

## Item No. 16

<b>APPLICATION NUMBER</b>	<b>CB/12/01590/FULL</b>
<b>LOCATION</b>	<b>Land to r/o 24-68 Byford Way and 27-31 Garland Way, Billington Park, Leighton Buzzard</b>
<b>PROPOSAL</b>	<b>Change of use of open space to residential gardens</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Berry, Bowater &amp; Dodwell</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>02 May 2012</b>
<b>EXPIRY DATE</b>	<b>27 June 2012</b>
<b>APPLICANT</b>	<b>Mr King</b>
<b>AGENT</b>	<b>PJPC Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Cllr Bowater (reason to be advised)</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refusal</b>

### **Recommendation**

That Planning Permission be REFUSED subject to the following:

### **RECOMMENDED REASONS**

- 1 The application site comprises an area of open amenity land which makes a positive contribution to the visual amenity of the area. The inclusion of this land within the residential curtilages of land to r/o 24-68 Byford Way and 27-31 Garland Way and the erection of boundary fencing would be detrimental to the character and appearance of the area. The proposal is therefore contrary to national planning guidance National Planning Policy Framework, Policies BE8 and R12 of the South Bedfordshire Local Plan Review and Policies 40 and 43 of the emerging Development Strategy for Central Bedfordshire.
- 2 The grant of planning permission for the proposed development would create a precedent and make it difficult for the Local Planning Authority to resist other similar proposals in the area. Such piecemeal loss of open amenity space would result in the gradual erosion of the green spaces within the estate, thus causing harm to the character and appearance of the area contrary to national planning guidance within the National Planning Policy Framework, Policies BE8 and R12 of the South Bedfordshire Local Plan Review and Policies 40 and 43 of the emerging Development Strategy for Central Bedfordshire.

- 3 The resultant garden boundary fencing would be in direct conflict with the positions of at least 8 trees protected by The South Bedfordshire District Council (Land rear of Garland Way and Byford Way (Billington Park) Leighton Buzzard) Tree Preservation Order No. 7/2003, leading to pressure for works to the trees resulting in the loss of amenity value of the trees to the detriment of visual amenity of the locality.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been recommended for refusal for this proposal for the clear reasons set out in this decision notice. 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) (Amendment No. 2) Order 2012.

[Note:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised that the MOD had no objections to the handing over of the hedgerow as detailed within the Late Sheet.]