

Item No. 9**SCHEDULE B**

APPLICATION NUMBER	CB/10/04362/FULL
LOCATION	Land at Lower End, Knolls View, Totternhoe, Dunstable, LU6 2BU
PROPOSAL	Demolition of existing building and erection of replacement building for B2 purposes
PARISH	Totternhoe
WARD	South West Bedfordshire
WARD COUNCILLORS	Cllr Ken Janes & Cllr Marion Mustoe
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	27 January 2011
EXPIRY DATE	24 March 2011
APPLICANT	JGE Commercials
AGENT	Wilbraham Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Ward Member Call-in by Cllr Mrs M Mustoe: Landmark application on a complex site with Parish Council concern.
RECOMMENDED DECISION	Full Application - Granted

Recommendation

That Planning Permission be GRANTED subject to the following:

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

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

- 2 **Before development begins, a landscaping scheme to include earth mounding, retaining wall(s), soil quality assessment, new planting and hedgerow strengthening based on the areas shown hatched on drawing 1098/10/9A shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping to compensate for the visual impact of the proposed building.
(Policies: ENV3, ENV7 RSS; BE8 SBLPR).

- 3 **Notwithstanding details submitted with this application on drawing**

1098/10/7A, before building operations commence details of the brickwork and colour of the cladding and roofing shall be submitted to and approved in writing by the Local Planning Authority, and the building shall only be constructed in accordance therewith.

Reason: To ensure satisfactory integration of the building into the Green Belt and this countryside location.

(Policies: ENV7 RSS; BE8 SBLPR).

- 4 Notwithstanding the provisions of Part 7 Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, or any further amendment thereto, (Industrial and Warehouse 'Permitted development'), no extensions or external alterations to the building hereby approved, including fitting of rooflights, shall take place except with express consent of the Local Planning Authority.

Reason: To control the amount of replacement floorspace in the Green Belt and to safeguard the appearance of the Green Belt and countryside from prominent external treatments and the visual impact of lighting behind rooflights.

(Policies: ENV7 RSS; BE8 SBLPR).

- 5 All plant, machinery and equipment installed or operated in connection with the proposed development shall be designed to a level which is at least 5dB(A) below the existing LA₉₀ background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise shall be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant, either measured or calculated, shall apply to a position 1 metre from the closest affected window of the relevant noise sensitive property.

Reason: To safeguard the essential amenities of local noise-sensitive properties.

(Policies: ENV7 RSS; BE8 SBLPR).

- 6 No lorry shall enter or leave the site outside the hours of 0730 to 1800 on any day Mondays to Fridays, outside the hours of 0730 and 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays, save as may be agreed in writing by the Local Planning Authority.

Reason: To safeguard the essential amenities of local noise-sensitive properties from servicing traffic.

(Policies: ENV7 RSS; BE8 SBLPR).

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawings numbers CBC/001, CBC/002, CBC/003, 1098/10/7A, 1098/10/9A.

Reason: For the avoidance of doubt.

- 8 Before occupation of the development hereby approved, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority and the recommendations of the Travel Plan shall be implemented

in full within 6 months of the development being occupied. In addition the Travel Plan shall be monitored and the results reviewed on an annual basis, and further recommendations for improvements shall be submitted to and approved in writing by the Local Planning Authority

Reason: To reduce reliance on the private car by promoting sustainable modes of transport including walking, cycling and public transport.

Policy: T9 RSS

Reasons for Granting

This building can lawfully be used for B2 purposes (general industry). The presumption against inappropriate development in the Green Belt, through the erection of an 'inappropriate' building, even for B2 purposes, and its impact on visual amenity, can be set aside in this case by a 'very special circumstances'. These comprise a combination of factors namely the improvement of the north-east boundary landscaping, increase in openness through a reduction in floorspace, limitations on permitted development and servicing hours. These would also set a pattern for future redevelopment towards reducing overall floorspace and bringing vehicle movements over more of the site under control, thus improving the amenities of residents of Knolls View. The Parish Council has been engaged in this application.

Notes to Applicant

1. Please note that the unnumbered drawings submitted with this application (location plans and existing elevations) have been given unique numbers by the Local Planning Authority. The number can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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).
3. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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:

East of England Plan (May 2008)

T8 Local roads

T9 Walking, cycling and other non motorised transport

T14 Parking

ENV1 Green infrastructure
ENV3 Biodiversity and earth heritage
ENV7 Quality in the built environment

South Bedfordshire Local Plan Review

BE8 Design and environmental considerations
T10 Parking - new developments
E2 Development - outside main employment areas

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. In order that reasonable regard may be had to the amenity of local residents, in view of noise from heavy vehicles using local roads in the evenings and at night, it is strongly requested that the following code of practice be adopted by the applicant:

JGE Commercials, or any person or company succeeding as owner of its land at Knolls View, will use its best endeavours to ensure by management and training of employees that its commercial vehicles will not seek to access or leave the Knolls View premises outside the period from 0700 to 1800 hours in any day (and preferably not at all on Sundays and Public Holidays), and that its commercial vehicles will not use Castle Hill Road but use other roads to access Knolls View. Furthermore, JGE Commercials, or any person or company succeeding as owner of its land at Knolls View, will seek to encourage its future tenants at Knolls View to follow a similar pattern.

DECISION

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NOTES

- (1) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.
- (2) In advance of the consideration of the application the Committee were advised of consultation received subsequent to the despatch of the agenda. A response had been received from the Sustainable Transport Officer suggesting an additional condition relating to a travel plan as detailed at Condition 8 above