

Item No. 19**SCHEDULE B**

APPLICATION NUMBER	SB/08/01217/TP
LOCATION	Fourne Hill Farm, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF
PROPOSAL	Change of use to land and buildings for general industry (B2) purposes.
PARISH	Heath & Reach
WARD	Plantation
WARD COUNCILLORS	Cllr P Rawcliffe and Cllr A Shadbolt
CASE OFFICER	Simon Barnett
DATE REGISTERED	21 January 2009
EXPIRY DATE	22 April 2009
APPLICANT	Mr R Fox
AGENT	Clifford W & R C Shrimplin
REASON FOR COMMITTEE TO DETERMINE	Application advertised as a Members decision
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site comprises some 1.2 hectares of land and buildings at Fourne Hill Farm, Heath and Reach. The site is located to the south of Eastern Way and is surrounded by agricultural land.

The Application:

Planning permission is sought for the continued use of a number of former farm buildings for general industrial purposes (Class B2).

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development
PPG2 - Green Belts
PPS7 - Sustainable Development in Rural Areas
PPG13 - Transport

Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review Policies

NE12 - Re-use/Adaption of Rural Buildings
BE8 - Design Considerations

Planning History

Nil.

Representations: (Parish & Neighbours)

Parish Council No comment received.

Neighbours None.

Consultations/Publicity responses

Archaeology	No objection.
Highways	Recommends condition and informative.
Highways Agency	Requests Traffic Statement and directs that application not be determined until such additional information supplied and assessed.
	No objection following consideration of additional information.
Environment Agency	Recommends condition and informative's.
Buck & R Ouzel IDB	Suggest condition.

Determining Issues

The main issues considered relevant in the determination of this application are:

1. Principle of Development
2. Highway Safety

Considerations

1. Principle of Development

The site is washed over by the South Bedfordshire Green Belt and the re-use of the former farm buildings for commercial purposes therefore needs to be assessed against the criteria set out in Part B of Policy NE12 of the SBLPR. The criteria are assessed as follows:

- (i) The buildings are of a typical agricultural/industrial design and the proposals will have no material affect on their appearance.
- (ii) There would be no extensions or alterations required.
- (iii) The design of the buildings is in keeping with the character of this rural location.
- (iv) No extensions are proposed and the parking for the development can be contained within the curtilage of the former farmyard. There would be no harmful impact on the openness of the green belt.
- (v) The re-use would not cause harm to features of architectural or historic value or to sites and species of nature conservation value.
- (vi) The use of the buildings for commercial purposes would not result in harm to the use of adjacent buildings, the residential amenity of neighbouring occupiers or the amenity of the area in general.
- (vii) The proposed use would be unlikely cause traffic problems or have an adverse impact on amenity and the environment.

2. Highway Safety

Concern was initially raised by the Highways Agency about the potential impacts of the proposal on the junction of Eastern Way with the A5. The applicant has now provided additional information as requested by the Highways Agency, who raise no objection to the proposal.

Conclusion & Reasons for Granting

The proposal is considered to accord with both the provisions of relevant national guidance and all relevant planning policies within the Development Plan and there are no material considerations that dictate any other decision should be made.

Recommendation:

That Planning Permission be **GRANTED** subject to the following conditions:

- 1 Within 30 days of the date of this permission, a scheme for the parking of vehicles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented within 60 days of its approval in writing and thereafter retained for this purpose.
REASON: To ensure provision for car parking clear of the highway.
(Policy T10 S.B.L.P.R).
- 2 All plant, machinery and equipment (including refrigeration and air conditioning systems, and public address and other amplified sound systems) to be used by reason of this permission shall be so installed, maintained and operated as to prevent the transmission of noise and vibration into any neighbouring premises and places of public resort.
REASON: To prevent nuisance from noise and vibration and to safeguard the amenities of the area.
(Policy BE8 S.B.L.P.R).
- 3 No goods, waste, materials or equipment shall be deposited or stored on the site in the open other than on any area/s defined for those purposes and shown on the approved plan.
REASON: To protect the amenities of the area and to ensure that vehicle parking, servicing and unloading areas are available for those purposes at all times.
(Policy BE8 S.B.L.P.R).
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building/s hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.
REASON: To control the external appearance of the building/s in the interests of the amenities of the area and to safeguard the openness of the Green Belt.
(Policy BE8 S.B.L.P.R).
- 5 This permission relates only to the details shown on the Site Location Plan received 21/01/09 and the Site Layout Plan received 29/12/08 or to any

subsequent appropriately endorsed revised plan.

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

Notes to Applicant

1. This permission is, in part, granted under the provisions of Section 73A of the Town and Country Planning Act 1990.
2. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

South Bedfordshire Local Plan Review

NE12 - Re-use/Adaption of Rural Buildings

BD8 - Design Considerations

3. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
4. 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.
5. We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. We recommend that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports/ EA 'Land Contamination: A Guide for Developers' should be followed.
6. Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

No soakaways should be constructed in contaminated land. As part of our Groundwater Protection Policy the maximum acceptable depth for soakaways is two metres below existing ground level. We recommend that

a minimum of 1 metre should be left between the base of the soakaway and the highest groundwater levels recorded as direct discharges to groundwater are unacceptable.

Any soakaways shall be designed and constructed wholly in accordance with BRE Digest 365 (or CIRIA Reports 156) and to the satisfaction of the Council's Building Control Section.

Only clean, uncontaminated water should be discharged to any soakaway.

Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

7. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. Further guidance is available on our website:

www.environment-agency.gov.uk/subjects/waste/

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. This is also applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and in accordance with regulations.

Further information can be obtained from your local Environment Agency office. Responsibility for the safe development and secure occupancy of this development rests with the developer.

8. Any liquid fertilizer storage facilities must be sited in properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or water source in the event of spillage, and shall comply with the Fertilizer Manufacturer's Association – Code of Practice for the Prevention of Pollution from the Storage and Handling of Fluid Fertilizers.

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991 and as amended 1997, the person who proposes to have control over any relevant storage installation is required to serve notice on the Environment Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund.

The drainage system of the bund shall be sealed with no discharge or any watercourses, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the foul sewer. No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent, shall be discharged to the surface water drainage system.

Foul and surface water manhole covers should be marked to enable easy recognition, convention is red for foul and blue for surface water. This is to enable water pollution incidents to be more readily traced.

DECISION

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