

## **Item No. 5**

<b>APPLICATION NUMBER</b>	<b>CB/13/02733/FULL</b>
<b>LOCATION</b>	<b>Bell Farm 15 Dunstable Road, Studham, Dunstable, LU6 2QG</b>
<b>PROPOSAL</b>	<b>Demolition of existing buildings and erection of 23 dwellings including amendments to existing access.</b>
<b>PARISH</b>	<b>Studham</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Gammons &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>02 August 2013</b>
<b>EXPIRY DATE</b>	<b>01 November 2013</b>
<b>APPLICANT</b>	<b>Bellway Homes</b>
<b>AGENT</b>	<b>DLA Town Planning Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application recommended for Approval</b>

### **Reasons for Granting**

Whilst the proposed development would be inappropriate in the Green Belt, the proposal to redevelop the site for residential purposes has demonstrated the very special circumstances required by reason of the removal of a non-conforming commercial use from the site when taken together with (a) the relocation of the commercial development elsewhere within the district and hence retaining employment opportunities within CBC (b) the opportunity presented to improve highway safety at the junction of the existing access with Dunstable Road (c) the proposed design which is based on the vernacular style (d) entering into a section 106 Agreement to secure the provision and improvement of community infrastructure. Furthermore, the development would not be, harmful to the character and appearance of the area, prejudicial to highway safety and would not be harmful to residential amenity thereby conforming to the development plan comprising Policies BE8, SD1, NE3, H4, E2 and T10 of the South Bedfordshire Local Plan Review, Policies 1, 2, 3, 6, 7, 8, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 36, 38, 43, 45, 46, 47, 49, 50, 57, 58 and 59 of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Planning Obligations supplementary planning document and the Chiltern Design Guide.

### **Site Location:**

The application site lies to the west of Dunstable Road in the village of Studham and extends over an area of 1.53 hectares. The site is washed over by the Green Belt

and lies within the Chilterns Area of Outstanding Natural Beauty (AONB), Area of Great Landscape Value (AGLV) and is situated on the edge of the Studham Conservation Area. Access is directly off Dunstable Road, opposite the Bell Public House. The site is enclosed along the south eastern boundary by a chain link fence and a mature row of conifer trees behind which are six semi-detached dwellings accessed from Southern Way. The Oaks is a four bedroom detached bungalow situated close to the entrance of the application site and also accessed from Southern Way. A public footpath defines the northern boundary of the site and to its immediate north is the Bell Inn car park, beyond which is a row of cottages and open countryside. To the south west of the application site are dwellings on Southern Way and to the west is open countryside. Existing development on the application site is made up of a large complex of mainly single storey buildings in use as a butcher/retail business, garage/workshop, functions barn, a coffee shop and the Oaks bungalow.

### **The Application:**

seeks planning permission for the demolition of existing buildings and the erection of 23 dwellings including alterations to the existing access off Dunstable Road.

Details of the proposal are summarised below :

#### Schedule of dwellings as detailed on drawing No.12119/P/02/H

##### Private

2no. 3 bedroom dwellings

6no. 4 bedroom dwellings

8no. 5 bedroom dwellings

**Total : 16**

##### Affordable dwellings

2no. 2 bedroom dwellings

5no. 3 bedroom dwellings

**Total : 7 dwellings**

**Grand Total : 23 dwellings**

##### Scale

All the dwellings would be two storeys high comprising a mixture of detached, semi-detached and terraced houses with reasonably sized rear gardens offering 7 units as affordable housing situated close to the entrance of the site.

##### Access and Parking

The development would be served by an 8.8 metre wide estate road with footways on either side, constructed from Dunstable Road in the same position as the existing access to the site. Parking provision would be in accordance with the minimum standards set in the Local Parking Strategy and would comprise garages, carports and driveways. Traffic calming measures which would include a raised table would be introduced close to the entrance of the site on Dunstable Road.

### Layout

The majority of the proposed dwellings would front onto the access road with the rest being served by driveways that would come off from the main access road. A central 'green' would form the focal point of the development. A gap would be created between plots 13 and 14 to open up the development to countryside views in this direction. The private gardens of the Plot Numbers 10 to 13 would occupy what is currently open paddock land.

### Landscaping and boundary treatment

In addition to the retention of most existing trees on the site, new planting is proposed. The front boundaries of the plots would be defined by 0.6 metre high post and wire fencing with hedge planting.

### Drainage

A swale/ sustainable drainage systems (SUDS) would be situated in the western end of the site.

The following documents have been submitted in support of the application :

- Design and Access Statement
- Planning Statement
- Heritage Asset Assessment
- Transport Statement
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment and Drainage Strategy
- Landscape Visual Impact Assessment
- Arboricultural Method Statement

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (March 2012)**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy

Section 4 : Promoting sustainable transport

Section 6 : Delivering a wide choice of quality homes

Section 7 : Requiring good design

Section 8 : Promoting healthy communities

Section 9 : Protecting Green Belt Land

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

Section 11 Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review**

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 the following policies are broadly consistent with the Framework

and significant weight should be attached to them, with the exception of Policies T10 and H4, which are afforded less weight.

SD1 Keynote Policy

BE8 Design Considerations

NE3 Control of Development in the AGLV

T10 Parking - New Developments

H4 Affordable Housing

E2 Control of Development on Employment Land outside Main Employment Areas

### **Endorsed Core Strategy - South**

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the 29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy.

### **Development Strategy for Central Bedfordshire**

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2013 and the following policies are considered relevant to the determination of any subsequent application :

Policy 1 : Presumption in Favour of Sustainable Development

Policy 2 : Growth Strategy

Policy 3 : Green Belt

Policy 6: Employment Land

Policy 7: Employment Sites and Uses

Policy 8: Change of Use

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 21 : Provision for Social and Community Infrastructure

Policy 22 : Leisure and open space provision

Policy 23 : Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 25: Capacity of the Network

Policy 27 : Car Parking

Policy 28 : Transport Assessments and Travel Plans

Policy 29: Housing Provision

Policy 30: Housing Mix

Policy 32: Lifetime Homes

Policy 34: Affordable Housing

Policy 36 : Development In the Green Belt

Policy 38 : Within and beyond settlement Boundaries

Policy 43: High Quality Development

Policy 45 : The Historic Environment

Policy 46 : Renewable and low carbon energy development

Policy 47 : Resource Efficiency

Policy 49 : Mitigating Flood Risk

Policy 50 : Development In the Countryside

Policy 57 : Biodiversity and Geodiversity  
Policy 58 : Landscape  
Policy 59 : Woodlands, Trees and Hedgerows

### **Supplementary Planning Guidance**

1. Planning Obligations Strategy, 23 October 2009
2. Design in Central Bedfordshire: A Guide for Development - Design Supplement 1: New Residential Development
3. Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places
4. Central Bedfordshire Local Transport Plan: Appendix F : Parking Strategy (Adopted in October 2012 by the Executive for Development Management Purposes)

#### Other guidance

5. Chilterns Buildings Design Guide, First Published in 1999.

### **Planning History**

SB/VOC/09/05249	Withdrawn. Variation of condition 8 of planning permission SB/TP/06/0059 relating to frequency of use.
SB/VOC/08/0498	Refused. Variation of condition 8 of planning permission SB/TP/06/0059 relating to frequency of use.
SB/TP/07/0140	Refused. Removal of condition 8 of planning permission SB/TP/06/0059 (retention of barn for use as a function room) relating to the holding of no more than one function in the building per calendar month.
SB/TP/07/0366	Withdrawal of application for the demolition of existing buildings and erection of replacement barn.
SB/TP/06/0059	Permission for the retention of a barn for use as a function room.
SB/TP/05/1199	Withdrawal of application for a replacement agricultural barn.
SB/TP/05/0687	Withdrawal of application for a replacement agricultural barn.
SB/ADV/97/0073	Advertisement consent for the display of externally illuminated sign.
SB/TP/91/0430	Refusal for a housing scheme comprising 14 dwellings and shop/admin unit, (Outline).
SB/TP/90/0927	Withdrawal of application for a housing scheme comprising 14 dwellings and shop/admin unit.

SB/TP/90/0233	Refusal for a housing scheme of 18 dwellings and 4 flats with a shop/admin unit, (Outline).
SB/TP/85/0139	Permission for the retention of a portacabin office and continuation of use of buildings in conjunction with meat preparation, sales and for staff facilities.
SB/TP/82/0531	Refusal for use as a joinery workshop.
SB/TP/79/0600	Refusal for the re-development of direct sale unit.
SB/TP/76/1157	Approval of Reserved Matters for demonstration and office building and extension to car park.
SB/TP/74/1189	Permission for use of terrapin building and barn for display and sale of fresh and frozen meat.

**Representations:  
(Parish & Neighbours)**

Parish Council

Objection

- Fully endorses the Chiltern Conservation Board's comments
- Not against any form of re-development of the site provided that it is restricted to the existing footprint of the buildings and concrete hardstanding, reflects the perceived local housing needs, ie 1 or 2 bedroom starter home units and the historic nature of the village in the adjacent Conservation Area.

Timing of application and consultations

- Application submitted in the summer months when most people are on holiday and the Council's timetable for processing the application did not afford enough time to comment. The extended period to comment is however appreciated.
- No consultations by the applicant until on the 6th September 2013.

Planning Meeting Overview (9 September meeting)

- 85 people attended the Parish Council planning meeting.
- Only 10 were prepared to support re-development on condition the footprint is reduced and the local housing need reflected in the design.
- Inclusion of the The Oaks within the planning site is contrary to policy.
- Harm to the openness of the Green Belt and AONB.
- The development would add 100 people to the village.

- The planning obligations money would go to CBC and not to the village.
- The relocation argument to support the application is considered weak as there is no guarantee that such a move would be permanent or successful.
- Loss of the village shop and employment from the village.
- Lack of footpaths within the development.
- Two storey dwellings would be more visually harmful to the locality than the existing single storey buildings.
- Development is not sustainable.
- Concerns about the future adoption of the estate road by CBC.
- Traffic and road safety concerns given that Dunstable Road narrows close to the access to the application site.
- Only six visitors's parking spaces provided.
- Part of 4 of the Heads of terms does not guarantee that the re-location would not be just a temporary solution.
- Ownership of the Open Space not defined.
- Why should education contributions not go towards the local school?
- Although the site is outside the Conservation Area, the site access is within its boundaries.
- Flint should form part of any building design.
- Inclusion of The Oaks into the site area extends the Bell frontage onto Dunstable Road from 8 to 13 metres.
- The estimated vehicle movements are guesswork.
- The Landscape Visual Impact assessment contains selective photography of poor quality.
- The development would be quite visible in the surrounding area.
- Design is not in keeping with the predominantly small terraced cottages fronting onto Dunstable Road.
- Overall, design looks suburban.
- The very special circumstances case cannot justify the development.
- Planning history shows refusal of proposals for residential development in the 90's.
- Access would be unsafe.
- The development is contrary to policy and national advice.
- Additional pressure would be placed on the existing infrastructure in the village.
- Likely negative impact of construction work and vehicles on neighbouring homes.
- Highway improvements would not benefit Southern Way.

## Neighbours

6 Southern Way, 1,2,  
56,64, 66 Holywell  
Road, Adelaide  
Cottage, 2, 10, 10A, 12  
Church Close,  
Oakwood Lodge,  
Studham Village School  
(Chair of Governors), 55  
Woodland Rise, High  
Beeches, 14 Oakway,  
Willows, 3, 4, 126  
Dunstable Road,  
Barona,  
Trecarne, Langhurst,  
Cornerways, Cherry  
Trees, Swannells  
Wood, Tuesday  
Cottage, Chartley  
House, Ravensdell,  
Ballywarren Common  
Road, 25 Bell Cottages,  
13,16,126, Dunstable  
Road, 18 Kensworth  
Road, Trecarne,  
Barnards, 18 Church  
Road, 5 Greenfield  
Drive, Eversleigh Road.

## Objections

- The proposal is in the Green Belt, AONB and adjacent to the Conservation Area.
- Dunstable Road is very narrow at the proposed point of entry and is a 20 MPH zone. Any development, let alone one of this magnitude, would cause a significant increase in traffic especially during peak hours.
- Likely accidents during construction period.
- Current loss of electricity on a frequent basis. A new substation would therefore be necessary.
- A development of this size would cause havoc in the village of Studham for a considerable amount of time. I have heard a 12-18 month build period is envisaged but, as a surveyor, I would question this timescale especially as I would expect Bellway not to want to flood the market with expensive houses. Surely carrying out a phased development seems more likely instead.
- Potential damage to properties in the Conservation Area which are old and have no foundations.
- Risk of flooding in the area would increase and drains along Dunstable road would need upgrading.
- Loss of amenity to the village as Harpers is the only retail facility in the village.
- Density of development is too high.
- Type of dwellings would be out reach of first time buyers.
- Development would set a precedent for similar proposals.
- No capacity in the village school to absorb additional children.
- Pavement in the village is only on one side of the road.
- Concerns regarding access rights to the Top Acre.
- No emergency vehicular access to Sothern Way properties. New development would prevent access via Harpers's site.
- Impact on property values.
- Noise transmission from the new dwellings to the neighbouring properties.
- The very special circumstances case is weakened by the potential highway safety hazard presented by the development especially at the entrance to the site; visual intrusion and loss of employment from the village.
- Inadequate infrastructure to support the development.
- Loss of views due to two storey construction.
- Site not sustainable for the scale of the development.
- Impact on protected species.



Petition (25 signatories)  
1,3,4,10,11,12,13,16,  
21,22,24,26 Dunstable  
Road, 21 & 27 Bell  
Cottages and 18  
Kensworth Road.

- The affordable housing units should be reserved for local people. More affordable units required to attract families with children and hence support the viability of the village school.
- Concerns about the likely damage to properties.
- All the affected properties fall within the Conservation Area.
- The properties are within a few metres of Dunstable Road.
- The properties are between 100 and 500 years old and have little or no foundations.
- The application lacks detail regarding this potential damage to properties that would likely result from construction vehicles.
- CBC should appoint an independent expert, at Bellway's cost, to conduct a full survey into this matter and other health and safety matters.

9 Juniper Green

Support  
Development looks attractive and would enhance the village.

### Consultations/Publicity responses

Conservation and  
Design Officer

#### Final Comments.

This scheme has been extensively negotiated in respect of both design and layout. Key issues of concern were succinctly summarised by D. Blandamer in e-mail correspondence dated 3rd September and formed the basis of final design discussions undertaken between myself, Agent and Bellway Homes on 9th September. A series of amended drawings resulted from this meeting and these, along with some Highway Engineering details submitted following the full meeting of 3rd September, form the basis of the comments set out below.

I have also been mindful of comments made by the Chilterns Conservation Board in correspondence dated 23rd August 2013, and would make specific response with regard to a view of the inappropriateness of the form of the proposed development by observing as follows:

As far as I have been made satisfied of the acceptability *in principle* of development in this specific site context, I am also satisfied that the house form proposed in the submitted scheme does not, in itself, impact negatively upon Conservation Area, or wider village, character.

Indeed, it could be argued that historic bungalow development has demonstrably proved a less successful form of modern building integration into the traditional

character and 'grain' of the village.

Outstanding issues to be resolved (before any Permission is granted).

- The configuration/layout of Plot 13 in respect of streetscene frontage - the plot needs to be reconfigured to have a door frontage to the street, as stressed by D. Blandamer.
- The repositioning of key frontage hedges behind the Highway verge.
- The raised table junction and Dunstable Road speed restriction - associated surfacing, road markings and signage could have considerable impact upon Conservation Area character, and the Conservation Area/Conservation Area immediate setting amenity constraint needs to be taken fully in account in any finalised designed solution.

Outstanding issues which are capable of resolution through Planning Condition

- Palette of external materials and finishes, including streetsurfaces

[on this point I note the Parish Council request for elements of flint construction to echo local vernacular building tradition. While I support this view *in principle* I would comment, in caution, that I am aware that traditional flintwork is a craft skill not easily transferred successfully to buildings constructed in a 'mass build' context. .

- Porch detailing.

Although some previous design criticisms have been addressed, I am still concerned that porches incorporating frontage door side lights still feature on several Plot designs. Such design remains a departure from the simple vernacular 'vocabulary' that we have promoted, and should be reworked as part of final designing.

- Boundary treatments

I have specifically required limitation of the use of close-boarded fencing, and the omission of metal 'estate' fencing, and have promoted the importance of (native) hedging. These efforts are reflected in the final submitted layout (subject to Highway issues noted above).

In discussion with the developer it has been confirmed that the provision of such hedging will require temporary, lightweight post and wire fencing for the duration of hedge establishment. In respect of boundary treatments, we need to ensure that appropriate, healthy hedging is a

defining aspect of any completed Scheme, and where this is to be controlled by Condition, this should also secure guarantee of the visually impermanent nature of associated temporary wire fencing.

Initial comments (before Design meeting held on 29.08.13).

Previous comments submitted at end of June (annotated copy of layout plan). Street scenes not seen.

Points for discussion.

(picking-up on consultation comments received from Chilterns Conservation Board )

'urbanising' effect/impact

Individual house design - 'bland' (cf. Hartwell photos taken by DB); hipped/half-hipped roofs contrary to CBDG Chimneys – Plots 13 & 14 – generally, for terrace/semi's – 1 per unit;

(Specific)

Plots 1 & 2 – garage link ('suburban')

Plots 6 & 7 – practicality of shared front open space (subdivision reality)

Plots 11 & 13 – building form and bulk

Plots 11, 12 & 13 – building form and bulk –esp. garage buildings

External Design  
Consultant

**Main Issues** (Drawing number 12119/P/02/D)

- Para 3.27 of the Design Guide states that "New houses should have a simple form and a pitched roof with a central ridge." Dwellings with shallow roof and deep plan are inappropriate (Chiltern Design Guide para 3.25). The scale and form of a number of the proposed dwellings will adversely affect the development's visibility in the landscape.
- Historic 'vernacular' forms, detailing and materials are most appropriate in this context and setting. I'm not convinced that the proposed dwellings and garages meet that requirement.
- Front boundaries are important in defining the character of the development and creating a village, rather than suburban, character. Typical boundary treatments from the village, particularly hedges, should be used (see para 3.89 of Design Guide). Para 3.94 of the Design Guide states "It is not traditional for gardens to be open to the road ..."
- Further consideration needs to be given to the

treatment of the shared surface street to ensure that it establishes an appropriate low key village character.

- Previous advice from officers was that plots 6 & 7 should be developed as a courtyard form of development (mimicking that of a traditional farmyard). This has not been achieved.
- Plots 6-14 make provision for parking in front of the building line (see paras 3.79 of the Design Guide). The frontages of these dwellings will be dominated by hardstanding and parked vehicles. Garages should be set further back and driveways narrowed to a single car width.

### **Building Elevations**

- Further consideration should be given to building entrance details, including design of doors and canopies, which in many cases do not appear to be vernacular and have a suburban appearance.
- Plots 9, 11, & 13 – hipped roofs are not appropriate, according to Design Guide para 3.33.
- Plots 22-23 - dwellings should not be staggered.
- Plots 5 & 8 – should front the street. Rotate building and put door where bay window is.
- Plot 13 should have its front door facing the street.

### **Layout**

- Roads don't need to be same width throughout. The buildings should define the space.
- Plots 1 & 2 need rethinking. Proposed housetypes are not appropriate (shallow roof, deep plan, not a traditional building arrangement) and the alignment of buildings doesn't enclose the street. Visitor car parking spaces provide the best entrance to the development.
- Parking for plots 16 & 15 results in a large expanse of hardstanding. Plot 15 is overprovided with parking spaces.
- Plots 4 & 16 – parking is provided in the form of tandem parking with four spaces (including the garage) in a row. This is not an acceptable arrangement, and in practice is likely to lead to residents parking indiscriminately on street.
- Trees should be provided within the street and public realm not just front gardens. Trees should be used to delineate on-street parking spaces.
- Para 3.25 of the Design Guide states that developers should “use simple building layouts at right angles or parallel to the road”. Plots 1 & 15 are not

parallel to the street.

### **General**

- No details are provided of building materials for dwellings and surfacing materials for hard surfaced areas (see paras 3.102 - 3.109 of the Design Guide).
- Para 3.66 of Chiltern Design Guide states that: "Front doors should be wood, designed to fit in with the local context and with little or no glazing."
- Bargeboards should be avoided (para 3.44 of Chiltern Design Guide).

Housing Development  
Officer

I would expect to see 30% affordable housing or 7 affordable homes of mixed tenures of 71% Affordable Rent and 29% Intermediate Tenure as per the Strategic Housing Market Assessment, this equates to 5 units for Affordable Rent and 2 units of Intermediate Tenure. However if there are viability issues there is scope for some flexibility in tenure. I would like to see the units dispersed (pepper-potted) throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, I would support this application."

Highways Officer

Dunstable Road along the frontage of the site is subject to a 30mph speed restriction which then goes into a 20mph speed restriction a little further into the centre of the village. The visibility to the left on exit from the existing access is substandard and this will be an issue.

While it is recognised that while the potential trip generation from the existing uses is greater than that of the proposed trip generation, it should also be noted that it would be a different type of use and the local highway authority may have a responsibility to these individual new users. It should be noted that the form of tree protection to the tree by the entrance would mean that the access could not be constructed to a standard which is acceptable to the highway authority as a public highway. For reasons mentioned above if the application were approved then it would not be possible for the proposed access road to be adopted as a public highway.

However, it is essential that the speed of the traffic along this part of Dunstable Road is managed to 20mph by way of a positive traffic calming scheme. Through consultation and negotiation the applicants have submitted details of a raised table along this section of Dunstable Road. The

principle is acceptable but I cannot confirm that it goes far enough. However this can be dealt with by way of condition. I am not satisfied that the proposed access road layout is acceptable and there has been a lot of discussion in relation to the width of the carriageway and verges. While it complies with the standard as laid down in Design Supplement 7 it is not self managing and this will need careful consideration. I feel that this can be done by way of condition. It is not clear if the turning area is adequate for the main area or indeed a turning area for light goods vehicle to plots 8 to 11. There would also need to be provision of refuse collection. Studham is not in a sustainable location but I would not want to sustain a refusal on that basis alone. I accept that there is a substandard footway from the site to the centre of the village. I am content with the parking provision for each plot.

Environmental Health  
Officer

I have no objections to the proposals, however, due to the scale of the development and the proximity of nearby residents it may be prudent to attach the following condition (or something similar) to any permission.

- Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a suitable external lighting design scheme and impact assessment, devised to eliminate any detrimental effect caused by obtrusive light and/or glare on neighbouring land uses. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards, and the approved scheme shall be fully implemented prior to the car park being brought into use, unless an alternative period is approved in writing by the Authority.
- No development shall commence until a Code of Construction Practice in writing has been submitted to and approved by the Local Planning Authority which shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on site. The Code of Practice shall include:
  - Details of traffic routes and points of access/egress to be used for construction purposes;
  - Measures to be used to control and suppress dust
  - Measures to be used to reduce the impact of noise & vibration arising from noise/vibration generating activities on site, in accordance with best practice set out in BS:5228:1997 "Noise and vibration control on

construction and open sites".

- The siting and appearance of works compounds
- Wheel cleaning facilities for construction traffic.

The implementation of the development shall only be undertaken in accordance with the approved Code.

Contaminated Land  
Officer

Due to the presence of former farm buildings and the potential for contamination sources, particularly at sub-surface, remaining here, a contaminated land condition should form part of any permission granted, as laid out here:

**No development approved by this permission shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:**

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

d) Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during

or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment

Tree and Landscape  
Officer

I refer to the Root Protection Details prepared by Travis Baker in mitigation of works within the Root Protection Area of the protected Horse Chestnut tree, and now withdraw my objection to the application on the provision that the following conditions are imposed:-.

#### Tree Protection Measures

All operations, protection measures and procedures shall be undertaken in strict accordance with the Arboricultural Method Statement, dated July 2013, produced by First Environment Ltd, (Ref 5114.FE.AMS.01 Rev E) that includes the Tree Protection Plan (Ref: FE TPP 05 - Appendix A)

#### REASON

To ensure a satisfactory standard of tree protection to secure the health, anchorage, visual amenity and effective screening of existing boundary planting.

#### Horse Chestnut Tree T25 Root Protection Measures

Root Protection Measures shall be undertaken in strict accordance with the drawing "Typical Root Protection Details" produced by Travis Baker, dated 16th September 2013 (Ref. Project No. 12156, Dwg No. 4).

#### REASON

To ensure a satisfactory standard of root protection to secure the health, anchorage and amenity of the protected Horse Chestnut tree T25, as listed in the Tree Schedule that forms Appendix B of the Arboricultural Method Statement associated with the application.

#### Provision of Landscape Planting

Standard Condition

Ecologist

I am satisfied that an adequate assessment of the site has been carried out to indicate any likely ecological impacts / concerns. It appears that there are no protected species likely to be affected by the proposals and the site is predominantly previously developed land / improved grassland. I welcome the proposals for SUDs in the Design and Access Statement which include the use of native wildflowers and bulbs.

Further surveys may be required should any trees be proposed for removal in case they are of interest for bats or if the development occurs after January 2015 as



survey data is only regarded as remaining current for 2 yrs.

Landscape Officer

Having studied the LVIA and D&AS and visited the site and surrounds I have the following concerns regarding landscape character and visual impact.

1: The site is located within the Chilterns AONB - backing on to rising small / medium scale arable fields and woodland / copse planting. Whilst the topography and woodland blocks minimise longer distance views the image of the development from the AONB countryside along the western boundary edge must be avoided. The Site Layout Plan shows a wooded edge to the west of the site but in reality this is a relatively open area of grass and scrub with a hedgerow forming the landscape screening to the west of the site.

On site there are views through the hedge to the site, this is also demonstrated in Photograph 14 of the LVIA with the internal site visible from the western fields / AONB.

Therefore, if the application were to be approved, a detailed landscape plan would be required and include more significant landscape mitigation along the western site boundary.

2: Site boundaries to the north / 21-29 Dunstable Road, to the south / rear of Southern Way would also require additional landscape screening than shown along the boundary edges to filter views on to new development / roof tops from existing dwellings and rural views from footpaths.

3: The treatment of the site entrance from Dunstable Road must be treated with great sensitivity to the character of the road and village setting - this would include consideration of size of junction / design of bell mouth, type of kerbing, lighting, signage and white lines.

4: Treatment of adjoining footpaths is also of concern. At present footpath access along the northern site boundary is very constrained by existing walls and fencing. Further details are required describing the allocation of space and proposed boundary treatment associated with this footpath especially.

Archaeologist

The proposed development site is located on the northern edge of the historic core of the medieval settlement of Studham Common (HER 16962), a heritage asset with archaeological interest as defined by the *National Planning Policy Framework*.

Studham is recorded in the Domesday Survey of 1086 AD and, therefore, has its origins in at least the Late Saxon period. The settlement may have been polyfocal with early foci at Studham Manor and Barwyth Manor to the west and south. The settlement of Studham Common appears to have developed during the medieval period at the junction of three of the major roads through the village: Church Road, Kensworth Road and Dunstable Road.

The planning application includes a *Heritage Asset Assessment* (Albion Archaeology Document 2013/95, 24<sup>th</sup> May 2013) which describes the archaeological and historical context of the proposed development and its archaeological potential. It notes that there have been no finds of prehistoric or Roman material in the area of the site and that it has low potential to contain remains of these periods. The *Assessment* also discusses the potential of the site for the Saxon to post-medieval periods. This is done within the context of what is known of the origins and development of the settlement and land use patterns in these periods. The main foci of settlement from the Saxon period onwards were at the manors of Studham and Barwyth, both located well away from Bell Farm. The nearest known area of medieval settlement to Bell Farm is Studham Common c.850m to the south. The site now occupied by Bell Farm appears to always have been outside this settlement. It is in an area known to contain woodland in the medieval period (Bell Wood HER 11041) and was in agricultural use in the post-medieval period until at least the late 19<sup>th</sup> century. There is no evidence that Bell Farm existed before the early-mid 20<sup>th</sup> century. The *Assessment* concludes that the proposed development site has low potential for Saxon remains as it is well away from the identified early manorial foci of settlement. It also concludes that with site's relationship to the known medieval settlement of Studham Common it is unlikely to contain medieval settlement remains and the only remain it is likely to contain remains of agricultural activity. The same is true of the post-medieval period and, therefore, the site has low potential to contain archaeological remains of these periods.

In considering the impact of the proposed development on archaeological remains the *Assessment* notes that while construction of Bell Farm may have had an impact on the survival of archaeological remains the site conditions are such that any remains that may exist at the site are likely to survive, at least in part. Construction of the new development is identified as being likely to cause a damaging impact on archaeological remains. However, the archaeological potential of the site is low the

significance of any impact would also be low and the overall impact of the development on heritage assets with archaeological interest would also be low.

The *Heritage Asset Assessment* presents a reasonable consideration of the archaeological potential of the proposed development site and the significance of any remains it may contain. Its conclusion that the impact of the proposal on archaeological remains and on the significance of the heritage assets with archaeological interest they represent would be low is appropriate. On this basis I have no objection to this application on archaeological grounds.

Rights of Way Officer

#### Revised comments

- The revised drawing still raises some issues of concern regarding its width and the layout of the development with close boarded fencing alongside the footpath (1.5m with trellis would be a bit better) and no breakout onto it for the new residents.
- A condition would be required for the treatment of the path (if it is not resolved or agreed to our satisfaction) requiring the developers to submit a scheme (and have approved) for widening and landscaping the public footpath before development can commence.
- Previous comments about the vehicle entrance and the block paving also still stand. Ultimately, our agreement to this will depend on who is maintaining this area long-term and what highways think.
- Finally, we would be looking for a Section 106 agreement contribution to the surfacing of the path in planings with granite dust with timber edging (2m wide). We would be seeking a contribution of £17,000.

#### Initial comments

Objection on the basis of the impact of the development on this Public Right of Way. I am not happy with the way that it has been considered despite it's position in relation to the development for the following reasons:-

- it is not sufficient to just say that the Public Footpath lies outside of the site, outside of the proposed development boundary and will simply be 'respected' by the proposed development. A reading of the documents submitted, seem to just imply 'respected' means fencing the path out. Although it is accepted that the current buildings are unsuitable next to the Public Footpath and unpleasant, the development and any proposed fencing, at the western end in particular,

will certainly change the character of the Public Footpath and be detrimental to current views. It is stated that the development will integrate into and respect the amenity of its surroundings and there would be a protection of openness. It is difficult to see how openness for the Public Footpath can be achievable with close boarded fences or hedge screening. Fencing or additional hedging will also potentially mean the path becomes narrow and dark running between a close-boarded fence or hedge and a mature hedge which has not recently been maintained and often encroaches upon/overhangs the width of the Public Footpath.

- The application makes reference to sustainable travel modes and opportunities for trips by new residents of the proposed development to be made on foot. However, it fails to assess the contribution the Public Footpath very obviously next to the development can make to encouraging people to make shorter trips on foot rather than by car. Additionally the huge contribution the Public Footpath could make in encouraging people to explore the local countryside for recreation and the massive benefits of this in terms of their health and wellbeing. The Public Footpath forms an important link out to the local church and the wider Chilterns Area of Outstanding Natural Beauty landscape. Indeed the application documents promote that the site is well placed for open space and easy access to the surrounding countryside for the new residents. It is noted, however, that no direct link is proposed from the development to the Public Footpath to allow new residents to gain easy, direct access to it.
- The application contains a section regarding designing out crime and enhancing community safety. The application documents refer to good visual surveillance of public open space, having active frontages with properties overlooking 'public' areas and avoiding secluded routes. No mention is made, however, of visual surveillance of the Public Footpath despite this being a 'public' space. A close boarded fence or mature hedge would leave the path potentially narrow/encroached and dark with a poor surface offering poor security by not being overlooked. My understanding is that the police do not recommend narrow paths being fenced out to the sides and rear of properties for this reason and argue that well designed properties face Public Footpaths and other public spaces. It seems that the application seems to consider this advice for the development itself but not

for the Public Footpath which lies directly alongside but outside of the site.

- The application refers to amendments to the existing vehicle access to the site at Dunstable Road which will potentially affect the entrance/exit of the Public Footpath which lies directly to the north. I would require further specific detail of the proposed new access design and how this and any new visibility splays would affect the entrance/exit of the Public Footpath (Transport Statement Page no. 11 - first sentence). Obviously good visibility for Public Footpath users of vehicles and vice versa will be extremely important. Planting as suggested by the landscape visual impact assessment (page 23) at this entrance may not be compatible with the need for good visibility for vehicle and footpath users.

Other issues which should be taken into account are that the siting of any tree protection barriers and fencing must not affect the Public Footpath. Mention is also made of the diversion of overhead electric cables and again no work of this nature should affect the path in any way.

I have spoken to my colleague, Stuart Harrison, Senior Project and Planning Officer and although we are not happy with what is currently proposed, we do believe that the impact of the development on the Public Footpath could be mitigated by the following:-

- the development providing a further 2 metres width for the Public Footpath to increase it's width and avoid it becoming narrow and closed in between a close-boarded fence and a hedge or two hedges which are likely to grow in and encroach upon the public footpath's width with a lack of continued yearly maintenance.
- full consideration of the boundary fences proposed in this area so that their impact on the Public Footpath and it's use and enjoyment is fully taken into account.
- a financial contribution from the development to improve the surface of Public Footpath no. 1 for both new residents of the development and existing local and visiting users. This would be specific and separate to any green infrastructure planning obligation contained with the Section 106.

Education Officer

Based on a net number of 22 dwellings, we would seek to request secondary school contributions from this development to the total sum of £93,290.00, as detailed on separate spreadsheet.

The site sits within the catchment areas for Studham Lower, Streetfield Middle and Manshead Upper schools.

A 5% surplus is considered ideal, Manshead Upper is currently operating at less than this and the school will be undergoing a change of age range to become a secondary school from September 2014. This is part of a wider change within Dunstable with a number of schools moving to the 2 tier system which will result in a reduced number of secondary/upper school places at Manshead and in the wider area.

The s106 heads of terms document refers to upper school contributions, this has been revised to secondary school contributions to reflect the change of age range at Manshead Upper School, moving from an upper school (year groups 9- 13), to a secondary school (year groups 7-13).

Leisure and Open Space  
Officer

Open Space

Below are the relevant policy standards for Leisure facilities:

1. Formal Open Space (Sports Playing Pitches)  
Standard: 2.4ha per 1000 population SBDC Sports Facilities & Playing Pitch Strategies 2008–2021.

2. Children's Play Space Standard: 0.7ha per 1000 population MBDC Recreational Open Space Strategy SPD 2005

3. Informal Open Space & GI: 5ha per 1000 population SBDC Greenspace Strategy

4. Indoor Sports & Leisure Centres: SBDC Sports Facilities Strategy 2008-21

Estimated Occupancy:  $2 \times 2 \text{bed} / 7 \times 3 \text{bed} / 14 \times 4 \text{bed} = 67$   
estimated occupants

### **Calculation of Open Space Requirements**

Applying the policy standards above to the population shown, the development requires the following open space provision :

Formal Open Space @2.4ha / 1000 pop. : 0.055ha / 552sqm

Children's Play Space @0.7ha / 1000 pop.: 0.0469ha / 469sqm pop.

## **1. Formal Open Space (Sports Pitches)**

- 1 A development of this size should provide 0.055ha of Formal Open Space (pitches).
- 2 As no on-site provision is to be made a contribution in accordance with the Planning Obligations Strategy South should be sought - £20,040 (see table attached).

## **2. Children's Play**

- 1 A development of this size should provide 0.0469ha of Play Space, within which the calculation indicates the following formal play areas:
  - 1 LAP play areas (100sqm each, 3+ piece of equipment for 3-5yr olds)
- 1 The application proposes 2 areas of open space but does not indicate any play provision. As there is no play provision in the village the central POS site proposed should accommodate a LAP play area. However, if the Parish Council has a current or play planned site, the on-site provision could be commuted to a S106 contribution.

## **3. Indoor Sports & Leisure Centres**

3.1 A contribution toward provision/improvement of leisure centre facilities in the area should be sought in accordance with the Planning Obligations Strategy South should be sought - £19,913 (see table attached). This should be directed to the provision/improvement of leisure centres in the Dunstable area.

Waste Planning Officer

The two areas of concern are listed below:

- Can you confirm that the proposed roads within the development are to be adopted and as such will be built to adoptable standards. If it is proposed the road will not be adopted the Council will require confirmation they are still constructed to adoptable standard with adequate manoeuvrability for our waste collection vehicles along with a disclaimer removing all responsibility from the Council for any damage that occurs to the road surface as a result of the pass and repass of our collection vehicles.
- Tracking will be required confirming that the waste collection vehicle will have adequate turning capability at the proposed tuning area.
- A collection point will also need to be provided for plots BF6,8,9 & 11.

Environment Agency

Recommends that planning permission should only be granted subject to conditions to secure the remediation of the site against any possible contamination and to ensure the protection and prevention of pollution of controlled waters from potential pollutants associated with current and previous land uses.

The Flood Risk Assessment (FRA) and drainage strategy submitted with the application is considered acceptable and it is recommended that the highway design should consider the need for appropriate flow routing in the 1 in 100 plus climate change event, with highway levels designed accordingly.

Chilterns Conservation Board

The Board objects to the planning application for the following reasons:

- The Board considers that the proposal does not accord with the development plan, which in this case includes the saved policies of the South Bedfordshire Local Plan Review 2004 (SBLP). In addition the policies of the National Planning Policy Framework (NPPF) are important material considerations. The policies of the emerging Central Bedfordshire Development Strategy (CBDS) are also material considerations. This document has not yet reached submission stage and, therefore, the weight which can be accorded to it will depend on the relevance of its policies and the extent to which they accord with the NPPF.
- The form of development proposed is considered to be inappropriate in the Green Belt and would have a greater impact on the openness of the Green Belt than the existing development. The proposal would result in the construction of substantial two storey houses (when compared to the current predominantly single storey buildings on the site) on land which is currently undeveloped and part of the local countryside.
- It is claimed that the proposed development would have a significant visual benefit to the Conservation Area and Green Belt. This has not been demonstrated by the applicant and is not borne out by examination of the material submitted with the application. The existing buildings are small, low key and mostly single storey with flat or low-pitched roofs. They are not visually inappropriate in this location and do no visual or physical harm to the Conservation Area. Little of the site can be seen from the Conservation Area as a result of the limited height of the existing buildings. An estate of 23 substantial, two storey, pitched roofed houses would be likely to have a significantly greater visual impact on the Conservation Area and the Green



Belt. The new buildings would be out of scale with and visually dominate the row of terraced cottages north of the site and the Bell Inn to the east, both of which are within the Conservation Area. They would, as a result of their greater number, height and bulk also be visible and visually intrusive when seen from publicly accessible points in the surrounding countryside. This would represent a significant adverse impact on the visual amenities of the Chilterns AONB and the Green Belt. Visual improvement cannot therefore be claimed as a benefit of this proposal and does not represent a very special circumstance in favour of the application.

- The application site is in the AONB, a nationally designated landscape where the conservation and enhancement of the natural beauty of the area is to be given priority. The proposed development would have an adverse impact on this part of the Chilterns landscape by extending development onto currently open, undeveloped land, and through the adverse visual and landscape impact resulting from the construction of 23 substantial two storey dwellings on the site.
- A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. This concludes that the proposed development 'will result in a low adverse impact on local views and the overall impact for long distance views will be negligible. The overall significance resulting from the completion of this development would likely be negligible/low adverse'. Given the individual viewpoint assessments, over one third of which are rated adverse, this is a surprising conclusion. At present the buildings on site can be seen from a number of points close to its boundaries and publicly accessible locations in the surrounding countryside. This visibility, and the resulting landscape and visual impact, will increase if the existing low level buildings are replaced by 23 substantial 2 storey, pitched roofed houses which will extend onto parts of the site currently unoccupied by buildings and which will be seen above much of the surrounding vegetation. They would have an urbanising effect on the local landscape and views of the wider landscape and the Conservation Area from the common.
- In this respect it is important to note that the viewpoints chosen by the consultants for the LVIA south of the village are not representative of general views from this area. It is clear that there would be significant adverse visual and landscape impact as a result of the proposed development, as confirmed by

the findings.

## **Determining Issues**

The main considerations of the application are;

1. Principle of the development
2. Impact on the openness of the Green Belt
3. Design appraisal
4. Impact on the character and appearance of the open countryside, the Chilterns Area of Outstanding Natural Beauty, Area of Great Landscape Value and the adjoining Conservation Area
5. Impact on residential amenity
6. Impact on access, parking provision and highway safety
7. Other material considerations

## **Considerations**

### **1. Principle of the development**

Having regard to the location of the application site within the designated South Bedfordshire Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV), the main issue to consider is whether the proposal amounts to inappropriate development in the Green Belt and, if so, whether there are any very special circumstances sufficient to outweigh the harm by reason of inappropriateness, and any other harm, including harm to the character and appearance of the AONB, AGLV, Conservation Area and open countryside.

Policy GB1 of the South Bedfordshire Local Plan Review which provided the principle criteria for assessing new developments in the Green Belt was deleted and replaced by national guidance now contained in the National Planning Policy Framework (NPPF) and Policy 36 of the emerging Development Strategy for Central Bedfordshire. This national advice and the emerging policy state that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 89 and 90 of the NPPF. If the development is considered inappropriate, paragraph 87 of the NPPF states that it is, by definition harmful to the Green Belt and should only be approved in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations (paragraph 88).

The majority of the application site can be considered 'previously developed' within the meaning of the NPPF. Annex 2 of the NPPF defines 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. National advice is clear that in giving consideration to proposals on previously developed land, Local Planning Authorities should have regard to whether or not the new development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposed development would spread the built foot print of the existing structures and would further encroach onto an otherwise

open countryside to the west of the site. The proposed development incorporates gardens that would extend towards the rear and hence represent further encroachment into the open countryside. The erection of garden fences would further emphasise this encroachment which would result in an urban form of development and the domestication of a large area of the countryside. Furthermore, the proposed dwellings would be taller than most existing buildings on the site and hence would have a greater impact on the openness of the Green Belt than the existing development. Accordingly, the proposed development would be inappropriate within the meaning of the NPPF.

#### Very Special Circumstances

In an attempt to prove the existence of very special circumstances, the applicant has submitted the following information :

##### Highway gain

The existing site access is substandard and dangerous given that it converges with Southern Way at the same point on Dunstable Road. The proposed development would result in the junction being re-modelled to improve the situation.

##### Re-location of a poorly located and unrestricted employment use

The current use of the site is unrestricted and hence potentially un-neighbourly. Any intensification of the existing operation would likely be detrimental to the amenities of the area. The business would re-locate to more appropriate locations outside the village.

##### Visual improvement

The existing buildings on the site are coming to the end of their useful lives and will soon not be fit for purpose. To re-develop the site would involve huge financial costs and feedback from public consultations suggests that commercial re-development would be less desirable compared to residential development. Residential re-development with a high quality low density scheme would enhance the visual appearance of the Conservation Area and the Green Belt.

##### Retention and expansion of employment generating business

The current business has 35 employees and it is hoped that a purpose built facility would enable these jobs to be retained and increased. The current site is restricted and hence would not offer scope for the expansion of the business. The proposed residential re-development would assist the viability of the re-location of the business to more suitable sites.

##### Customer retention

Harpers is renowned in the industry and has a reputation for excellence amongst customers and competitors. As a result, it has built a geographically wide and loyal customer base. A new facility has the potential to become a tourism asset to CBC.

##### Section 106 Agreement

The proposed development would have no greater impact on the Green Belt

than the existing use and given the reduction in the intensification of the use, the unrestricted use of the majority of the site, the increase in visual openness and the limited amount of new development, the applicant considers that the proposed residential development would not be inappropriate. There would therefore be no justification to secure the re-location of the business through a legal agreement. Further consideration would be given to the heads of terms of the section 106 agreement submitted with the application.

### Appraisal

The applicant's very special circumstances case is considered acceptable in so far as the development would achieve the following :

- Net environmental gain through the replacement of buildings that are mostly approaching the end of their economic lives.
- The replacement of old industrial buildings which, although single storey in height, do not make a positive contribution to the character and appearance of the AONB and historic environment, with better designed buildings, the external appearance of which would be secured by appropriate conditions. Furthermore, a landscaping condition would ensure that visual harm is sufficiently mitigated.
- The removal of a non-conforming use from the site and hence improving residential amenity in the area.
- Highway improvements at the point of access to the site.
- The proposed development would add to the housing stock in the district and would provide affordable housing in accordance with the DSCB and the NPPF.
- The development would make sufficient contributions towards the improvement of existing and provision of new infrastructure.
- Notwithstanding the applicant's contention to the contrary, a legal agreement would ensure the retention of the existing business and employment opportunities within the district. The applicant's argument would be critiqued in greater detail below.

National advice requires that following an assessment of the appropriateness of a development in the Green Belt, the LPA should also examine if there would be any other harm caused by the development.

Policy SD1 of the SBLPR states that preference will be given to the proposals on sites within the first four categories of the Development Strategy and proposals on sites in the remaining categories of the development strategy will only be favourably considered where the applicant can demonstrate that :

- there is a need that could not be met by proposals in the local plan;
- there are no sites in the first four categories that could practicably meet that need;
- the proposal would be preferable to sites in the first four categories in terms of reducing the need to travel; relationship to existing services and facilities; and accessibility by modes of transport other than the car;

- there is adequate service and community infrastructure, existing or proposed, to accommodate the proposal; and
- the proposal is acceptable in terms of Green Belt Policy

In this case, the site falls outside the preferred categories and hence the above criteria are relevant. It is not considered that the site is sustainable in terms of reducing the need to travel by private means of transport.

#### Loss of employment

National advice contained in the National Planning Policy Framework (NPPF) encourages the re-use of existing buildings. The proposed development involves the loss of employment space. However, whilst employment opportunities would be lost from Studham, the business would relocate the retail operation to a site situated on the fringe of Slip End Village where a site has already been secured at Pepperstock and permission granted, reference **CB/13/02541/FULL** and the manufacturing operations would be relocated to Leighton Buzzard such that no net loss of employment would be experienced in the wider Council area. Subject to tying these developments through a Section 106 Agreement, it is considered that the proposed re-development of the Bell Farm site would not conflict with the aims of policies E2 of the adopted Local Plan, Policy 8 of the emerging Development Strategy for Central Bedfordshire (DSCB) and national advice in the NPPF. Furthermore, given that the site is not allocated in the local plan for employment purposes, there is no requirement in Policy 8 for the developer to carry out comprehensive marketing prior to submitting an application for the change of use to residential use.

The proposed development would contribute towards the supply of housing and hence satisfy one of the principle objectives of Policy E2. This principle finds support in the NPPF. Paragraph 22 states that planning policies should avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. In such situations, the NPPF advises that applications for alternative uses should be treated on their own merits having regard to market signals and the relative need for different landuses to support sustainable communities. The applicant states that most of the buildings at the Bell Farm site are nearing the end of their economic life and re-development to commercial use would represent the intensification of a non-conforming use juxtaposed to residential properties. Evidence to support this claim has been submitted with the application in the form of a buildings condition report. The site is also not specifically allocated as an employment site in the Local Plan. Principally, the NPPF advises, at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. In this respect there is no objection to the principle of residential re-development on this site, subject to considerations on the extent of the development at the site and the impact of such development as will be discussed below..

## **2. Impact on the openness of the Green Belt**

The NPPF advises, at paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and permanence. This approach is echoed in Policy 36 of the emerging Development Strategy for Central Bedfordshire (DSCB). The encroachment into the paddock to the west of

the site has been necessitated by the need to accommodate adequate parking and turning areas to the acceptable local standards, a central public green and a swale. It is acknowledged however that the majority of the proposed buildings would be concentrated on the currently built up area which includes the Oak bungalow. The bulk of the new development on land that is currently open would be restricted to the residential gardens of Plots 10 -13. It is however considered that whilst the proposed development, would be more harmful to the openness of the Green Belt than the existing development, this harm would be outweighed by the benefits to be had from approving the scheme. Furthermore, the very special circumstances case as discussed above, is considered acceptable.

### **3. Design appraisal**

The applicant has identified the key elements of the context of the application site and carried out a detailed visual appraisal contained in the Landscape and Visual Assessment (LVIA) document submitted with the application. The context of the application site has been summarised as follows :

- part brownfield and part greenfield land,
- the site is washed over by the Green Belt
- the site lies in the Chilterns AONB, AGLV and open countryside
- the site adjoins the Conservation Area which runs along its north eastern boundary

The design has been shaped by the CBC Design Guide and Chiltern Design Guide and the development has been appraised, in terms of the form and character of the locality, and its relationship with Dunstable Road and the neighbouring residential properties. The eastern end of the site close to the entrance, comprises modest dwellings whose design has been influenced by the vernacular cottage form and appearance prevalent along Dunstable Road.

#### Layout and scale

The layout has sought to provide an informal design around a central green open space reflecting the open dispersed nature of building within the historic village. The green provides the focal point of the development and serves to disperse the built form of the street scene. This layout maintains a 'green' girdle' on the western side of the site which is more open to views from the open countryside and Swannells Wood.

There was need to balance the highway requirements and design issues and this was resolved through a series of meetings which resulted in a number of changes to the original layout. The current design therefore represents a negotiated solution whereby the highway serving the development would be a shared surface with lesser order culs-de-sacs coming from it.

The applicant has noted vernacular architectural characteristics and produced cottage style 2-storey dwellings close to the entrance of the site, varying this, deeper into the site, with a mix of house sizes and style reflecting the traditional character of historic village housing. To add interest, Plots 6 and 7 are designed around a courtyard of traditional form.

### Density of the development

The proposed development would translate to 15 dwellings per hectare which would reflect the sensitivity of the area. Generous spacing has been afforded to dwellings to enable views into and out of the site.

### Trees and landscaping

The applicant commissioned a tree survey and the major findings and recommendations are contained in an Arboricultural Report submitted with the application. The report identified the trees that are likely to be affected by the development with a view of recommending those trees deemed suitable for retention and integration into the scheme or those that need to be removed. A protected Horse Chestnut tree is located to the north of the proposed access. This tree was recognised as presenting a constraint with regards the necessary high improvements. Mitigation measures to preserve the tree were agreed and would be secured by appropriate conditions.

Hedge and tree planting is proposed on the public side of most houses and trees in many rear gardens. This would provide a lightly greened streetscape.

### Access

Vehicular and pedestrian access has been given due consideration in shaping the design of the scheme. However, it is noted that the highway improvements required at the junction of the new access with Dunstable Road would be constrained by the existence of a protected Ash Tree close to the entrance of the site as discussed above. Under the circumstances, an acceptable solution has been agreed with the Highways Officer and Tree and Landscape Officer which involves traffic calming measures (construction of a raised table and reduction of the speed limit along Dunstable Road from 30 to 20 miles per hour). Regrettably, the construction of a raised table at the site entrance would urbanise this section of the Conservation Area. However, this visual harm could reasonably be mitigated through the control of construction materials.

The proposed road into the development site would be of a shared surface comprising a 4.8 metre wide carriageway, and 2 metre wide verges on either side which would double up as service margins.

Car parking would primarily be provided on individual plots and would comprise garages, carports and driveways. In the majority of cases, driveways and garages would be situated to the side of dwellings to reduce their dominance on the street scene and on-street parking would be kept to a minimum for the same reason. The carports are designed to give the appearance of cart sheds so as to reflect the rural context of the development. Timber bollards would be provided in front of Plots 22 and 23 to prevent indiscriminate parking on the grass verge. Parking provision for Plots 21,22 and 23 would be located in a courtyard situated at the back of these properties and this space would be overlooked by first floor rear bedroom windows. In accordance with the Council's minimum parking standards, the scheme would provide a total of 81 spaces and 6 visitor lay-bys incorporated within the service margins.

Natural surveillance would, in the majority of cases, be good and it is intended to improve this aspect on the adjoining public footpath which runs along the north eastern boundary of the site. The applicant has altered the design following

comments made by the Footpaths Officer to include boundary treatment which would improve natural surveillance in this direction and encourage use of the footpath. The height of the close board fence along this boundary would be kept to a maximum height of 1.5 metres with trellis on top as opposed to the 1.8 metre height originally proposed. Because of these improvement works that would be secured through a legal Agreement under section 106, the role of the public footpath in linking the village from Dunstable Road to the open countryside in the west would be enhanced.

Overall, the design solution demonstrates an appreciation of the constraints and opportunities of the context of the development and hence is considered acceptable.

**4. Impact on the character and appearance of the open countryside, Area of Outstanding Natural Beauty, Area of Great Landscape Value and the adjoining Conservation Area**

The NPPF is quite clear at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the AONB which have the highest status of protection in relation to landscape and scenic beauty. Policy BE8 requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. This criterion is echoed in Policies 43 & 45 of the emerging Development Strategy for Central Bedfordshire (D.S.C.B). At the design stage, the applicant correctly identified the constraints of the site and sought to come up with a design solution that would demonstrate an appreciation of the context of the development proposal. Prior to the submission of a full planning application, the applicant entered into a Planning Performance Agreement which enabled a detailed assessment of the proposal. Through pre-application meetings, the appropriate mitigation measures to the harm to the Green Belt, AONB, Conservation Area, AGLV, open Countryside, existing infrastructure and highway safety were agreed and details of these are included in documents submitted with the full planning application. It is therefore considered that whilst the proposed development would have a greater impact on the character and appearance of the surrounding area mainly due to the scale of the dwellings, there would be a net environmental gain achieved as a result of the removal of industrial buildings from the site and their replacement with better designed dwellings. With appropriate conditions to control the external appearance of the buildings and the implementation of a landscaping scheme, it is considered that the proposed development would enhance the appearance of the Conservation area and provide sufficient mitigation to any visual harm to the locality. National advice is clear that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use. (paragraph 134).

**5. Impact on residential amenity**

Policy 43 of the Development Strategy for Central Bedfordshire requires new development to respect the amenity of surrounding properties and their occupiers. The Central Bedfordshire Design Guide recommends that adequate privacy should be provided by maintaining a gap of 21m between facing properties. The proposed layout would loosely follow a 'perimeter block' approach and therefore, the primary focus of new housing would be towards the



street. The rear elevations of new housing generally looks over their own rear gardens. Plots 17 - 23 would back on to Numbers 1-6 Southern Way. The closest dwelling in this row would be at least 22 metres from the dwellings on Southern way. This gap increases to a maximum distance of 30 metres towards the entrance of the site. These distances are completed by a well established landscaped boundary which runs from east to west. Where a 'courtyard' approach has been adopted, it is important to note that direct overlooking would be avoided. The proposal would therefore comply with the recommended separation distances between buildings and hence the amenities of the existing neighbouring property occupiers and that of the future occupiers would be protected. neighbours would be an issue.

#### **6. Impact on access, parking provision and highway safety**

It is considered that whilst the proposed development would result in reduced traffic movements, the visibility to the left on exit from the existing access is substandard. The proposed development offers an opportunity to secure improvements to the access through a section 106 Agreement. Appropriate traffic calming measures and an Agreement under section 106 would ensure that highway safety is improved at the site access and the scheme makes adequate provision for off-street car parking spaces which would be secured by planning conditions. The development would therefore not result in highway safety hazard. Given that the access would not be adopted, a legal Agreement under section 106 would include a clause indemnifying the Council and its contractors from damage to the road caused by any waste collection vehicles.

#### **7. Other material considerations**

##### Planning Obligation

Following the adoption of the Planning Obligations Strategy SPD on 23rd October 2009 which was applied to all applications received on or after 5th January 2010. Policy 19 of the emerging Development Strategy for Central Bedfordshire requires appropriate contributions, following viability testing, to offset the cost of providing new physical, social, community and environmental infrastructure where that development would add to infrastructure needs and requirements. The applicant has submitted heads of terms for a section 106 Agreement to secure the provision and improvement of the existing infrastructure.

##### Viability

National advice within the NPPF is clear that viability is a material planning consideration. Pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking. To ensure viability, the costs of any requirements likely to be applied to any development, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.(paragraph 173). In this case, the applicant submitted a viability assessment which has been agreed by the Housing Development Officer.

## Applicant's response to the objections raised

The applicant's response to the objections is as follows :

### Broadband

It is understood that there is a certain critical mass that is required before the Broadband suppliers enhance any infrastructure. In this case, the addition of 23 dwellings may assist with this. In any case, due to technological advancement, cloud base provision would appear to set a higher provision of capacity.

### Electricity

It might be the case that a substation would be required but until further detailed network investigations are carried out, this cannot be fully confirmed.

### Foul sewer capacity

Thames Water have confirmed in writing that the foul sewer connection would not be a problem to the Authority's system and the surface runoff should not be connected to the foul sewer to avoid foul flooding.

### Flooding

Surface water would be contained in a swale and hence no flooding would be caused by the development.

### Visual impact on the Conservation Area

This matter was resolved through extensive discussions with the Council's Conservation and Design Officer and other consultees. At the entrance of the site, smaller units would be provided which would then disperse into the larger part of the site to the rear. The development would be complemented by an enhanced landscaping and hence would relate well with the locality. Glimpses would be seen of the roof tops and this is a deliberate approach which would reflect the current situation seen throughout the village.

### Loss of a shop

Harpers is a specialist retail provision with the majority of their custom coming from people arriving by car to purchase goods or via a home delivery service. This shop is not a local village shop but a specialist provider of fine foods which caters for local, regional and national markets.

### Traffic

If permission is granted, the developer would accept a condition which would require the submission and approval of a construction traffic management plan. The development would be programmed for a 12 month construction timeline in order to minimise any disruptions. It is also proposed to provide a speed table at the entrance of the site and the extension of the 20 mile per hour zone.

### Housing Mix

The number and types of houses are varied, 30% would be affordable units and would be aimed for people on the Studham waiting list. The mix has been agreed with CBC's Housing Development Officer.

### Employment

Although employment would be relocated to locations outside the village, it would still be within CBC. In any case, the majority of the employees come from Dunstable. The new locations would enable the business to expand and hence generate more employment opportunities.

### Green Belt

The proposed development was design-led having regard to the sensitivity of the site adjacent to the Conservation Area and in the AONB. Following intensive discussions with officers, the scheme has been sensitively designed to assimilate into the surrounding area and provide a high quality development. The extent of the buildings would allow the central green space and quality layout to be achieved. Generally, the buildings have been sited on the extent of existing buildings and hardstanding. The areas extending beyond the existing built form are residential gardens or landscaping.

These considerations amount to very special circumstances including the economic case for relocation of the business and the retention of employment in the district.

### **Human Rights issues**

Given the level of opposition to the application from the local resident population, it is considered that the application raises significant human rights concerns. However, it is considered that the matters raised could either be mitigated by planning conditions or appropriately dealt with outside the planning remit. The benefits to be had from the scheme are considered to outweigh the harm that the development would cause.

### **Equality Act 2010**

The development does not raise equality issues which could not be dealt with under the relevant legislation.

### **Conclusion**

On balance therefore, the proposal would meet the requirements of the NPPF, South Bedfordshire Local Plan Review, the emerging Development Strategy for Central Bedfordshire, the CBC Design Guide and the Chiltern Design Guide and hence, is considered to be acceptable.

### **Recommendation**

**That Planning Permission be GRANTED subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act in respect of:**

- **Waste management contributions : £2, 208**
- **Green Infrastructure (Footpaths improvement) : £17, 000**
- **Education contribution : £93, 200**
- **Sports facilities : £20, 040**
- **Community facilities contribution : £7, 817**

- **Emergency services : £6, 040**
- **Health Facilities : £17, 508**
- **Affordable Housing : 7 units**
- **Relocation of existing uses to appropriate sites**
- **Sustainable transport**
- **Highway Access improvements**
- **Waiver against damage to surface by waste collection vehicles**

and subject to the following conditions :

## **RECOMMENDED CONDITIONS**

- 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 and notwithstanding the details submitted with the application, details of the materials to be used for, the external walls and roofs of the proposed buildings and any hard landscaping and surfacing 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 control the appearance of the buildings.  
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB).**

- 3 Notwithstanding the details submitted with the application, all window and door joinery to be installed throughout the development hereby approved shall be of painted timber, and shall be maintained as such thereafter.

Reason: To control the appearance of the buildings.  
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB).

- 4 **Notwithstanding the details submitted with the application and prior to the commencement of development on site, a written schedule of external materials and final finishes shall be submitted to and approved in writing by the Local Planning Authority, and the approved development shall be implemented thereafter strictly in accordance with the approved details.**

**Reason: To control the appearance of the buildings.  
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB).**

- 5 **Before development begins, a landscaping scheme to include full details of any hard surfaces, earth mounding, hedges, permanent fences, and temporary fences required for the establishment of the hedges 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 having regard to the context of the development .  
(Policies BE8 & NE3, S.B.L.P.R and 36, 43, 45, 50 & 59).**

6 Tree Protection Measures

All operations, protection measures and procedures shall be undertaken in strict accordance with the Arboricultural Method Statement, dated July 2013, produced by First Environment Ltd, (Ref 5114.FE.AMS.01 Rev E) that includes the Tree Protection Plan (Ref: FE TPP 05 -Appendix A).

Reason: To ensure a satisfactory standard of tree protection to secure the health, anchorage, visual amenity and effective screening of existing boundary planting.

(Policies BE8 & NE3, S.B.L.P.R and 36, 43, 45, 50 & 59).

7 Horse Chestnut Tree T25 Root Protection Measures

Root Protection Measures shall be undertaken in strict accordance with the drawing "Typical Root Protection Details" produced by Travis Baker, dated 16th September 2013 (Ref. Project No. 12156, Dwg No. 4).

Reason: To ensure a satisfactory standard of root protection to secure the health, anchorage and amenity of the protected Horse Chestnut tree T25, as listed in the Tree Schedule that forms Appendix B of the Arboricultural Method Statement associated with the application.

(Policies BE8 & NE3, S.B.L.P.R and 36, 43, 45, 50 & 59).

8 **Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority, a suitable external lighting design scheme and impact assessment, devised to eliminate any detrimental effect caused by obtrusive light and/or glare on neighbouring land uses. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards, and the approved scheme shall be fully implemented prior to the car park being brought into use, unless an alternative period is approved in writing by the Authority.**

Reason: To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R. and 43 D.S.C.B).

9 **No development shall commence until a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority which shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on site. The Code of Practice shall include:**

- Details of size of vehicles, traffic routes and points of access/egress to be used for construction purposes;
- Measures to be used to control and suppress dust;
- Measures to be used to reduce the impact of noise & vibration arising from noise/vibration generating activities on site, in accordance with best practice set out in BS:5228:1997 "Noise and vibration control on construction and open sites";
- The siting and appearance of works compounds;
- Wheel cleaning facilities for construction traffic.

The implementation of the development shall only be undertaken in accordance with the approved Code.

Reason: To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R. and 43 D.S.C.B).

10 No development approved by this permission shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:

- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
- b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.
- c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.
- d) Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition

already forms part of this permission.

**Reason: To protect human health and the environment  
(Policies BE8, S.B.L.P.R and 43 & 44)**

11 **No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:**

- 1. A Preliminary Risk Assessment (PRA) which has identified: - all previous uses - potential contaminants associated with those uses - a Conceptual Site Model (CSM) of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.**
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).  
(Policies BE8, S.B.L.P.R and 43 & 44)**

12 **No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

**Reason: To protect human health and the environment.**

(Policies BE8, S.B.L.P.R and 43 & 44)

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

(Policies BE8, S.B.L.P.R and 43 & 44)

- 14 **Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.**

**Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).**

**(Policies BE8, S.B.L.P.R and 43 & 44)**

- 15 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason : To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

(Policies BE8, S.B.L.P.R and 43 & 44)

- 16 **The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.**

**Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles**



**and Practice (GP3:2012).  
(Policies BE8, S.B.L.P.R and 43 & 44)**

- 17 **Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that 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 of the proposed estate road.  
(Policies BE8, S.B.L.P.R and 43 DSCB)**

- 18 Prior to the first use of the access in connection with the development hereby approved, visibility splays shall be provided at all private means of access from individual properties within the site onto the estate roads. This vision splay shall be provided on each side of the access drive and shall be 2.8m measured along the back edge of the new highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the dwelling occupier's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the new estate road and the new individual accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.  
(Policies BE8, S.B.L.P.R and 43 DSCB)

- 19 Prior to the first use of the access(es) in connection with the development hereby approved, visibility splays shall be provided at all private means of access from individual properties within the site onto the estate road. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the private means of access from its junction with the channel to the through road and 17m measured from the centre line of the access along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junctions in the interest of road safety.  
(Policies BE8, S.B.L.P.R and 43 DSCB)

- 20 **Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed roadworks are constructed to an adequate standard.  
(Policies BE8, S.B.L.P.R and 43 DSCB)**

- 21 **Development shall not begin until details of turning areas suitable for a light goods vehicle to the private drive servicing plots 8 to 11 been approved by the Local Planning Authority and no building shall be occupied until those turning areas have been constructed in accordance with the approved details.**

**Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.  
(Policies BE8, S.B.L.P.R and 43 DSCB)**

- 22 The length of all parking bays shall be at least 4.8m.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.  
(Policies BE8, S.B.L.P.R and 27 & 43 DSCB)

- 23 The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.  
(Policies BE8, S.B.L.P.R and 43 DSCB)

- 24 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 and in the interests of preserving the character of the area.  
(Policies BE8, S.B.L.P.R and 43, 45 & 50 DSCB)

- 25 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.  
(Policies BE8, S.B.L.P.R and 27 & 43 DSCB)

- 26 The driveway length in front of the garages shall be at least 6.0m as measured from the garage doors to the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.  
(Policies BE8, S.B.L.P.R and 27 & 43 DSCB)

- 27 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved 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: To prevent the deposit of mud or other extraneous material on the highway during the construction period in the interests of the amenity of the area .**

**(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 28 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.**

**(Policies SD1 & BE8, S.B.L.P.R and 24 & 43 DSCB)**

- 29 **Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The details so approved shall be implemented and thereafter retained.**

**Reason: In the interest of amenity.**

**(Policies BE8, S.B.L.P.R and 43 DSCB)**

- 30 **Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.**

**Reason: To ensure that the proposed highways are adequately lit.**

**(Policies BE8, S.B.L.P.R and 43 DSCB)**

- 31 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.**

**(Policies BE8, S.B.L.P.R and 43 DSCB)**

- 32 **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 alterations**

to the carports hereby permitted, including the insertion of garage doors, roller shutters or gates, shall be carried out without the grant of further specific permission from the Local Planning Authority.

**Reason: To control the external appearance of the buildings and in the interests of highway safety.  
(Policies BE8 S.B.P.L.R and 27, 43 & 45 D.S.C.B).**

- 33 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order without modification), no additions to, or extensions or enlargements of, the dwellings hereby permitted shall be erected without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the openness of the Green Belt and to control the external appearance of the dwellings in the interests of safeguarding the special landscape character of the area.  
(Policies SD1, NE3 & BE8, S.B.L.P.R. and 36 & 43 D.S.C.B).

- 34 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), the provision within the curtilage of the dwelling of any building or enclosure, swimming or ornamental pool required for purposes incidental to the enjoyment of the dwelling, or the alteration of such a building, enclosure, swimming or ornamental pool shall not be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard the openness of the Green Belt and to control the external appearance of the dwellings in the interests of safeguarding the special landscape character of the area.  
(Policies SD1, NE3 & BE8, S.B.L.P.R. and 36, 43 & 45 D.S.C.B).

- 35 **No construction works shall take place until an independently verified Code for Sustainable Homes report that achieves a Code Level 3 rating or above for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be provided in accordance with the report before it is first occupied.**

**Reason: To ensure that the proposed dwellings are built to a previously approved standard of environmental performance, as set out in the Code for Sustainable Homes.  
(Policies 43 & 46 D.S.C.B).**

- 36 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12119/P/01,12119/P/02 Rev H, 12119/P/03A, 12119/P/04A, 12119/P/05A, 12119/P/06A, 12119/P/07A, 12119/P/08A, 12119/P/09A, 12119/P/10A, 12119/P/11A, 12119/P/12A, 12119/P/13A,12119/P/14A, 12119/P/15A, 12119/P/16A, 12119/P/17A, 12119/P/18A, 12119/P/19A, 12119/P/20A, 12119/P/21A,12119/P/22A,12119/P/23A,12119/P/24A and 5114/LM02 Rev. A, 5114/PP 03 Rev. A, 5114/PP 04 Rev. A & 5114/PP 05 Rev. A.

Reason: For the avoidance of doubt.

### Notes to Applicant

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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. Further surveys may be required should any trees be proposed for removal in case they are of interest for bats or if the development occurs after January 2015 as survey data is only regarded as remaining current for 2 years.
4. The Environment Agency has recommended a condition to protect ground water as we are not confident that sufficient evidence has been formally submitted to prove there is no risk to *controlled waters* on site and from the former and current use of the land immediately adjacent to the site. At this stage, we would therefore require that a Preliminary Risk Assessment (PRA) be undertaken. This should include a walkover survey to investigate areas of potential contamination from current and former land uses. Should risks be identified from the Preliminary Risk Assessment then further site investigation work may be required. The site is underlain by the Lewes Nodular Chalk Formation & Seaford Chalk Formation, which is a drinking water protected area under the EU Water Framework Directive. The Principal Aquifer is of high vulnerability.
5. Piling or any other foundation designs using penetrative methods can result in risks to controlled waters. It should be demonstrated that any proposed piling will not result in contamination of groundwater.
6. No information has been provided as to the intended method of foul drainage. The applicant's attention is drawn to DETR Circular 03/99 which requires an applicant to demonstrate that a connection to the foul sewer is available.

### Flood Risk

We find the submitted Flood Risk Assessment (FRA) and drainage strategy to be acceptable. We recommend that the highway design should consider the need for appropriate flow routing in the 1 in 100 plus climate change event, with highway levels designed accordingly.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

7. 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's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.
  
8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any amendment thereto.

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

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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) (Amendment No. 2) Order 2012.

**DECISION**

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