

**Item No. 13****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/06288/FULL</b>
<b>LOCATION</b>	<b>Land R/O The Bedford Arms Station Road Ridgmont</b>
<b>PROPOSAL</b>	<b>Full: Erection of 2 no. workshops and use of land for commercial vehicle sales, repairs and haulage depot. Resubmission 04/00646/FULL.</b>
<b>PARISH</b>	<b>Ridgmont</b>
<b>WARD</b>	<b>Woburn and Harlington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr F Chapman, Cllr B Wells</b>
<b>CASE OFFICER</b>	<b>Nicola Stevens</b>
<b>DATE REGISTERED</b>	<b>15 October 2009</b>
<b>EXPIRY DATE</b>	<b>14 January 2010</b>
<b>APPLICANT</b>	<b>Newton Trailers Ltd</b>
<b>AGENT</b>	<b>CMI Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Development and a Departure from the Development Plan.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The site is adjacent to the Railway Station and Marston Gate Distribution Centre. The Bedford Arms Public House was once located on this site but has been demolished. The land on the site is sloping and the site is in a very prominent position in an area protected by restrictive countryside policies. The site is located within the open countryside, an Area of Great Landscape Value and the Marston Vale Community Forest. The site is naturally sloping in nature with a 4.5m gradient from Station Road to the northern boundaries. There are trees and a hedgerow around the boundaries of the site.

**The Application:**

This proposal seeks consent for the erection of 2 workshop buildings following amendments to the scheme previously approved under ref: 04/00464/FULL for which construction has already begun.

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

PPS7 - Sustainable Development in Rural Areas

PPG13 - Transport

PPG24 - Noise

## **Mid Bedfordshire Local Plan First Review 2005 Policies**

- CS3 AGLV
- CS5 Marston Vale Community Forest
- CS19 Development in the countryside
- DPS5 Character of area and protect residential amenity
- DPS11 buffer landscaping
- DPS12 Settlement pattern
- EMP2A Employment provision

## **Core Strategy and Development Management Policies Adopted November 2009**

- CS1 Selected Settlements
- CS2 Developer contributions
- CS3 Heathy and Sustainable Communities
- CS13 Climate Change
- CS16 Landscape and Woodland
- DM1 Renewable Energy
- DM3 High Quality Development
- DM4 Development within and beyond settlement envelopes
- DM9 Providing a range of transport
- DM17 Accessible green spaces

## **Planning History**

- |           |  |
|-----------|--|
| 26/95/903 | Outline: Erection of 35 bedroomed hotel including parking and landscaping following demolition of existing public house buildings (all matters reserved except means of access).<br>Approved 9.7.96  |
| 26/99/56  | Variation of conditions 2 & 3 (duration of consent) attached to planning consent ref: 26/95/903 dated 9.7.96 - Outline consent for 35 bedroomed hotel including parking and landscaping following demolition of existing public house buildings (all matters reserved except means of access).<br>Approved 23.2.99 |
| 02/174    | Variation of conditions 1 & 2 (duration of consent) attached to planning consent ref: 26/99/56 dated 23.1.99 - Renewal of outline consent for 35 bedroomed hotel including parking and landscaping following demolition of existing public house buildings (all matters  |

reserved except means of access).  
Approved 12.3.02

02/978/OUT Outline: erection of 65 bedroomed two storey hotel (all matters reserved except means of access).  
Approved 19.11.02

04/2057/OUT Full: Variation of condition 2 attached to outline planning permission ref. 02/00978/OUT dated 22/11/02 for erection of 65 bedroomed, two storey hotel (all matters reserved except means of access) - renewal of permission.  
Approved 22.12.04

04/646/Full Full: Full: Erection of 3 No workshop buildings and use of land for commercial vehicle sales, repairs and haulage depot. Approved 13.12.08

### **Representations: (Parish & Neighbours)**

Ridgmont Parish Council	The proposed changes do not constitute major changes either to the approved operation of the site or the overall environmental impact of the site. Concerned about impact on existing public footpath and proposed vehicular access.
Brogborough Parish Council	No comments received
Husbourne Crawley Parish Council	No comments received
Neighbours/Site Notice/Advert	No comments received

### **Consultations/Publicity responses**

Highways Agency	No objection. The application will not adversely affect the A421 trunk road or M1 at this location. The Highway Agency does not intend to issue a direction and would not wish to comment further.
Highways Officer	No objection subject to the inclusion of the previous conditions.
Environment Agency IDB	No objection. Advisory comments made The red line does not include the sustainable drainage arrangements agreed with the board. As long as these drainage proposals are linked to the current application the Board has no objection. Recommend the proposed swale/storage pond and ancillaries are constructed and in use prior to the development proceeding so the site is adequately drained.
Public Protection North	No objection subject to conditions to control the impact of noise and light pollution remaining in force against this site.
Tree and Landscape Officer	Landscape details have been previously approved and can be done so again.

Marston Vale Officer	The proposal should contribute to the Forest of Marston Vale. Technically 39% of the 2.5ha site should be planted, however, it's fairly full of infrastructure so suggest a financial contribution equivalent to 39% tree cover off site (Policies ENV1 and ENV5 Regional Guidance).
Footpaths Officer	No comments received
Ramblers Association	No comments received
Minerals & Waste Officer	No comments received

## Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Highways
5. Other issues

## Considerations

### 1. Principle of development

The majority of the application site is greenfield although a small part of it has previously been developed where the old pub stood but has now been demolished. The background to the site is that outline was granted for either a 35 or 65 bed roomed hotel. Application ref: 04/464/Full then sought full consent for the erection of 3 workshop buildings and use of land for commercial vehicle sales, repairs and haulage depot. The benefit of that application was that it would allow the existing business operations at Station Yard Harlington to be relocated to Ridgmont and the Harlington site to then be used for commuter parking for which full consent was granted under ref: 03/982. Newton Commercials supply approximately 27% of all commercial bulk trailers sold in the UK.

In the previous application ref: 04/464/Full was determined that the benefits that would accrue from the proposal outweighed the restrictive countryside policies. As such the principle of development has already been accepted on this site for the use proposed. The main consideration in this application will be whether the changes proposed still result in an acceptable form of development when measured against local planning policy criteria which will be discussed below.

This proposal constitutes a departure from the provisions of the Adopted Local Plan, as the site has not been allocated for development. As in the previous application, this application has also been advertised accordingly.

### 2. Visual impact

The application site for this proposal only extends to buildings A and B. Building C is still covered by the previous consent ref: 04/464/Full. As such the description of development has been amended accordingly.

The changes proposed are a result of new health and safety recommendations released by VOSA (vehicle and operator services agency). This has meant a linear increase in the size of Workshop A by 8 metres, and a repositioning of workshop B because of this increase. There have been no other material changes to the design of the buildings from the previously approved application ref: 04/464/Full. There has been no increase in the height of building A and in visual terms the extension of the building is considered acceptable in its relationship to the previously approved design. Levels for the two buildings remain the same as previously approved. The size and scale of the proposed extension is also considered acceptable in relation to the wider visual impact of the redevelopment of this site.

In terms of the layout, the revisions would result in a slightly smaller area of hardstanding to the north west of building A and two less parking lorry bays to the side of workshop B used for out of working hours recovery parking. Again visually this is considered acceptable in relation to wider visual impact of the redevelopment of this site.

Condition 10 attached to ref: 04/646/Full required details of the foundations for building B to ensure no adverse impact on trees and hedge along the boundary of the site. Building B is now slightly further away from the boundary than previously approved and the Tree and Landscape Officer has no objection to the revised details. Revised details have been provided which take into account the changes to the development and are in accordance with the landscaping of the site approved under condition 4 under ref: 04/646/Full. The Tree and Landscape Officer has no objection to the revised details.

The Marston Vale Officer has suggested that a financial contribution be sought for the additional increase in floorspace sought under this current application. The applicant has pointed out that The Planning Obligations SPG seeks to negotiate on commercial developments of 1000m<sup>2</sup> or more. As this application results in a floorspace increase of 310m<sup>2</sup> a financial contribution would not be appropriate.

### **3. Residential Amenity**

The application site wraps around the three open sides of The Old Fruit Farm, the fourth comprising its frontage to Station Road. Careful assessment was made in determining the previous application to ensure the proposal would not result in any undue noise and disturbance for the adjoining residential property. This included a landscaping belt and earth bund along the boundary with the Old Fruit Farm and a number of conditions relating to the operation of the development. Although building A will be enlarged it will be no nearer the Old Fruit Farm than already approved and as such it is not considered that the revised scheme will unduly harm the residential amenities of the adjoining neighbour.

The Environmental Health Officer has no objection to the revised scheme subject to conditions to control the impact of noise and light pollution remaining in force against this site.

## **4 Highways**

The development is immediately adjacent to the new Ridgmont Bypass completed in June 2008. As previously approved, the plans show temporary access being taken from an entrance close to the railway line, and a new access to be created at the other end of the site which will be brought into use after the Bypass has been opened. A section 106 was attached to ref: 04/646/Full to ensure that the development is connected to the bypass in an appropriate manner and at an appropriate time. Access to the site remains the same as previously approved. The Highway Officer has no objection subject to the inclusion of the previous conditions.

The Parish Council have raised concern that the Design and Access Statement states at 4.2 that 'the site has 2 main access and exit routes which will help to promote good flow of vehicles around the site' but the plan says temporary access to Station Road. The applicant has clarified by stating that they will have to continue using the existing entrance (nearest the level crossing) as they await technical approval of the southern entrance and confirmation that the highway authority will remove signage which currently affects the access. Condition 32 requires the closure of existing accesses on the site frontage including the temporary access prior to occupation of the buildings.

The Parish Council have also expressed concern about how the existing public footpath across the site will be dealt with during and after construction. The applicant has clarified by stating that with regards to the layout the provision of way-markers have been agreed by condition. The footpath is currently subject to a temporary closure/diversion order and an ongoing extinguishment order.

## **5. Other issues**

The IDB have noted that the red line does not include the sustainable drainage arrangements agreed with the board. However, as long as these drainage proposals are linked to the current application the Board has no objection. It is recommended the proposed swale/storage pond and ancillaries are constructed and in use prior to the development proceeding so the site is adequately drained. The applicant has confirmed in writing that the storm water drainage system has been constructed in accordance with the previously approved details.

The nearby Ridgmont Station is a Grade II Listed Building and will be unaffected by the revised scheme.

## **Reasons for Granting**

The proposal is in conformity with Policies CS1, CS5, CS19, DPS5, DPS11, DPS12, EMP2A of the Mid Bedfordshire Local Plan First Review adopted December 2005 and policies CS1, CS2, CS3, CS13, CS16, DM3, DM4, DM9, DM17 of the Core Strategy and Development Management Policies Adopted November 2009 as the proposal will not have a harmful impact on the character and appearance of the locality and does not seriously harm the amenities of neighbours. Appropriate and safe provision has been made for access and parking.

The proposal is in conformity with Planning Policy Statements 1 (Delivering Sustainable Development) and 7 (Sustainable Development in Rural Areas).

## Recommendation

That Planning Permission be APPROVED subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 Materials for the external finishes of building A shall be implemented in accordance with the details shown on drawings P09-099-GA04 and P06-147-GA19 to P06-147-GA19 inclusive unless otherwise agreed in writing with the Local Planning Authority. Materials for the external finishes of building B shall be submitted to and approved by the Local Planning Authority within two months of the date of this decision. Development shall be implemented in accordance with the approved details.

Reason: To protect the visual amenities of the buildings and of the area generally.

- 3 Level details shall be implemented in accordance with the details shown on drawing no P09-099-L01 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 4 Hard and soft landscape works shall be implemented in accordance with the details shown on drawings NTL01 and P09-147-GA100A unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 5 The planting which shall have been approved consequent to Condition 4 above shall be carried out by a date which shall be not later than the end of the full planting season immediately following the first occupation of the building(s) hereby approved.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.

- 7 The temporary tree protection measures and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree and hedgerow protection shall be implemented in accordance with drawing P06-147-TP01 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the existing trees and hedgerow on and adjacent to the site in the interests of visual amenity.

- 8 The earthworks including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform shall be implemented in accordance with the details shown on drawings P09-099-L01 and P09-099-GA100A unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 9 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 within two months of the date of this decision. Only the details thereby approved shall be implemented.

Reason: To protect the visual amenities of the site and its surrounding area.

- 10 Details of the design of building B foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be implemented in accordance with drawing no P09-99-P08 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

- 11 Boundary treatment shall be implemented in accordance with the details shown on drawing no P09-099-L01 unless otherwise agreed in writing with the Local Planning Authority. The boundary treatment shall be completed before the buildings are occupied

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 12 Noise resulting from the use of the plant, machinery or equipment shall not exceed background levels during the day of 60dB LA90 and at night 54dB LA90 at the boundary of the nearest noise sensitive premises.

Reason: To protect the amenities of occupiers of neighbouring properties



- 13 Repair and maintenance of vehicles, plant, machinery or (and) equipment hereby approved shall not operate except between the hours of 07:00am and 19:00pm on Mondays to Saturdays, and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities which occupiers of neighbouring properties might reasonably expect to enjoy

- 14 No deliveries shall be taken at or dispatched from the site outside the hours of 8.00am and 18.30pm on Mondays to Saturdays, and not at all on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities which occupiers of neighbouring properties might reasonably expect to enjoy

- 15 No paint spraying shall be carried on except in a purpose-built part of the building to which extraction and filtration equipment has been fitted. Details of the equipment shall be submitted to and approved by the Local Planning Authority in writing within two months of the date of this decision. The equipment shall be effectively operated and maintained in accordance with the manufacturers instructions. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

Reason: To protect the amenities of occupiers of neighbouring properties

- 16 Between the hours of 23:00pm and 08:00am no more than two vehicles may be moved on site, or taken at or dispatched from the site and vehicles may be parked only in the out of working hours recovery parking area identified on dwg no P09-099-L01 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties

- 17 No ventilation and extraction equipment shall be installed on site without prior approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of neighbouring properties

- 18 No equipment, goods, waste or other materials shall be deposited or stored in the open outside the buildings on the site.

Reason: To safeguard the character and appearance of the site and the surrounding area.

- 19 The premises shall be used for commercial vehicle sales, repairs and haulage depot and no other purpose.

Reason: To ensure the Local Planning Authority retains full control of the future use of the land/buildings in view of the special circumstances of the case.

- 20 Disposal of foul and surface water drainage on all land within the applicants control including that outlined in blue shall be implemented in accordance with the details approved under ref: 04/646/Full unless otherwise agreed in writing with the Local Planning Authority. No part of the development shall be brought into use until the approved drainage scheme has been implemented.

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 21 Finished floor levels that demonstrate that there will be no unreasonable flood risk in accordance with the advice given in PPS25 shall be implemented in accordance with the details approved under planning permission ref: 04/646/Full unless otherwise agreed in writing with the Local Planning Authority. No part of the development shall be brought into use until the approved details have been implemented.

Reason: To minimise flood risk in accordance with Policy DPS17 of the Mid Bedfordshire Local Plan First Review Adopted 2005 and PPS25.

- 22 The scheme for the provision and implementation of pollution control to the water environment on all land within the applicants control including that outlined in blue shall be implemented in accordance with the details approved under ref: 04/646/Full unless otherwise agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification.

Reason: to prevent the increased risk of pollution to the water environment

- 23 Details of the treatment of the public footpath which runs through the site shall be implemented in accordance with the details shown on drawing no P09-099-L01 unless otherwise agreed in writing by the Local Planning Authority. These approved works shall be carried out in full before construction of the workshops is commenced.

Reason: To ensure the footpath is safe and convenient to use.

- 24 Details of the speed restraint measures to be introduced along the access road, especially where it crosses the public footpath shall be implemented in accordance with the details approved under planning permission ref: 04/646/Full unless otherwise agreed in writing by the Local Planning Authority. These approved works shall be carried out in full before the development is first brought into use.

Reason: In the interests of pedestrians within the site

25 Details of cycle parking facilities shall be implemented in accordance with drawing no P09-099-L01 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of cyclists using the development.

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

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

27 The construction of the junction of the proposed temporary access with the highway shall be implemented in accordance with the details shown on drawing S7595-504/P2 unless otherwise agreed in writing by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

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

28 An area of land within the applicants control across the whole of the site frontage measuring at least 4.5m from and parallel to the nearside edge of the adjacent road carriageway including land outlined in blue shall be provided and thereafter be kept free of all obstruction to visibility over a height of 1.05m above the adjoining road channel level.

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

29 Any gates provided shall open away from the highway and be set back a distance of at least 15.0 metres from the nearside edge of the carriageway of the adjoining highway.

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

30 A wheel cleaning facility shall be implemented in accordance with details previously approved under ref: 04/646/Full unless otherwise agreed in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

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

- 31 The permanent vehicular access to be constructed shall not be brought into use until such time that visibility splays have been provided at its junction with the public highway in accordance with details shown on drawing no S7595-504/P2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 32 Before the premises are occupied any existing access within the frontage of the land to be developed including the temporary access, which is within the applicants control including land outlined in blue, shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interests of road safety and to reduce the number of points which traffic will enter and leave the public highway.

- 33 Details of pedestrian access to the railway station shall be implemented as approved under ref: 04/646/Full unless otherwise agreed in writing by the Local Planning Authority. The development shall not be brought into use until the approved works are completed.

Reason: To protect pedestrian safety and encourage other means of accessing the development other than the car.

- 34 Details of the location and construction of a temporary access to serve the development shall be implemented in accordance with the details approved under planning permission ref: 04/646/Full unless otherwise agreed in writing by the Local Planning Authority, such access to be used only until redundant signage has been removed. The development shall not be brought into use until the approved works under this condition are completed.

Reason: In the interests of pedestrian and highway safety.

### **Notes to Applicant**

1. You are advised to note the comments of the Environment Agency as set out in the enclosed letter.
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 Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Customer Contact Centre, 6th Floor, County Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or required 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 no highway surface water drainage system designed as part of a new development will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the development Planning and Control Group, Central Bedfordshire Council. Further details can be obtained from the Engineering Policy and Planning Group, Central Bedfordshire Council, Borough Hall, Bedford, MK42 9AP.
  
5. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council Consultants, The Babtie Group, PO Box 272, The Merton Centre, 45 St Peter's Street, Bedford, MK40 2ZY.

**DECISION**

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