for their setting.</p>
Campaign to Protect Rural England	<p>Objects on the following grounds (in summary):</p> <ul style="list-style-type: none">• Urbanisation of the open countryside• Poor relationship to the existing settlement• Archaeology impact• Unsustainable Development
Beds CCG	<p>There is a potential to build an extension the Gamblingay surgery and we would therefore be grateful if you could negotiate appropriate section 106 contribution towards</p>

increasing clinical capacity of this practice in order to mitigate the impact of the development.

Anglian Water

Confirm that there is adequate infrastructure in the area to accommodate waste water treatment and the sewerage system has adequate capacity to serve the development.

Other Representations:

55 Representations have been received from residents of Biggleswade Road, Braybrooks Drive, Sutton Road, Newtown, Village Road, Jacobs Close, Langley Gardens, Buryhill, Nursery Close, Chapel Street, Chapman Close, Potton road, Laburnam Road, grove Place, Horslow Street, The Paddocks, Sutton Mill Road, Sheepwalk Close, Horne Lane, Byards Green, Bull Street, Festival Road, King Street, Myers Road, Spencer Close, Catherines Close and Potton Residents for Sustainable Growth raising objections on the following grounds:

- This area is frequently used by foxes, rabbits, muntjac and Roe deer and bats.
- The road this site will exit / enter is a very fast road, many people disregard the speed limits and there is no provision for safe passage onto this road from this site.
- There is no provision made for pedestrians and cyclists giving safe passage onto the site.
- Energy demands on an already strained system in Potton
- This current sewerage system is barely coping with the demands put on it. By adding more properties it will only end up with the system collapsing and causing severe health problems for the town.
- Quite often the road into Potton from the golf course will flood when it rains.
- To lose an area of natural water absorption will increase this as an issue, causing a huge increase for potential accidents and disruption to Potton.
- Does this development fall within the councils 5 year plan? It has been given as a development option with no accounting for the other developments in the town.
- Loss of view
- the development of the new housing estate which is going to be so close to existing property boundaries
- Increased level of noise from the new residences
- Loss of privacy

- Increased overlooking
- Adverse impact on home working and loss of income
- Noise and pollution from additional traffic
- Adverse impact on property security
- Will new development be in keeping with the existing area?
- Boundary screening and planting is required
- Careful attention should be given to design issues and previous mistakes should not be repeated.
- Any further development should be delayed until the impact of approved development has been assessed.
- Potential impacts on the town's capacity, infrastructure and amenities.
- Noise and traffic disruption during construction
- A number of developments seem to be planned for the Potton area, but these seem to appear piecemeal without any overall strategy or planning for the wellbeing of the town.
- The site is very close to the disused tip at Deepdale and could be subject to its residual influences.
- Local ecology will be harmed.
- Arable land will be lost for good
- The development is an extreme intrusion into the rural setting.
- The site is outside the settlement area and boundary of Potton.
- The development is not sustainable.
- The development will change the nature of the area.
- The access is virtually opposite the Sports ground/cafe etc and will be very congested.
- With the current construction of 150 houses opposite this road will carry a heavy burden of traffic of around 400/500 cars allowing 2 per household.
- Impact of Potton itself and roads and parking which is currently very difficult if not inadequate.

- It places an intolerable burden on the surgery; no amount of tinkering with Gambingay surgery will ease that situation. We need more doctors and support staff locally that patients can access without travelling to another county.
- Impact on schools will be significant due to the current developments and each new approval adds to this.
- Development does not accord with the Local Plan which appears to have been ignored
- The odour assessment does not reflect the worst situations experienced by local residents.
- Existing speed limit should be extended towards the golf course
- Recycling centre needs to increase capacity
- Sites should be identified through the call for sites and plan making process
- Insufficient information on affordable housing as flats and bungalows are needed
- Local facilities are generally accessed by car
- Site is outside the settlement envelope
- The site is inaccurately described
- Public transport is inadequate
- The town council's neighbourhood plan has not been completed
- Land locking of grazing land
- Loss of public rights of way
- The cumulative impact of all developments in Potton needs to be assessed
- Site is important to the setting of the town
- Commuter trains from Sandy and Biggleswade are full to capacity
- Site is elevated above existing development
- The proposal does not meet the policies of the NPPF

One letter from Biggleswade Road has been received in support of the application which makes the following points:

- The inclusion of large public spaces, a high degree of screening and a

number of new footpaths, bridleways and cycle routes seem to make this a more sympathetic and well thought out proposal than some others.

- The facts that it complements the current development opposite and provides potential access to other already allocated land seem to be positive points

Determining Issues:

The main considerations of the application are;

- 1. Principle of development**
- 2. Affect on the Character and Appearance of the Area**
- 3. Neighbouring Amenity**
- 4. Highway Considerations**
- 5. Other Considerations**

Considerations

1. Principle of development

- 1.1 The site lies outside of the settlement envelope of Pottton and is therefore located on land regarded as open countryside. Pottton is designated as a Minor Service Centre where Policy DM4 limits new housing development to within the settlement. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy.
- 1.2 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 (including DM4, DM14, and CS16 of the North Core Strategy) must be regarded as 'out-of-date', and that permission should be granted unless the harm caused "significantly and demonstrably" outweighs the benefits.
- 1.3 However, recent case law informs 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. At the time of writing, the Council can demonstrate a supply of 4.88 years; this is equivalent to 97.6% of the five year requirement. The Council is confident that there is sufficient development coming forward in the short term to make up this shortfall. In this context it is reasonable to afford Policy DM4 a level of weight proportionate to this supply when considering the planning balance.
- 1.4 The site is directly adjacent to the settlement envelope and the land in question would be bound by development and an allocated residential allocation to the north and part of the western boundary. The proposal will see the encroachment of built form into the open countryside but its relationship

with the existing settlement is noted and it is not regarded as an isolated site. Furthermore the western boundary of the site would see the introduction of a landscape buffer along with the proposed landscape/ecology mitigation space to the south which would appropriately demarcate the end of the built form of Potton within the prevailing landscape.

- 1.5 There would be some visual harm in developing the land through loss of open land to built development, but this would be limited given the surrounding pattern of development.
- 1.6 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.7 Economic
The NPPF makes it clear that planning policies should aim to minimise journey lengths for employment, shopping and other activities, therefore planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised. It is acknowledged that the construction of 85 houses would support a limited level of employment, with associated benefits to the local economy, within the local area on a temporary basis during the construction period which could be expected to last no longer than three years. Potton constitutes a Minor Service Area which has access to a range of facilities and services which would provide local employment opportunities.
- 1.8 Social
The provision of 85 houses to meet the identified need for the area is a significant benefit of the scheme along side a policy compliant level of affordable housing should be given significant weight.
- 1.9 Potton is regarded as a Minor Service Centre which has access to a number of services which has been iterated in the above paragraph. The town is also served by a bus service.
- 1.10 It is considered that the settlement offers services and facilities that can help to accommodate the growth resultant from this scheme. Nearby services are considered to be accessible for new residents and contributions are being proposed towards off setting local infrastructure impact in accordance with CIL regulations.
- 1.11 Residents have raised concerns that the local school is near to full capacity and the Councils Education Officer has supplied evidence in support of this comment however the schools have the capacity to expand and the contributions can be sought by way of a S106 agreement and have been agreed upon in mitigation.

1.12 Environmental

The NPPF states that opportunities should be taken to protect and enhance the natural environment and to improve biodiversity. Despite concerns raised by many residents in term of ecological impact, the Councils Ecologist is satisfied on balance that the proposal would allow for retention, mitigation and enhancement of more habitat features in the proposed landscape buffer to the west of the application site and the open space to the south. The development site would not result in the loss of good quality agricultural land.

1.13 The site is within a Minerals Safeguarding Area, however whilst concerns were expressed in this regard by the Councils Minerals and Waste Officer, an assessment and appropriate mitigation report was supplied for consideration. A management plan is proposed to ensure effective management of the use and extraction of minerals.

1.14 The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal. The site would be demarcated by an appropriate landscape buffer mitigating against wider view implications. It is accepted that the proposal would have some visual impact however when considering the benefits of the proposal which are considered in greater detail later in this report, it is not considered to be significant and demonstrably harmful.

1.15 As such it is considered that the proposal would represent an appropriate scale of development bounded by existing development. The presumption in favour of Sustainable Development which is set out above outweighs the visual harm to the character of the area. The landscape proposals would allow for the provision of a landscape buffer along the edges of the site. The proposal therefore would accord with the Section 1 and 6 of the NPPF.

2. Affect on the Character and Appearance of the Area

2.1 Local Plan Policy DM3 & CS14 states that proposals should take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.

2.2 The site has existing built form to two sides and the west side of the site overlooks an area of agricultural land. As part of this current proposal it is suggested that the western boundary will be improved through the planting of a substantial buffer of additional tree and landscaping which would provide an ecological habitat.

2.3 Whilst the layout is indicative, consideration appears to have been given to the development form established by adjacent dwelling houses and the footprints proposed are fairly representative of other properties of a similar scale within the area. The plan indicates that the scale of dwellings will be no more than 2.5 storeys throughout the scheme. This is also considered acceptable as a reflection of the character of the area however full consideration would be given at the reserved matters stage to the heights of buildings across the site in the

interest of retaining an appropriate transition between the built form and the prevailing landscaping beyond. The indicative plans indicate that taller dwellings would be located on the lower parts of the site.

- 2.4 The site is crossed by and flanked by public rights of way. The submitted documents indicate that links would be provided to these routes. The footpath enhancement recommended by the Rights of Way Officer should improve the usability of the existing roads. It is considered that overall the development would have a positive impact on the accessibility of the surrounding countryside.
- 2.5 The Strategic Landscape Officer has not raised objection to the application. The site is not prominent in any significant long term views and the proposed landscaping would mitigate the impact of the development in shorter distance views. It is considered that the proposal would not have a significant and demonstrable harm on the landscape particularly when weighted against the benefits of the scheme.
- 2.6 The Councils Tree and Landscape Officer has raised no objection as the proposed development would not affect any existing landscape features within the site however he has recognised that there are a number of trees that could be potentially affected by the proposals and has recommend that an condition be imposed to secure an Arboricultural Impact Assessment to ensure appropriate mitigation and a condition to secure suitable quality planting for the proposed landscape buffers.
- 2.7 As such, the indicative layout suggests that a development of 85 units on the site could be comfortably accommodated and that a scheme can be designed that would reinforce and be sensitive to the character of the area. All matters pertaining to scale, layout and design however would be addressed by way of a Reserved Matters application. As such it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

3. Neighbouring Amenity

3.1 Existing Occupiers

On the basis of the indicative layout, consideration appears to have been given to the 21 metre back to back distances contained within the Councils Technical Design guidance. It is considered on the basis of the indicative layout, that it is possible to design a scheme for this number of units without prejudice to the amenity of existing residents in terms of loss of privacy or loss of light. In any event this would be controlled and assessed as part of any reserved matters application.

3.2 Future Occupiers

The indicative layout demonstrates that 85 dwelling houses could be sited such that there would be no resultant impact on future occupiers in terms of loss of light/overshadowing nor privacy concerns.

- 3.3 The indicative layout demonstrates that an adequate level of external amenity could be provided for future occupiers in accordance with the Central Bedfordshire Design Guide and internal amenity standards would be a matter

that would be addressed at the Reserved Matters stage. However on the basis of the footprints proposed, it is concluded that suitable internal space standards could be achieved.

- 3.4 The Councils Pollution Officer has raised concern over possible road noise, however, this can be addressed through condition and detailed design should any mitigation measures be needed. Odour from the sewage works has the potential to cause nuisance however the submitted odour assessment addresses this and identifies a 60m cordon within which dwellings should not be built in order to mitigate any risk of nuisance.
- 3.5 The Councils MANOP Officer was consulted as part of this application and has made representations that there is a basic need for elderly accommodation within the area however whilst these comments are noted, there are no policy requirements for such a provision on a development of this scale.
- 3.6 Whilst bin storage and collection points and cycle storage facilities have not been identified on the indicative plan, the Councils waste officer is satisfied that there is sufficient spaces within the site to accommodate such facilities and as such is satisfied that this could be secured by condition as part of a planning permission. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

4. Highway and Access Considerations

4.1 Access

The proposed means of access is shown to be laid out in the form of a priority junction with 6m kerb radii, a 5.5m carriageway and 2.0m footways on either side.

- 4.2 The highway officer has confirmed that the technical details of the access are acceptable. An issue with excessive vehicle speeds is noted and a number of measures are suggested to address this including a raised table junction and contributions towards off site highway works including revisions to the local speed limit.

4.3 Rights of Way

As noted above the existing rights of way would be retained, enhanced and linked into the proposed development layout.

4.4 Parking

On the basis of the indicative layout, it would appear that two off road parking spaces are proposed for smaller units which are likely to be 2/3 bedroom units and 3 spaces for larger units which are likely to be 4 bedroom units. Visitor spaces are dispersed throughout the site. This provision would be consistent with the Councils Parking Standards and this matter would be fully addressed through a reserved matters submission.

- 4.5 As such it is considered that the proposal would not be prejudicial to highway safety and would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

5. Other Considerations

5.1 Affordable Housing Provision

Under Policy CS7 of the Core Strategy, 35% of all developments for four dwellings and above should be provided as Affordable Housing units. The proposal for 85 units would qualify for Affordable Housing provision and 35% would equate to 30 units. The application proposes the delivery of this amount of affordable housing and would, therefore, comply with the requirements of Policy CS7.

5.2 Archaeology

The council's Archaeologist initially raised objection over a lack of information and analysis of the significance of the site. The applicants commissioned further geo-physical analysis of the site which identified that a programme of trial trenching was necessary. The trial trenching was carried out (supervised by the council's archaeologist) and a report produced and submitted. The report has been reviewed by the council's archaeologist who has confirmed that the information supplied has added to the understanding of the area and confirmed no further work is required. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.

5.3 Climate Change

Policy DM1 requires all development above 10 dwellings to deliver 10% of the development's energy demand from renewable or low carbon sources. The proposed development is over the policy threshold. Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of the Building Regulations and deliver 10% of their energy demand from renewable sources to meet requirement of policy DM1. The Councils Sustainability Officer would wish to encourage the developer to achieve a higher energy efficiency standard than this prescribed by the 2013 part L of the Building Regulations, as energy efficient fabric leads to lower energy demand and smaller renewable energy installation to satisfy the requirement of policy DM1. If the proposal were considered otherwise acceptable, such matters could be satisfactorily resolved as part of any forthcoming reserved matters application and could be controlled by condition. As such, the proposal would conform with policies DM1 & DM2 of the Core Strategy for the North and Section 10 of the NPPF.

5.4 Cumulative Impact on Town

Whilst concerns have been expressed by local residents in respect of the cumulative impact on Potton due to the number of residential development proposals in recent years, planning applications can only be determined on the basis of their individual merits and therefore this is not a material consideration.

5.5 Ecology

The site lies within the Greensand Ridge Nature Improvement Area and hence the application needs to demonstrate that a net gain for biodiversity can be delivered in accordance with the NPPF. The ecological report identifies the habitats on site to include a population of reptiles and areas of acid grassland.

The acid grassland is considered to be of value to a level that could render it appropriate for designation as a County wildlife site. The grassland mitigation area would not be used for equipped play facilities which would be provided elsewhere.

- 5.6 The council's ecologist raised serious concern about the possible impact on the reptiles and particularly the loss of the acid grassland. The council's ecologist has met with the applicant's ecologist and a mitigation strategy has been put forward to deliver and maintain a replacement area of grassland to address the loss. The new grassland will require management in perpetuity and it has been agreed that this will be addressed through a section 106 agreement.
- 5.7 Whilst the ecologist still has concerns over the proposal, in respect of loss of the acid grassland, it is not felt that a refusal can be justified. Careful consideration will be required at detail design stage to ensure that the aspirations and proposals set out in the submitted documents are incorporated and a net gain in biodiversity is delivered.
- 5.8 Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.
- 5.9 **Fire Hydrants**
The Bedfordshire Fire Service has identified that new residential developments should allow for the provision of fire hydrants and appropriate access. This is a matter that could be designed into the layout at the detailed application stage and can be controlled by condition.
- 5.10 **Financial Contributions**
Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals.
- 5.11 In this case, Spending Officers were consulted and comments returned from Education, Leisure, Highways, Rights of Way and the CCG. The following contributions are requested (and will form heads of terms for the legal agreement that would be required if Members resolve to grant consent);
Education provision: £254,636
Community Hall (off site): £182,000
Improvements to rights of way: £29,120
Health facilities: £62,730
Contribution to off site highway works £85,000
Sport/Play facilities (off site): contribution – to be agreed in discussed with Arlesey Town Council

The section 106 agreement should also incorporate the requirement for a travel plan to be developed and implemented.

As such, it is considered that the proposal would conform with policy CS2 of the Core Strategy for the North.

5.12 Build Rate Timetable

As the application has been justified and accepted as an exception given the shortfall in the Council's five year housing land supply a build rate timetable is required and would be controlled by the legal agreement.

5.13 Flood Risk & SuDs

The site is located within Flood Zone Area 1 whereby the probability of flooding is identified as being low. As such, no objections have been raised by the Environment agency.

5.14 From 6th April 2015 local planning policies and decisions on planning applications relating to major development (developments of 10 dwellings or more; or equivalent non-residential or mixed development [as defined in Article 2(1) of the Town and County Planning (Development Management Procedure) Order 2015], must ensure that sustainable drainage systems (SuDS) for the management of surface water runoff are put in place, unless demonstrated to be inappropriate. A drainage strategy was supplied for consideration as part of the application and the Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site so as limit any flooding potential. No objection is therefore to this proposal subject to the imposition of conditions to control its provision at the reserved matters stage.

5.15 Impact on Services

Whilst concerns have been expressed by local residents about the impact of the proposed dwelling houses on the existing water and sewage connections, the Internal Drainage Board and Anglian Water has not raised any objections or concerns in this regard.

5.16 Public Art

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council. The Councils Public Art Officer has raised no objection to the granting of this permission, subject to the imposition of a condition to secure an art strategy. However it is considered that a public art strategy is not necessary to make a scheme of this scale acceptable.

5.17 Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises no issues under the Equality Act.

Recommendation

That the application be **Approved** subject to completion of a section 106 agreement and the following conditions

RECOMMENDED CONDITIONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

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

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

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

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

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

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.
(Policy DM3 of the Core Strategy for the North & Section 7, NPPF)

- 5 The landscaping details required to be submitted by Condition 2 of this permission shall include details of hard and soft landscaping (which shall include the landscape buffer along the edge of the site), together with a timetable for its implementation and maintenance for a period of 5 years following implementation. The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread); measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure an acceptable standard of landscaping.
(Policy DM14 of the Core Strategy for the North and Sections 7 & 11, NPPF)

- 6 Prior to the submission of any reserved matters application a Development Parameters Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the guiding principals to be applied in the design of any dwelling, associated structures, hard surfaces and landscaping to be constructed pursuant to this planning permission. The scheme shall include, but not be limited to: maximum building height, built form, materials, plot coverage, set back from plot boundaries, boundary treatment, access and parking facilities and, protection of existing trees and hedges. The design of each dwelling the subject of this permission shall be developed in accordance with the approved Development Parameters Scheme.

Reason: In the interest of visual amenity and to ensure a consistent design approach to the dwellings hereby permitted in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles of the NPPF.

- 7 The details required by Condition 2 of this permission shall include a detailed waste audit scheme for the residential units in that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy DM3 of the Core Strategy for the North & Section 7 of the NPPF).

- 8 Any application for reserved matters shall include a delivery timetable for the implementation of all ecological measures and/or works contained in the Ecological Appraisal; Potton Bat survey Report; Potton Reptile Survey Report, Grassland Survey Report, Grassland Management and Enhancement Plan. The delivery timetable shall be submitted to and approved in writing by the Local Planning authority. The development shall be carried out as approved and in accordance with the approved delivery timetable.

Reason: To ensure that biodiversity is properly protected and enhanced at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework (2012).

- 9 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.**

Reason: In order to ensure appropriate access to fire hydrants for use in the event of emergency in accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.

- 10 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA: 15-1120, 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 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. Details are required prior to commencement as the drainage scheme is intrinsic to the development and the necessary works will be some of the first to be carried out.

- 11 **No building/dwelling shall be occupied until a management and maintenance plan for the surface water drainage and evidence that the approved surface water drainage scheme has been checked, 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 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 the provisions of the NPPF

- 12 **Notwithstanding the details shown on the submitted plan, no development shall commence until details of the estate road access onto Biggleswade Road which shall take the form of a raised table junction, has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed and completed in full accordance with the approved details prior to the first occupation of any dwelling hereby permitted.**

Reason: Details are required prior to the commencement of development as the estate road will be built prior to the dwellings and to ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety in accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.

13 Any subsequent reserved matters application shall include the following details;

- Estate roads designed and constructed to a standard appropriate for adoption as public highway.
- Pedestrian and cycle linkages to existing routes
- Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
- Cycle parking and storage in accordance with the council's standards applicable at the time of submission.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times. In accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.

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

- A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
- Materials Storage Areas.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times. In accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.

15 Prior to the Submission of a Reserved Matters application a noise assessment accompanied by an appropriate scheme for protecting the proposed dwellings from noise shall be submitted and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect human health and residential amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

16 Any application for Reserved Matters shall include a scheme for protecting the proposed dwellings from adverse odour from the Local Sewage Treatment Works authority following the 60m stand-off and other recommendations in the submitted July 2016 Wardell Armstrong Odour Assessment. None of the dwellings shall be occupied until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect human health and residential amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 17 The details to be submitted as part of the reserved matters required by condition 2 of this permission will include a Materials Recovery Plan (MRP). The MRP will assess areas of construction where minerals would be recoverable, such as from groundworks, sustainable drainage systems, landscaping areas. The MRP should, as a minimum, balance as far as possible the mineral recovered from these operations with site construction activity which would consume aggregate, such as road sub-bases, granular fill, bunding required, and mortar. The MRP should consider the extent to which mineral available on site would meet the specifications required for construction. The development shall thereafter be carried out in accordance with the approved MRP.

Reason: To ensure that available minerals are used in the construction of the development and to minimise the import of materials to the site. In accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.

- 18 No part of development shall be brought in to use until a Public Art Plan is submitted to and approved in writing by the Local Planning Authority. Installation of Public Art shall commence on site prior to occupation of 50% of dwellings or such other timescale as may have been agreed in writing by the Local Planning Authority. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

The Public Art Plan will detail:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development, suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Future care and maintenance.

Reason: In the interest of community engagement; bringing together existing and new communities, enhancement of sense of place, sense of ownership and reinforcing community cohesion. In accordance with section 7 of the NPPF

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 7076-L-02 Q, P16014-001A and 7076-L-01.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
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's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

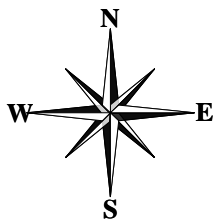
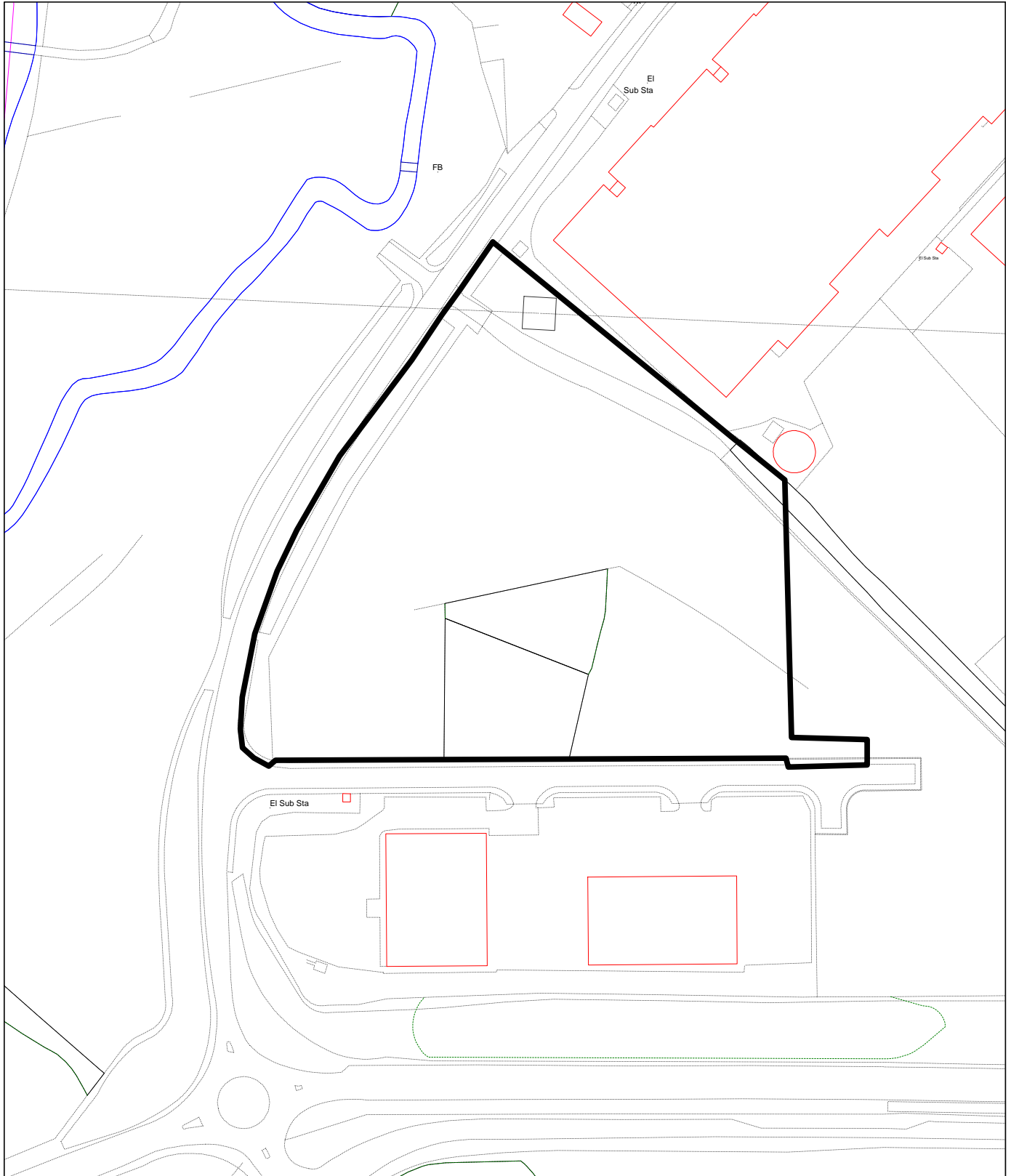
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 13:February:2017
Map Sheet No

Application No: CB/16/05251/RM

Scale: 1:2000

Retail Park at Grovebury Road, LU7 4UX

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Item No. 7

APPLICATION NUMBER	CB/16/05251/RM
LOCATION	Retail Park at Grovebury Road, LU7 4UX
PROPOSAL	Approval of all reserved matters pursuant to outline planning permission CB/12/02071/OUT comprising appearance, landscaping, layout and scale concerning development of retail warehousing of 7,257sqm GIA (including mezzanines) with associated outdoor project areas and a drive thru restaurant of 246sqm GIA with provision of car parking (277 spaces) and servicing.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Adam Davies
DATE REGISTERED	11 November 2016
EXPIRY DATE	10 February 2017
APPLICANT	C/O Agent
AGENT	Montagu Evans
REASON FOR COMMITTEE TO DETERMINE	Town Council Objection to Major Application
RECOMMENDED DECISION	Reserved Matters - Granted

Site Location:

The application relates to 2.7ha of undeveloped land on the eastern side of Grovebury Road (A4012), on the southern side of Leighton Buzzard. The land currently comprises rough grassland.

The northern-most corner of the site is traversed by 400kW overhead power lines which run in an east-west direction with the existing vehicular access from Grovebury Road positioned below the power lines, adjacent to a single electricity pylon. The site is located immediately north of Union Court and the Browns retail and trade centre which operates as an agricultural engineers and an angling centre. To the north, the land is bordered by storage and industrial units, other commercial uses and associated service areas. The land immediately to the east of the application site also comprises undeveloped grassland within the applicant's control. Further to the east is the Roman Gate/Theedway development (Site 17a – former Grovebury Farm) and Brickyard Quarry which have planning permission for residential and associated development. To the west of Grovebury Road are Tiddenfoot Waterside Park and the adjoining riverside meadows.

The site forms part of a Main Employment Area as defined on the Proposals Map of the South Bedfordshire Local Plan Review 2004.

The Application:

Outline planning permission was granted for the development of the site for retail warehousing and associated development on 14 November 2013 (planning permission CB/12/02071/OUT). All matters except those relating to access were reserved for subsequent approval as part of the outline planning permission. The current application seeks approval of reserved matters in relation to the appearance, landscaping, layout and scale of the retail warehouse development.

The development would comprise 7,258sqm Gross Internal Area (GIA) of retail floorspace, including internal mezzanine areas, together with 1,032sqm of external sales and storage areas. Four retail units would be grouped together on the eastern and northern sides of the site fronting onto a central parking area (Units A-D). A fifth retail unit would be provided as a separate building on the southern side of the site (Unit F). A drive-thru restaurant unit would be constructed in the south west corner of the site, adjacent to Grovebury Road (Unit E). The retail units would be constructed to a built height of between 6.4m and 11m and would be clad with grey and aluminium-coloured profiled steel panelling. The proposed elevations for the drive-thru restaurant show this unit would be occupied by KFC and would be constructed with red and white external cladding and signage.

The public parking area would provide a total of 270 parking spaces, including 21 accessible and parent and child parking spaces. Cycle parking stands would be provided adjacent to Unit A, on the southern boundary of the site which would provide space for up to 36 bicycles. A private service yard would be created to the rear of Units A-D, along the eastern and northern sides of the site.

In accordance with the outline planning permission, vehicular access would be provided from Grovebury Road via a new public access into the public parking area and a new private access into the service yard. A third vehicular access would also be provided from Union Court to serve the undeveloped land immediately to the east of the site which is excluded from the application. This access is required in accordance with the developer's obligations in connection with the outline planning permission which require provision for servicing, access arrangements and marketing in support of a future commercial development proposal.

A new bus-stop layby is proposed within the applicant's land on the Grovebury Road site frontage.

A publically-accessible footpath would be created along the route of an existing concrete path running across the northern part of the site, between Tiddenfoot Waterside Park and riverside meadows to the west, and the Roman Gate/Theedway development to the east.

Much of the existing vegetation within the site has been removed or would need to be removed in connection with the development. A mix of native hedging and trees, ornamental planting, bulb planting and wildflower seeding is proposed along the north, west and southern boundaries of the site. Some new tree planting would be provided within the public parking area.

Further to consultation on the application, the proposal has been amended by way of the following revisions and additions.

- Revised landscaping proposals;
- Public parking spaces increased in size to 2.5 metres by 5 metres;
- Provision of a full bus layby off Grovebury Road in place of the half layby previously proposed; and
- Drainage proposals statement.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 8 Promoting healthy communities

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

Section 11 Conserving and enhancing the natural environment

Section 12 Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

Policy SD1: Sustainability Keynote Policy

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

Policy E1: Providing for B1-B8 Development within Main Employment Areas

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

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE8 and R14 are broadly consistent with the Framework and carry significant weight. Policies T10 and E1 carry less weight but are considered relevant to this application.

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 Sustainable Drainage Guidance (April 2014, May 2015)

Relevant Planning History:

The following relevant planning history relates to the application site:

Application Number CB/12/02071/OUT
Description Outline: Development of the site for retail warehousing development within Class A1 (retail) to comprise 5,575sqm with 2,090sqm mezzanine floorspace and 929sqm garden centre enclosure and a restaurant/cafe/public house of 372sqm within Class A1/A3/A4/A5 use

Decision Granted
Decision Date 14 November 2013

The following relevant planning history relates to the open storage site known as the Camden Site, Grovebury Road which lies to the north of the application site:

Application Number CB/16/00814/OUT
Description Outline: Development to provide non-food retail units (with total floor area not exceeding 7350 square metres) together with associate access arrangements, parking, servicing, circulation & landscaping areas

Decision Pending – Included on the same Committee agenda
Decision Date Pending – Included on the same Committee agenda

The following relevant planning history relates to the warehouse premises on land immediately north of the application site:

Application Number CB/12/03290/OUT
Description Outline: Proposed non food retail park of up to 10,775 sqm (116,000sqft) Gross retail floorspace, up to 600 sqm (6,460 sqft) storage up to 604 sqm (6,500 sqft) pub/restaurant, up to 167 sqm (1800sqft) drive thru restaurant, new vehicular access and associated highway works, associated car parking; hard and soft landscaping and associated infrastructure works

Decision Refused (1) Would detrimentally impact upon the supply of B Class land within the locality; and (2) Would have an unacceptable impact on existing, committed and planned public and private investment in Leighton Buzzard

Decision Date 21 February 2013

Consultees:

Leighton Linslade Town Council 09/12/2016
Object on the grounds that the application is materially different to the outline permission.

CBC Highways 07/12/2016

- The development is to take access by two priority junctions. One is proposed for customer and employees and is a ghost island type priority junction. The other is for deliveries and Heavy Goods Vehicles and is a simple priority junction.
- The principle of these junctions has been established under the outline planning permission and should be provided in accordance with the appropriate highway standard.

- The proposal as submitted shows a bus stop in the location of the right turn lane on Grovebury Road and this could be perceived as an area of conflict. As a result this bus stop should be in a full layby (*OFFICER NOTE: Further to CBC Highways comments the proposal has been amended to include a full bus layby*).
- The majority of units would be serviced from the service yard and hence these vehicles are segregated from the customer parking area.
- Unit E and F would be served from the customer parking area which could result in a hazard for all users. This is not a matter that would affect the highway but the applicant should reconsider this.
- The level of parking is accepted as part of the outline planning permission.
- The proposed parking bays are substandard as they would measure 2.4m by 4.8m. The spaces should measure 2.5m by 5.0m (*OFFICER NOTE: Further to CBC Highways comments the proposal has been amended to include a full bus layby*).
- Additional accessible parking spaces and cycle parking is required.
- The application includes the third access into the blue land marked as a 'future development site' from Union Court which is a public highway. No concerns are raised about this proposal but it is observed that the junction may need amending when a detailed proposal is received in relation to this proposal.
- Recommends that the applicant consider the above and submits revised drawings.

CBC Public Protection 21/11/2016
No comment.

CBC Ecology 05/12/2016

- Disappointed with the loss of existing trees and hedgerows on the site.
- The site lies within the Greensands Ridge Nature Improvement Area. Development should deliver net gains for biodiversity.
- The buildings in this proposal would lend themselves well to green roofs.
- Leighton Buzzard also has the 'keep the Buzz in Leighton Buzzard' initiative which looks to enhance planting to support pollinators.
- The 5m landscaped buffer along the road frontage is welcomed but find it disappointing to see the removal of the existing hedge from here.
- Use of locally native and nectar / berry rich species

should be used in the landscaping scheme. Areas of wildflower planting are shown on the landscape plan but these could be extended to provide for pollinators.

- The initial ecological survey which informed the outline application was undertaken in May 2012 so is over 4 years old. It is likely that conditions on site have changed since then.
- Recommends condition to secure a method statement for the creation of new wildlife features.

CBC Landscape

06/12/2016

- The site is within a sensitive location valued for landscape character.
- The western and southern site boundary and built elevations would require additional tree planting and visual mitigation to assist in integrating the development in the wider setting, contribute to the management of surface water run-off and increase habitat potential.
- The inclusion of trees and shrub planting within the parking areas is a positive and appreciate.
- More detail is required on planting techniques, boundary treatments, materials and design.
- Native hedgerow planting would be preferred along with a wider mix of native planting within landscaped areas.
- Concern is raised regarding the quality of the environment along the footpath on the northern side of the site given its relationship with the existing electricity pylon and other land which may be developed in future.
- Green/brown roofs would assist in building 'performance', contribute to attenuating surface water run-off and provide habitat.
- More information is required describing how SuDs would be linked to landscape proposals.
- More information is required on lighting to accesses and parking areas.

CBC Tree and Landscape

06/12/2016

- Tree and shrub planting along Grovebury Road is sparse and should be reinforced.
- Acer platanoides is best used in cultivar form rather than the straight species, of which there are many contrasting colours and shapes to be obtained, and are subject to good selection in the nursery. The straight species is often of low quality genetic stock, predisposed to tight forking and suffering from poor shape and form.
- There are some large trees being used in the

- scheme, which may become problematic in the restricted space being made available for them, eg *Carpinus betulus* 'Frans Fontain' and the straight form of *Tilia tomentosa*. More carefully chosen cultivars of Lime such as *Tilia cordata* 'Rancho', and several of the fastigate forms of the Field Maple or the Bradford Pear would be useful here eg *Acer campestre* 'Elegant' or *Pyrus calleryana* 'Redspire', especially close to car parking areas, where there is an overuse of broader Lime trees where their overhangs would soon be in conflict with parked cars and access.
- In respect of the planting list being proposed, the use of *Crocsmia* 'Lucifer' in the shrub mix is somewhat questionable; being a herbaceous plant produced from a corm, it does not integrate well into a shrub border. It also has a reputation in some areas of the country to be highly invasive, and should not be used where it can spread outside of its domain.
- Additional planting within the parking area should be provided to break up the lines of cars. Planting within the car park should be within tree pits and protected from vehicle damage with ornate metal guards.

CBC Sustainable
Growth

06/12/2016

- Proposals should maximise energy efficiency and conservation through orientation, layout and design of buildings; use of natural lighting and solar gain; take advantage of opportunities to use renewable or alternative energy sources; and demonstrate how trees and vegetation have been used to achieve visual, acoustic, energy saving, wildlife and other environmental benefits.
- The documents do not provide information on opportunities for renewable energy.
- More information is required in relation to water and energy efficiency measures and renewable technologies.

CBC Public Art

09/12/2016

- General guidance regarding the requirements for public art which can be facilitated by a range of artists and artisans, artist architects, landscape artists.
- Public art can include bespoke sculptural features or sequences of interventions, be linked to street furniture including benches and bollards, or integrated as way markers to aid sense of place, legibility and quality in the environment.

- Recommends that a Public Art Plan is produced.

CBC Archaeology	07/12/2016 No objection.
Highways England	18/11/2016 No objection.
Historic England	24/11/2016 Application should be determined on local and national planning policy and on the basis of any specialist conservation advice as appropriate.
Environment Agency	None received.
Buckingham and River Ouzel Internal Drainage Board	09/12/2016 <ul style="list-style-type: none">• The nearby watercourse is under the statutory control of the Board.• Any planning approval should be conditional on the means of surface water disposal being agreed prior to commencement of the development.
Bedfordshire Architectural Liaison Policy	None received.

Other Representations:

Neighbours	<p>Five objections received from addresses at Bridge Street, Cavendish Road, High Street, Meadow Way and Stanbridge Road, Leighton Buzzard, summarised as follows.</p> <ul style="list-style-type: none">• Proposal would contribute to traffic congestion.• Previous traffic studies need to be updated to reflect current circumstances.• Proposal would contribute to air pollution.• Insufficient parking provision.• Poor access proposed.• Inadequate access via public transport.• Trade competition with / loss of trade within the Town Centre.• The retail impacts should be reconsidered in light of updated information.• The layout and mix of retail units differ from the scheme presented within the outline application.• Concern that this will mean retailers will seek to operate beyond the retail restrictions originally imposed at the outline stage.• It is questioned which operators would occupy the units.• The addition of a drive-thru unit is questioned.
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- Concern that the development would compromise any planned expansion of the Town Centre.
- The footpath along the northern side of the site is too narrow to be used as a cycle path.
- The longer routes to the site for cyclists are not clear. Safe routes need to be defined.
- Inadequate cycle parking proposed.

One anonymous representation against the proposal received which does not raise any specific objection.

One comment received from an address at Leighton Road, Eggington, summarised as follows.

- Concern regarding impact on trade within the Town Centre.
- Free parking should be provided within the Town Centre to support retail in the town.

Determining Issues:

The main considerations of the application are;

1. Principle and Compliance with the Outline Planning Permission
2. Affect on the Character and Appearance of the Area
3. Highway Considerations
4. Neighbouring Amenity
5. Sustainable Construction
6. Sustainable Drainage
7. Ecology
8. Developer Obligations
9. Human Rights issues & the Equality Act 2010

Considerations

1. Principle and Compliance with the Outline Planning Permission

1.1 The principle of the development of the site for a total of 8,037sqm GIA retail floor space and associated development has been established with the grant of outline planning permission CB/12/02071/OUT. The current reserved matters application seeks approval for the detailed elements of the scheme and proposes a total of 7,258sqm GIA retail floor space.

1.2 Condition 1 of the planning permission requires the submission of reserved matters no later than 14 November 2016. The reserved matters application was submitted on 11 November 2016. Conditions 2 to 13 of the planning permission require the submission and approval of further details in respect of technical matters and control the implementation of the planning permission. Condition 14 requires the reserved matters application to accord with the details of the Parameter Plan; these being the two new accesses from Grovebury Road, the new access from Union Court for the adjoining land to the east, and the provision of a footpath along the northern edge of the site. The proposed layout plan incorporates these four elements and is in accordance with the Parameter Plan. The reserved matters proposal is therefore compliant with the terms of the

Outline Planning Permission.

- 1.3 The development is also subject to a number of Retail User Restrictions under the associated Legal Agreement dated 13 November 2013 which were imposed to control the nature, type and amount of retail uses. These are as summarised below.

Retail User Restriction	Reserved Matters Proposal
<p>Permitted Retail Uses: (a) DIY goods including tools, building supplies and ancillary items; (b) plants and garden products; (c) furniture, carpets, floor coverings and home furnishings; (d) office equipment and stationary; (e) motor vehicle parts and accessories; (f) cycles and ancillary goods; (g) home technology, electrical goods; (h) pets and pet supplies; (i) Christmas decorations and seasonal goods; and (j) all goods ancillary to the items listed in (a) to (i).</p>	<p>Retail goods to be sold are not specified within the application (not required for the purposes of securing Reserved Matters Approval)</p>
<p>No more than 8,037sqm total GIA retail floor space (including the restaurant)</p>	<p>Compliant 7,258sqm total GIA retail floor space proposed (including the restaurant)</p>
<p>No retail unit shall have a retail floor space of less than 465sqm GIA (excluding the restaurant)</p>	<p>Compliant All proposed retail units exceed 465sqm GIA (excluding the restaurant)</p>
<p>No more than 50% of the retail units shall be 'smaller units' (465sqm – 697sqm GIA)</p>	<p>Compliant One 'smaller unit' (25%) proposed</p>
<p>At least one 'larger unit' (min 1,533sqm GIA with a garden centre or similar)</p>	<p>Compliant Two 'larger units' proposed</p>
<p>No more than eight retail units (excluding the restaurant)</p>	<p>Compliant Four retail units proposed (excluding the restaurant)</p>

No more than one restaurant unit (not to be used as a convenience food store)	Compliant One restaurant unit proposed

The reserved matters proposal is therefore compliant with the relevant Retail User Restrictions under the terms of the Legal Agreement.

- 1.4 The outline planning application was supported by indicative proposals which detailed the manner in which the site could be developed. As all detailed matters except those relating to access were reserved for subsequent approval, these illustrative proposals were provided for information only and are not binding as part of the outline planning permission. The indicative scheme related to 8,037sqm total GIA retail floor space presented as the following as detailed on the indicative site plan;
- (1) 5,575sqm with 2,090sqm mezzanine;
 - (2) 372sqm restaurant / café / public house; and
 - (3) 929sqm garden centre enclosure (additional to the GIA retail floor space).
- 1.5 The reserved matters scheme now proposes 7,258sqm total GIA retail floor space comprising the following;
- (1) 6,082sqm with 930sqm mezzanine;
 - (2) 246sqm drive thru restaurant; and
 - (3) 1,032sqm outdoor projects retail (additional to the GIA retail floor space).
- 1.6 A number of representations to the reserved matters application, including from Leighton Linlade Town Council, raise concerns that the current scheme differs from the scheme previously presented in support of the outline application. Whilst the specific mix of retail units differs from the earlier indicative proposals, the details of the application are compliant with the fixed elements of the outline planning permission and its associated Legal Agreement.
- 1.7 In determining the principle of the development, the retail impacts of the development, including the implications for existing, committed and planned retail centres were tested by the Council and its specialist consultant. Other environmental impacts relating to the principle of development, including traffic generation and transport impacts were examined by the Council in the determination of the outline planning application. This decision has been tested and upheld through the courts under Judicial Review and, subsequently, through the Court of Appeal. As the reserved matters proposal is consistent with the terms of the outline planning permission and its relevant restrictions, there is no planning basis on which to re-examine these points of principle in determining the current application.
- 1.8 It is therefore necessary to determine whether the details relating to the appearance, landscaping, layout and scale of the development are acceptable.

2. Affect on the Character and Appearance of the Area

- 2.1 The application site is located on the southern edge of Leighton Linlade within an established industrial and commercial estate and has been allocated for employment related development for a number of years. However the land is also within the wider context of riverside meadows and Tidenfoot Waterside Park which lie to the west of Grovebury Road, along the River Ouzel and Grand Union Canal corridors. There are views of the built settlement from the south beyond the A4146 from Grovebury Quarry and lake, undeveloped agricultural land and in views along the canal and river corridors.
- 2.2 The proposed development would be of a conventional retail warehouse construction, with grey and aluminium-coloured cladding, glazed elements and signage panels, and grouped around a central public parking area. A number of the buildings would be substantial, large format units which would be taller than the existing warehouse buildings immediately to the north of the site. However the development would be constructed at an appreciably lower ground level than the similar, large-scale buildings at the Browns retail and trade centre which would assist in screening the new retail units in views from the south. The proposed layout would establish an appropriate relationship with the site frontage onto Grovebury Road. Other than the proposed drive-thru restaurant, the orientation of Units A and F would not provide for an active frontage onto Union Court but, due to the variation in ground levels between Union Court and the application site, and provision for landscaped areas along the southern boundary, this would not be harmful to the character of the area.
- 2.3 Further to the advice of the Council's Tree and Landscape Officer and CBC Landscape, revised landscaping proposals have been submitted. A mix of native hedging and trees, ornamental planting, bulb planting and wildflower seeding is proposed along the north, west and southern boundaries of the site. Some new tree planting would be provided within the public parking area. Additional tree and hedge planting is proposed along the northern side of the site in order to improve the environment along the new footpath, adjacent to existing warehouse units and electricity pylon. Provision for landscaping has been optimised based on the need to meet other planning requirements for this site, including parking provision, the bus layby together with the operational and service requirements of the retail units. Condition 5 of the outline planning permission requires approval and implementation of the final landscaping scheme. Details of the mix, size and distribution of planting species can be considered through the approval of details under this condition.
- 2.4 Condition 12 of the outline planning permission requires the approval and implementation of a public art strategy for the site in support of local distinctiveness and to enhance the character of the area.
- 2.5 The appearance, landscaping, layout and scale of the development are therefore considered acceptable in terms of the affect on the character and appearance of the area, having regard to the design requirements as under saved SBLPR Policies BE8, R14 and the Central Bedfordshire Design Guide.

3. Highway Considerations

- 3.1 As noted, the transport and traffic generation impacts of the development were examined in the assessment of the outline planning application and should not be reconsidered in connection with a reserved matters scheme which is

compliant with the outline planning permission. In connection with this, the outline planning permission and its associated Legal Agreement establishes certain fixed parameters and secures mitigation measures to address the transport impacts of the development. This includes the proposed highway accesses which form part of the parameters of the outline planning permission.

- 3.2 In line with the advice of CBC Highways, the reserved matters scheme incorporates provision for a full bus layby off Grovebury Road to incorporate real-time passenger information. The developer is required to submit and implement a Framework Travel Plan pursuant to Condition 11 of the outline planning permission in order to promote sustainable modes of transport. The associated Legal Agreement also requires the developer to make contributions of £99,000 towards the funding of public transport services linking the development to the local bus network.
- 3.3 The development is intended to support the provision of a strategic east-west footpath connection via the application site, through the riverside meadows to the west. Separate to the grant of any reserved matters approval, the developer will need to submit a footpath scheme to the Council setting out the details of this under the associated Legal Agreement. Financial contributions at £55,000 have been secured towards the provision of footpath and cycle connections on Grovebury Road itself. There would also be a requirement for the developer to apply to the Council as Local Highway Authority for approval of works to Grovebury Road under S278 of the Highways Act 1980.
- 3.4 The main parking area would provide for a total of 270 parking spaces. On the basis of the gross internal retail floorspace proposed, the Central Bedfordshire Design Guide indicates a requirement for 357 parking spaces. In this case the outline planning permission established the development capacity of the site as being capable of accommodating a total of 8,037sqm GIA retail floor space whilst meeting the other planning and operational requirements for the development, including for parking. This permission predates the current Design Guide, adopted in 2014. In the context of the outline planning permission, CBC Highways raise no objection to the level of parking proposed. Additionally, given reduced retail floorspace now being brought forward under the reserved matters application, and the need to maximise landscaping provision, an appropriate balance should be struck between parking and other requirements for the site. The proposed parking would include a total of 17 accessible parking spaces (7% of the overall parking provision). An additional 4 parent parking spaces are proposed. This level of accessible parking is considered acceptable given that there is no standard in place setting a fixed requirement for a specific level of provision. Cycle parking provision for 36 bicycles would be provided on the southern side of the site forward of Unit A which is the largest retail unit, intended as the 'anchor' store.
- 3.5 CBC Highways have commented on the intended servicing arrangements for Units E and F which would be via the main parking area within the site rather than any separate service area. The potential for conflicts of movement within the public areas of the site can be avoided through the servicing of these units outside of the key operational hours of the retail park. The potential for conflicts of movement occurring on private land, not within the public highway, would be a

matter for the site operators rather than subject to any control or liability by the Council. The applicant has advised that this would be managed and co-ordinated by site operatives employed in connection with Units E and F. In any event there is sufficient space for vehicles to manoeuvre safely within the car park without conflict with other users.

- 3.6 The layout and other details of the reserved matters scheme are therefore considered acceptable in highways terms having regard to the policy objectives of the NPPF, SBLPR Policies BE8, T10 and R14 and the Central Bedfordshire Design Guide.

4. Neighbour Amenity

- 4.1 There are currently no existing residential properties within close proximity to the site. The new residential development under construction at Roman Gate/Theedway to the east is sufficiently removed from the application site, that the proposed appearance, landscaping, layout and scale of the development would not give rise to any unacceptable impacts upon the amenity of neighbouring residents within the context of the existing industrial and commercial estate.

5. Sustainable Construction

- 5.1 The Council's Sustainable Growth Officer has highlighted opportunities for water efficiency and renewable energy use, particularly solar, to be provided as part of the development and has requested further information. This can be secured by condition as part of the reserved matters approval.

6. Sustainable Drainage

- 6.1 A drainage proposals statement has been provided which indicates the developer's intention that surface water would be accommodated by piped drainage to a subterranean attenuation tank below the main parking area before piped discharge to the River Ouzel by consent with the Internal Drainage Board. In line with its Sustainable Drainage Guidance, the Council now expects drainage proposals to be designed to maximise opportunities for attractive drainage solutions which enhance urban form and the public realm as well as effective water management. In the context of the application site, there are limited opportunities for above ground drainage features to be provided in combination with meeting other planning and operational requirements for the development. Given the location of the site above a principal aquifer and its underlying geology, infiltration drainage solutions are unlikely to be an acceptable solution for surface water management. No detailed drainage proposals have been submitted as part of the reserved matters application as this is subject to separate control under Condition 9 of the outline planning permission which requires a scheme for the disposal of surface water.

7. Ecology

- 7.1 A number of ecological enhancement and compensation measures were previously put forward as part of an Ecological Site Appraisal which was assessed in the determination of the outline planning application. Condition 13 of the outline planning permission requires the implementation of the enhancement and compensation measures as part of the development. The Council's Ecologist notes that the ecological information which informed the site

appraisal is now several years old and it may therefore be necessary to seek updated information. In terms of the tests for planning conditions under national practice guidance, a new requirement for further ecological surveys would not be reasonable or appropriate given the conclusions within the Ecological Site Appraisal, the requirements of Condition 13 and also that the reserved matters details have been submitted within the timeframe of the planning permission.

8. Developer Obligations

- 8.1 In addition to the developer obligations relating to the application site and the adjoining land as set out above, the developer is also required to make financial contributions at £245,000 towards town centre improvements which may include but are not limited to the following.
- a) Initiatives to enhance the attractiveness of Leighton Buzzard Town Centre as the main retail quarter in Leighton Buzzard;
 - b) Funding towards improvements to courts, alleyways and signage within Leighton Buzzard Town Centre;
 - c) Funding towards costs associated with architectural and feasibility work relating to the relocation of the fire station in Leighton Buzzard;
 - d) Funding towards the costs of providing temporary car parking at land south of High Street; and
 - e) Funding towards other work to bring forward the redevelopment of land south of High Street.

9. Human Rights issues & the Equality Act 2010

- 9.1 As the development is to be used by visiting members of the public, consideration has been given to relevant Human Rights issues and the Equality Act 2010. The requirements of this legislation should be brought to the applicant's by way of informative.

Recommendation:

That Reserved Matters Approval be GRANTED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 **No development shall take place until details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels for all hard surfaced and landscaped areas have been submitted to and approved in writing by the Local Planning Authority. The proposed levels shall be shown with reference to a fixed datum point located outside of the application site. The development shall thereafter be carried out in accordance with the approved level details.**

**Reason: For the avoidance of doubt and to ensure a satisfactory form of development. Details shall be approved prior to commencement of development as it may not be possible to alter the built height of the development following the creation of development platforms.
(Policy BE8 SBLPR & Section 7, NPPF)**

- 2 **No development shall take place until an energy and water efficiency scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures to maximise energy and water efficiency and conservation, to minimise energy demand and reduce carbon emissions from the proposed development including opportunities to meet higher efficiency standards through building design and layout, natural features, landscaping and renewable technologies. The scheme shall then be carried out in full in accordance with the approved scheme.**
Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF. Details shall be approved prior to commencement of development as energy and water efficiency proposals may be integral to the building specification and construction.
(Policy BE8 SBLPR & Section 10, NPPF)
- 3 The development hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12217/SK3; 16569_OGL 0; 2100-PL001 B; 5195-033; 5195-118; 5195-147; 5195-155; 5195-174; 5195-175; 5195-176; 5195-178; 5195-179; 5195-184; 5195-185; and Drainage Statement PT/12217.

Reason: For the avoidance of doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 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).
2. This reserved matters approval 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. This approval of reserved matters shall be read in conjunction with outline planning permission CB/12/02071/OUT, the accompanying Legal Agreement pursuant to Section 106 of The Town and Country Planning Act 1990 dated 13/11/2013, and/or any subsequent Legal Agreement revoking and re-enacting that Unilateral Undertaking. The applicant is reminded of the requirement to submit further information in accordance with the conditions attached to the outline planning permission.
4. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled. The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people. These requirements are as follows:

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

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

For further information on disability access contact the Centre for Accessible Environments (www.cae.org.uk) or Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk).

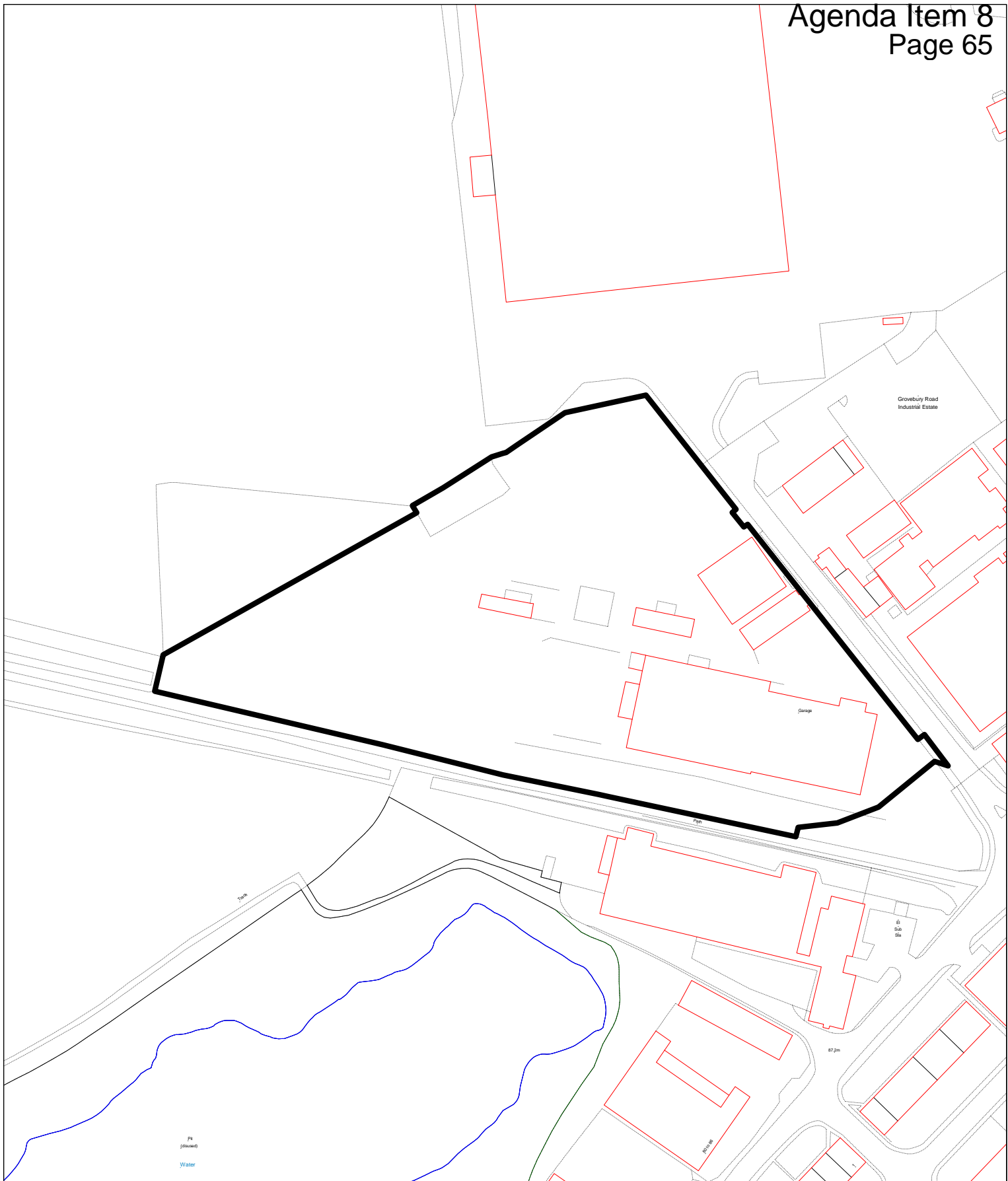
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

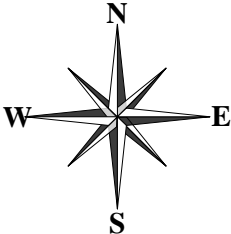
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No: CB/16/00814/OUT
	Date: 13:February:2017	
	Map Sheet No	

Scale: 1:2000	Land at Camden Site, Grovebury Road, Leighton Buzzard
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Item No. 8

APPLICATION NUMBER	CB/16/00814/OUT
LOCATION	Land at Camden Site, Grovebury Road, Leighton Buzzard
PROPOSAL	Outline: Development to provide non-food retail units (with total floor area not exceeding 7350 square metres) together with associate access arrangements, parking, servicing, circulation & landscaping areas.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Andrew Horner
DATE REGISTERED	03 May 2016
EXPIRY DATE	21 September 2016
APPLICANT	EDS Holdings Ltd
AGENT	The W R Davidge Planning Practice
REASON FOR COMMITTEE TO DETERMINE	Major application that is a Departure from Development Plan Major Application with Town Council Objection
RECOMMENDED DECISION	Approval subject to completion of a section 106 agreement and referral to the Secretary of State as a departure from the Development Plan

Reason for Recommendation

Taking account of the site's history of low level employment use and the opportunities for employment creation which would result from the proposal, the proposed non-B Class development is considered acceptable in terms of the NPPF. In relation to retail impact the proposal is considered to satisfy the sequential test, having regard to the availability and suitability of other sites within Leighton Buzzard. The identified retail impact would be marginal but not significant in NPPF terms.

The proposed development is also considered to be acceptable in terms of other environmental impacts and compliance with Local Plan policies and the provisions of the NPPF.

Site Location:

1. The application site lies within an existing employment area containing a mix of employment uses including factories, offices and warehouses to the south of Leighton Buzzard. The town centre lies to the north of the application with the High Street approximately 0.6km to the north.
2. The application site is located to the west of the roundabout junction between Grovebury Road, Chartmoor Road and Boss Avenue. The site is roughly triangular in shape and the north eastern boundary is marked by Boss Avenue with a pedestrian/cycle way marking the southern boundary. To the west of the site lies open fields/meadows which stretch to the River Ouzel and Grand Union Canal. The Forticrete building materials factory lies to the north of the site.
3. The area of the site is 2.4 hectares and generally level with no significant level changes. Much of the site comprises hard standing although there are various buildings to the eastern side which appear to have been constructed as factory/warehouse units with ancillary office facilities. There are a variety of employment uses within the buildings but the main use of the site is for open storage with associated B1, B2 and incidental uses. There is a self storage use at the eastern end with extensive open storage of containers, mobile offices and relate site plant structures on the southern side of the site. There is also open storage of cars and other light vehicles as well as large commercial vehicles to the northern and western parts of the site.
4. Access to the site is from two access points off Boss Avenue with one towards the southern end of the frontage with the other at the northern end towards the Forticrete unit.
5. The site boundaries are marked by palisade and chain link fencing with some hedge/scrub planting along the southern and north western boundaries. The site forms part of a Main Employment Area identified in the Local Plan.

The Application:

1. The application is made in outline form with all matters except means of access reserved for subsequent approval. The application is supported by illustrative plans as well as the following detailed reports: Retail Statement; Framework Travel Plan; Transport assessment; Ground Investigation Report; Flood Risk Assessment; Drainage Strategy and Site condition and marketing report.
2. The application proposes the erection of non-food retail units with total floor area not exceeding 7350 square metres gross external area (GEA) – which equates to 4984 square metres net gross internal area (GIA) together with associated access arrangements, parking, servicing, circulation and landscaping areas. A design and access and planning statement have been submitted along with indicative site layout and elevations (these plans are purely illustrative and are not for approval at this time). The plans indicate that there would be two buildings with the larger providing conventional retail units

with the other building providing trade counter uses to support activities such as the motor trade and building industry. The illustrative details suggest that the retail floorspace would extend to 6227 square GEA with the trade counters extending to 1121 square metres (GEA).

3. The applicant has advised that none of the proposed retail units would have a floor space of less than 850 square metres GEA (excluding the trade counter units).
4. The access is proposed from a revised access at the southern end of the Boss Avenue frontage. The access position and detail has previously been approved in connection with a small convenience store (see planning history below for details). There are no significant off site highway works proposed as part of the development.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Section 1: Building a strong, competitive economy

Section 2: Ensuring the vitality of Town Centres

Section 4: Promoting sustainable transport

Section 7: Requiring good design

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

Section 11: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review Policies (SBLPR)

SD1: Sustainability Principles

BE8: Design Considerations,

T10: Controlling Parking in New Developments

E1: Providing for B1-B8 Development within Main Employment Areas

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE8 and R14 are broadly consistent with the Framework and carry significant weight. Policies T10 and E1 carry less weight but are considered relevant to this application.

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.

Minerals and Waste Local Plan (2005)

Policy W4: Waste minimisation and management of waste at source

Supplementary Planning Guidance

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Sustainable Drainage Guidance (April 2014, May 2015)

Managing Waste in New Developments SPD (2005)

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

Central Bedfordshire Council Employment & Economic Study (2012)

Central Bedfordshire Retail Study 2013

Planning History

The following relevant planning history relates to the application site:

Application Number	CB/15/00817/OUT
Description	Erection of neighbourhood retail shopping facility, with associated access, parking servicing, circulation and landscaping areas.
Decision	Outline Application - Granted
Decision Date	14/07/2015

The following planning applications relate to land to the south of the application site off Grovebury Road:

Application Number	CB/12/03290/OUT
Description	Outline Planning: Proposed non food retail park of up to 10,775 sqm (116,000sqft) Gross retail floorspace, up to 600 sqm (6,460 sqft) storage up to 604 sqm (6,500 sqft) pub/restaurant, up to 167 sqm (1800sqft) drive thru restaurant, new vehicular access and associated highway works, associated car parking; hard and soft landscaping and associated infrastructure works.
Decision	Outline Application - Refused
Decision Date	21/02/2013
Application Number	CB/12/02071/OUT
Description	Development of the site for retail warehousing development within Class A1 (retail) to comprise 5,575sqm with 2,090sqm mezzanine floorspace and 929sqm garden centre enclosure and a restaurant/cafe/public house of 372sqm within Class A1/A3/A4/A5 use
Decision	14/11/2013
Decision Date	Outline Application - Granted
Decision Date	Undetermined
Application Number	CB/16/05251/RM

Description	Approval of all reserved matters pursuant to outline planning permission CB/12/02071/OUT comprising appearance, landscaping, layout and scale concerning development of retail warehousing of 7,258sqm GIA (including mezzanines) with associated outdoor project areas and a drive thru restaurant of 246sqm GIA with provision of car parking (270 spaces) and servicing.
Decision	n/a
Decision Date	n/a

The following application relates to Houghton Regis North Site 1:

Application Number	CB/12/03613/OUT
Description	Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans. Under consideration.
	<i>(Officer note: It is anticipated that this development will provide a maximum of 30,000 square metres of retail uses. This application therefore represents a material consideration for the current application in relation to matters of retail demand and viability.)</i>
Decision	Outline Application - Granted
Decision Date	02/06/2014

The following planning history relates to the existing Tesco and Homebase stores at Vimy Road, Leighton Buzzard:

Application Number	CB/10/04238/FULL
Description	Demolition of existing Class A1 retail warehouse (Homebase) and construction of extension (2,850 sqm) to existing Class A1 foodstore (Tesco) with additional car parking and landscaping. Construction of freestanding canalside Class A3 restaurant/cafe unit with public realm enhancements on Leighton Road frontage. Permission. Not implemented. Expired 28 May 2015.

(Officer note: This planning permission has now lapsed but was live when the previous applications off Grovebury Road,

listed above, were determined. This lapsing of this permission is a material change in circumstances since the earlier applications were determined).

Decision Full Application - Granted
Decision Date 28/05/2012

Consultation Responses

Leighton Linlade
Town Council

RESOLVED to recommend to Central Bedfordshire Council that objection be made to application reference CB/16/00814/OUT (Land at Camden site, Grovebury Road) on the following grounds:

- i) Loss of employment land and the impact on the supply of B Class land in the locality.
- ii) The impact the proposal would have on bringing forward land South of the High Street.
- iii) When taken with the extant permission on Grovebury Road, the proposal would represent an oversupply of non-food retail units to the detriment of the town centre.

It was agreed that the Town Council by way of the Town Clerk would wish to make verbal representations should the item be taken to Development Management Committee.

Public Protection

With respect to the above application whilst there are a number of Environmental Impacts it is believed that these can be dealt with by way of condition. The proposed conditions relate to lighting, noise management and contaminated land.

Highways

Original comments

Development
Management

The Transport Assessment concludes that there is significant detriment to the highway network at some of the junctions but this could be subject to further investigation with the highway authority.

It was recommended that the proposal should not be permitted until:-

The committed development within the area that is not represented with the TEMPRO forecasting has been revisited. The capacity calculations are amended to traffic flows relating to the site.

Proposed improvements to the highway have been put forward to mitigate against the detriment the proposal has on the highway network and in particular the Grovebury Road corridor.

Comments On Additional Information

Revised details were submitted to address the deficiencies in the originally submitted documents. These identified that the impact on the highway network would not be significant overall but there were locations where queuing at peak periods would increase and needed to be addressed.

A financial contribution towards off site works along with improvements to the Stanbridge Road entry to the Stanbridge/Billington Road roundabout to create two entry lanes should be sought.

Drawing number 1579L-01 shows a 2 lane approach on Stanbridge Road measuring a total width of 5.0m for the first 7m then narrowing down to single width. This width of 2.5m per lane is an absolute minimum and one where cyclists would feel intimidated. Further amendment is required to this proposal.

Until the above issues have been address then in highway terms it is not possible to advise that the proposal would not cause unreasonable levels of congestion at the junction of Stanbridge Road and Lake Street.

(Officer note: discussions are continuing with the applicant and their agent to address these issues and it is anticipated that these will be resolved prior to the Committee Meeting and covered in the Late Paper update; this will include any highway related planning conditions).

Integrated Transport No comment to make

Countryside Services A development of this size and nature does not directly impact on the Countryside Service but attention needs to be raised to record that the site was previously put forward concerning residential development. Any further residential development applications of this site will meet a request for the same or if not improved offer regarding the future off-site contribution/connectivity of open spaces. The offer would be expected to include the attached All Saint Church Meadow for the provision of public accessible amenity greenspace as part of the wider Ouzel Valley partnership (OVP) requirements.

Countryside Access Spending Officer There are no contributions sought from this development

Internal Drainage Board Provided that there is to be no change to the existing storm water drainage arrangements and no increase in the impervious area of this site the Board will offer no objection to this development.

Trees and
Landscape Officer

To ensure successful separation and avoid future conflict, these units will need to clear the boundary, and provide sufficient space for further landscaping, in order to enhance and reinforce the required visual separation.

The proposed access road running parallel to the southern boundary needs to respect the existing landscaping adjacent to a well used public footpath linking Grovebury Road with the Grand Union Canal and Tiddenfoot Waterside Park, and sufficient planting space should therefore be allowed in order to accommodate further planting needed to supplement and enhance this visual buffer.

Given the size and combined mass of these buildings, there will need to be sufficient provision for more extensive tree planting than is being proposed. This tree planting needs to be built into the layout scheme at the very onset, using tree pits, tree grids and guards, as part of the integral design of the parking areas.

Effective tree planting is required in order to successfully soften the built form and provide specimens that will be of sufficient scale and proportion with their surroundings, and be protected by vehicle parking and traffic movements. In this respect, it should be recognised that such planting cannot just be made on the basis of a planning condition, where subsequently the space needed for planting is often already taken up by prior car parking allocation.

Environment
Agency

We have no objection to this application.

Ecology

It is acknowledged that this is a brownfield site with extensive, existing hard standing. However the site does lie within the Greensand Ridge Nature Improvement Area and is immediately adjacent to meadows in the River Ouzel corridor. As such I would ask that the landscape scheme considers this edge of the site to ensure it is adequately buffered to prevent a detrimental impact from the proposed development and that the objectives of the NIA are considered when preparing the planting scheme.

Landscape

No objection to the principle of redevelopment of this site.

The redevelopment of the site offers opportunity for proposed development and landscape to enhance not only the application site but also the surrounding natural environment.

Detailed recommendations are also offered on how the indicative layout plans could be improved and the landscape provision greatly enhanced.

Public Art	Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments including commercial uses and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.
Travel Plan Officer	The revised travel plan dated July 2016 now meets the criteria for a travel plan at outline stage. The updating, implementation and ongoing monitoring of this plan will need to be secured via an appropriate condition.
Green Infrastructure	No Comment
SuDS Management Team	We consider that planning permission could be granted for the proposed development if details of the final design, construction and future maintenance of the surface water drainage scheme are secured by appropriate planning conditions.
Anglian Water	Raise no objection to the application but make a number of recommendations related to the detailed design of the development and links to Anglian Water assets.
Highways England	Offer no objection
Planning Policy	<p>The site is currently in use as employment land (allocated as an E1 site in the South Beds Local Plan). As the proposal is above the default threshold in the NPPF (para 26) of 2,500 sqm, the proposal is subject to a sequential and impact test, which have been submitted with the application.</p> <p>The Retail Study 2012 found that Leighton Buzzard town centre performed well with a diverse range of retail offer and local vacancy rates providing an attractive shopping environment.</p> <p>Following receipt of further information and clarification from the applicant:</p> <p>The further information has been reviewed together with the updated Retail Study (Still in draft). The Retail Study Update basically echoes what the 2012 Study has said. It also acknowledges that there is retail leakage to centres such as Luton and Milton Keynes from Central Bedfordshire. Therefore this type of development would reduce this leakage out of Central Bedfordshire especially with the development to the east of Leighton Linlade.</p>

There is concern that out-of-centre retail parks will have a similar effect to what the White Lion Retail Park is having on Dunstable town centre. However it is acknowledged that Leighton-Linslade is a more vibrant and healthy town centre serving a different population and many visitors access it regularly. To address this it would be appropriate for there to be a condition put on place restricting the minimum size of the units, as suggested by the applicant, so as not to compete with the town centre.

Bedfordshire Fire
and Rescue Service

We would ask that fire hydrants are installed at the developers cost and that the numbers are as follows: On a commercial site we will require one hydrant at least every 120 metres apart for normal risk premises and 90m apart for high risk premises with no premise further than 90 metres from the nearest hydrant. The minimum flow should be as described in the National Guidance Document published by UK Water and the Local Government Association.

The Greensand
Trust

Object to the planning application. The proposal is located in an area of high landscape value, as highlighted in the Leighton-Linslade Green Infrastructure Plan (2014) and we do not see sufficient evidence of appropriate landscaping elements to mitigate such a significant proposed development as this. The views across the meadows are extremely important locally, and they and their setting must be protected.

Additionally, it is noted that the Meadows are within the ownership of the applicant. The Meadows have long been identified as a potential public access resource, particularly because this could facilitate key access corridors identified within the Leighton-Linslade Green Wheel – a proposed network of routes and spaces supported through the Ouzel Valley Park Strategy, The Big Plan II and the Leighton-Linslade Green Infrastructure Plan.

It is therefore suggested that should the authority be minded to approve the application, that the opportunity to secure the meadows for the greater public benefit must be taken. The Greensand Trust is a key partner in the Ouzel Valley Park Steering Group and is the owner of land adjacent to the west (across the River Ouzel) so is well placed to help take this opportunity forward.

Other Representations

Six letters have been received from residents and local business people from: Highfield Road, Rowley Furrows, Hockliffe Street, High Street, Mill Road, Stanbridge Road and Ampthill Road which raise objection on the following grounds:

- What we really need are more companies to provide more jobs not a hotel or big retail outlets.
- The traffic on Grovebury road is always a nightmare as it is.
- We already have all the large retail outlets we need in the town
- Would rather go to Milton Keynes or Aylesbury than cause more congestion in an already gridlocked town with very limited amenities for an increased population.
- Our profitability as a company has halved since 2008 and our building has more value than the business, but we are happy to carry on and promote the town as a town with a high street worth preserving and a community worth fighting for.
- It is in the wrong place and older people cannot get there anyway
- Would potentially devastate the town centre,
- At the moment businesses struggle to survive.
- We now have 14 empty shops approximately
- The market continues to struggle
- Take away more footfall from the town and the tipping point could be reached
- The growth of the internet in recent years has caused retail businesses to struggle further, and continues so with many big companies going out of business.
- Many people decide to shop and be active locally.
- This type of retail park has been voted down before,
- We have buses and cycle routes into the town centre,
- The town centre is a beautiful, well cared for centre.
- There are lots of town centre based community activities
- It has been shown time and time again that out of town shopping damages town centres

- Leighton Buzzard is one of the few towns in Bedfordshire that still has a town centre of Old English character
- An open A1 use is requested
- Traffic accessibility is poor
- The site has current tenants
- Out of town developments hollow out town centres
- There is no over capacity in comparison goods
- The retail study is flawed
- Impact on the town centre is under estimated
- Any impact on the town centre turn over greater than 5% is harmful

A petition containing 36 signatures has been received from the Leighton Buzzard Market Traders Association which raises objection on the following grounds:

- Harm to town centre trade
- Loss of trade to market stallholders
- Loss of retail choice for local people
- Adverse impact on long established market
- Work with the Town council to improve the market offer will be undermined

One letter of support has been received from an adjacent business which makes the following comments:

We would like to take this opportunity to formally lodge our support for the application as presently before you and as shown indicatively on the attached revised plan(s). It represents an appropriate use of land adjoining our significant roof tile plant situated immediately adjacent.

Leighton Buzzcycles have made the following comments:

Whilst we in no way object to the proposed land use & development, & also note the provision of cycle parking & access onto the neighbouring cycleway, the proposed application is limited purely to the brown-field site (bounded by the application red line) rather than including the flood-plain meadows within the blue line also owned by the applicant.

The latter is critical proposed open space & cycle & pedestrian access within the Leighton Linslade Cycle Town long-term plan as evidenced by the LLTC Big Plan, the Green Infrastructure Plan endorsed by the Partnership Committee & also the

wider Cycle route Green Wheel strategies. The proper development of this open space provides a vital link between the proposed development & the Town Centre & also between Parsons Close, the White Bridge crossing of the Canal & thence to the Railway Station, schools & Leisure Centre integrating the development into the wider cycle & walking network. It is recommended that no approval be given for this development until the wider network & amenity use of the meadows is agreed, & also the cycle route upgrade along Grovebury Road, linking the development into the south end of town.

Determining Issues:

The main considerations of the application are;

- 1. Planning policy and background**
- 2. Employment Land Allocation**
- 3. Retail Impact**
- 4. Mitigation of Impact on Town Centre**
- 5. Highways and access**
- 6. Landscape**
- 7. Design concept**
- 8. Meadows**
- 9. Other Matters**

Considerations

1.0 Planning policy and background

- 1.1 The application site is located on the southern side of Leighton Linlade and forms part of a designated Main Employment Area. In line with South Bedfordshire Local Plan Review Policies E1 and E2 the Council seeks to maintain an appropriate portfolio of employment land within Central Bedfordshire. Accordingly the Council would not wish to see current employment land lost to non-employment uses. However, in order to provide flexibility, choice and the delivery of a range of employment opportunities, proposals for employment generating non-B uses on employment sites should also be considered on a site-by site basis in relation to detailed considerations.
- 1.2 In line with the 'town centres first' approach advocated by the National Planning Policy Framework (NPPF), the Council seeks to support the role and function of the town centres. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered.
- 1.3 For proposals over 500 square metres gross external floorspace that are outside a designated town centre boundary, the development should be considered against a retail impact test. The retail impact test should consider the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. The impact on town centre vitality and viability, including local consumer choice and trade in

the town centre and wider area, up to five years from the time the application is made will also be considered. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

2.0 Employment Land Allocation

- 2.1 Taking account of the site's history of low employment levels and development initiatives and the opportunities for employment creation which would result from the proposal. The applicant has indicated that over 70 jobs could be created against the current level of less than 10 jobs across the site. The proposed non-B Class development is considered acceptable.
- 2.2 The current buildings on the site do not conform to modern design standards in terms of form, insulation and ancillary facilities and are not attractive to existing or new businesses. Much of the site is turned over to open storage which generates very little employment.
- 2.3 The applicants have advised that as well as the current units being unattractive for reuse and occupation they have advised that there has been no interest in the comprehensive redevelopment of the site for B class employment uses. Large scale employment, particularly class B8, uses are generally seeking locations with easy access to the principal road network particularly the M1 motorway. Other sites suitable for such uses are available within Central Bedfordshire and have outline planning, for example the Houghton Regis North sites.
- 2.4 The proposed non-B Class development is considered acceptable given the current low level of employment use on the site when compared to the proposed uses.

3.0 Retail Impact

3.1 Sequential test

In line with the Council's broad objective to support the role and function of the town centres, proposals for retailing outside of town centre boundaries will be considered against a sequential test as required under the NPPF guidance. The sequential test should take account of available and suitable sites located in town centres, edge of centre locations and then out of centre locations. Only if suitable sites are not available should out of centre sites be considered favourably.

- 3.2 The applicants have undertaken an assessment of the availability and suitability of other sites within Leighton Buzzard. These include the planned developments at land south of the High Street and the Bridge Meadow site, for which the Council has endorsed Planning and Development Briefs. The briefs set planning frameworks to guide the future regeneration of the two sites and set down appropriate land uses and development principles.

- 3.3 Land south of the High Street is identified as providing an opportunity to extend the town centre to improved facilities for the town's current and future population. Development on this site is an objective within the council's Plans. Accordingly the Council have committed substantial resources and have commenced, and in some cases concluded, the assembly of key land parcels for land south of the High Street. As such this site should be considered available within the plan period.
- 3.4 However this site is regarded as unsuitable and unviable for bulky goods retailing as proposed by the current application. This is primarily due to the aspirations of the Development Brief and the complexity of wider planning considerations due to the heritage of the built environment in Leighton Buzzard town centre.
- 3.5 As with the land south of the High Street, any future scheme for the Bridge Meadow site would need to be in line with the objectives of the Development Brief. The Brief identifies opportunities for development which could incorporate a mix of uses including further education, health, recreation and residential. The Bridge Meadow Development Brief envisages a limited amount of retail in restricted unit sizes as part of a wider mixed use scheme. Given this, and the complex land assembly and tenancy issues, the Bridge Meadow site should be regarded as unavailable, unsuitable and unviable for the proposals being put forward.
- 3.6 As noted in the planning history section planning permission has been granted in outline for retail development further to the south on the edge of Leighton Buzzard. This site would be of sufficient size to accommodate the proposed development, however, it would be located further from the town centre and as such the current site would be sequentially preferable in terms of location. It should be noted that reserved matters have recently been submitted for this consented site and these are subject to a separate report on this committee agenda. This site should, therefore be considered as likely to be delivered in the short to medium term.
- 3.7 There are no other sites of suitable size to accommodate the proposed development in the Leighton Buzzard area and it is considered that the site does not fail the sequential test under the terms of the NPPF. The Vimy road permission noted in the planning history has lapsed and the site remains in active used and is considered unlikely to come forward in the short term. The HRN1 site referenced in the planning history is part of a very large development which would require significant infrastructure and reserved matters approval before delivery commence; it is considered that this site is also not available in the short term.
- 3.8 Impact test
In accordance with NPPF guidance the proposals should be also considered against a retail impact test which examines the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

- 3.9 In particular, due consideration must be given to retail proposals on land south of the High Street and the Bridge Meadow site. The proposed retail developments must demonstrate that the proposals will not compromise either of these planned schemes from coming forwards over the plan period.
- 3.10 In general terms the Retail Impact Assessment submitted in support of the application indicates that Leighton Buzzard continues to perform well, and overall is a vibrant and healthy centre. It is suggested that the health of Leighton Buzzard town centre is not substantially reliant on DIY and 'bulky goods' trade. These conclusions are in line with the Council's own retail studies and the advice of the Council's retail consultant.
- 3.11 On the basis of the aspirations for the Bridge Meadow site (a limited amount of retail in restricted unit sizes as part of a wider mixed use scheme) and the timescales of this development it is considered that the proposal would not adversely impact upon the deliverability of the Bridge Meadow development.
- 3.12 Additionally the proposals are considered complementary to the aspirations for the development at land south of the High Street, which is likely to be focused on higher order specialist/niche operators, fashion retailers and eating/drinking destinations. Given the different aspirations of the application proposals and those for the town centre expansion site, the development is unlikely to impact on the marketability of the land south of the High Street. It should also be noted that as the plans for the site have been developed the focus has shifted away from retail to leisure.
- 3.13 The Council's 2013 Retail Study (the most recently published version) shows there is a substantial amount of comparison goods leakage (65%) from Zone 8, the area in which Leighton Buzzard is located and the Study does highlight opportunities to 'clawback' some of this trade to increase market share through new retail development. As noted in the Consultation responses from the Policy officer the Study has an error which results in an under estimate of available capacity; the applicant's retail consultant has produced updated data that takes account of this discrepancy.
- 3.14 It should also be noted that the proposed scheme is a hybrid development incorporating a mix of retail use and trade counter use. The trade counter use would not compete with town centre uses. The proposed retail floor space (which could impact on the town centre) would be limited to 6,221m² (GEA) – 4984m² GIA of the total 7,350m² (GEA) – 5880m² GIA proposed.
- 3.15 The findings of the Council's study are reflected in the findings of the applicant's assessment that supports the application. It should be noted that consent for an extension to the Tesco store has lapsed which effectively adds another 2,850m² into the need for floor space when compared to the 2013 Council Study. This means that the figure can be added to the floor space identified in the retail Study as this was seen as a commitment thereby increasing the potential floor space need.
- 3.16 Taking all of the above into account the updated information derived from the 2013 retail study shows a capacity for Leighton Buzzard of 13,911m² (GIA). The proposed development could deliver upto 8,037m² GIA which

when combined with the 6,132m² GIA for the consented Grovebury Road scheme and Bridge Meadows scheme's potential 1,000m² GIA gives a total of 15,169m² GIA. This total is above the capacity estimate and generates a small excess of 1258m² GIA. Whilst this is above the figure identified in the capacity study it is less than 10% and not considered to represent a significant over supply. The figure also assumes that all of the potential floorspace will be delivered.

- 3.17 Under the terms of the NPPF need cannot be cited as a reason for refusal. However deficiencies can lead to greater levels of impact and this is therefore a relevant consideration under the impact test. The proposal would be reliant on trade diversion, both from Leighton Buzzard town centre and elsewhere. It is necessary to consider whether the proposals would give rise to acceptable levels of trade diversion, without leading to any unacceptable impact upon the vitality and viability of the town centre. In some circumstances the loss of one or two key retailers in a town centre could commence the process of gradual and continued decline, either through national economic trends, or new development and a consequent significant impact.
- 3.18 The current leakage of comparison goods trade from Leighton Buzzard and opportunities for 'clawback' trade within Leighton Buzzard are identified within the application. In light of the Council's 2012 Retail Study, there is little 'bulky goods' trade opportunity within Leighton Buzzard above that being leaked to Milton Keynes retail parks. Any trade diversion from elsewhere in the Study area would more likely result in the creation of unsustainable shopping patterns and this would not be in line with the broad objectives of the NPPF.
- 3.19 The applications are therefore reliant on 'clawback' trade from the four Milton Keynes retail parks. It is considered that the type of scheme being proposed is largely complementary to the existing town centre offer and planned town centre investment. This is in the context of appropriate restrictions being placed on any consent restricting the sale of goods and minimum floor space of units as a greater level of flexibility in the range of goods is unlikely to be unacceptable in impact terms.
- 3.20 The applicant's retail capacity assessment has indicated a 5.4% trade diversion attributable to the proposed development which would rise to 7% when the other consented scheme, at Grovebury Road, is taken into account. Generally a diversion of 10% is considered to be significant and potentially seriously detrimental.
- 3.21 Given the clear conclusion regarding the impact of the proposals, it is not considered that an objection purely upon retail policy grounds could be sustained. Nevertheless, it is inevitable that there will be some product overlap with the town centre, including some businesses that would be directly affected.

4.0 Mitigation of Impact on Town Centre

- 4.1 Whilst the principle of the development is considered to be acceptable in terms of retail impact safeguards are required to minimise the potential for impact on the town centre. The applicant has proposed a minimum floor space of at least 850m² (GEA) for any unit within the development. Such a floor space would be significantly larger than most town centre units and would encourage smaller operations to look for premises in or adjacent to the town centre.
- 4.2 It is also proposed to restrict the sale of goods to comparison goods only and exclude convenience goods which would add further protection to the town centre. The restrictions would also address the minimum unit size and control the overall maximum number of units. The restrictions would be secured through the proposed section 106 agreement.

5.0 Highways and access

- 5.1 The site would take access from a new junction on the eastern boundary off Boss Avenue; this junction has previously been agreed to serve a small retail unit adjacent to the roundabout. The proposed access would provide access for commercial vehicles and customer vehicles.
- 5.2 The highway officer has confirmed that the updated traffic assessment is robust and that the principle of the development is acceptable in terms of impact on the immediate road network. There are concerns over the impact on the wider road network at times of peak demand.
- 5.3 The applicants have proposed capacity improvements to the Stanbridge Road arm of the Standridge Road/Billington Road Roundabout. The details of this improvement are being finalised and an update on progress will be provided in the Late Sheet.
- 5.4 The applicants have also proposed a £25,000 contribution towards the provision of bus signals at the Billington Road Junction. A contribution would also be made to upgrade the nearest bus stops to provide real time passenger information. These contributions will be secured through a section 106 agreement and would be in conformity with the CIL regulations.
- 5.5 The proposed travel plan will address travel to the site by means other than the private car. The travel plan and its implementation will be secured through the proposed section 106 agreement.
- 5.6 With the proposed mitigation measures the proposed development is considered to be acceptable in highway terms.

6.0 Landscape

- 6.1 Several of the consultees have raised issues around the need to provide appropriate landscaping as part of the development along with safeguarding vegetation on or adjacent to the site boundaries. These are matters of detail that should be addressed at reserved matters stage should planning

permission be granted. The advice received to date would be used to guide the design development. It is considered that adequate landscaping could be provided as part of the detailed design of the proposal.

7.0 Design concept

7.1 The submitted indicative proposals show two separate building blocks with large areas of car parking. The larger building would contain the retail uses with the smaller building providing the trade counter element. The detailed design and layout would be subject to a reserved matters application but the principle of two substantial buildings is considered acceptable given the character and nature of the surrounding area which is characterised by substantial employment buildings. The site is of sufficient size to provide adequate car parking which would be designed in detail at reserved matters stage.

8.0 Meadows

8.1 Several of the consultation responses have highlighted the opportunity to bring the meadows to the west into public use/management. It is acknowledged that this area has high amenity value and could provide significant amenity value to residents of the area. There is not, however, a significant planning link between the proposed development and community use of this land. It is not considered that access to this land could be delivered through the proposed development as there is no local or national policy link or other justification to support the provision of open space in support of a retail development. Notwithstanding this the matter has been discussed with the applicant but they have confirmed that use of the meadow land is not part of the current proposal.

8.2 It should also be noted from the consultee responses that the Council does not have the resources available to manage the land should it be made available at this time.

8.3 It is not considered that access to this land could be delivered through the proposed development as there is no local or national policy link or other justification to support the provision of open space in support of a retail development. Notwithstanding this the matter has been discussed with the applicant but they have confirmed that use of the meadow land is not part of the current proposal.

9.0 Other Matters

9.1 Human Rights issues

The proposal raises no Human Rights issues.

9.2 Equality Act 2010

The proposal raises no issues under the Equality Act.

Recommendation

That the application be **Approved** subject to completion of a section 106 agreement, referral to the Secretary of State as a departure from the Development Plan and the following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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

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

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

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

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

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the development hereby approved shall be 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 protect, as far as possible the character of the locality, the materials are critical to the appearance and quality of the development and need to be approved prior to development commencing. (Policy BE8 S.B.L.P.R and section 7 NPPF).

- 5 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of any existing trees and hedgerows to be retained as part of**

the development and details of protection measures for the retained trees and hedgerows. 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 new and retained trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory standard of landscaping and ensure that the landscape is designed and delivered as a fundamental part of the overall design concept.

(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 6 Before development begins, a Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include written details of how public art would be commissioned and integrated as part of the development, setting out details of community engagement/consultation undertaken, timeframes for the creation and advertisement of an artists brief, the artist shortlisting and agreement process, and a maintenance plan for any artworks created including funding for long term maintenance. The strategy shall then be fully implemented in accordance with the approved details.**

Reason: To ensure a satisfactory and appropriate artistic feature(s) or element(s) are integrated into the development itself as an intrinsic part of the design development process and thereby enhance, as far as possible the character of the locality.

(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 7 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 prior to the development commencing. Only the details thereby approved shall be implemented.**

Reason: To ensure that there is no light pollution or glare to the detriment of the amenity of users and occupiers of the site and surrounding area.

(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 8 Prior to the submission of a Reserved Matters Application an appropriate assessment and scheme shall be submitted to and approved in writing to ensure that the proposal in terms of noise (and vibration) from traffic, fixed plant, commercial activities and deliveries does not impact on the amenity of adjoining land users. No units shall be occupied until the any scheme or mitigation schemes have been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.**

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 9 No part of the development hereby permitted shall be brought into use until a Service Yard Management Plan which shall include details of hours of deliveries and loading/unloading of vehicles has been submitted to and approved in writing by the Local Planning Authority. Delivery management shall be implemented in accordance with the approved plan at all times.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area;
(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 10 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level plus any penalty for tonal, impulsive or distinctive qualities when measured or calculated according to BS4142:2014.

Reason: To ensure that there is no noise nuisance to the detriment of the amenity of users and occupiers of the site and surrounding area.
(Policy BE8 S.B.L.P.R and section 7 NPPF).

- 11 **No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
A Phase 1 Desk Study report prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with South Bedfordshire Local Plan Review Policy BE8 and the provisions of the NPPF

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

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person,

with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by a suitably qualified person to confirm the effectiveness of the RS.

Any such remediation/validation should include responses to any unexpected contamination discovered during works

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with South Bedfordshire Local Plan Review Policy BE8 and the provisions of the NPPF

- 13 **No development shall commence until a detailed Surface Water Drainage Scheme for the site based on the agreed Flood Risk Assessment and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The final scheme shall include a management and maintenance plan and be designed in accordance with the DEFRA 'Non-Statutory Technical Standards for Sustainable Drainage Systems' (March 2015) and the Central Bedfordshire Sustainable Drainage Guidance (Adopted April 2014, Updated May 2015). 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.**

The following information shall be included in the Surface Water Drainage Scheme:

- 1) A clearly labelled surface water drainage layout plan showing the position, gradient, dimension and level of each drainage element.**
- 2) Details of soil infiltration tests carried out in appropriate locations in accordance with BRE Digest 365.**
- 3) An assessment of the existing and proposed impermeable areas together with detailed design calculations for the proposed infiltration systems including an allowance for climate change.**
- 4) Details of long term management arrangements and maintenance requirements for each drainage element.**

Reason: To ensure that the approved system will be delivered as an integral part of the development function to a satisfactory minimum standard of operation and maintenance and to prevent the increased risk of flooding. In accordance with the provisions of the NPPF.

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

numbers 123450/1 rev B, 123450/3 Rev D, 123450/4 Rev B, 123450/5 Rev A 123450/6 Rev B, 123450/7 Rev E, 123450/8 Rev E and 002.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

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

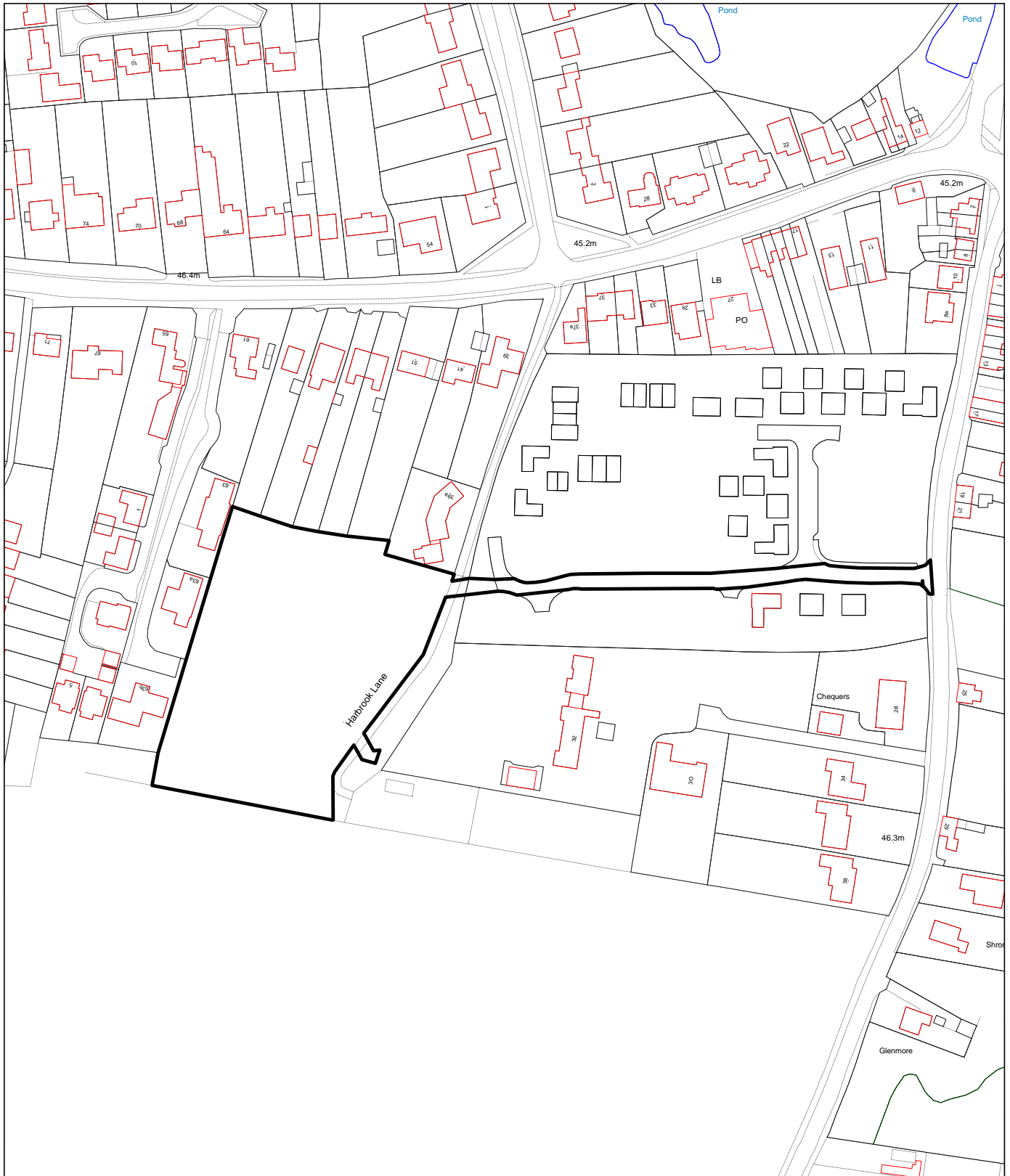
The Council acted pro-actively through engagement with the applicant during the application process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187)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

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<h1>CB/16/04918/OUT</h1>
	Date: 13:February:2017 Map Sheet No	
Scale: 1:2000	<h2>The Paddock New Road, Clifton, Shefford</h2>	

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Item No. 9

APPLICATION NUMBER	CB/16/04918/OUT
LOCATION	The Paddock New Road, Clifton, Shefford
PROPOSAL	Outline Application: Development of 20 dwellings, public open space, landscaping, parking and associated works. All matters to be reserved with the exception of access.
PARISH	Clifton
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Alex Harrison
DATE REGISTERED	25 October 2016
EXPIRY DATE	24 January 2017
APPLICANT	High Street Homes Ltd
AGENT	David Coles architects ltd
REASON FOR COMMITTEE TO DETERMINE	The scheme is a departure from the development plan. Parish Council objection to a major application.
RECOMMENDED DECISION	Full Application - Approval recommended

Reason for Recommendation

The proposal for 20 dwellings is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document; however the application site is adjacent to the existing settlement boundary of Clifton on three sides and Clifton is considered to be a sustainable village location. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be significant and demonstrable given its relationship to surrounding development already in this area. The proposal is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014). The proposal would provide policy compliant affordable housing and the whole scheme would contribute to the Council's 5 year housing supply as a deliverable site within the period. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable

Site Location:

The application site is an undeveloped parcel of land located adjacent to, but outside of, the settlement envelope for Clifton. The site is defined on its southern, western and the majority of its northern boundary by established trees and hedgerows. The site is open to the east as it adjoins a new housing development currently being constructed. The site has been maintained as grassland with no agricultural activity evident.

The Application:

Outline planning permission is sought to develop the site to provide 20 dwellings. All matters are reserved aside from access which is proposed to join onto the existing access road constructed as part of the adjacent Taylor Wimpey development to the east which would join the highway at New Road.

Since the original application submission an amended indicative layout was submitted to revising the location of plots indicated at numbers 17-20.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

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

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

None on this site.

Consultees:

Clifton Parish Council

Clifton Parish Council objects to this application since this areas was specifically excluded from the LDF site that CBC put together because they specified their requirement was for just 80 houses on the site. What has changed?

If CBC is now minded to agree to this development access should not be allowed via Harbrook Lane which is totally unsuitable for such traffic and but taken from New Road (will exacerbate what is already a difficult situation but there is no other option)

The Parish Council remembers that the original outline plan for the New Road estate showed similar apparently well designed houses to the ones now shown on the plan in this application.

The final application was different and not as good.

If outline permission is granted it should specify that the density and good design now displayed should be adhered to in the final application.

Highways

The proposal is outline with all matters reserved apart from access, for 20 dwellings with associated access and parking provision. Access will be taken from the new development CB/13/01208/FULL which is not fully implemented or adopted as public highway.

To safeguard the means of access to the proposed site the red line plan needs to include a means of access from the public highway inclusive of the service margin either side of the access.

The applicant should also be aware that the indicative layout has several issues:

- The service margin should be 2.0m wide
- The refuse vehicle (11.5m length) and service vehicle (6.25m length) should not have to reverse more than 12.0m. Therefore a turning head should be provided between plots 16/17, 6/7 and 3/10. Tracking diagrams should be provided to show a refuse/service vehicle being able to turn and leave in forward gear
- Visitor parking should be provided at 1 space per 4 dwellings, and dispersed throughout the site
- Parking provision should be NO MORE than 2 tandem spaces , inclusive of a vehicle in the garage
- Tracking diagrams should show the refuse vehicle manoeuvring at any bends within the site

Please ask the applicant to provide a revised red line plan to show the means of access from the public highway, so that I am able to assess the proposal.

Following the submission of a revised red line plan.

Comments awaited.

Trees and Landscape

Supplied with the application is a Tree Constraints Plan. This has insufficient detail and does not seem to have any schedule of trees included. As part of any full application we are going to require a detailed Arboriculture Impact Assessment and Method Statement which will accurately identify all trees and hedgelines on site and offsite that could be affected by the proposals. Colour Illustrative Masterplans seem to identify that the southern access point has a number of trees identified for removal, there is no mention on the Tree Constraints Plan of this.

SUDS area has potential for new additional tree planting and this should be utilised to the maximum to try and achieve the best planting possible.

Landscape detail will be conditioned and include a comprehensive planting scheme.

Ecology

I have read through the submitted documents and have no objections but would ask that further consideration is given to the inclusion of more integrated nest boxes, ideally on a 1:1 ratio. The NPPF calls for development to deliver a net gain for biodiversity and I acknowledge that species selected for landscaping will benefit biodiversity and that existing hedgerows are to be maintained. The adjacent site has delivered bat and bird boxes and I would ask that this provision is mirrored on The Paddock.

Housing Officer Development

I support this application as it provides for 7 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting documentation however does not indicate the proposed tenure split of the affordable units. The Strategic Housing Market Assessment (SHMA) indicates the tenure requirement as being 73% rent and 27% intermediate tenure from sites meeting the affordable threshold. This would make a requirement of 5 units of affordable rent and 2 units of intermediate tenure (shared ownership) from this proposed development.

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.

Sustainable Drainage	Urban	We have no objection to the proposed development and consider that planning permission could be granted subject to condition.
Internal drainage Board		Comments awaited.
Anglian Water		<p>Section 1 – Assets Affected</p> <ul style="list-style-type: none">• Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. <p>Section 2 – Wastewater Treatment</p> <p>2.1 The site is in the catchment of Clifton Water Recycling Centre which does not have the capacity available. A drainage strategy will need to be prepared in consultation with Anglian Water and the Environment Agency to determine whether additional flow can be discharged to watercourse and to cover temporary measures in the interim, if additional capacity can be provided at the STW.</p> <p>We request a condition requiring the drainage strategy covering the issue(s) to be agreed.</p> <p>Section 3 – Foul Sewerage Network</p> <p>3.1 Development will lead to an unacceptable risk of flooding downstream. The proposed method of connection on the attached drawings is on a presently privately owned network. We have been in communication with the developer to advise of a manhole connection point which we would wish to see confirmation of as a proposed connection point to the public network. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.</p> <p>We will request a condition requiring the drainage strategy covering the issue(s) to be agreed.</p> <p>Section 4 – Surface Water Disposal</p> <p>4.1 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.</p> <p>4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as</p>

stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We will request that the agreed strategy is reflected in the planning approval

Section 5 – Trade Effluent

5.1 Not applicable

Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend a planning condition if the Local Planning Authority is mindful to grant planning approval.

Adult Social Care

The proposed development falls within the Ivel Valley locality and the Shefford ward. Ivel Valley has a total population of 84,900 and 5,800 of these residents are aged over 75 years. This is forecast to rise to 10,180 by 2030. Delivering accommodation suitable for older people is therefore a priority for Central Bedfordshire Council.

In 2013 the Shefford ward had a population of 9,900 and 13% of this was over 65 years old. For the same area 10.6% of households consist of one person of 65 years of age and over and 7.3% of households have all occupants aged 65 and over. In 2011 10.7% of the population in this ward were retired, which is lower than average for Central Bedfordshire (13.5%) and England (13.7%).

The number of older residents in this ward and the substantial predicted rise in the people over 65 in the Ivel Valley area demonstrates that there is likely to be significant demand for mainstream housing that is specifically designed for older people and for specialist accommodation for older people, such as residential care homes and housing with care and support available such as extra care developments.

If older people live in accommodation that does not meet their needs it can have an adverse impact on their health and well-being. In 2011 in the ward of Shefford 5.4% of residents stated that their day to day activities were limited a lot due to a long term health condition or disability and 7.8% of residents were limited a little. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.

It would therefore be beneficial that a proportion of the dwellings proposed were designed to be suitable for older people, taking into account their needs, expectations and aspirations.

Design and layout

With good design, mainstream housing can be suitable for older people at little or no additional cost to the developer. Indeed where housing is designed to be specifically for older people it may be acceptable to have reduced provision in some aspects such as outdoor amenity space.

The following design characteristics are based on national research and local practitioners' views and are what older residents look for in a new home:

- The ability to live on the ground floor and avoid the use of stairs. If stairs are unavoidable then residents need provision for a future stair lift or space for a platform lift.
- Smaller homes that are easy to manage, with a minimum of two bedrooms and outdoor amenity space that is accessible but small and easy to maintain.
- En-suite bathrooms and/or an easy route from the main bedroom to the bathroom.
- Level access throughout the ground floor.
- Layout, width of doors and corridors to allow for wheelchair access and turning circles in living rooms.
- Walls able to take adaptations such as grab rails.
- Sockets, controls etc. at a convenient height.
- Low window sills to maximise natural light levels and so that people in bed or a wheelchair can see out.
- Sufficient sized parking space with the distance to the parking space kept to a minimum.
- Bathrooms to include easy access shower facilities.
- Level or gently sloping approach to the home and an accessible threshold.
- Energy efficient and economical heating system to help to keep energy costs as low as possible.

The applicant may be aware of developments in the field of accommodation for older people but we would draw their attention to a report published in October 2016 which provides a number of helpful design and layout examples in this area. The document "Designing with Downsizers" is published by DWELL5 at the University of Sheffield.

Summary

Our view is that the needs of older people should be considered as part of this proposal and, should approval be given, we would support a proportion of houses in the scheme being suitable for older people, by incorporating some or all of the design features mentioned above.

Pollution Team Had no comments to make

Sustainable Growth I welcome the commitment made in the Design and Access Statement to deliver energy and water efficient development that will comply with policy DM1 and DM2 requirements. The Statement proposes that the scheme will be designed to reduce energy demand, deliver 10% of its energy demand from renewable or low carbon sources and will achieve the higher water efficiency standard of 110 litres per person per day.

The sustainability section of the Statement doesn't include any information how risk of overheating in dwellings will be minimised and what measures will be incorporated. Risk of overheating can be minimised by inclusion of measures such as limiting unwanted solar gains by providing shading or glazing with low g-value; specifying light colour materials and ensuring a sufficient rate of ventilation to prevent built up of heat.

To ensure that the above standards are achieved at the details design stage and the scheme complies with the policy requirements I request that the following conditions are 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 in dwellings.

Other Representations:

Neighbours Two letters have been received, one making comments and the other in favour of the development.

The comments made are summarised as follows:

- Question raised over the future maintenance of the conifer trees on the boundary with 55 Shefford road and other properties.

The letter of support was raised with the additional comment raising concerns over the increase in traffic in the area and that there should be a no right turn arrangement onto the A507 junction to the south.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations
6. Sustainable Development and the Planning Balance.

Considerations

1. Principle of Development

- 1.1 The site lies outside of the settlement envelope of Clifton and is therefore located on land regarded as open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). Clifton is designated as a large village where Policy DM4 limits new housing to small scale developments. On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with Policy
- 1.2 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 (including DM4, DM14, and CS16 of the North Core Strategy) 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.
- 1.3 However, 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.
- 1.4 The amount of weight that should be given to those out of date policies is influenced by the proximity of housing supply to housing need. At the time of writing, the Council is very near to being in a position to demonstrate an ability to meet its housing for the five year period (4.89 years, or around 97%) and so appropriate weight can be given to housing restraint policies.
- 1.5 Paragraph 14 of the Framework confirms that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted.

- 1.6 With this scheme, 20 dwellings would be provided by the development and 35% of those would be affordable homes. The applicant will be required to commit to a legal obligation that would confirm the extent of deliverability of the development on the site within a five year period to show how it would contribute to the Council's housing land supply. The development would positively contribute towards the supply of housing to help meet need and weight should be attributed to that benefit in the planning balance.
- 1.7 Sustainability
Clifton is designated as a large village. Taken in isolation it is a settlement that contains a number of services including a village shops, petrol station, restaurant/pubs, school, local businesses, community halls and public transport availability via buses. In addition to this Clifton is very closely related to Shefford which is designated as a Minor Service Centre. Shefford has a range of additional and alternative services that can be accessed by residents of Clifton. Taking these points into account it is considered that, as a settlement, Clifton should be regarded as being sustainable.
- 1.8 Settlements that are classified as Large Villages are considered to be able to accommodate small scale housing and employment uses together with new facilities to serve the village. Although small scale development is not defined, the scale of the proposed development should reflect the scale of the settlement in which it is to be located. The scale of this proposal is considered to be reflective of the scale of development of the area, namely The Pastures, east of the site.
- 1.9 The conflict with Policy DM4 in so far as it seeks to restrain development in the open countryside would not, in itself, significantly and demonstrably outweigh the benefit of housing provision. This is particularly apparent as the application site has a clear relationship with existing residential development on three of its sides. Furthermore DM4 is given less weight as it does not align with the policies on the NPPF as it does not address circumstances where housing development in countryside locations would be acceptable.
- 1.10 Additional material planning considerations may contribute towards the benefits and the dis-benefits of the development and can impact of the final planning balance. These are considered in the report below.

2. Affect on the Character and Appearance of the Area

- 2.1 Development of the site will increase the built form in the area. Development results in a loss of open countryside and this is considered to be an adverse impact. However the site abuts residential development and curtilage to three of its four sides. It is a parcel of land that sits alone in relation to the village and the open countryside and does not form part of the arable fields to the south. This particular site has a clear relationship with the built form of the village and would not read as an isolated development. It can be regarded as a sympathetic extension of the village which would tie into the housing development currently under construction to the East. Therefore while there would be a loss of open countryside it is not considered that the impact would detrimentally harm the character and appearance of the area to the extent that it is regarded as significant and demonstrable in this instance.

- 2.2 With regards to the residential scheme, detailed design considerations will be left for any subsequent reserved matters layout. An indicative layout was submitted with the application which shows a development of mixed dwelling types within the site. This layout was amended over the course of the application to relocate an indicative garage following concerns raised by a neighbouring resident. Little weight is given to this layout with this outline application but it does indicate that the site could accommodate the quantum of development proposed. The current layout does not appear to provide suitable garden sizes that accord with the Council's Design guide. Any reserved matters proposed would expect to provide a high quality development that is designed in accordance with the Council's adopted design guide and this would likely affect the indicative layout as garden and parking standards are taken account of.

3. Neighbouring Amenity

- 3.1 The site does adjoins a number of residential curtilages on its northern, eastern and western boundaries. To the east the site abuts newly constructed dwellings forming part of an allocated development off New Road the indicative layout shows that there would be suitable distances between these dwellings, achieved largely by the presence of the access road and SUD/Open space area. As a result there would be no harmful impact on amenity to these new dwellings through either overlooking or loss of light. To the west the site abuts the curtilages of 63, 63a and 63b Shefford Road which are backland plots. The layout shows the retention of an existing established hedgerow on this boundary which acts as a screen from the development. Furthermore the amended layout shows dwellings to have a side-on relationship to these properties which would remove the principle of overlooking concerns and gaps are left to the boundary to reduce the prominence of the development. To the north the site abuts the longer gardens of dwellings on Shefford Road which is also subject to an established hedgerow, indicated for retention, which would screen any impact from the development. A single dwelling, 39a Shefford Road is located closer than the other dwellings to the north. The development would be visible from this property but the indicative layout shows development could be proposed in a layout that would not result in direct overlooking and would not result in buildings being overbearing or causing a loss of light. Overall it is considered that it will be possible to design an acceptable scheme in planning terms.
- 3.2 In terms of providing a suitable level of amenity for potential occupiers, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide and this guide includes recommendations to ensure suitable amenity levels are provided. Therefore it is considered that the adopted policy can ensure that a suitable level of amenity could be provided for new residents and it is already noted that the layout as shown would need to be changed to provide suitable garden areas.

4. Highway Considerations

- 4.1 The Highway Officer has considered the scheme and raised comments that the red line area did not adjoin the highway as the adjacent development to the east was under construction and the roads were not yet adopted. A revised plan showing the red line connecting to New Road was submitted and confirmation from Highways that this is acceptable is awaited at the time of drafting this report. The comments regarding increased traffic are noted however the access

road has been constructed to an adoptable standard and it is considered that the increased flows can be accommodated. There are no capacity issues as a result of this scheme and consideration of the junction arrangements onto the bypass would not form part of this application.

- 4.2 In terms of parking the residential scheme will be required to meet the design guide parking standards for both residents and visitors but this is a design detail that would be considered at reserved matters stage. The indicative layout indicates that suitable parking arrangements can be achieved although there are instances of three car tandem parking arrangements which is not considered to be acceptable. A detailed design would be expected to omit this arrangement.
- 4.3 Subject to the confirmation that the access road onto New Road that serves the adjacent development is suitable enough to accommodate the additional 20 dwellings proposed here, there are no objections on the grounds of highway safety and convenience.

5. Other Considerations

5.1 Drainage

In terms of drainage, if a scheme were considered acceptable in principle it would be subject to ensuring details of suitable drainage systems are proposed and in place to accommodate drainage impacts. The application included details of sustainable urban drainage details and there are no objections to this in principle. It is necessary to condition the approval of drainage details on the outline consent to ensure the specifics of a scheme are acceptable in accordance with the Council's adopted Sustainable Drainage SPD and to ensure appropriate management and maintenance is secured.

5.2 Ecology

Concerns were raised over the future of landscaping features at the site. The recommendation includes conditions requiring the approval of landscaping and a management and maintenance scheme for the site and this would be considered as part of this condition. It is preferable that prominent landscape features that contribute to the character of the site and provide screening are kept within public realm locations so that they can be maintained collectively rather than sectioned off within gardens however this is a detailed design matter and can be considered further at reserved matters stage.

5.3 S106 agreement

Spending Officers were consulted and comments returned from Education and Leisure. The following contributions are requested and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent.

Education:

At the time of drafting this report, comments were not received from Education in respect of contributions and therefore Members will be updated with the amounts as part of the late sheet update.

Leisure

There is an identified project to upgrade existing sporting facilities at the village and as this scheme provide no public open space as per the indicative layout a contribution towards this would be sought.

Transport

A contribution will be sought towards the upgrading of existing bus stops in Clifton including but not limited to the installation of real time information.

Timetable for delivery of housing:

In order to demonstrate that the development will contribute houses towards the Council's 5 year land supply the agreement will include a clause requiring the applicant/developer to submit a timetable for the delivery of the houses which will be agreed with the Council. Failure to enter into such an agreement will result in the application being refused on the grounds that it is not demonstrated that the site is deliverable.

6. Whether the scheme is Sustainable Development

6.1 The application has been submitted with the argument that the Council is unable to demonstrate a deliverable 5 year supply of housing land. Therefore the scheme is proposed to meet an assumed housing need in the area. However, at the time of writing the Council considers that it is close to being able to demonstrate such a supply. Paragraph 14 of the NPPF still applies and states that the presumption in favour of sustainable development is at the heart of the NPPF, for decision-making this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted*

As such consideration has to be given to this scheme with the proviso that the Council's housing supply policies, including Core Strategy policy DM4, are not up to date. The wording of policy DM4 limiting residential development to small schemes within the settlement envelope should therefore be given some weight as it is noted that recent caselaw advises that the nearer an Authority gets to having a deliverable supply, the greater weight can be applied to policies such as DM4. This has been considered and in this instance the benefit of providing housing through this scheme, making a significant contribution towards the completion of a deliverable 5 year housing land supply is considered to outweigh the fact that the site is outside the settlement envelope bearing in mind its relationship with the existing settlement.

6.2 Consideration should still be given to the individual merits of the scheme in light of the presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental. The scheme should therefore be considered in light of these.

6.3 Environmental

The encroachment of built development beyond the settlement envelope results in a loss of open countryside which is a negative impact of the proposal.

However the impact is not considered to be of such significance that it would warrant a reason to refuse planning permission. It will sit adjacent to existing residential properties on three of its four sides and is not used for agricultural purposes. While materially altering the character of the area will not appear isolated, relating well to the existing settlement, and it is considered that this is an instance where the impact of developing adjacent the settlement envelope does not result in significant and demonstrable harm.

6.4 Social

The provision of housing is a benefit to the scheme which should be given significant weight. As is the provision of affordable housing. Both of these considerations are regarded as benefits of the scheme.

The site is within walking distance to an existing bus route and village services and the village is well served by existing footways making the site accessible to the village core. The report has detailed that Clifton is regarded as a sustainable settlement and it is considered that it offers the services and facilities that can accommodate the growth from this scheme. Impacts on local infrastructure can be appropriately offset

6.5 Economic

The economic benefits of construction employment are noted. As mentioned above financial contributions will be secured for education projects at schools in the catchment area of the site to help accommodate the level of growth anticipated from this scheme which is considered to be a benefit.

Recommendation:

That Planning Permission be granted subject to the completion of a S106 agreement and the following:

RECOMMENDED CONDITIONS / REASONS

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

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

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

Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)

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

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

- 4 **No development shall take place until details of the existing and final ground, ridge and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in accordance with the approved details.**

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

- 5 **No development shall take place until details of hard and soft landscaping (including details of retained and enhanced planting schemes at the southern, western and northern boundaries, boundary treatments and public amenity open space) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

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

- 6 **No development shall take place shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 5 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 5.**

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

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

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

- 8 **No development shall commence until a revised wastewater strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the wastewater strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems.

- 9 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding.

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

Reason : To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance.

- 11 **No development shall commence at the site before details of the type and location of bat and bird boxes to be located at the site have been submitted and approved in writing by the Local Planning Authority. the details shall the carried out as approved before any unit at the site is occupied.**

Reason: To ensure that the impact of the development on the ecological value of the site is reduced.

- 12 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15151 (B) 004 Rev A.**

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.

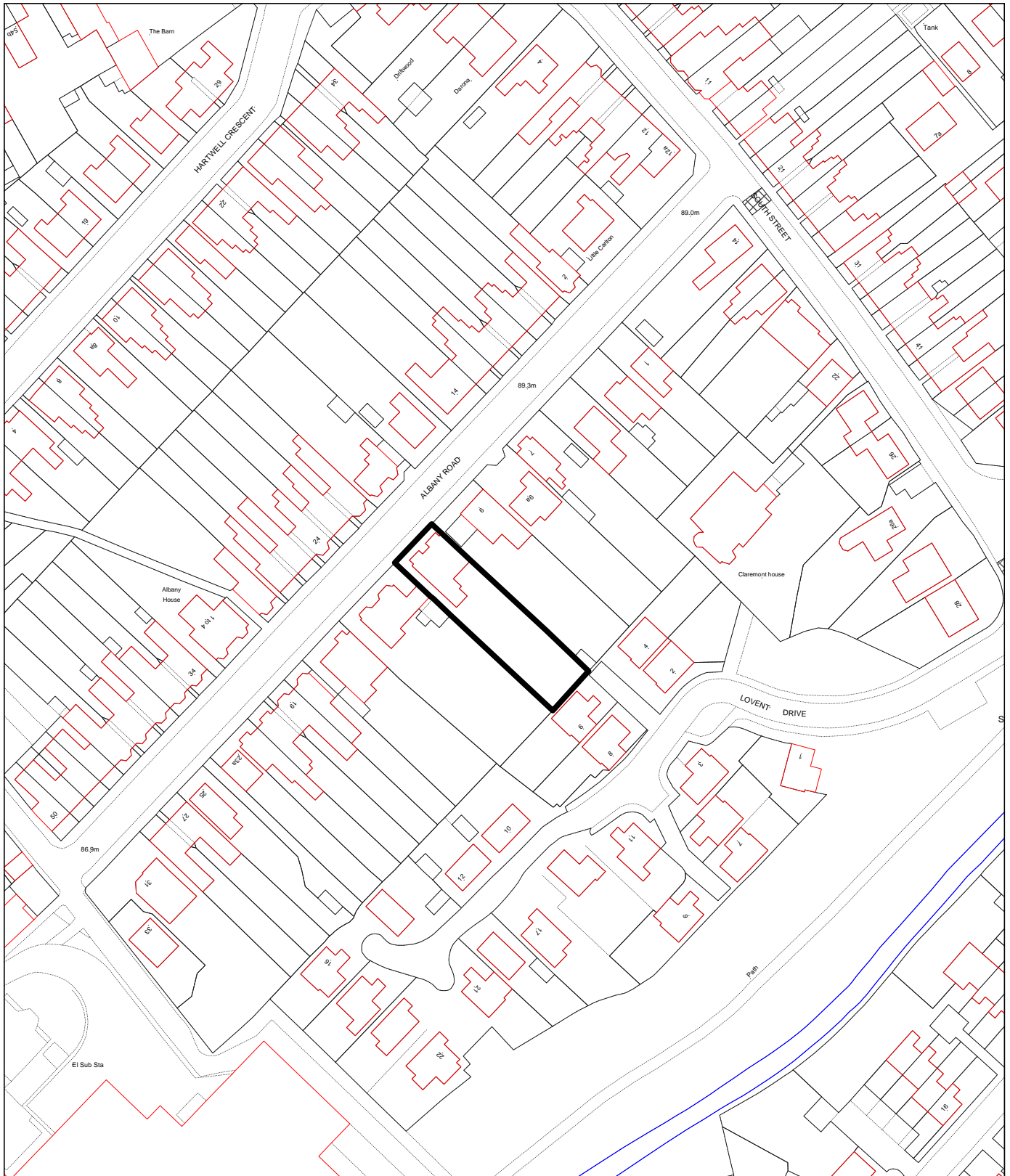
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

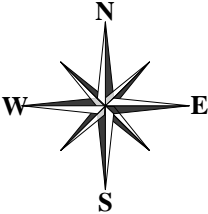
The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and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

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	<h2>Application Number</h2> <h3>CB/16/05738/VOC</h3>
	Date: 14:February:2017 Map Sheet No	
Scale: 1:1250	<h2>11 Albany Road, Leighton Buzzard, LU7 1NS</h2>	

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Item No. 10

APPLICATION NUMBER	CB/16/05738/VOC
LOCATION	11 Albany Road, Leighton Buzzard, LU7 1NS
PROPOSAL	Variation of Condition 1: variation of hours from 8am to 6pm Monday to Friday to 7.30am to 6.30pm Monday to Friday and removal of condition 2: use of garden area. (SB/90/421)
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Debbie Willcox
DATE REGISTERED	19 December 2016
EXPIRY DATE	13 February 2017
APPLICANT	Footsteps Nursery Ltd C/O Agent
AGENT	JCPC Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Dodwell for the following reasons: <ul style="list-style-type: none">• Full time use of garden by multiple young children, potentially from 0730 to 1830, will drastically reduce amenity for adjacent neighbours.• Young children will be moving around very heavily congested road during busiest times causing highway safety problems. Parking resulting from extended hours will exacerbate already critical situation beyond current working day.
RECOMMENDED DECISION	Variation of Condition - Granted

Summary of Recommendation:

The amendment to condition 1 and removal of condition 2 are recommended for approval as the impact of these alterations to the extant planning permission with the imposition of appropriate additional conditions would not give rise to an unacceptably harmful impact on the amenity of neighbouring occupiers or the safety and capacity of the surrounding highway network. The application is therefore considered to accord with Sections 4, 8 and 11 of the National Planning Policy Framework and Policy BE8 of the South Bedfordshire Local Plan Review.

Site Location:

The application site comprises a detached building and its curtilage which functions as a day nursery named Footsteps, located in Albany Road in Leighton Buzzard. With the exception of the nursery, Albany Road is residential in nature.

To the rear of the site are dwellings in Lovent Drive. Morrisons supermarket and its associated car park is located a 150m walk from the site.

The day nursery has been operating from the property continuously since 1990 and there has been a history of the property being used as a nursery at various times since 1961. There is a rear garden of some 400 square metres which is subdivided into smaller areas and is bordered by a 1.7m high wall.

The Application:

Planning permission was granted at appeal in May 1991 for the change of use of the ground and first floors of the building from residential to a day nursery. The planning permission was subject to three conditions, which were as follows:

- 1) The premises shall operate as a children's day care centre only between 08:00hrs to 18:00hrs on Mondays to Fridays and at no time on Saturdays, Sundays or public holidays.
- 2) There shall be no use of the garden for external activities associated with the day care centre outside the hours of 10:30 to 11:30 and 14:15 to 15:15 without the prior permission of the local authority and no more than 10 children shall be engaged in such activities at any one time.
- 3) Within 8 weeks of the date of this permission, a scheme of planting shall be submitted for the approval of the local planning authority. All planting, in the approved details of landscaping shall be carried out in the first available planting season and any trees or plants which, within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

This application seeks to vary condition 1 to allow the nursery to operate between the hours of 7.30am to 6.30pm on Mondays to Fridays. The amended condition would still not allow operation of the day nursery on Saturdays, Sundays and public holidays. This would allow the nursery to offer more flexibility to parents.

The application also seeks to remove condition 2 to allow unrestricted use of the garden in association with the day nursery during its hours of operation.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 8: Promoting healthy communities

Section 11: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review

BE8 Design Considerations

T10 Parking - New Development

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

Development Strategy for Central Bedfordshire (June 2014)

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

Relevant Planning History:

Application Number CB/16/04726//LDCE
 Description Use of premises as a Nursery without complying with condition 1 of permission SB/90/00421/Full
 Decision Application withdrawn
 Decision Date 06/12/2016

Application Number SB/90/00421/FULL
 Description Change of use of ground and first floors from residential to day care centre
 Decision Planning permission granted on Appeal following Refusal by SBDC
 Decision Date 08/05/1991

Application Number SB/89/01367/FULL
 Description Change of use of ground and first floors from residential to children's day care centre
 Decision Refused
 Decision Date 07/03/1990

Application Number LUBDC/67/85
 Description Continued use of premises as nursery school
 Decision Planning permission granted
 Decision Date 21/08/1967

Application Number LBUDC/61/52
 Description Change of use of dwelling and curtilage to school premises
 Decision Temporary planning permission granted
 Decision Date 28/09/1961

Consultees:

Leighton-Linslade Town Council RESOLVED to recommend to Central Bedfordshire Council that no objection be made to application reference CB/16/05738/VOC (11 Albany Road) in respect of the variation of condition 1, but in respect of removal of condition 2 (use of the garden area) the Town Council would like to see a compromise reached enabling greater use of the garden while giving consideration to the potential noise nuisance for neighbouring residents.

Public Protection Officer The proposal is to extend the current permitted hours for the nursery including the use of the garden to which this response primarily concerns. Nurseries are known to give rise to an amount of noise from children playing but it is important to stress that it has previously been demonstrated at other similar settings that such can be managed.

The nursery is an established use and children playing forms part of the character of the area. It is also important to understand the context within which noise is created. It is structured and timed play throughout the day which is in contrast to the image that the term 'free play' referred to by OFSTED infers. Likewise, discussions with not only the

management of the premises but also with similar settings over the years confirms that understanding and it is further

explained in the statement which supports the application which breaks down the day's likely activities. Therefore any impact is unlikely to take place across all permitted hours, more typically it will be interspersed throughout the day. Neither will the noise generated be consistent but will vary greatly depending on the type of activity taking place.

In drawing conclusions to this application I also have had regard to the garden setting. This is a large area, subdivided up into smaller areas. This allows creativity in how the garden is used and permits activities to take place in different areas, which in turn alters any noise generation and its impact on neighbouring residents. Likewise the play areas are structured and contain many activities which will stimulate children's learning and minimise excitability which may be associated with uncontrolled play spaces. Likewise the garden is enclosed at the points closest to residential neighbours by a substantial wall providing an element of noise reduction.

With regard to the arrival and departure scenarios, we have observed in similar settings that the perceived risk of adverse noise impact does not necessary exist in practice. Arrival and departure, unlike a typical school, is staggered over a longer period of up to two hours and therefore noise will be minimal. Likewise, given the restricted on site parking there will be no such issues such as door slams, talking and shouting etc. concentrated in the immediate vicinity. In fact given the difficulty in parking in the area any such impact will be likely to be dispersed throughout the neighbourhood and therefore not expected to contribute significantly or differ greatly from the existing background noise.

It is on this basis that I do not wish to object to the application on the grounds of noise.

Highways Officer

The applicant wishes to vary the opening times of a children's nursery by 30 minutes in the morning and 30 minutes in the afternoon. That is to say from 8am to 7:30am and from 6pm to 6:30pm.

The extension of the opening hours will not have any affect on the maximum capacity of children permitted at the nursery.

The extensions of time will, however, mean that some children may attend earlier or be collected later outside the peak traffic hours, which will slightly reduce the amount of traffic on the network at peak times.

The extension of opening hours may also coincide at a time where some residents' vehicles are occupying some of the on street parking space which may have otherwise been free after 8am, i.e. those residents travelling to work

by car. If this does occur then any inconvenience in not finding a parking space will be experienced by the users of the nursery, not necessarily the local residents. Indeed if this were to occur on a regular basis, users of the nursery may consider changing their drop off and pick up times to suit.

On this basis I would not be in a position to recommend a refusal on highway grounds.

Other Representations:

Letters of objection

27 letters from 14 properties in Albany Road, 2 from Dudley Street and 1 from South Street: object for the following reasons:

- There are already parking problems in Albany Road which would be exacerbated by an extension to the operating hours as there are less parking spaces available between 7.30am - 8am and 6pm - 6.30pm as residents are more likely to be at home during those hours;
- Staff from the nursery park in the street all day, making the problem worse;
- Albany Road is also used as a rat run;
- Extra traffic at an earlier time would incur risk to pedestrian safety;
- Parents picking up and dropping off children park inconsiderately across residents' drives and are sometimes rude and / or abusive when asked to move their cars;
- Parents have caused accidents to cars and property in the area (including the breaking of brick pier) when parking and manoeuvring inconsiderately and unsafely;
- The nursery should fund the painting of white lines across residents' drives;
- Deliveries to the nursery and waste collection from the nursery regularly block the road or have to park a significant distance away;
- Any increase in noise levels during the week day would negatively affect retired people, shift workers and home workers who all need peace during these times;
- The noise from inside the nursery already causes unacceptable levels of disturbance;
- The noise of the door knocker is penetrating and wakes up neighbouring occupiers. Allowing the nursery to operate earlier in the day would increase this problem;
- It is impossible to work from home currently during the hours at which children are allowed to play outside, due to the high levels of noise;
- The nursery should take children to the nearby park to

play in;

- Up to 80 residential properties would be detrimentally affected by increased noise pollution;
- Ofsted does not require the provision of outdoor play, it merely encourages it.
- The nursery is an inappropriate use in a residential area;
- No other nurseries in the area are in residential streets with no parking;
- Numbers attending the nursery have increased from 44 to 52 at any one time since 1991, exacerbating the problems. There is no planning control of the numbers except through the limitation of space;
- The application seeks a way to increase numbers at the nursery as it will allow more children to be in the garden thus lessening the pressure on inside space;
- This will increase the number of staff who will park on street, further exacerbating the problems;
- The application seeks to make more money for the owners of the business to the detriment of local residents;
- The situation has changed since the approval was granted in 1991. Car ownership has increased and cars are larger and parking places in the vicinity have reduced;
- Litter at the premises has increased and is allowed to over spill the waste bins to the detriment of the amenity of the neighbourhood;
- There is no longer a residential use at the property, which was maintained on the second floor by the 1991 permission, instead the space is for used for office and storage, allowing more children on the ground and first floors;
- Use of the balcony at the property disrupts privacy;
- The owners of the nursery are dishonest and disrespectful, as demonstrated by the withdrawn application for a Lawful Development Certificate;
- The property has lead pipes (to the best of the objector's knowledge). Lead is poisonous and causes a reduction in mental facilities in the young.
- Central Bedfordshire Council have not enforced the existing conditions;
- No site notice has been posted;
- The Council has shown favouritism to the nursery over the years by systematically rejecting complaints about the nursery from residents;
- The Council should place the needs of residents above the needs of the nursery;
- The Council has made errors in the processing of applications in regards to the nursery;

Letter of support

Letter received from the owner and staff of Peter Bellingham, Billington Road: supports the proposal for the following reasons:

- Footsteps is a wonderful facility which has in the past and currently provides excellent care for the children of a number of employees of Peter Bellingham;
- The additional flexibility of expanded hours would really support working parents in the area;
- The noise of children playing in the garden is a pleasant sound;
- The facility is not a school and so drop-offs and pick-ups are staggered. The extended hours would allow drop-offs and pick-ups to be staggered further throughout the morning and evening;
- Parking in Albany Road is bad for two main reasons:
 1. The residents mostly have more than two cars per property and insufficient off-street parking on their properties;
 2. Office workers in Leighton Buzzard use Albany Road for parking during the day.

Letter of comment

Letter received from the occupiers of 4 Lovent Drive: comments as follows:

- In regards to condition 2 our property is in close proximity to the garden at Footsteps and we enjoy the sound of children playing.
- The garden is sorely underutilised and there is increasing evidence of the benefits of outdoor play to the development of children;
- The leaflet sent round to mobilise opposition is scaremongering nimbyism;
- The removal of condition 2 would not affect peak residential use of gardens in the evenings and at weekends;
- No comment in regards to condition 1 as this is an emotive issue for residents in Albany Road reference parking.

Petition of objection

45 signatures of residents in Albany Road, South Street, Lovent Drive and Hartwell Grove

Petition of support

67 signatures of clients of the nursery, 7 of whom live in Albany Road or the immediately surrounding streets. 5 other signatures of support from residents of Leighton Buzzard.

Determining Issues:

The main considerations of the application are;

1. Background
2. Principle
3. Neighbouring Amenity
4. Highways Considerations
5. Other Considerations

Considerations

1. Background

- 1.1 11 Albany Road was originally used as a children's day nursery in the 1960s and 1970s before reverting to a residential property.
- 1.2 Planning permission was refused by South Bedfordshire District Council for the change of use of the ground and first floors of the dwelling to a day nursery in 1990 for two reasons: the impact of the proposal on the amenity of neighbouring residents in terms of noise and disturbance and the lack of off-street parking.
- 1.3 The application was appealed and the Inspector granted planning permission subject to the three conditions detailed above. The site has been operating as a day nursery ever since.
- 1.4 A number of complaints in regards to noise have been made to the Environmental Health Team over the years, but following investigation, these complaints have not been upheld.
- 1.5 Complaints were made to the Enforcement Team in May 2016 that the nursery were accepting children earlier than 8am. These complaints were investigated and were discovered to be true. Enforcement officers followed the Council's enforcement procedures and invited the nursery to submit an application.
- 1.6 An application for a Lawful Development Certificate was received, claiming that the nursery had been operating in breach of condition 1 by operating earlier than 8am for a period of 10 years.
- 1.7 Evidence found within the Council's records and submitted by neighbouring occupiers indicated that the nursery had not been operating earlier than 8am *continuously* for a period of 10 years and therefore a Lawful Development Certificate could not be granted. The application was withdrawn and this application was submitted instead.
- 1.8 The nursery has a Good Ofsted report, with the last inspection taking place on 08 April 2015. At that time it had 103 children on role with a total number of places of 52 children at any one time. The nursery offers childcare for children of 0 - 8 years, with those over statutory school age being cared for only after school and during the school holidays.

2. Principle

- 2.1 The application is made under Section 73 of the Town and Country Planning Act 1990, which provides for applications for planning permission to develop or change the use of land or buildings without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued.
- 2.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning

Authority may also impose new conditions - provided that the conditions do not materially alter the change of use that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

- 2.3 In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.
- 2.4 Several of the neighbouring residents who objected have raised the issue of whether Albany Road is a suitable location for a day nursery. However, the principle of a day nursery in this location was established under the grant of planning permission in 1991 and despite the passage of time and any changes in circumstances, the principle of the use of the property as a nursery is not a matter for consideration as part of this application.
- 2.5 Instead consideration of this application should depend on the examination of the likely impacts on the amenity of neighbouring occupiers and the highway network of the requested variation of condition 1 and removal of condition 2.
- 2.6 When considering these matters, attention must be paid to Section 8 of the National Planning Policy Framework, which deals with community services (such as childcare establishments). Paragraph 70 of the NPPF states that planning decisions should ensure that established services are able to develop and modernise in a way that is sustainable.
- 2.7 Paragraph 72 states that Local Planning Authorities should take a proactive, positive and collaborative approach to development that will widen choice in education.
- 2.8 These paragraphs must be balanced against the requirements of Section 11 of the NPPF as far as it relates to noise pollution and Section 4 of the NPPF as it relates to the highway network, both of which will be expanded on in the relevant sections, below.

3. Impact on Residential Amenity

- 3.1 The variation of the operating hours and the removal of condition 2 to allow unlimited outdoor activities to take place at the nursery may have an impact on neighbouring occupiers in terms of an increase in noise and disturbance.
- 3.2 Section 11 of the NPPF deals with noise pollution and states in paragraph 123 that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life. However, it also states that planning decisions should recognise that development will often create some noise.
- 3.3 Neighbouring occupiers have raised concerns that the proposal would result in an unrelenting noise of children playing outside from 7.30am until 6.30pm daily. They have also raised concerns that the proposed amendments would result in

an increase in the number of children attending the nursery at any one time as the use of the garden as a space would provide more room within the establishment as a whole.

- 3.4 Taking the second point first, the applicant has confirmed that there are no plans to expand the number of children attending the nursery. Ofsted controls the number of children attending the nursery in two ways, staff: child ratios and floor space: child ratios. The garden cannot be included in the floor space as there will be times, for example during inclement weather when it would not be possible for children to be within the garden. Local residents can therefore be reassured that the proposed amendments to the conditions would not allow more children to be accepted at the nursery.
- 3.5 The Council's Public Protection Officer has visited the site on several occasions and examined in detail the operation of the nursery and the desired use of the outdoor space. His response clearly indicates that the proposed amendment to condition 1 would be very unlikely to result in an increase in noise and disturbance and as the increase in hours would not result in an increase in children numbers, and would be likely to further stagger the times of drop offs and pick ups, it may actually reduce noise and disturbance levels resulting from arrivals and departures.
- 3.6 It is noted that at the time the Inspector imposed condition 2, the garden comprised a grassed area and a concrete slab which provided little opportunities for structured outdoor learning and less emphasis was given on using the outdoor environment to educate children. However, since that time the garden has been remodelled to include specified learning and play areas, including a log cabin, a raised vegetable patch, a pets corner, water features and low level climbing frames. Furthermore, Ofsted guidance now encourages the use of the outdoors to enhance children's learning.
- 3.7 The Public Protection Officer's comments and the supporting document provided by the applicants indicate that a removal of condition 2 would not result in the levels of noise and disturbance envisaged by concerned neighbours as outdoor activities would predominantly be structured, supervised and often framed around learning and development. Activities such as nature study, feeding and cleaning out the rabbits and digging in the vegetable patch would all generate significantly less noise than unstructured "free play".
- 3.8 The Public Protection Officer is confident that the removal of condition 2 would not give rise to unacceptable levels of noise and disturbance for neighbouring occupiers. However, this needs to be balanced against the responses from neighbouring occupiers which raise concerns about existing noise levels during play times. It is considered that the removal of condition 2 without any replacement condition could potentially result in an increase in noise levels to the detriment of the amenity of neighbouring occupiers.
- 3.9 It is considered important to find an appropriate balance which would better allow the nursery to provide the appropriate levels of outdoor learning and play to children attending the nursery, whilst providing protection for surrounding residents from an unacceptable increase in noise levels.

- 3.10 Rather than imposing a condition restricting all outdoor use to certain hours a day, it is considered that a condition should be imposed which would properly differentiate between quiet, learning based outdoor activities and noisy unstructured play.

It is considered that the best way to do this would be to remove the existing condition 2 and impose an alternative condition requiring the

submission and implementation of a noise management plan which would limit unstructured play to two hours a day, while allowing increased hours for quieter outdoor activities.

- 3.11 Subject to the imposition of the recommended condition, it is considered that the proposed amendment to condition 1 and removal of the existing condition 2 are considered to be in accordance with Sections 8 and 11 of the NPPF and Policy BE8 of the South Bedfordshire Local Plan Review.

4. Highways Considerations

- 4.1 There is no doubt that Albany Road does experience considerable parking problems, which appears to be a combined problem with a number of contributing factors, including the limited off-street parking and the number of vehicles owned by residents; the proximity to Leighton Buzzard Town Centre encouraging workers and visitors to the town centre to park in the road during the day and the existence of the nursery with only one off-street parking space. It also appears that there are sometimes conflicts between neighbouring occupiers and parents of children attending the nursery, which is regrettable, but not material to the determination of this application.
- 4.2 The material consideration is what the likely impact of the proposed amendments to the conditions would be to the existing parking situation. However, this is not straightforward and is likely to be complex.
- 4.3 Neighbouring residents have raised concerns that allowing the nursery to open earlier and later in the day would result in a significant worsening of existing parking problems. The reasons given are twofold, the first being that more residents are parked or are seeking to park on Albany Road between 7.30am - 8am and 6pm - 6.30pm than between 8am - 6pm. Objectors envisage drop-offs and pick-ups taking place predominantly during these two half an hour periods should condition 1 be amended as per the application. The other reason is that objectors envisage the increased hours allowing more children to attend the nursery, resulting in more staff (needing to park) and more parents needing to pick-up and drop-off children.
- 4.4 The Highways Officer has noted that it is actually unlikely that the majority of parents would choose to utilise the extended opening hours. Those who will find it convenient will do so, but other parents are likely to maintain their current usage of the nursery. As a result, the impact of the requested variation of condition 1 would be to expand the period of time within which the period of drop-offs and pick-ups take place, thus lessening the intensity of pick-ups and drop offs. This would therefore be likely to improve the current situation rather than worsen the situation.

- 4.5 It is also noted that the impact of the proposed amendments would not result in an expansion in the number of children attending the nursery (as set out in section 3 above). The concerns of neighbouring residents in this respect are therefore unfounded and objectors can be reassured.
- 4.6 The matter of staff parking on Albany Road is also likely to be eased by the proposed amendment to condition 1. As some staff will be arriving earlier in the day, at a time when most residents are still parked on street, it is less likely that those staff will be able to park on Albany Road when they arrive and will therefore have to make alternative arrangements. This is also a benefit to allowing the amendment to condition 1.
- 4.7 However, it is envisaged that extending the operating hours into the evening may mean that some parents are still picking up when some residents of Albany Road are typically arriving home from work. This may result in a limited increase in parking problems between the hours of 6pm-6.30pm (although it is likely to ease pressure between 5pm-6pm).
- 4.8 Having considered the likely impacts of amending condition 1 on the existing parking situation, it is considered that, on balance, the net impact would be likely to be positive, in particular by reducing the number of parents who arrive at any one time to pick-up and drop-off.
- 4.9 Section 4 of the NPPF encourages the use of measures to reduce transport impacts. However, it concludes that permission should only be refused where the residual cumulative impacts of a proposal would be severe.
- 4.10 The applicant has further agreed to explore the potential help to the situation by the imposition of an additional condition requiring the preparation and submission of a Travel Plan to aim to reduce the impact of the nursery on the surrounding streets. This mitigation is considered to be in accordance with Section 4 of the NPPF and it is considered that the residual cumulative impacts of the application to vary condition 1 and remove condition 2 would not be severe. The proposal is therefore considered to be in accordance with Section 4 of the NPPF.

5. Other Considerations

- 5.1 Neighbouring occupiers have raised a number of issues within their consultation responses which are either not material to planning or are not material to the determination of this application.
- 5.2 Matters that were raised which are not material to planning include the overflowing of litter and the existence of lead pipes at the nursery.
- 5.3 Matters raised which are not relevant to the determination of this application include the impact of the balcony (which existed in 1990) and the use of the second floor for nursery space rather than as a separate flat. It is understood that the Enforcement Team are currently investigating the use of the second floor as a separate issue. It is considered appropriate at this stage to impose an informative advising that the second floor of the building cannot be used in

- 5.4 The Enforcement Team have followed due procedure in their dealings with the nursery by investigating the breach and requiring the submission of an application. A formal complaint to the Council in regards to the conditions not being enforced through the service of an enforcement notice prior to the determination of this application was investigated and was not upheld.
- 5.5 A site notice has not been posted in this case as an unusually high level of direct notification to every property in Albany Road and several properties in Lovent Drive took place at the request of one of the neighbouring occupiers. Furthermore, this type of application would not typically require a site notice.
- 5.6 The Council has thoroughly investigated all the complaints made in regards to the nursery over the years and taken the appropriate action based on the outcomes of those complaints.
- 5.7 An error was made during the processing of the withdrawn Lawful Development Certificate application when a site notice was published referring to a "planning application" rather than a "Lawful Development Certificate" application. This error was acknowledged and an apology was issued.
- 5.8 **Human Rights issues:**
The proposal raises no Human Rights issues.
- 5.9 **Equality Act 2010:**
The proposal would not affect accessibility issues relating to the nursery, nevertheless, an informative is recommended, advising the nursery of their responsibilities under the Equality Act 2010.

Recommendation:

That the Variation of Condition 1 and the Removal of Condition 2 be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The premises shall operate as a children's day care centre only between 07:30hrs to 18:30hrs on Mondays to Fridays and at no time on Saturdays, Sundays or public holidays.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.
(Policy BE8, SBLPR and Section 11, NPPF)
- 2 Within one calendar month of the date of this permission a noise management plan to control noise levels from the external areas of 11 Albany Road shall be submitted to the Local Planning Authority for their written approval. The noise management plan shall distinguish between quiet, structured, learning and development activities and unstructured free play and shall restrict the hours at which the latter can take place to no more than 2 hours a day. The management plan shall also include the managerial practices which will be implemented in order to limit noise from the external areas of 11 Albany Road. Following the written approval of the noise management plan, no use of the external areas at 11 Albany Road shall take place thereafter except in accordance with the provisions of the noise

management plan, which can only be varied through written agreement with the Local Planning Authority. Until the noise management plan has been submitted and approved in writing, the external areas shall only be used in association with the day nursery between the hours of 10:30 to 11:30 and 14:15 to 15:15.

Reason: To protect neighbouring occupiers from unacceptable levels of noise pollution.

(Policy BE8, SBLPR and Section 11, NPPF)

- 3 Before the introduction of the extended operating hours, a Travel Plan shall be prepared, submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:
- a. plans for the establishment of a working group involving the nursery and parents
 - b. travel patterns and barriers to sustainable travel
 - c. measures to encourage and promote sustainable travel and transport for journeys to and from nursery
 - d. an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review

All measures agreed therein shall be undertaken in accordance with the

approved Plan. There shall be an annual review of the Travel Plan (for a period of 5 years from the date of approval of the Plan) to monitor progress in meeting the targets for reducing car journeys generated by the nursery and this shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport
(Section 4, NPPF)

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's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

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

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

For further information on disability access contact:

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

4. The applicant is advised that in accordance with the planning permission SB/90/00421 granted at appeal on 7/5/1991, the second floor of the building cannot be used for other than residential use, including as a children's day care centre, without a specific further grant of planning permission.

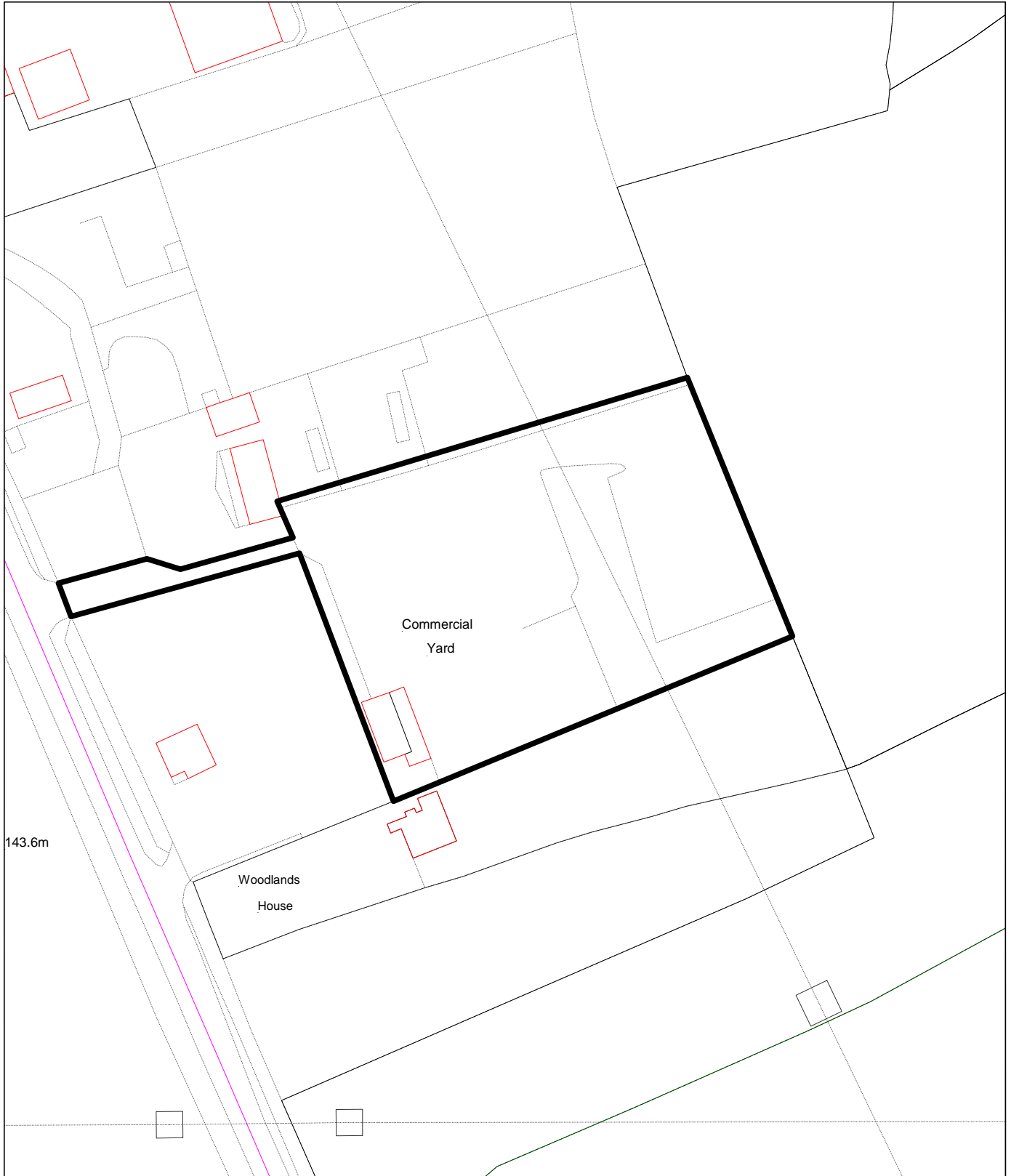
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

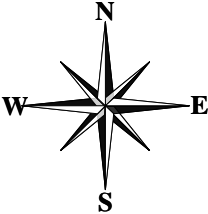
The Council acted pro-actively through positive engagement with the applicant during the determination process. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town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

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application Number CB/17/00298/FULL
	Date: 14:February:2017	
	Map Sheet No	
Scale: 1:1250	Commercial Yard, Watling Street, Caddington, Dunstable, LU6 3QP	

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Item No. 11

APPLICATION NUMBER CB/17/00298/FULL
LOCATION Commercial Yard, Watling Street, Caddington, Dunstable, LU6 3QP
PROPOSAL Retrospective planning application for commercial building for vehicle storage.
PARISH Caddington
WARD Caddington
WARD COUNCILLORS Cllrs Collins & Stay
CASE OFFICER Debbie Willcox
DATE REGISTERED 19 January 2017
EXPIRY DATE 16 March 2017
APPLICANT Statham's Motor Engineering Ltd
AGENT Woods Hardwick Planning Ltd
REASON FOR COMMITTEE TO DETERMINE Called in by Councillor Stay for the following reasons:

- Contrary to policy as the site is in the Green Belt;
- The building contributes to inappropriate and unattractive ribbon development along the A5;
- The bulk, size and design of the building is inappropriate and overbearing within the Area of Outstanding Natural Beauty;
- The building has had an adverse impact on the landscape of the Green Belt and the Area of Outstanding Natural Beauty

RECOMMENDED DECISION Full Application - Granted

Summary of Recommendation:

The application is recommended for approval. The new building is considered to constitute inappropriate development within the Green Belt; however, very special circumstances have been established based on the economic benefits to the rural economy and the limited harm to the Green Belt. The building does not have a detrimental impact on the character and appearance of the Area of Outstanding Natural Beauty or the Area of Great Landscape Value, does not have a harmful impact on the amenity of neighbouring occupiers and does not have a material impact on the highway network. The application is therefore in accordance with Sections 3, 7, 9 and 11 of the National Planning Policy Framework, Policies BE8, E2 and NE3 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises an existing commercial yard which has operated for many years as a vehicle recovery, repair and maintenance business, located on the north east of the A5 Trunk Road to the south of Dunstable, the west of Caddington and the north east of Kensworth. The current operators have been in situ since 2001.

The site forms part of a small cluster of development along the A5 which is predominantly surrounded by open countryside. The cluster of development includes a residential property, a Gypsy and Travellers site, a scaffolding yard and a fleet services yard.

The site is washed over by the South Bedfordshire Green Belt and is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and a designated Area of Great Landscape Value (AGLV). The site is on an incline with the site sloping upwards to the east, away from the A5. The land continues to slope up beyond the boundaries of the site. The southern boundary of the site is heavily landscaped with coniferous planting. The countryside around the site is gently undulating in shape, in character with the downland AONB status.

The Application:

The application seeks retrospective planning permission for the erection of a building to the south east corner of the site.

The building was completed in February 2016. It measures 12.8m wide by 14.5m deep and has a shallow, dual pitched roof with an eaves height of 5.8m and a ridge height of 6.7m. The building is finished in green metal profiled cladding.

The building is used for the storage of vehicles which have been recovered by the police as part of a recently awarded contract.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Section 3: Supporting a prosperous rural economy

Section 4: Promoting sustainable transport

Section 7: Requiring good design

Section 9: Protecting Green Belt land

Section 11: Conserving and enhancing the natural environment

South Bedfordshire Local Plan Review

BE8 Design Considerations

NE3 Control of Development in the Areas of Great Landscape Value (AGLV)

T10 Parking - New Development

E2 Development - Outside Main Employment Areas

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, NE3 & E2 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy for Central Bedfordshire (June 2014)

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

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development, 2014

Relevant Planning History:

Application Number CB/13/00935/FULL

Description First floor and part two storey extension to existing offices and staff room.

Decision Planning permission granted

Decision Date 16/05/2013

Application Number SB/08/00213
 Description Continued use of building for vehicle maintenance and repairs
 (Removal of condition 3 of Planning Permission SB/90/00034)
 Decision Variation of Condition granted
 Decision Date 15/04/2008

Application Number SB/90/00034
 Description Erection of workshop and toilet accommodation
 Decision Planning permission granted
 Decision Date 02/04/1992

Application Number SB/87/00005
 Description Certificate of Lawfulness of Existing Use: Use of land for
 parking of commercial vehicles
 Decision Certificate of Lawfulness Granted
 Decision Date 07/01/1988

Consultees:

Caddington Parish Council We are not happy with this being a retrospective planning application. We feel this is the wrong way to bring this form of application forward and would hope CBC will make it clear to the applicant that they are also not in favour of the way this has been handled.

We understand this is Green Belt and AONB area but this is brownfield employment land and after giving it great consideration we would not oppose this application.

Kensworth Parish Council OBJECT on grounds of contribution to ribbon development along the A5 and impact on the Green Belt and AONB. The scale of the ribbon development on Watling Street has a negative impact on the entrance to Kensworth and has wrongly been allowed to develop over the last 12 years leading to an appalling eyesore and mess in an Area of Outstanding Natural Beauty.

Kensworth Parish Council urge planners to consider the overall impact of the ribbon development and also ensure enforcement is carried out on current issues such as car park sales from the Packhorse Pub and P&A Berry, Watling Street laying of paving slabs on the grass verges of the A5 creating unauthorised and dangerous parking.

Highways England No response at time of writing. Any response to be reported on the Late Sheet.

Highways Officer No response at time of writing. Any response to be reported on the Late Sheet.

Pollution Team As the application documents state, this building has been in situ for around 12 months. No complaints have been received regarding this premises and I have no objections.

Other Representations:

None at time of writing. Any other representations received will be reported on the

Late Sheet.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV)
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle

- 1.1 The application site is washed over by the South Bedfordshire Green Belt and therefore Section 9 of the National Planning Policy Framework (NPPF) is a key consideration in the determination of this application. Section 9 states that great importance is attached to Green Belts.
- 1.2 Section 9 sets out that Green Belts serve five purposes:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 1.3 It explains that inappropriate development within the Green Belt is harmful by definition and should only be permitted in very special circumstances, where the harm that would be caused by inappropriateness and any other harm (such as harm to openness or harm to the visual amenities of the Green Belt) are clearly outweighed by other considerations.
- 1.4 Paragraph 89 of the NPPF explains that the erection of new buildings within the Green Belt should be considered as inappropriate development unless the building falls within one of a number of provided exceptions. The only one of these exceptions which could be relevant to this application is that of limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 1.5 In this case, the building has been erected on a brownfield site, which was previously in use for the outdoor storage of vehicles. This has been clarified through the examination of a series of aerial images going back several years. It is therefore considered that the erection of the building has not had a greater impact on any of the five purposes of including land within the Green Belt than the previous development. However, the building is located near the boundaries of the site and therefore is not considered to comprise infill development. Also, while the site was previously hard surfaced, it is considered that the erection of the building has had a greater impact on openness than the previous development. Consequently, the erection of the building is considered to be inappropriate development within the Green Belt.

- 1.6 Furthermore, some weight must be given to the government's letter to Chief Planning Officer issued on 31st August 2015, which introduced a planning policy that makes intentional unauthorised development within the Green Belt a material consideration in the determination of planning applications and appeals. In this case, the application is retrospective; however, the agent has made the following statement: *"Our clients were not aware that planning permission was required as the building is of modest size and has been constructed within the curtilage of the existing site with a design appropriate to the surrounding buildings. Also, as you would expect, they do not have any detailed knowledge of the planning system and did not know the implications of the site being in the Green Belt. In this particular case the site is 'washed over' by Green Belt. They had assumed that as they were building within the existing site and not expanding it, they were not contravening any planning regulations. It was a genuine mistake and not a deliberate attempt to circumvent the system."* No evidence is available to contradict this statement and so it appears the development did not constitute *intentional* unauthorised development, therefore limited weight is given to this consideration.
- 1.7 The application is accompanied by a case for very special circumstances which is based on two key strands: the economic benefits of the erection of the building and the limited harm which has resulted to the Green Belt as a consequence of the erection of the building.
- 1.8 The statement explains that the applicant comprises a long-running Bedfordshire based business that has recently benefited from the awarding of a new contract by Bedfordshire Police, which depends on the existence of the building to store the vehicles internally to preserve forensic evidence for inspection. The contract comprises some 10% of the company's annual turnover and has already created three new jobs with a further two jobs planned in the next few months.
- 1.9 When considering the weight that should be given to these economic benefits, attention must be given to Section 3 of the NPPF, which requires local planning authorities to support economic growth in rural areas in order to create jobs and prosperity. Paragraph 28 of the NPPF requires local planning authorities to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
- 1.10 The statement also argues that the impact of the new building on the Green Belt is extremely limited, as it does not conflict with any of the five purposes of including land within the Green Belt, is constructed on a brownfield site and is modest in scale and viewed against the cluster of existing buildings and commercial uses in this section of development on the A5.
- 1.11 In this case, it is considered that the statement has accurately assessed the impact of the new building on the Green Belt as being very limited. The impact on both the openness of the Green Belt and the visual amenities of the Green Belt is significantly lessened by the location of the building on an existing brownfield site, which is part of a larger cluster of development with an industrial character. The cluster of development comprised several buildings, including buildings of greater size than the building which is the subject of this application, and significant areas of land used for the storage of heavy goods vehicles, caravans and scaffolding. Within this context, the building is modest

in size and clustered with existing development.

- 1.12 Views of the building from the surrounding countryside are very limited by both the contours of the land and the existing screening to the south and west of the building. The building is visible from the A5 travelling south, but is partially screened by other buildings and never appears isolated or dominant within the cluster of development. Furthermore, it is already acknowledged that the development does not conflict with any of the five purposes for including land within the Green Belt.
 - 1.13 Significant weight is given to the requirements of Section 3 of the NPPF and the creation of rural jobs and the support of an existing, long-running local business. Therefore, in this case it is considered that the economic benefits of the new building clearly outweigh the harm that has been caused to the Green Belt by the erection of the new building, including the weight attributed to the fact that the development comprises unauthorised development within the Green Belt. As such, the application is considered to be in accordance with Sections 3 and 9 of the National Planning Policy Framework and the spirit of policy E2 of the South Bedfordshire Local Plan Review.
- 2. Affect on the Character and Appearance of the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV)**
- 2.1 As described above in Section 1, the new building has had a limited impact on the character and appearance of the area, because it is protected from many views by the contours of the land and the existence of coniferous screening.
 - 2.2 In those views where the building is visible, the modest scale of the building, the use of green cladding and the positioning of the building as part of an existing cluster of development means that the building appears neither dominant nor obtrusive and instead complements and harmonises with the site and its surroundings and does not have a harmful impact on the character and appearance of the AONB or the AGLV.
 - 2.3 The concerns of Kensworth Parish Council and Ward Councillor are noted; however the determination of this application can only consider the impact of this building, rather than the existing, authorised development in this location. It is also considered that the building is actually an improvement in aesthetic terms over the storage of heavy goods vehicles, which aerial imagery has confirmed was taking place in this location for several years prior to the erection of the building.
 - 2.4 Furthermore, views of the building are very difficult to obtain from public view points in Kensworth and the roads leading to and from the village, due to the topography of the land and the patches of woodland between the village and the A5.
 - 2.5 It is not considered appropriate to impose a condition requiring screening to the north of the site, partly because the impact of the building on the character and appearance of the area is so limited, and partly because the changing ground levels on and around the site would mean that planting would have to reach significant heights to be effective, which would take many years to accomplish.
 - 2.6 The erection of the building is therefore considered to conform with Sections 7 and 11 of the NPPF, Policies BE8 and NE3 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

3. Neighbouring Amenity

- 3.1 The building is set a sufficient distance away from residential properties (including the Gypsy and Traveller caravans) that it has not had a material impact on the amenities of the occupiers of these residences.
- 3.2 The comments of the Pollution Team indicate that there has also been no detrimental impact on neighbouring occupiers in terms of increased levels of noise and disturbance.
- 3.3 As a result it is considered that the application adheres to the requirements of Sections 7 and 11 of the NPPF, Policy BE8 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

4. Highways Considerations

- 4.1 The building is of modest scale and only accommodates 11 vehicles, which in the context of the yard as a whole is relatively small. It is not considered that the erection of the building has had a material impact on the safety and capacity of the surrounding highway network.

5. Other Considerations

5.1 Human Rights issues:

The application raises no Human Rights issues.

5.2 Equality Act 2010:

The application mentions that the building is fully compliant with Part M of the Building Regulations, nevertheless, it is considered appropriate to impose an informative advising the applicants of their responsibilities under the Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 This planning permission relates only to the details shown on the submitted plans, numbers 1778-001, 1778-002 and 1778-003.

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

INFORMATIVE NOTES TO APPLICANT

1. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.
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's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

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

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

For further information on disability access contact:

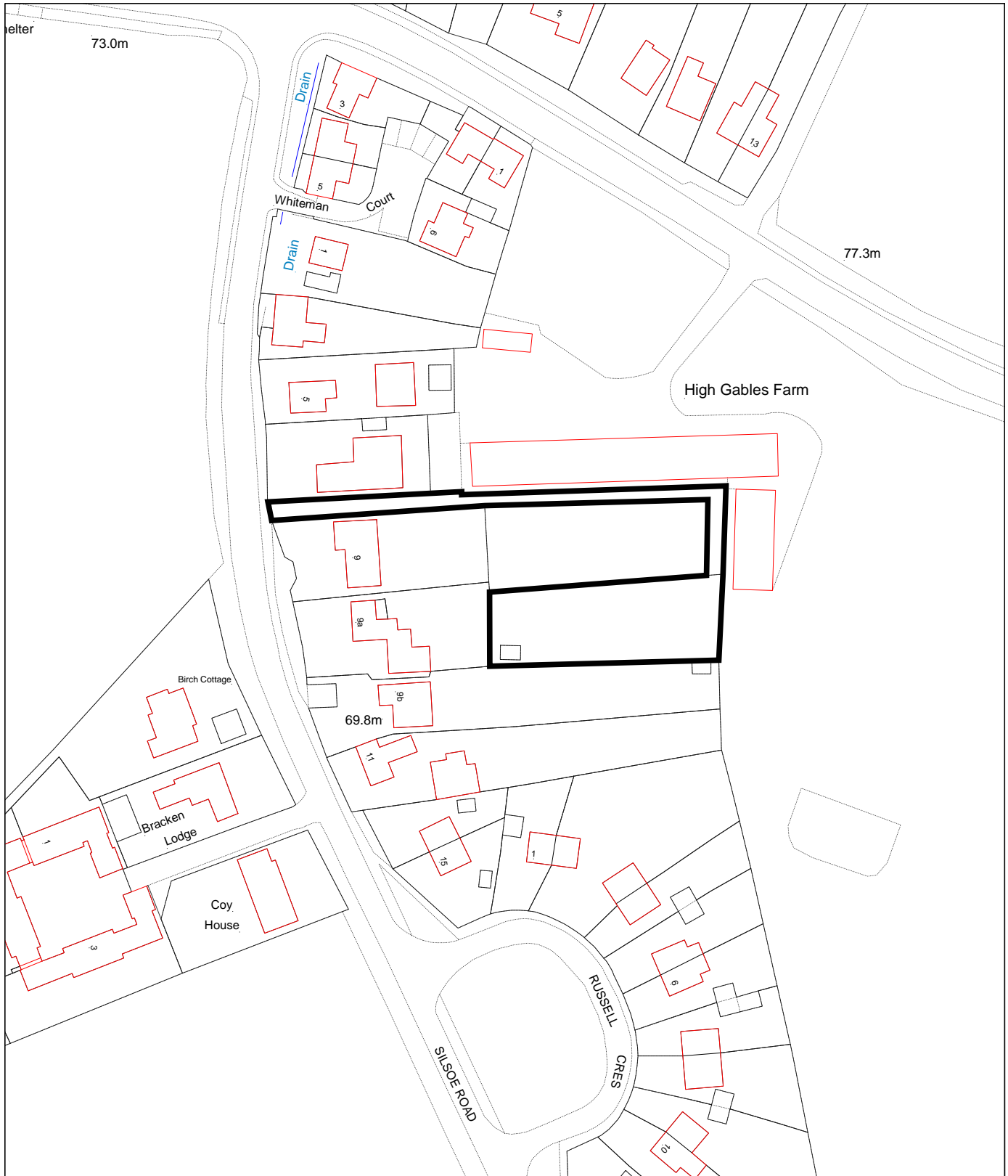
The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No: CB/16/05823/OUT
	Date: 13:February:2017 Map Sheet No	
Scale: 1:1250	9A Silsoe Road, Maulden, MK45 2AX	

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Item No. 12

APPLICATION NUMBER CB/16/05823/OUT
LOCATION 9A Silsoe Road, Maulden, Bedford, MK45 2AX
PROPOSAL Outline application: Erection of one dwelling with up to four bedrooms at Land at the rear of 9A Silsoe Road, Maulden

PARISH Maulden
WARD Ampthill
WARD COUNCILLORS Cllrs Duckett, Blair & Downing
CASE OFFICER Nikolas Smith
DATE REGISTERED 19 December 2016
EXPIRY DATE 13 February 2017
APPLICANT Mr J Jamieson
AGENT DA Architectural Services Ltd
REASON FOR COMMITTEE TO DETERMINE The applicant is an Elected Member of the Council

RECOMMENDED DECISION Outline Application - Approve

Reason for recommendation:

Subject to the recommended conditions set out in this report, the proposed development would be in accordance with relevant policies of the Development Plan. The principle of the development would be acceptable. Details including the appearance of the development, its impact on neighbours and its highways implications would be assessed at reserved Matters stage. The information submitted with this Outline application demonstrates that a satisfactory scheme could be achieved at this site, albeit not necessarily in the layout indicatively shown.

Site Location:

The site has an area of around 0.1ha and is on the east side of Silsoe Road, to the rear of No 9a. It includes an area for access running eastwards from Silsoe Road between No's 7 and 9.

The land rises notably from Silsoe Road to the site so that the site is on higher ground than the properties that front the road.

The land between the access and the main body of the site is open and undeveloped. To the north and east of that land are agricultural buildings that form part of High Gables Farm. To the west are rear gardens serving properties on Silsoe Road. Russell Crescent, to the south extends further eastwards than other properties on Silsoe Road, which are generally linear in layout.

The site, but for the access, falls within the Maulden Settlement Envelope.

The Application:

Outline planning permission with all matters reserved is sought for a single dwelling within up to four bedrooms. Access would be taken between No's 7 and 9 Silsoe Road.

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
CS5	Providing Homes
CS6	Delivery and Timing of Housing Provision
CS14	High Quality Development
CS15	Heritage
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM10	Housing Mix
DM13	Heritage in Development

Site Allocations (North) Development Plan Document (2011)

Central Bedfordshire Design Guide (2014)

Central Bedfordshire Sustainable Drainage Guidance SPD (2014)

Development Strategy

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

Relevant Planning History:

There is no relevant planning history at this site.

Planning permission was recently granted (at appeal) for the erection of a bungalow after the demolition of the existing agricultural building to the north of the site at High Gables Farm. Access to that property would be taken from Clophill Road (CB/15/03296/OUT).

Consultation responses:

Neighbours were written to and a site notice was displayed. The responses are summarised below:

Maulden Parish Council Objection for the following reasons:

- Access is too long and narrow (4.2m wide between the houses No 7 & 9). This would only provide space for one vehicle access or exit at a time with no passing area possible.
- Access width will not allow access for large and emergency vehicle and the turning at the corner as shown on the plan is not feasible.
- Exit from access has no visibility splays as there are high fences on both sides of the proposed access road. This will present a safety concern for pedestrians and highway users.
- Access area is outside the Maulden development envelope
- Traffic passing along the proposed access road will have a disruptive aspect to Nos 7 and 9.
- Whilst the proposed dwelling is within the development envelope MPC are concerned about erosion of the gap between the two development envelopes and that this will establish a precedent for further applications especially the land behind No 9.
- Although it does not state this in the application it is assumed this to be two storey 4 bed dwelling which will impact on neighbour's gardens.
- Loss of mature trees.
- In our opinion this is a case of gardening grabbing.

Neighbours

Letters of objection were received from No's 7 and 9 Silsoe Road. Comments made can be summarised as follows:

- Infilling could ruin the character of the village
- Pressure for development in the village is considerable
- Even small increases in local traffic could be problematic
- The site is greenfield. Views in and out of the village would be disrupted.

- There is no need for this type of housing in Maulden.
- The Council can meet its 5 year housing need.
- The development would result in overlooking.
- The building would be overbearing.
- Noise, pollution and dust would be caused by the use of the proposed access.
- There would be loss of light and overshadowing.
- The site is on higher ground than neighbouring houses.
- The development could result in further development in this area in the future.
- The access would have poor visibility, causing a safety hazard

Consultee responses:

Highways	No objection subject to conditions
Internal Drainage Board	No comment
Archaeology	No objection

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. The appearance of the site
3. The impact on neighbours and future living conditions
4. Access to the site and other highways implications
5. Archaeology
6. Trees and hedgerows
7. Drainage

Considerations:

1. The Principle of the development

Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) states that in small villages (like Maulden), development will be limited to infill housing within the Settlement Envelope.

The site is within the Settlement Envelope (other than the access) and the proposal broadly fits within the definition of infilling.

Whilst the access road would be outside of the Settlement Envelope, it would not cause serious harm to the character of the open countryside. This is particularly the case given that planning permission has been granted for the erection of a bungalow to the north of it, at High Gables Farm.

The principle of the development would be acceptable.

2. The appearance of the site and the area

The application is submitted in Outline with all matters reserved but the applicant has submitted an indicative layout plan to show how the development might be accommodated.

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

Whilst residential development in back gardens is not currently a characteristic of the area (that would change to a degree should the recently consented bungalow at High Gables Farm be implemented), houses on Russell Crescent to the south are set well back from Silsoe Road and the proposed house would broadly align with those properties. In addition, the existing agricultural buildings to around the site represent a notable built presence to the east of Silsoe Road (one of those had planning permission to be replaced by a bungalow) and they would further minimise any harmful impact that the development might have on the character of the area.

That said, the built character along Silsoe Road is predominately linear and a dwelling to the rear of houses on the road should have an appropriately subservient scale and design. This is particularly important given that the levels at the site are higher than those on Silsoe Road. For that reason, a planning condition would ensure that any dwelling proposed at Reserved Matters stage was no greater than one storey in height.

Subject to that condition, a building of an appropriate scale and design could be achieved at the site.

3. The impact on neighbours and future living conditions

Policy DM3 requires that new development respects the amenity of neighbouring properties.

Given the relationship with neighbouring properties and gardens, the building proposed at Reserved Matters stage will need to properly respond to its context. This context adds further justification for a condition ensuring that the building would be no taller than one storey in height.

Whilst traffic using the proposed access road between No's 7 and 9 Silsoe Road could cause an element of disruption, vehicles associated with one bungalow would not cause such harm as to justify the refusal of the planning application.

A development that did not cause significant harm to living conditions at neighbouring properties could be achieved at this site.

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

The proposed dwelling should meet the Council's recommended internal space standards that are set out at Section 5.05 of the Council's Design Standards (2014).

A rear garden should be provided that is at least 12m deep and at least 60m² in area (depending on the number of bedrooms proposed at Reserved Matters stage). It should be private and secure. At least the same sized garden should be retained for the occupiers at No 9a.

The detailed design of the development would be considered at Reserved Matters stage but a scheme of an acceptably high standard could be achieved at this site.

4. Access to the site and other highways implications

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

The access to the site would be safe. Adequate visibility splays could be achieved. Whilst its width would likely prevent two way traffic, the traffic generated by one bungalow would not likely generate trip numbers or patterns that would lead to significant difficulties in using this access.

The access would be unorthodox given its length and right angle corner at the top of the site. It would not be suitable for any greater intensity of development than that proposed. It has been demonstrated that an ambulance sized vehicle could access the site. The applicant is proposing to install a fire suppression system to negate the need for fire vehicles to need to. This would be considered at Building Control stage and the applicant is advised to liaise with the Fire Service.

Refuse would be stored within the site and moved to the roadside on collection day.

Details of access to the site would be secured at Reserved Matters stage but an acceptable arrangement at this site could be secured.

5. Heritage Assets

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

The site falls within an Archaeological Priority Area but the scale and nature of the proposed development would not be such that would likely cause harm to heritage assets.

6. Trees and hedgerows

The indicative layout shows that at least two trees would need to be removed to accommodate the access to the site. Landscaping, including replacement trees if appropriate would be secured at Reserved Matters stage.

7. Drainage

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

8. Conclusions

The concerns raised by the Parish Council and neighbours of the site have been carefully considered but for the reasons described in this report, the proposed scheme, when taken as a whole and subject to the recommended planning conditions set out below, would comply with relevant policies of the Development Plan and planning permission should be granted as a result. This application is in Outline with all matters reserved for subsequent approval. A detailed application for the approval of Reserved Matters will need to be submitted and approved before development can commence and views from the Parish Council and neighbouring residents will be sought should such an application be submitted.

Recommendation:

That Outline Planning Permission is approved subject to the following conditions:

- 1 No development shall commence at the site before details of the layout, scale, appearance, access and landscaping, including boundary treatments (hereinafter called "the reserved matters") relating to the development 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 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

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

- 5 **No development shall take place at the site before a Method Statement detailing how retained trees and hedgerows will be protected at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

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

- 6 **Any application for reserved matters shall be for a single storey dwelling with no accommodation in the roof space.**

Reason: To protect the character and appearance of the area and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 7 **No development shall take place at the site before details of the method of disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that drainage arrangements at the site are acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 8 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting the Order with or without modification) no development shall be carried out within Class A, B, E and F and of Part 1 of Schedule 2 to that order unless planning permission has been granted on an application relating hitherto.**

Reason: To protect the character and appearance of the area and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 9 **No development shall commence at the site before a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the impacts of construction on the highways network and living conditions at neighbouring properties are controlled in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Jmsn.1 300, Jmsn.1 301, Jmsn.1 302 and Jmsn.1 303 rev A

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

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised to liaise with the Council's Building Control Team and the Fire Service to discuss measures to minimise the risk of fire in the event that fire vehicles are not able to access the site.
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 contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049

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

6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

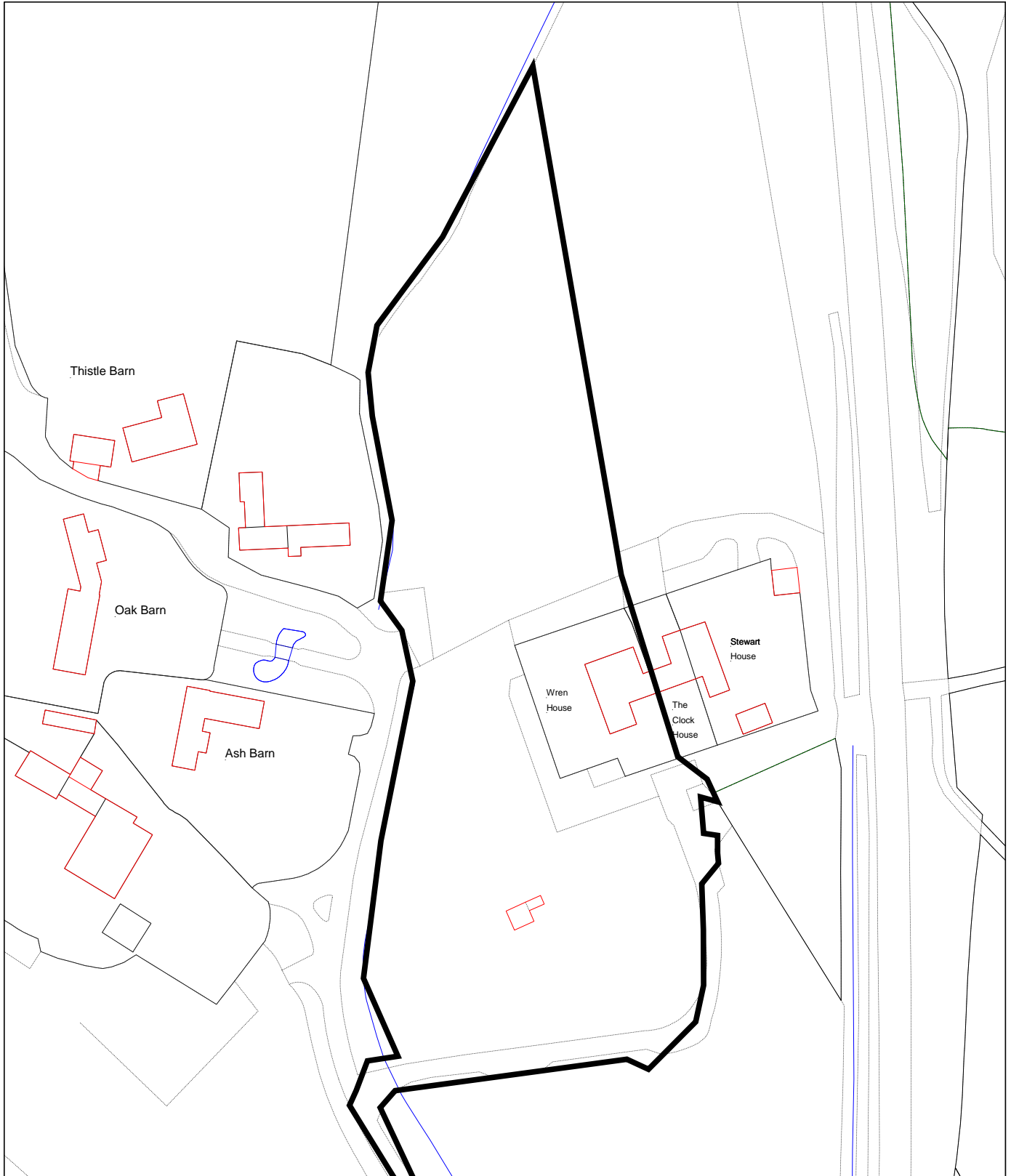
7. The applicant is advised that no private surface water drainage system designed as part of a new development will be allowed to enter any existing highway surface water drainage system.

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

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	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application NO: CB/17/00053/Full
	Date: 13:February:2017	
Scale: 1:1250	Map Sheet No	Wren House, Station Road, Ampthill, MK45 2RE

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Item No. 13

APPLICATION NUMBER	CB/17/00053/FULL
LOCATION	Wren House, Station Road, Ampthill, Bedford, MK45 2RE
PROPOSAL	Proposed barn for Office B1 Use
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllrs Duckett, Blair & Downing
CASE OFFICER	Annabel Robinson
DATE REGISTERED	09 January 2017
EXPIRY DATE	06 March 2017
APPLICANT	Mr Caldwell
AGENT	Aragon Land & Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in Councillor Duckett: The applicant believes he has a case for "PDL" (previously developed land) which he wants heard.
RECOMMENDED DECISION	Full Application - Recommended Refusal

Summary of Recommendation:

The application is recommended for refusal. The application fails to demonstrate Very Special Circumstances to justify the construction of a commercial office building within the South Bedfordshire Green Belt. The development fails to comply with the exception criteria set out within Paragraph 89 of the National Planning Policy Framework for allowing development within the Green Belt, and is therefore unacceptable.

Site Location:

The application site comprises an area of grassland and a pond to the south east of Wren House, the applicant's property. The site is surrounded by a gravelled access drive leading to the former John Crosse Home, now comprising three listed properties Wren House, The Clock House, and Stewart House. The site also abuts a track leading to Little Park Farm.

The land is currently occupied by three wooden sheds ranging from approximately 2.2m to 2.7m in height with a total footprint of approximately 30sqm.

The site is located outside of the Settlement Envelope of Ampthill, in an area washed over by the South Bedfordshire Green Belt.

The Application:

The proposal is to replace the existing sheds with a larger building in a similar position. The building described as a "barn" would be used as a B1 office.

It would be 3.5m high and have a footprint of approximately 67sqm. The building at maximum dimensions would be some 14.3 metres in width, by 7.2 metres.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Chapter 9: Protecting the Green Belt

Chapter 12: Heritage

Core Strategy and Development Management Policies (2009)

Policy CS14	High Quality Development
Policy CS15	Heritage
Policy DM3	High Quality Development
Policy DM4	Development Within and Beyond Settlement Envelopes

Development Strategy

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

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application:	Planning	Number:	CB/16/04397/VOC
Validated:	22/09/2016	Type:	Variation of Condition
Status:	Decided	Date:	03/11/2016
Summary:		Decision:	Variation of Condition - Granted

Description: Variation of Condition 4 of planning permission CB/15/1557/FULL One and a half storey detached garage.
To allow for the minor material changes to the proposal to reduce the height and make the bays open rather than with fitted doors.

Application: Planning
Validated: 29/09/2015
Status: Decided
Summary:
Description: Erection of barn

Number: CB/15/03697/FULL
Type: Full Application
Date: 04/12/2015
Decision: Full Application - Granted

Application: Planning
Validated: 24/04/2015
Status: Decided
Summary:
Description: One and a half storey detached garage.

Number: CB/15/01557/FULL
Type: Full Application
Date: 08/06/2015
Decision: Full Application - Granted

Consultees:

Amphill Town Council Support the application.

Conservation Officer The proposed barn for Office Use B1 is located in an open field in front of Wren House, which is listed under the Oxford Hospital list entry (grade II, listed in 1951), the former bakehouse fronting the old Almshouses (now private dwellings) is listed grade II and Little Park Farmhouse (together with the range of converted barns) is also listed Grade II. The proposed development does sit at some distance from the listed buildings and is not considered to be within the curtilage of the listings.

In 2015, planning permission was granted for a barn to be erected in a similar position to where this barn is proposed (reference CB/15/03697/FULL. The granted barn was of a simple design and in the conservation comments (from PC) it was specified that it would be required to be weatherboarded in black, minimum windows and doors (in timber and with frames painted black).

The DAS supplied in his application specifies that *'the grant of the previous barn demonstrated that the location can accept a building without harming the setting of the other listed buildings'*. I cannot agree with this statement as the principle of the granted barn read fully as a barn and storage. I find that the proposed building would not read in the same way as the granted scheme, and whilst the proposal specifies the building to be a 'barn', due to the detailing and the fenestration, I cannot agree that on principle the two schemes are the same. The proposed building would appear to be of a residential nature due to the increase of fenestration from the previous application to the current.

In accordance with the NPPF we must ensure that development within and around heritage assets makes a positive contribution to the significance of the heritage asset and we must weigh the impact of the proposal on the heritage asset. In this instance, and due to the proposed being in principle different to the already granted barn, the proposed building for office use would cause harm to the setting of the listed building. It is my view that the proposed development would result in harm to the significance of a number of designated heritage assets, albeit, this harm has been considered to be 'less than substantial' and therefore, in accordance with paragraphs 132, 134 and 137 of the NPPF (2012), we must only approve the scheme in its current form if we are fully satisfied that there is justification for the harm; and that the harm is outweighed the by public benefits of the proposal; and that no alternative, less harmful, scheme can be delivered.

CONCLUSION

For the reasons stated above, the current proposal would have an impact on the setting of various heritage assets and would cause harm to their significance. I therefore raise an **OBJECTION** on the basis that the proposal would cause harm to the significance of the heritage assets. The provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as supported by the aims of Section 12 of the NPPF should be used to assess if the less than substantial harm can be outweighed by public benefit and no alternative scheme can be delivered.

Drainage Board	No objection subject to appropriate storm water design.
Ecology	No objection but would like to see provision of one bird and one bat box.
Highways	No objection
Other Representations:	
Neighbours	2 letters of objection received. Clock House and Stewart House Little Park Farm. Impact upon the Green Belt. Not acceptable in accordance with NPPF.

Determining Issues:

1. Principal of development within the Green Belt
2. Impact to the character and appearance of the area and Listed Buildings
3. Neighbouring amenity
4. Other considerations

Considerations

1. Impact to the Green Belt and principle of development

- 1.1 The site is located to the west of Ampthill, in an area washed over by the Green Belt. As the site is located within the Green Belt, the application must be considered in the context of the National Planning Policy Framework.
- 1.2 Paragraph 89 of the National Planning Policy Framework identifies that the construction of new buildings should be regarded as inappropriate development, although certain exceptions may be permitted. Such exceptions are
 - 1.3 – *buildings for agriculture and forestry.*
 - *provision of appropriate facilities for outdoor sport, outdoor recreation*
 - *replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*
 - *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
- 1.4 The application was accompanied by a supporting statement which has asserted that the development would fall within the 4th point that this office building would be a complete redevelopment of brownfield land. The current building on the site is a small stable and shed incidental to the use of the field for the keeping of a horse, and the grazing of the field.
- 1.5 There is no specific definition of brownfield land within the NPPF but it is generally accepted that brownfield land does not include agricultural buildings. The NPPF also does not specifically define the term agriculture, however the Town and Country Planning Act 1990 defines agriculture as including:
 - 1.6 *"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".*
- 1.7 It is considered that the existing stable and shed would be considered within this use as the stable would provide shelter for a horse incidental to the use of the field as grazing land. It is therefore considered that the existing site is not brownfield land and therefore the development of the site as brownfield land

would not be considered an acceptable justification for the redevelopment of this site. It is considered that the demolition of a modest stable building and shed incidental to the use of the field for grazing and the replacement building for a commercial office building would be harmful to the openness of the Green Belt and therefore would be found unacceptable.

1.8

There are no very special circumstances presented with the application that would allow a commercial office building to be constructed within the Green Belt in this location set out and therefore it is considered that the development would be considered inappropriate development.

2. Impact on the character and appearance of the area and setting of Listed Buildings

2.1 Whilst the building would be larger than the existing sheds it would not be visible from any public viewpoints, other than from the surrounding residential properties.

2.2 It is considered that in general a modern looking commercial building would be out of character with the open countryside, although it is accepted that it would not hold a prominent position within the public realm. The Council's Conservation Officer has concluded that the building would be some degree of harm to the setting of the adjacent Listed Buildings, when less than substantial harm is considered the public benefit of the building should outweigh the harm that the development would cause to the setting of the Listed Buildings. It is considered that there is no public benefit to this development and therefore it would be unacceptable in conservation terms.

2.3 As such it is considered that this development would not comply with Policies DM3, DM4 and CS15 of the Central Bedfordshire (North) Core Strategy, or Section 12 of the NPPF.

3. Neighbouring amenity

3.1 The proposed building would be located approximately 45m away from the closest neighbouring property, the applicants own property. Whilst visible from the front of that property and the neighbouring dwelling it is not considered that it would result in an unacceptable impact in terms of loss privacy, light, outlook or amenity.

3.2 Two letters of objection have been received from residents of Little Park Farm:

Stewart House -

- An office building in the Green Belt would be considered inappropriate development.
- Not considered brownfield land.
- Impact upon the Listed Building.

The Clock House -

- Inappropriate development within the Green Belt.
- Does not accept that the existing buildings on site are permanent structures

suitable to be considered "Brownfield Land".

It is considered that these points have been considered within the main body of this report.

4. Other Considerations

4.1 Ecology

The Ecologist raises no objection to the replacement of the existing buildings subject to a bat and bird box.

4.2 Human Rights issues:

The proposal would not raise any Human Rights issues.

4.3 Equality Act 2010:

The proposal would not raise any issues under the Equality Act.

Recommendation:

That Planning Permission be refused for the following reasons:

- 1 The proposed office building would be prominently sited where it would be visible across open land and have a significant effect on the openness of the Green Belt. It would appear as being materially harmful to the character and appearance of the wider area and would conflict with the provisions for the retention of the Green Belt as set out in the NPPF. The office building would not represent the replacement of buildings on brownfield land and would therefore constitute inappropriate development and would be unacceptable in accordance with paragraph 89 of the National Planning Policy Framework.
- 2 The proposed development due to the design and location would result in harm to the significance of heritage assets, in particular the adjacent Listed Building, contrary to paragraphs 132, 134 and 137 of the NPPF (2012). No justification for public benefit has been provided to outweigh the harm to the heritage assets and therefore the proposal is contrary to Section 12 of the National Planning Policy Framework.

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

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