

Development Management Committee

Schedule	Wednesday 4 December 2019, 10:00 AM — 5:00 PM GMT
Venue	Council Chamber, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
Description	<p>To Chair and Members of the Committee: -</p> <p>Cllr K Matthews (Chair) Cllr C Maudlin (Vice-Chair)</p> <p>Cllrs R Berry, M Blair, S Clark, K Collins, F Firth, P Hamill, R Hares, V Harvey, I Shingler, B Spurr and N Young</p> <p>Substitutes: Cllrs I Bond, D Bowater, I Dalgarno, Y Farrell, E Ghent, C Gomm, A Graham and T Wye</p>
Notes for Participants	<p>A member of the public who wishes to speak or requires further information on this meeting should contact: committeemeetings@centralbedfordshire.gov.uk or call 0300 300 5649.</p> <p>This meeting may be filmed by the Council for live and/or subsequent broadcast online and can be viewed at https://centralbedfordshire.public-i.tv/core/portal/home. At the start of the meeting the Chairman will confirm if all or part of the meeting will be filmed by the Council. Any footage will be on the Council's website, a copy of it will also be retained in accordance with the Council's data retention policy. By attending the meeting, you are deemed to have consented to being filmed by the Council. Full details on the use of recordings is provided via the link above.</p> <p>Hard copies of the papers for this meeting are not routinely made available to those in attendance. Should you require a copy of please download this from the Council website beforehand.</p>

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To approve as a correct record the minutes of the meetings of the Development Management Committee held on 9 October 2019 and 6 November 2019. (To follow)	
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To receive from Members any declarations of interest including membership of any Parish/Town Council consulted upon during the planning application process and the way in which any Member has cast their vote.	
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Prior to considering the planning applications contained in the following schedules, Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.	


5. Planning Application No: CB/19/01379/VOC (Arlesey) 6

Address: The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE

Variation of Condition No. 1 to planning permission CB/15/03000/VOC
12.11.2015: The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance. Variation to permit the site to be occupied by persons requiring general housing needs as a general market caravan park.

Applicant: Mr Rooney

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6. Planning Application No: CB/19/02552/OUT (Arlesey) 27

Address: The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE

Outline planning permission with all matters reserved except means of access for up to 148 dwellings and public open space.

Applicant: Andrews

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7. Planning Application No: CB/18/04471/FULL (Houghton Hall) 62







Address: Land at Oakwell Park, Thorn Road, Houghton Regis, LU5 6JH







48 new residential units.

Applicant: Haut Ltd

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Erection of two new agricultural sheds.	
Applicant: Mrs C Maudlin	
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14. Date of Next Meeting and Site Inspections

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Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on 8 January 2020 and the Site Inspections will be undertaken on 6 January 2020.

15. Late Sheet

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To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on 3 December 2019.

 Late Sheet DMC 04.12.19.pdf

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1. Apologies for Absence

To receive apologies for absence and notification of substitute Members.

2. Chair's Announcements and Communications

To receive any announcements from the Chair and any matters of communication.

3. Minutes

To approve as a correct record the minutes of the meetings of the Development Management Committee held on 9 October 2019 and 6 November 2019. (To follow)

4. Members' Interests

To receive from Members any declarations of interest including membership of any Parish/Town Council consulted upon during the planning application process and the way in which any Member has cast their vote.

Planning and Related Applications

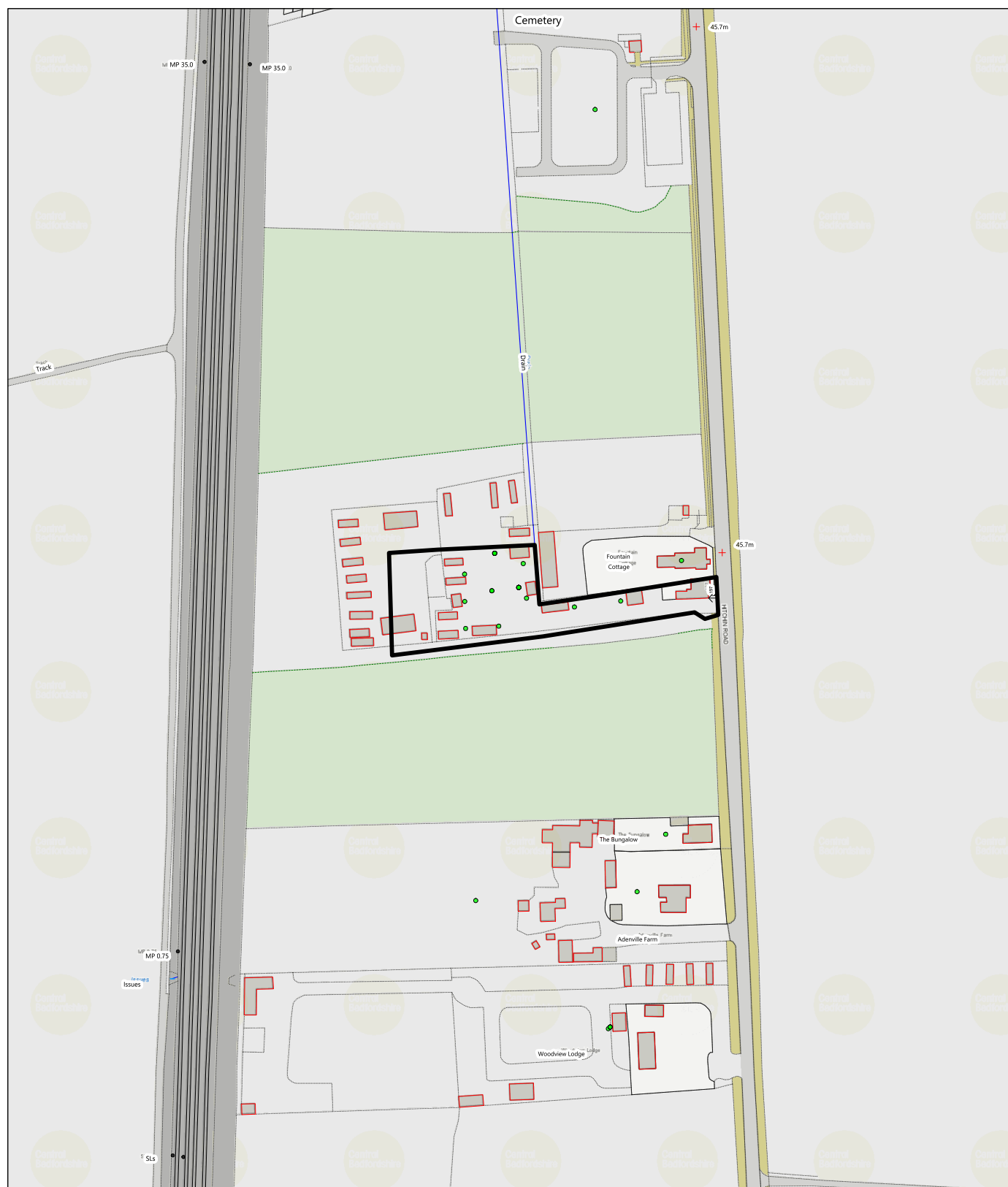
Prior to considering the planning applications contained in the following schedules, Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.

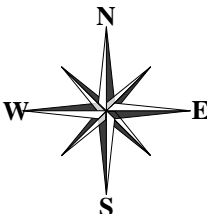
5. Planning Application No: CB/19/01379/VOC (Arlesey)

Address: The Lagoon, 197 Hitchin Road, Arlesey,
SG15 6SE

Variation of Condition No. 1 to planning permission CB/15/03000/VOC 12.11.2015: The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance. Variation to permit the site to be occupied by persons requiring general housing needs as a general market caravan park.

Applicant: Mr Rooney



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/19/01379/VOC
	Date: 18:November:2019	
	Map Sheet No	
Scale: 1:2500	The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE	

APPLICATION NUMBER	CB/19/01379/VOC
LOCATION	The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE
PROPOSAL	Variation of Condition No. 1 To planning permission CB/15/03000/VOC 12.11.2015 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance. Variation to permit the site to be occupied by persons requiring general housing needs as a general market caravan park
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Stuart Kemp
DATE REGISTERED	29 April 2019
EXPIRY DATE	24 June 2019
APPLICANT	Mr Rooney
AGENT	Stephen Hinsley Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	<p>Called in by Cllr Wenham for the following reasons:</p> <ul style="list-style-type: none"> • Refusal may lead to forced eviction of current residents, creating homelessness. A number of current residents may no longer qualify as residents under the new definition of traveller despite being long term residents. • Refusal may be contrary to Human Rights Law and amenity of existing residents. Eviction will create homelessness pressure for CBC.
RECOMMENDED DECISION	Variation of Condition - Refusal

Summary of Recommendation:

It is considered that the proposed application would result in a fundamental alteration to the permission it seeks to vary which goes beyond the parameters of s73 of the Town and Country Planning Act, under which the application is made. The proposal for permanent residential development is outside of the Settlement envelope of Arlesey and as such regarded as development in the open countryside and contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009. In addition, the application site is considered as an unsustainable location for permanent residential development and the proposal would result in the loss of a significant number of Gypsy and Traveller pitches for which there is a clear identified need.

Site Location:

The application site comprises of a parcel of land to the west of Hitchin Road, Arlesey.

The site is located to the rear of No.197 Hitchin Road and "Fountain Cottage" and is currently in use as an authorised Gypsy and Traveller site comprising of a number of caravans with associated hardstanding, internal roads and day rooms.

The existing Gypsy and Traveller site has permission for the siting of 19 static caravans and 5 touring caravans, the touring caravans not to be used for residential accommodation purposes..

The Application:

Planning permission is sought to remove condition 1 of application CB/15/03000/VOC which approved the use of the site for the siting of 19 static caravans and 5 touring caravans.

Condition 1 of the approval limits the occupation of the site to individuals who fall within the definition of "Gypsies and Travellers" as provided in Annex 1 of Planning Policy for Traveller Sites, August 2015.

The intention is for the condition to be removed to allow the site to be occupied as "general market housing".

The application site also forms part of a larger site which is subject to an outline planning application (ref. CB/19/02552/OUT) which is currently under consideration. The application proposes the erection of up to 148 dwellings, including affordable housing and open space. All matters are reserved other than access.

LEGAL:

Town and Country Planning Act (s73) (1990)

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

Planning Policy for Travellers Sites (PPTS) (2015)

Core Strategy and Development Management Policies - North 2009

Mid-Beds Local Plan 2005

Policy HO12 - Gypsies

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP1: Growth Strategy

SP2: National Planning Policy Framework - Presumption in Favour of

Sustainable Development

SP7: Development within Settlement Envelopes

SP8: Gypsy and Traveller and Travelling Showpeople Pitch Requirement

H1: Housing Mix

H2: Housing Standards

H3: Housing for Older People

H4: Affordable Housing

H6: Starter Homes

H7: Self and Custom Build Housing

H8: Assessing planning applications for Gypsy and Traveller sites

T1: Mitigation of Transport Impacts on the Network

T2: Highway Safety & Design

T3: Parking

T5: Ultra Low Emission Vehicles

EE1 : Green Infrastructure

EE2: Enhancing biodiversity

EE3: Nature conservation

EE4: Trees, woodlands and hedgerows

EE5: Landscape Character and Value

EE6: Tranquillity

EE13: Outdoor sport, leisure and open space

CC1: Climate Change and Sustainability

CC2: Sustainable energy development

CC3: Flood Risk Management

CC5: Sustainable Drainage

CC6: Water supply and sewerage infrastructure

CC7: Water Quality

CC8: Pollution and Land Instability

HQ1: High Quality Development

HQ2: Planning Obligations and the Community Infrastructure Levy

HQ3: Provision for Social and Community Infrastructure

HQ4: Indoor Sport and Leisure Facilities

HQ5: Broadband and Telecommunications Infrastructure

HQ7: Public Art

HQ11: Modern Methods of Construction

HE1: Archaeology and Scheduled Monuments

The evidence base to the emerging plan has weight and includes the following documents pertinent to the assessment in particular:

- Gypsy and Traveller Accommodation Assessment (GTAA), August 2016
- Settlement Capacity Initial Study July 2017
- Settlement Envelope Review Jan 2018
- Strategic Housing Land Availability Assessment (SHLAA) Apr 2018
- Strategic Housing Market Assessment (SHMA), Summer 2015
- Strategic Flood Risk Assessment (SFRA), Level 1, Jul 2017

Supplementary Planning Guidance/Other Documents

National Design Guide (September 2019)

Central Bedfordshire Design Guide (March 2014)

Ministerial Statements: Planning and Travellers, 1 July 2013.

Relevant Planning History:

Application:	Planning	Number:	CB/19/02552/OUT
Validated:	06/08/2019	Type:	Outline Application
Status:	Pending Decision	Date:	
Summary:		Decision:	Current, on this Agenda.
Description:	Outline planning permission with all matters reserved except means of access for up to 148 dwellings and public open space		
Application:	Planning	Number:	CB/18/02251/OUT
Validated:	08/08/2018	Type:	Outline Application
Status:	Withdrawn	Date:	01/02/2019
Summary:		Decision:	Application Withdrawn
Description:	Outline application: with all matters reserved except means of access for up to 147 dwellings and public open space		
Application:	Planning	Number:	CB/17/03168/OUT
Validated:	25/07/2017	Type:	Outline Application
Status:	Withdrawn	Date:	17/10/2017
Summary:		Decision:	Application Withdrawn
Description:	Outline Planning Application (with all matters other than means of access reserved) for residential development of up to 97 dwellings with associated car parking, landscaping; provision of 1.6 hectares of public open space area, and vehicular access from Hitchin Road.		
Application:	Planning	Number:	CB/15/03000/VOC
Validated:	10/08/2015	Type:	Variation of Condition
Status:	Decided	Date:	12/11/2015
Summary:		Decision:	Variation of Condition - Granted
Description:	Variation of Condition No. 2 on CB/12/03535/FULL dated 17/12/2012 to allow no more than 19 static caravans to be stationed / occupied on the site at any one time and no more than 5 touring caravans shall be stationed on the site at any one time. Of the 5 touring caravans stationed on the site, none shall be occupied.		
Application:	Planning	Number:	CB/14/03672/VOC
Validated:	21/05/2015	Type:	Variation of Condition
Status:	Decided	Date:	21/05/2015
Summary:		Decision:	Not Proceeded With
Description:	Variation of Condition no 2 on application No. CB/11/03370/FULL to be varied to read "No more than 24 caravans shall be stationed on the site, of which no more than 14 shall be static caravans/mobile homes."		
Application:	Planning	Number:	CB/14/04470/VOC
Validated:	12/11/2014	Type:	Variation of Condition
Status:	Decided	Date:	04/03/2015
Summary:		Decision:	Variation of Condition - Refused
Description:	Variation of Condition no 2 on application No. CB/12/03535/FULL to be varied to read "No more than 24 caravans shall be stationed on the site, of which no more than 14 shall be static caravans/mobile homes."		
Application:	Planning	Number:	CB/14/03057/FULL
Validated:	04/08/2014	Type:	Full Application
Status:	Decided	Date:	29/09/2014
Summary:		Decision:	Full Application - Granted
Description:	Two storey side/rear and single storey rear extension		
Application:	Planning	Number:	CB/13/03496/FULL
Validated:	07/10/2013	Type:	Full Application
Status:	Decided	Date:	02/12/2013
Summary:		Decision:	Full Application - Granted
Description:	Erection of two detached day rooms		
Application:	Planning	Number:	CB/12/03535/FULL
Validated:	17/10/2012	Type:	Full Application
Status:	Decided	Date:	17/12/2012
Summary:		Decision:	Full Application - Granted
Description:	Change of use of land to use as a residential caravan site for 4		

additional Gypsy families, with a total of 8 caravans including no more than 4 static caravans. Extension of hardstanding and erection of two amenity buildings and landscaping.

Application:	Planning	Number:	CB/12/02799/FULL
Validated:	02/08/2012	Type:	Full Application
Status:	Decided	Date:	26/09/2012
Summary:	Decision: Full Application - Refused		
Description:	Change of use from agricultural land to use as a residential caravan site for 4 additional gypsy families, with a total of 8 caravans including no more than 4 static caravans, extension of hardstanding, erection of two amenity buildings and landscaping.		

Application:	Planning	Number:	CB/11/03370/FULL
Validated:	21/09/2011	Type:	Full Application
Status:	Decided	Date:	05/03/2012
Summary:	Decision: Full Application - Granted		
Description:	Retention of use of land as a residential caravan site for 6 Gypsy families, including hardstanding, utility blocks and landscaping		

Application:	Planning	Number:	CB/09/05914/FULL
Validated:	07/09/2009	Type:	Full Application
Status:	Decided	Date:	02/11/2009
Summary:	Decision: Full Application - Granted		
Description:	Full: Change of use of land to use as residential caravan site for four gypsy families with a total of 8 caravans, erection of 2 amenity blocks and landscaping.		

Application:	Planning	Number:	MB/99/01838/FULL
Validated:	21/12/1999	Type:	Full Application
Status:	Decided	Date:	16/02/2000
Summary:	Decision: Full Application - Refused		
Description:	FULL: CHANGE OF USE OF GARDEN WORKSHOP AND OUTBUILDINGS TO DWELLING.		

Consultees:

Arlesey Town Council	Arlesey Town Council has considered the above application and resolved that the council OBJECT to the application on the grounds that Central Bedfordshire Council have insufficient number of sites for Gypsies and Travellers.
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Pollution	No comment.
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Internal Drainage Board	No comment.
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Private Sector Housing	Informative response stating that the site must comply with the "Caravan sites and control of Development Act 1960 Model Standards".
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Trees and Landscape Officer	No objection.
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Highways Officer	Any increase of the use of the access will require visibility splays of 2.4m x 215m and an access suitable for the two way flow of traffic. On site turning for a service/delivery sized vehicle (6.5m length) is required and details of a refuse collection point at the site frontage outside of the free flow of traffic and any visibility splays. It is noted that the access will also need reconstructing as the block pavers are loose and migrating towards the public highway.
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A 2m footway to the south would need to extend to where the existing bus stop is located. The footway to the north would need to be upgraded to 2m the northern side up to the cemetery access.

Other Representations:

2 objections received
from neighbours

Objections (Summary)

- No proven need of a general market caravan park in Arlesey.
- Is a need for Gypsies and Travellers when in transit around the country.
- Previous applications for residential development on the site appear to be more about making money than social need.
- The land should be returned to a green field site.
- Lack of correct sewage system, current tank not being emptied regularly enough.
- Electricity supply overloaded, this has previously led to a fire.
- Site is not meeting peoples housing needs.

Determining Issues:

The main considerations of the application are;

1. Section 73 of the Town and Country Planning Act
2. Principle of Development
3. Character and Appearance of the Area
4. Amenity
5. Other Considerations
6. Sustainable Development
7. Conclusion

Considerations

1. Section 73 of the Town and Country Planning Act

- 1.1 The application is made under Section 73 of the Town and Country Planning Act 1990 which allows for the determination of applications to develop land without compliance with conditions previously attached.
- 1.2 The application seeks to remove condition 1 attached to planning permission reference CB/15/03000/VOC. The condition is currently being breached given admissions made within the application which confirm that not all occupiers comply with the limits of condition 1.
- 1.3 In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued.
- 1.4 In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application, (paragraph 013). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.

- 1.5 The Planning Practice Guidance is clear in reference to section 73 and states that one of the uses of section 73 is to seek a minor material amendment.
- 1.6 The leading case of *Coventry City Council ex p. Arrowcroft Group 2001* considered the effect of section 73 and confirmed that alterations to planning permission made through section 73 should not amount to a "fundamental alteration" of the proposal put forward in the original application.
- 1.7 The case also considered a "fundamental alteration" would be one such that the operative part of the planning permission would give permission for something and the revised conditions would take away that consent.
- 1.8 In this instance it is clear that both the original application for the siting of caravans on the site under permission CB/12/03535/FULL and the subsequent VOC application CB/15/03000/VOC both grant permission for use of the site only by Gypsies and Travellers and confirmed within the conditions attached.
- 1.9 The current application to remove the condition limiting the site to use only by Gypsies and Travellers, thus opening up the use as a "general market caravan site" would fundamentally alter the original permission. In this instance the proposal would clearly conflict with the Arrowcroft judgement in that the original permission gave permission specifically for use of the site by Gypsies and Travellers and the proposal as currently submitted would take away that consent.
- 1.10 The very nature of the approved use of the site is considered to be of temporary occupation, the proposal would fundamentally alter this to create permanent occupation of the site by future occupiers / owners. The description of the application is clear and states that the application seeks to create a "general market caravan site", this would directly conflict with condition 1 of the existing permission and thus would result in a fundamental alteration beyond the power conferred by section 73.
- 1.11 It is clear that in considering the previous applications at this site substantial weight was given to the need to provide Gypsy and Traveller pitches. This need has not diminished as outlined in further detail below.
- 1.12 The proposal clearly seeks an operational change in the development previously approved at this site and as such the proposal would require the benefit of full planning permission.
- 1.13 Given that the removal of the condition as applied for would result in a fundamental alteration of the original permission it is not considered that this would be acceptable within the parameters of section 73 of the Town and Country Planning Act, and as such the application should be refused on this basis.

2. Principle of Development

- 2.1 Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.

Loss of Gypsy and Traveller Accommodation

- 2.2 In addition to the NPPF, and the adopted and emerging Local Plans, the

Planning Policy for Traveller Sites (PPTS) (2015) is a material planning consideration. Section 5 of the NPPF states the Council has a duty to supply and maintain a variety of accommodations to facilitate the needs of different groups of its community which includes Travellers. Similarly, paragraph 3 of the PPTS states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community and achieving this through identifying and meeting the need of this population.

- 2.3 This is reiterated in policy SP8 of the emerging Central Bedfordshire Local Plan which seeks to facilitate a suitable level of pitches to meet the needs of G&T accommodation and of travelling show people. Whilst it is acknowledged that only limited weight can be attributed to this policy at this time, what is relevant is the evidence base which underpins this is the Council's Needs Assessment and pitch requirement and how this scheme would detrimentally affect the Council's ability to retain its supply.

Existing Provision and Need calculation: Five Year Gypsy and Traveller Supply Statement for the five year period commencing 01.10.2019

- 2.4 Prior to the withdrawal of a previous application 18/02251/OUT for residential development partly on this site, the committee report considered the 5yr G&T supply commencing 01/07/2018. It assessed that the G&T need for Central Bedfordshire was 71 pitches over the period 2015 - 2035 (source: Gypsy and Traveller Accommodation Assessment, August 2016). This figure comprised 23 pitches for 'travelling' Gypsies and Travellers, and 48 pitches for 'unknown' Gypsies and Travellers.
- 2.5 It was further explained that the GTAA breaks down this need into 5-year periods which run from 2016 - 21, 2021 - 26 and so on, with some frontloading of delivery in the earlier part of the plan period. Taking the GTAA figures and annualising them, it can be seen that over the period 2016 - 2018, 10 pitches were needed to meet the pitch requirement set out above. Monitoring information at that time (30/06/2018) showed that over that same period CBC had acquired an additional 35 pitches against the base date of the GTAA. Of these 3 were temporary, and 2 had lapsed which left a balance of 30 additional permanent pitches. This showed a surplus of 20 pitches of available supply when assessed against what was needed to be provided during that period:
- 2.6 Calculations:
 $5 \text{ pitches} \times 2 \text{ years} = 10 \text{ [pitches required in the period so far]}$
 $30 \text{ pitches [PP since 01/04/2016]} - 10 \text{ pitches} = 20 \text{ pitches [Available oversupply for the period at the time of last application CB/18/02251/OUT]}$
- 2.7 Since that previous application, the Local Plans team advise that the position with G&T supply and need has changed. The GTAA identified a need for 23 pitches for 'Travelling' Gypsies and Travellers and up to 48 additional pitches for 'unknown' Gypsies and Traveller households that may not meet the planning definition. During the preparation of the GTAA study there were a number of households that were unavailable to take part in the surveys for a variety of reasons, such as being out at work, currently travelling, not allowing access to their site or not wanting to answer the questions within the survey. As a result of this, the study identified that there are 146 'unknown' households which have not been included within the needs assessment.

- 2.8 Using household formation rates, the 146 unknowns translate into an additional need of up to 48 pitches. However, data that has been collected from over 1,400 households nationally since the changes to PPTS in 2015 suggests that overall approximately 10% of Gypsy and Traveller households who have been interviewed meet the new definition, equating to 4.8 pitches. For this reason, during the Examination of the emerging Local Plan, a modification was proposed to Policy SP8 to make it clear that the need for Gypsy and Traveller accommodation is 27.8 pitches over the period 2015-2035. This comprises 23 pitches for 'travelling' Gypsy and Traveller households, and 4.8 pitches for unknown Gypsy and Traveller households and for clarity is rounded to 28 pitches.
- 2.9 Calculations:
 $3.02 \text{ pitches} \times 3.5 \text{ years} = 10.57 \text{ [pitches required in the period so far]}$
- $40 \text{ pitches [PP since 01/04/2016]} - 10.57 \text{ pitches} = 29.43 \text{ pitches [oversupply since base date of GTAA to 30/09/2019]}$
- 2.10 At the time of writing, CBC has permitted 40 Gypsy & Traveller pitches since the base date of the GTAA (01/04/2016) and can demonstrate an adequate supply of G&T pitches. The five-year supply requirement is calculated by annualising the remaining need over the period 2019 Q2 to 2035 (17.23 pitches), by dividing by 15.5 (the remaining years in the plan period), and then multiplying by 5.
- 2.11 Calculations:
 $17.23 \text{ [remaining need over rest of plan period]} / 15.5 \text{ [years left in plan period]} = 1.11 \text{ pitches per year}$
- 2.12 Of the 40 pitches approved since 01/04/2016, only 10.57 have been accounted for in this period, leaving a surplus of 29.43 pitches going forward. As at 01/10/2019, the Council can demonstrate 26.51 years supply of pitches against the requirement.
- 2.13 Calculations:
 $29.43 \text{ pitches [surplus]} / 1.11 \text{ [pitch need per year]} = 26.51 \text{ years supply.}$
- 2.14 Although the position at current means we have an adequate supply of G&T pitches, the loss of 19 pitches on the application site would reduce the surplus to 10.43 pitches and the current supply position would be reduced to 9.39 years supply.
- 2.15 Calculations:
 $29.43 \text{ pitches [surplus]} - 19 \text{ pitches [potential loss]} = 10.43 \text{ pitches [surplus]}$
- 2.16 $10.43 \text{ pitches [surplus]} / 1.11 \text{ [pitch need per year]} = 9.39 \text{ years supply}$
- 2.17 Although the Council would have 9.39 years supply, there are 15.5 years left in the plan period, meaning there would be some 6.11 years at the end of the plan period where the Council could potentially not demonstrate a sufficient supply of G&T pitches. Therefore, CBC would need to find sites to accommodate additional pitches to the end of the plan period, either by granting more windfall applications or having to find and allocate additional Gypsy & Traveller sites in the review of the Local Plan.

- 2.18 If this application was granted, the Council would be required to find a minimum of 7 additional pitches, however this would just be meeting the identified need as a minimum, with no buffer on top.
- 2.19 However, if the application is not approved, the Council would have sufficient pitches to meet their identified need until 2035 with an adequate buffer.
- 2.20 Therefore, the loss of the 19 pitches would have a significant adverse impact on the Council's supply and approach to G&T provision to the end of the plan period.

Availability and Lack of Alternative Accommodation

- 2.21 The last planning permission under local authority reference CB/15/03000/VOC granted 12/11/2015 has a specific condition attached to its approval, for the use of the site for persons that fall within the definition of G&T. This planning permission remains extant (and is the permission subject to this VOC application).
- 2.22 The 19 pitches on this site were counted in the Council's Needs Assessment (2016), and as such despite the applicant's own assumptions in respect of the current calculated need, the Council has concluded that their assessment is the most up to date evidence base for calculating the current need position. If the 19 pitches were to be lost, some of these pitches would be required to be facilitated elsewhere to meet the shortfall. As was the case in the previous application, this application fails to identify alternative sites for re-providing the 19 pitches..
- 2.23 The committee report for the previous application suggested there was some evidence submitted which suggests that the current occupiers of the pitches do not meet the 2015 G&T policy definition although it was not possible to verify this. Evidence is provided in the form of a questionnaire of occupiers presented in the form of a table, this evidence suggests that only a small number of occupiers consider themselves to meet the 2015 definition of G&T. The information provided within this questionnaire also confirms that a majority of occupiers of the site intend to re-locate elsewhere, many outside of Central Bedfordshire. In addition the information provided within the planning statement submitted in support of the outline application for the site which is also currently being considered by the authority under planning reference CB/19/02552/OUT states that, "*[a]s such those living at the site have general housing needs. All at the site wish to re-locate and all have somewhere to re-locate to. All of these locations are outside of Bedfordshire and most are in bricks and mortar accommodation*" (para 6.6).
- 2.24 However, there is no detail of the alternative accommodation to be taken up, if this is actually secured and when the move to the alternative accommodation is anticipated. In any event, it follows that approving the application would displace the current occupiers and result in a loss of 19 pitches for Gypsy and Travellers that currently meet the 2015 G&T definition. Indeed, were there for example an application in the future to vary the extant permission to remove reference to the 2015 G&T definition, a wider group of the Gypsy and Traveller community for which their housing need must be addressed, could be met on this site. Indeed, if the assertions of the planning statement para 6.6 are the actual situation on site, then the site already appears to be meeting the housing need of the wider G&T population in practice.

2.25 As was the consideration of the officer of the previous application outline application at this site, it remains pertinent to conclude the following:

- That based on the Councils Needs Assessment, if pitches were to become available, this site can contribute to fulfilling the Councils G & T accommodation need. On all available accounts, the site has and still is meeting a G&T housing need, albeit wider than the 2015 definition; and
- That the consideration of any enforcement action regarding the current occupation of the pitches is not a matter for consideration and determination as part of this application

2.26 Further to the supply calculation, there are very compelling reasons why the Council should resist in principle the loss of pitches and in particular the pitches on the subject site:

- The site is well established, the planning history indicates that the G&T occupation has progressed from being for a temporary period and a personal permission allowed on appeal, to pitches that could serve a wider G&T group, not just the current or previous occupiers.
- Although there is enforcement history, in terms of social cohesion the occupation of the site by the G&T community has been without relative incident. The pitches have increased in the course of successive permission from 4 to 19 without any direct and adverse consequences evident.
- The extant permissions have limited the occupation. The extent and consequences of the pitches remains contained in practice e.g. limiting the visual and amenity impacts to within the site, screened and buffered by the surrounding fields and away from Hitchin Road. Indeed the site appears to continue to be occupied in a way that is no greater in activity than what might have otherwise been anticipated in the use of the domestic curtilage of the primary dwelling, 197 Hitchin Road. Indeed this was part of the assessment and determination of the Inspector in allowing the appeal which established the first permission for G&T pitches on the site App Ref, 07/01654/FULL and associated appeal Ref. APP/J0215/A/08/2071409/NWF]
- Although the site is in countryside and is not regarded as sustainable in location terms for permanent residential accommodation (e.g. Class C2 and C3) and is reliant upon car based transport, it is acknowledged that it is a site in proximity to the settlement of Arlesey.
- In regards to alternatives, there are not an abundance of options and it often takes longer for these types of sites to come through the planning system so there is even greater value in retaining existing G&T sites which are established in their parishes and wider areas and are an important part of community diversity. There were 8 G&T sites submitted to CBC in the most recent Call For Sites exercises and none of these were submitted in Arlesey or the wider local area, plus there have been very few applications for new G&T sites in the area. Therefore, off-setting the loss and replacing the pitches lost would not be straightforward and would require new sites to be found across Central Bedfordshire.
- Compared to the C3 numbers, the G&T housing need and supply requirement numbers are a whole lot less. Therefore, the significance of losing 19 G&T pitches takes on a vastly different significance and implication in supply terms as compared to such a loss of C3 accommodation. Even more so given the challenge in identifying and bringing forward G&T sites.

Annex 1 of Planning Policy for Traveller Sites, August 2015

- 2.27 At the time of submission of the previous VOC application (ref CB/15/03000/VOC), which allowed an increase in the number of pitches on the site, the definition of Gypsy and Traveller was defined in Annex 1 of Planning Policy for Traveller Site, CLG 2012. It is noted that this document was superseded with Annex 1 of Planning Policy for Traveller Sites, August 2015 during the determination period of the previous VOC application. The revised document altered the definition of Gypsy and Travellers, in summary by excluding those Gypsies and Travellers who had permanently ceased to travel for work and retaining only those who had 'ceased to travel temporarily'.
- 2.28 The applicant contends within this submission that the previous VOC application was made in good faith with reference to the 2012 definition but the conditions attached to the approved VOC instead referred to the 2015 definition (given it superseded the 2012 permission during the determination period). As such the applicant appears to contend that the condition on the previous VOC was included incorrectly and occupants of the site have been in breach of it, as many occupants do not fall within the 2015 definition, ever since the approval.
- 2.29 The Local Authority are required to consider and determine applications in accordance with the most recent and relevant planning policies, appeal decisions, supplementary guidance and material planning considerations at the time of decision and not at the time of submission. As such the Local Authority acted accordingly in conditioning the 2015 definition within the previous VOC application.
- 2.30 It is noted that the applicant at the time of the VOC decision did not appeal the condition or its reference to the 2015 definition. Whilst the definition of G&T has changed since the original permission in 2012, it has not changed since the VOC application in 2015. As such it is not considered that this provides any reasonable planning justification for removing the condition on the VOC application.

Proposal for C3 dwellings

- 2.31 Policy CS1 classifies settlements by virtue of their scale, services and facilities. Further, the thrust of Policy DM4 is to apply weight in favour of development within Settlement Envelopes and restrict development divorced from the settlements identified within Policy CS1. This policy position is largely echoed by Policy SP7 within the emerging Local Plan. There is therefore a clear settlement strategy directing residential developments to larger, more sustainable, urban areas. Additionally, the National Planning Policy Framework seeks to encourage residential developments in sustainable locations only.
- 2.32 The site is located outside the Settlement Envelope of Arlesey. Therefore, the proposal would not comply with Policy DM4 of the adopted Local Plan. Policy CS1 of the Core Strategy defines Arlesey as a Minor Service Centre, and it should be noted that it remains so in the settlement hierarchy of the emerging Local Plan. The emerging Plan also retains the approach of defining Settlement Envelopes to define the boundaries between settlements and surrounding countryside (Policy SP7).
- 2.33 Policy DM4 of the Core Strategy seeks to direct the majority of development to the major and minor service centres, within defined settlement envelopes. As a

Minor Service centre, developments commensurate with the scale of the settlement are supported within the settlement boundary of Arlesey. However, the site is unallocated and is located outside of the defined settlement envelope for Arlesey.

- 2.34 *NB: It should be noted that the application site was put forward as part of a larger site in the Call for Sites of the emerging Plan, identified as part of the wider site ref. NLP419 in the Council's Strategic Housing Land Availability Assessment (SHLAA) May 2018. However, in the Emerging Plan the area to the west of Hitchin Road taking in the application site is not being taken forward as part of the proposed strategic allocation Policy SA3 'East of Arlesey'. As stated in the CB 'Matter 6 East of Arlesey Delivery Statement' as part of the local plan process, the revised site allocation boundary reflected the ongoing engagement, additional technical work and land ownership issues during the Local Plan process. The reduction in site area reduced the number of landowners involved with the scheme, thereby improving the deliverability of the allocation. After consideration of Regulation 18 consultation responses, the strategic site allocation was proposed, the subject application not being included.*
- 2.35 *It is further noted that the Agent made representations during the Examination seeking inclusion of the subject site. However, there was no change to the approach. The allocation as currently proposed achieves the required provision of 2000 homes in a sustainable and deliverable manner. It should be further noted that the transport proposals of this subject application could prejudice the more comprehensive improvement proposals need in the area - see section 4 of this report for further detail.*
- 2.36 Policy DM4 is considered to be entirely consistent with the thrust of the NPPF which seeks to promote sustainable social, economic and environmental development. Overall, it is considered that moderate weight may still be attributed to this policy in the determination of this application as the Council seeks to deliver planned development in a sustainable manner. However, the proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4), which weighs against the proposal in principle.
- 2.37 The Council has identified and demonstrated in the latest Annual Monitoring Report a five year supply of housing (6.39yrs) and, it is noted that the position in respect of five year housing has been extensively tested now at appeal. Accordingly, the most important housing policies in the Core Strategy relevant to this application, including policy DM4, are not considered to be out of date and the presumption in favour of sustainable development and "tilted balance" in paragraph 11 of the NPPF is therefore not engaged.
- 2.38 In considering the principle of development, the decision maker must consider whether there are other material matters which outweigh the lack of compliance with Policy DM4. The purpose of the planning system is to contribute to the achievement of sustainable development and it is necessary to assess the merits of the site more broadly having regard to the NPPF.

Sustainable location for development

- 2.39 The Council's evidence base to the emerging Plan includes the Central Bedfordshire Settlement Capacity Study (May 2017), to provide an objective assessment of the overall sustainability of settlements to determine how much

growth could sustainably be accommodated within our existing settlements, rather than being driven by a need to identify capacity for a particular level of housing. Arlesey was identified as part of a group of settlements ('Area B Settlements') where there was high, medium-high capacity for growth. Arlesey was stated as having 'medium-high' capacity:

2.40 *"Arlesey Summary: Capacity: Medium -High*

Development is significantly constrained to the west of the settlement by flood risk and designated biodiversity. The railway line also creates a barrier to successful integration of growth in the west, and subsequently new development here would be likely to require significant infrastructure development.

2.41 *Any development around the eastern settlement edge would need to be sensitively designed to respond to the heritage settings of Listed Buildings. Development could also contribute towards coalescence with Stotfold in the east, Henlow in the north-west, and Fairfield in the south-east.*

2.42 *Overall, the environmental constraints could be largely avoided through the appropriate siting of development, particularly in the east of the settlement. Any development here is likely to result in the loss of best and most versatile agricultural land. Coordinated medium-high level development could contribute to the enhancement and provision of services and facilities in the town."*

2.43 It is noted that the previous application which this application seeks to vary reference CB/15/03000/VOC concluded that the site was within walking distance of Arlesey and thus would be considered a sustainable location in this regard. Since that approval there have been a number of more recent appeal decisions which have assessed sustainable walking provision with reference not only to walking distance, but also to the suitability and safety of such sustainable transport routes.

2.44 The application site is located outside of the settlement of Arlesey and access is taken from Hitchin Road which at this point benefits from a 60mph speed limit. There is no designated footway provision along this section of Hitchin Road, the nearest designated footway appears to stop at the cemetery to the north of the site. It is noted that Hitchin Road benefits from a grass verge which runs along the western side up to the designated footway to the north. The grass verge is not surfaced appropriately and is unlit and thus is not considered to provide a safe, appropriate or sustainable access into Arlesey from the application site.

2.45 The appeal decision at (London Lane Houghton Conquest APP/P0240/W/18/3212965) assessed a similar set of circumstances and concluded that use of an unlit road and inappropriately serviced and unlit footpath for access to services and amenities would be "unacceptably unsafe".

2.46 In addition the recent appeal at Drove Road Gamlingay APP/P0240/W/19/3228044 for the erection of a dwelling within a rural location outside of the settlement of Gamlingay the appeal Inspector stated in paragraph 11 of their report:

2.47 *"I do not find that there would at least be a choice to use accessible modes of transport and do not find that the services and facilities available in Gamlingay are readily accessible. Future occupiers would almost certainly rely on the*

private car to meet their everyday needs. The appeal site location, over half a mile further away from the services and facilities compared to the Heath Road appeal site, undermines the aim to reduce car dependency regardless of the number of dwellings proposed by proposing new residential development further into the open countryside."

- 2.48 The same can be said for the site subject to this application, given the lack of safe and sustainable accessibility to Arlesey and its services and amenities it is not considered that they would be readily accessible. It can also be concluded that future occupiers would rely on the private car to meet their everyday needs and as such the proposal undermines the aim to reduce car dependency by allowing permanent C3 residential development within the countryside.
- 2.49 It is noted that it may be possible to provide a footway along the western extent of Arlesey Road within the existing grass verge. This has not been presented within this VOC application, and has not been secured through any planning obligation, as such this can only be given limited weight in the planning balance.
- 2.50 Paragraph 78 of the National Planning Policy Framework (the Framework) says that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Given the dependency on travel by car to gain access to the settlement of Arlesey and its amenities and services the proposal would fail to comply with this paragraph.
- 2.51 Paragraph 79 of the Framework is clear that planning decisions should avoid the development of isolated homes in the countryside, setting out a number of exceptions. Given the application site is adjacent to the residential dwellings of 197 Hitchin Road and Fountain Cottage it is not considered that the site would be physically isolated in this sense.
- 2.52 As discussed above, there is clearly a current strategy, and indeed an unaltered emerging strategy, within the Council's adopted Development Plan and emerging Local Plan that seeks to channel residential development towards larger urban areas away from more isolated rural locations. To allow this kind of permanent residential development within this location through the removal of the Gypsy and Traveller condition would therefore encourage an unsustainable pattern of development that would conflict with and undermine the Council's current Development Plan and the wider objectives of the NPPF. As such the proposal is considered to conflict with Policies CS1 and DM4 of the North Core Strategy and Development Management Policies, the emerging Central Bedfordshire Local Plan, the NPPF and the Central Bedfordshire Design Guide.

3. Impact on the Character and Appearance of the Area

- 3.1 It is noted that the application site already benefits from extant permission for the siting of caravan pitches (including both static and touring caravans). The proposal to remove the condition which restricts the use of the site to Gypsies and Travellers would not permit an increase in the number of pitches or alterations to the layout of current pitches and day room buildings within the site.
- 3.2 As such given the nature of the proposed application it is not considered that the proposal would result in any harmful impact in respect of the impact on the character or appearance of the area. As such the development is considered to

be acceptable in this regard.

4. Amenity

Neighbouring Amenity

- 4.1 The site is located some distance from Arlesey. The only neighbouring properties within the locality of the site are 197 Hitchin Road and Fountain Cottage.
- 4.2 Given the proposal to remove the condition would not result in an increase in the number of pitches nor alterations to the layout of current pitches and day rooms it is not considered that the application would result in any impact on neighbouring amenity.

Amenity of future occupiers

- 4.3 The application site is currently restricted to use by G&T's only, given the nature of the definition of G&T's it is accepted that occupancy of residents under the current extant planning permission of the site would be more temporary in nature than that which would be permitted through the granting of this permission (which would result in the siting of C3 caravans).
- 4.4 It is acknowledged that there is no private amenity space provided within the current site, however, this is currently considered to be acceptable given the likely temporary occupation of the site as currently permitted. The proposal to remove the condition would result in the creation of permanent residential caravan units which would not benefit from any private amenity space.
- 4.5 In conclusion therefore, it is considered that the proposal fails to provide an appropriate amount of external amenity space and as such the development would not provide adequate living conditions for future occupiers. The proposal is therefore in conflict with Policy DM3 of the North Core Strategy and Chapter 12 of the NPPF.

5. Other Considerations

- 5.1 The previous extant permission which this application seeks to alter also considered the impact of development on Highways, Flooding and Noise from the railway line. It is not considered that the proposal to remove condition 1 would result in any material impact in these regards. As such, in accordance with the previous approval on the site the proposal is considered acceptable in regards to those above issues.
- 5.2 **Reason for Call-In:**
The application has been called-in for decision by DMC by Cllr Wenham for the following reasons:
 - *Refusal may lead to forced eviction of current residents, creating homelessness. A number of current residents may no longer qualify as residents under the new definition of traveller despite being long term residents.*
 - *Refusal may be contrary to Human Rights Law and amenity of existing residents. Eviction will create homelessness pressure for CBC.*
- 5.3 Information has been provided in support of this application in the form of a "questionnaire" of current residents of the site. A number of residents who responded to this questionnaire confirmed their intention to move out of

- 5.4 In addition the information provided within the planning statement submitted in support of the outline application for the site which is also currently being considered by the authority under planning reference CB/19/02552/OUT states that, *"[a]s such those living at the site have general housing needs. All at the site wish to re-locate and all have somewhere to re-locate to. All of these locations are outside of Bedfordshire and most are in bricks and mortar accommodation"* (para 6.6).
- 5.5 It is noted that many of the current occupiers of the site are in breach of condition 1 and the site is currently under investigation for enforcement action. The breach of the condition and any subsequent enforcement action is being dealt with by the Councils enforcement officers separately to this planning application. Given the submissions made by the applicant in both this application and the application for the larger site in this respect it is not considered that the refusal of the current permission would result in any unacceptable impact in this regard. The refusal of permission would not in itself require those in occupation in breach of condition 1 to leave the site. Further, any Enforcement Notice or Breach of Condition Notice served to require compliance with occupation would necessarily provide a suitable time period for compliance to allow all occupants to arrange for alternative accommodation and there may also be subsequent periods for compliance brought about by appeals against the notices.

Human Rights and Equality Act issues:

- 5.6 Based on information submitted, there are no further known issues other than those raised immediately above in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.
- 5.7 It is noted that the reason for call in states that refusal may be "contrary to Human Rights Law". This is addressed above, based on the information provided in support of both this application and the outline application it is not considered that the proposal would contravene any Human Rights.
- 5.8 In addition, it is noted that many of the current occupants of the site are living on the site in breach of the lawful planning permission. Whilst refusal of this application would likely result in enforcement action the authority would likely take an appropriate amount of time and support would be provided to aid in the rehousing of any occupants of the site who have not indicated their intention to leave the site. As such it is not considered that the refusal of this application would in any way contradict any Human Rights.

6. Sustainable Development

- 6.1 There are three overarching objectives to achieving sustainable development, an economic, social and environmental objective. The NPPF states that these roles are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

Economic

- 6.2 The proposal to remove the condition would have a limited benefit against the economic objective of sustainable development given it would not result in any "construction". It would result in the permanent occupation of the pitches within the site which may result in a minor increase use of local services and amenities

in comparison to the likely temporary nature of the current use.

Social

- 6.3 There is no overriding positive impact in relation to the social objective given the council can demonstrate over 5yrs supply of housing and given the site is near to a settlement where there are approvals and proposed allocations providing for housing need. Moreover, the scheme would result in the loss of 19 no. G&T pitches, impacting on supply. This loss of G&T pitch supply is considered significant in terms of meeting the need of G&T people in district and would weigh against the scheme.

Environmental

- 6.4 The proposal would result in a harmful impact in regards to the environmental objective given it would result in the permanent occupation of residential units within an unsustainable location with very limited safe access to amenities or services other than through use of a private motor vehicle.

7. Conclusion

- 7.1 In conclusion it is considered that the proposed removal of the condition would result in a fundamental alteration of the original permission, it is not considered that this would be acceptable within the parameters of section 73 of the Town and Country Planning Act, and as such the application should be refused on this basis.
- 7.2 The proposal would result in the loss of 19 G&T pitches which would result in a significant negative impact on the Councils provision of G&T pitches within the area and with regard to the need to demonstrate a 5 year supply of pitches. This is particularly harmful given the implications of reduction in supply is very significant and those pitches could not so easily be re-provided elsewhere.
- 7.3 The proposal would conflict with Policy DM4 of the North Core Strategy and would result in permanent residential development in an unsustainable location with very limited access to any services and amenities other than by use of a motor vehicle. In addition the proposal fails to provide for any private amenity space for future occupiers and thus does not constitute a "high quality development" in conflict with policy DM3 of the North Core Strategy and the principles of good design as outlined in Chapter 12 of the NPPF.
- 7.4 Overall the adverse impacts of the proposal as outlined within this report are considered to outweigh any public benefits of the scheme (mainly attributed to the provision of housing). This is considered to be the case irrespective of a titled or non-tilted balance. As such the scheme should be refused.

Recommendation:

That Planning Permission be **REFUSED** for the following:

RECOMMENDED REASONS

- 1 The proposal would result in a fundamental alteration of the original permission which is not considered to fall within the parameters of section 73 of the Town and Country Planning Act.
- 2 The proposal would result in the unacceptable loss of Gypsy & Traveller pitches and what would also be capable of providing culturally suitable accommodation for non travelling Gypsies and Travellers and of which no

alternative suitable sites have been proposed. The loss would significantly impact on the Councils ability to ensure an appropriate supply of Gypsy and Traveller accommodation as demonstrated in the Central Bedfordshire Council Gypsy and Traveller Accommodation Assessment (August 2016) and contrary to Planning policy for traveller sites (2015) and the National Planning Policy Framework (2019).

- 3 The proposed development is sited outside the settlement envelope and within the open countryside. Due to the separation between the site and existing settlements, public transport and services/ facilities, as well as the absence of a safe and convenient pedestrian link between the two, it is considered that the site is located in an unsustainable location, which will result in over-reliance on private vehicles. The development is therefore contrary to Policies CS1 and DM4 of the Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework (2019).
- 4 The proposal fails to provide any designated private amenity space for future permanent occupiers and as such would not constitute a high quality development. Therefore the proposal is contrary to policies CS14 and DM3 of the North Core Strategy, Section 12 of the National Planning Policy Framework (2019) and the Central Bedfordshire Design Guide (2014).

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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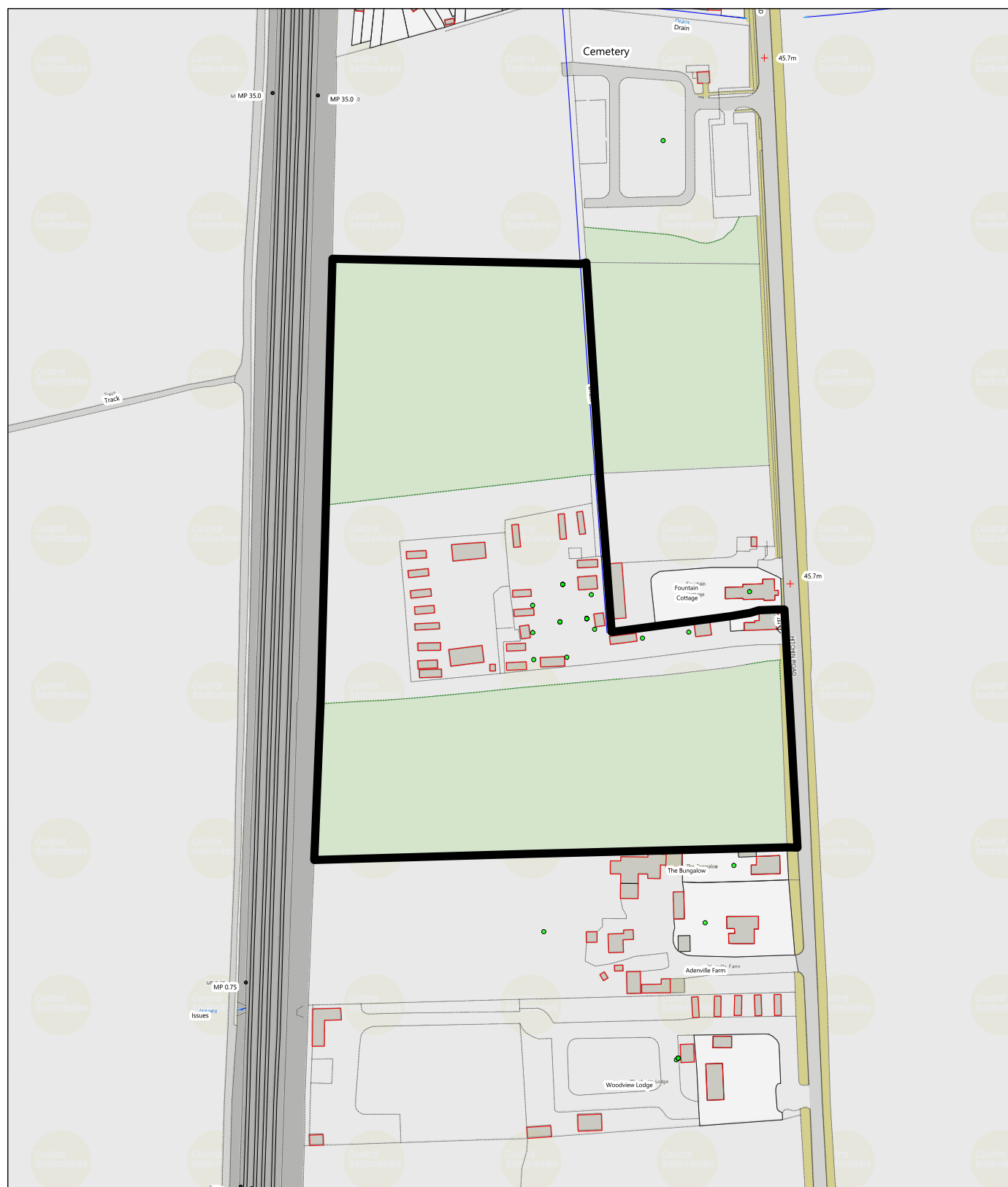
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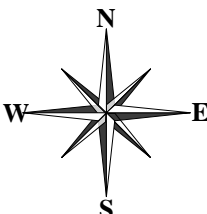
6. Planning Application No:
CB/19/02552/OUT (Arlesey)

Address: The Lagoon, 197 Hitchin Road,
Arlesey, SG15 6SE

Outline planning permission with all
matters reserved except means of access
for up to 148 dwellings and public open
space.

Applicant: Andrews



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/19/02552/OUT
	Date: 18:November:2019	
	Map Sheet No	
Scale: 1:2500	The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE	

APPLICATION NUMBER	CB/19/02552/OUT
LOCATION	The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE
PROPOSAL	Outline planning permission with all matters reserved except means of access for up to 148 dwellings and public open space
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Jason Traves
DATE REGISTERED	06 August 2019
EXPIRY DATE	05 November 2019
APPLICANT	Andrews
AGENT	Stephen Hinsley Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Call-in from Cllr Wenham for the following reason: <i>"Significant contribution to affordable and starter type housing"</i>
RECOMMENDED DECISION	Outline Application - Refusal

Summary of Recommendation:

The proposal for residential development is outside of the Settlement envelope of Arlesey and as such regarded as development in the open countryside and contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009. In addition, the proposal would result in the loss of a Gypsy & Traveller (G&T) site for which there is a clear need for. The proposal would have an impact on the character and appearance of the area which is considered to be significant and demonstrably harmful. The proposal would provide policy compliant affordable housing and provide for a provision of self build plots. Financial contributions to offset local infrastructure impacts would be sought for waste, healthcare, education, community halls, libraries, leisure and open space. However, these benefits are not considered to outweigh the harm in terms of lack of policy compliance, the loss of a G & T site, nor its harmful impact on the character and appearance of the area.

Site Location:

The application site is 4.3Ha and is located on the western side of Hitchin Road in open countryside. It is located approximately 250 metres beyond the southernmost settlement boundary of Arlesey and approximately 75 metres to the east of the East Coast mainline. The site is part of 197 Hitchin Road and the nearest neighbouring property is Fountain Cottage.

Part of the site is an authorised Gypsy and Traveller (G&T) site with permission for 19 static caravans to be stationed/occupied on the site and 5 touring caravans together with associated hardstanding, internal roads and day rooms. The remainder of the site consists of arable land.

The Application:

This application follows the withdrawal of the previous application for 147 dwellings,

CBC Ref. 18/02251/OUT. According to the Planning Statement para 6.4, the application seeks to overcome the concerns of the previous application regarding the development principle, loss of G&T accommodation, ecology and landscape issues.

Permission is sought in outline with all matters reserved except means of access for up to 148 dwellings including affordable housing and public open space, with the retention of 197 Hitchin Road. Access would be provided from Hitchin Road by way of a roundabout.

The illustrative layout plan provides for a site-wide residential density of approximately 35 dwellings per hectare and an illustrative mix of accommodation:

- 96 market dwellings comprising 27 houses and 69 flats
- 44 Affordable dwellings comprising 15 houses and 29 flats
- 8 self build plots

Although there are no indicative details at this stage regarding dwelling sizes and tenure split in the housing.

Along with the drawings the following information was submitted in support of the application:

- Preliminary Ecological Appraisal dated June 2017, produced by Windrush Ecology
- Technical Briefing Note 1: Ecological Assessment of the Proposed Development and Consideration of Biodiversity Net Gains dated 05 June 2019 produced by Aspect Ecology
- Addendum to Transport Statement Rev B dated Nov 2018 produced by Create Consulting Engineers
- Landscape and Visual Impact Appraisal dated June 2019 produced by Aspect Landscape Planning
- Technical Note – Foul Drainage dated 30.05.2018 produced by Mayer Brown
- Transport Statement dated June 2017 produced by Cottee
- Bat Survey dated Sep 2017 produced by Aspect Ecology
- DAS dated Jul 2019 produced by Nicolas Tye Architects
- FRA dated May 2018 produced by Mayer Brown
- Planning Statement dated July 2019 produced by Stephen Hinsley
- Reptile Report dated Dec 2018 produced by Aspect Ecology

In the course of the assessment the agent indicated that the application was a resubmission to seek to narrow issues of the previous application 18/02251/OUT particularly transport and ecology. An opportunity was provided to address the ecology concerns raised in the course of the assessment of the current application. The following amendments and additional information were received and taken into consideration:

- Aspect Ecology letter dated 28.10.2019
- Agent email dated 20.10.2019 offering 35% affordable housing (up from 30% indicated in para 6.3 of the planning statement), confirming 8 no. self build plots and an intention to provide electric charging throughout the development

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (Feb 2019)

Ch 2. Achieving sustainable development

Ch 4. Decision-making

Ch 5. Delivering a sufficient supply of homes

Ch 6. Building a strong, competitive economy

Ch 8. Promoting healthy and safe communities

- Ch 9. Promoting sustainable transport
- Ch 10. Supporting high quality communications
- Ch 11. Making effective use of land
- Ch 12. Achieving well-designed places
- Ch 14. Meeting the challenge of climate change, flooding and coastal change
- Ch 15. Conserving and enhancing the natural environment

Planning Policy for Travellers Sites (PPTS) (2015)

Core Strategy and Development Management Policies - North 2009

- CS1: Development Strategy
- CS2: Developer Contributions
- CS3: Healthy and Sustainable Communities
- CS4: Linking Communities – Accessibility and transport
- CS5: Providing Homes
- CS7: Affordable Housing
- CS10: Location of Employment Sites
- CS13: Climate Change
- CS14: High Quality Development
- CS16: Landscape and Woodland
- CS17: Green Infrastructure
- CS18: Biodiversity and Geological Conservation
- DM1: Renewable Energy
- DM2: Sustainable Construction of New Buildings
- DM3: High Quality Development
- DM4: Development Within and Beyond Settlement Envelopes
- DM9: Providing a range of transport
- DM10: Housing Mix
- DM13: Heritage in Development
- DM14: Landscape and Woodland
- DM15: Biodiversity
- DM16: Green Infrastructure
- DM17: Accessible Greenspaces

Mid-Beds Local Plan 2005

Policy HO12 - Gypsies

Arlesey Neighbourhood Plan (adopted 2017)

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018. The Examination in Public was held over Spring-Summer 2019.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP1: Growth Strategy
 SP2: National Planning Policy Framework - Presumption in Favour of Sustainable Development
 SP7: Development within Settlement Envelopes
 SP8 : Gypsy and Traveller Pitch Requirement
 H1: Housing Mix
 H2: Housing Standards
 H3: Housing for Older People
 H4: Affordable Housing
 H6: Starter Homes
 H7: Self and Custom Build Housing
 H8: Assessing Planning Applications for Gypsy and Traveller sites
 T1: Mitigation of Transport Impacts on the Network
 T2: Highway Safety & Design
 T3: Parking
 T5: Ultra Low Emission Vehicles
 EE1 : Green Infrastructure
 EE2: Enhancing biodiversity
 EE3: Nature conservation
 EE4: Trees, woodlands and hedgerows
 EE5: Landscape Character and Value
 EE6: Tranquillity
 EE13: Outdoor sport, leisure and open space
 CC1: Climate Change and Sustainability
 CC2: Sustainable energy development
 CC3: Flood Risk Management
 CC5: Sustainable Drainage
 CC6: Water supply and sewerage infrastructure
 CC7: Water Quality
 CC8: Pollution and Land Instability
 HQ1: High Quality Development
 HQ2: Planning Obligations and the Community Infrastructure Levy
 HQ3: Provision for Social and Community Infrastructure
 HQ4: Indoor Sport and Leisure Facilities
 HQ5: Broadband and Telecommunications Infrastructure
 HQ7: Public Art
 HQ11: Modern Methods of Construction
 HE1: Archaeology and Scheduled Monuments

The evidence base to the emerging plan has weight and includes the following documents pertinent to the assessment in particular:

- Gypsy and Traveller Accommodation Assessment (GTAA), August 2016
- Settlement Capacity Initial Study Jul 2017
- Settlement Envelope Review Jan 2018
- Strategic Housing Land Availability Assessment (SHLAA) Apr 2018
- Strategic Housing Market Assessment (SHMA), Summer 2015
- Strategic Flood Risk Assessment (SFRA), Level 1, Jul 2017

Supplementary Planning Guidance/Other Documents

National Design Guide - Planning practice guidance for beautiful, enduring and successful places (September 2019)

Central Bedfordshire Design Guide (March 2014)

Air Quality and Emissions Planning Guidance Document Nov 2016

Ministerial Statements:- Planning and travellers, 1 July 2013

Relevant Planning History:

There is an extensive planning history and enforcement history. The planning history considered pertinent to the current application is as follows:

19/01379/VOC - Variation of Condition No. 1 To planning permission CB/15/03000/VOC 12.11.2015 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance. Variation to permit the site to be occupied by persons requiring general housing needs as a general market caravan park – Live application.

18/02251/OUT - Outline application: with all matters reserved except means of access for up to 147 dwellings and public open space - Withdrawn 01/02/19 *NB: The application was reported as Committee Agenda Item no. 6 for meeting 06/02/19 with a recommendation for refusal for the following reasons:*

“1. The site is outside of the Arlesey Settlement Envelope and is within the open countryside and given its location, scale and relationship to the existing settlement the development would cause significant and demonstrable harm to the character and appearance of the area and prevailing landscape by extending built development into the countryside appearing as a poor built environment. In addition the proposal would fail to provide any net gain in terms of green infrastructure or biodiversity. The potential benefits to be had from the development are not considered sufficient to outweigh the significant and demonstrable harm identified above. As a result the proposal would not amount to sustainable development and would be inappropriate and unacceptable in principle. The proposal therefore fails to conform with the objectives of the National Planning Policy Framework (2018) and policies CS14, CS18, DM3, DM4 and DM14 of the Core Strategy for the North of Central Bedfordshire and the Central Bedfordshire Design Guide.

2. The proposal would result in the unacceptable loss of Gypsy & Traveller (G & T) pitches and what would be capable of providing culturally suitable accommodation for non travelling Travellers and of which no alternative suitable sites have been proposed. Its loss would significantly impact on the Councils ability to ensure an appropriate supply of G & T accommodation, contrary to Planning Policy for Travellers Sites (PPTS, 2015) and the NPPF (2018).

3. In the absence of a completed legal agreement securing financial contributions to offset infrastructure impact, including education, recreation and the provision of affordable housing, the development would have an unmitigated and unacceptable impact on existing local infrastructure. The development would therefore not amount to sustainable development and would be contrary to the objectives of the National Planning Policy Framework (2012), Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the Core Strategy for the North and Policies H4 & HQ2 of the emerging Central Bedfordshire Local Plan.

4. The application fails to demonstrate the impact the development would have on the highways within Arlesey having regard to already committed development. Without this information, the Council is unable to fully assess the severity of the impact on the existing highway network and be satisfied that development can be accommodated in a manner that would not cause severe danger and inconvenience to users of the highway; as such the proposal is contrary to DM3 of the Core Strategy for the North and Section 9 of the NPPF."

17/03168/OUT - Outline Planning Application (with all matters other than means of access reserved) for residential development of up to 97 dwellings with associated car parking, landscaping; provision of 1.6 hectares of public open space area, and vehicular access from Hitchin Road. - Withdrawn 17/10/17

15/03000/VOC - Variation of Condition No. 2 on CB/12/03535/FULL dated 17/12/2012 to allow no more than 19 static caravans to be stationed / occupied on the site at any one time and no more than 5 touring caravans shall be stationed on the site at any one time. Of the 5 touring caravans stationed on the site, none shall be occupied. - Granted 12/11/15

14/04470/VOC - Variation of Condition no 2 on application No. CB/12/03535/FULL to be varied to read "No more than 24 caravans shall be stationed on the site, of which no more than 14 shall be static caravans/mobile homes - Refused 04/03/15

13/03496/FULL - Erection of two detached day rooms - granted 02/12/13

12/03535/FULL - Change of use of land to use as a residential caravan site for 4 additional Gypsy families, with a total of 8 caravans including no more than 4 static caravans. Extension of hardstanding and erection of two amenity buildings and landscaping. - Granted 17/12/12

12/02799/FULL - Change of use from agricultural land to use as a residential caravan site for 4 additional Gypsy families, with a total of 8 caravans including no more than 4 static caravans, extension of hardstanding, erection of two amenity buildings and landscaping - Refused 26/09/12

11/03370/FULL - Retention of use of land as a residential caravan site for 6 Gypsy families, including hardstanding, utility blocks and landscaping - Granted 02/11/09

CB/09/05914/FULL - Change of use of land to use as residential caravan site for four Gypsy families with a total of 8 caravans, erection of 2 amenity blocks and landscaping - Approved 2/11/09 [Temporary consent for 3 years]

09/00639/FULL - Change of use of land to use as residential caravan site for four Gypsy families with a total of 8 caravans, erection of amenity blocks and landscaping - Refused 24/06/09

07/01654/FULL - Change of use from dwelling to mixed use of dwelling and caravan site - Refused 15/01/08; appeal allowed 11/09/08 [Appeal Ref. APP/J0215/A/08/2071409/NWF]

04/02146/FULL - Change of use of land to private Gypsy transit site and construction of hardstanding for maximum of 15 pitches - Refused 17/03/05

99/01838/FULL - Change of use of garden workshop and outbuildings to dwelling - Refused 16/02/00

95/01521/FULL - Variation of condition attached to planning permission 2/94/1427 dated 2.12.94 for the siting of a caravan: Renewal - Granted 30/01/96

95/00227/FULL - Change of use and conversion into two residential flats. retrospective retention of three outbuildings - Withdrawn 09/05/95

94/01427/FULL - Temporary siting of caravan 40 x 10 - Granted 19/08/93

External Consultees:

Arlesey Town Council:

"During a meeting of Arlesey Town Council 17th September 2019, Council considered the above planning application and resolved that: Arlesey Town Council have no objection to the outline application however, strongly reiterate the requirement of timely delivery of a relief road to ease existing traffic volume in the village and the impact of vast quantity of additional volume of traffic resultant to this application."

Fire safety: Advice regarding matters normally dealt with at Building Regulations consultation stage, as well as installation of fire hydrants and sprinklers in the development

Anglian Water: Advice provided regarding their assets and wastewater services

Architectural Liaison – Bedfordshire Police: The force has no objections in principle to the use of the site for housing, but does object to the indicated layout.

NHS: No comments received.

CCG:

- Primary Care - £815 per dwelling
- Community Health provision: treatment rooms; consulting rooms; diagnostic rooms etc., a similar calculation using the same attendance methodology - cost per dwelling £114.10
- Secondary healthcare consideration relates to mental health services - cost per dwelling of £130.40

IDB Bedfordshire and River Ivel: No comments to make on the application

IDB Buckingham and River Ouzel: No comments received

Network Rail: No objection in principle to the development, subject to requirements which must be met, especially with the close proximity to the development of an electrified railway and the proposed wildlife ponds in close proximity to the railway boundary.

Highways England: No objection

Environment Agency (EA): No comments received

Internal Consultees:

Pollution: Requested clarification and consideration of the noise and air quality impacts of the Green Waste recycling facility in regards to potential air quality impacts. Notes an air quality impact assessment may be needed at reserved matters

regarding the proximity of dwellings to the proposed roundabout. Recommended conditions regarding contamination, construction and noise impact mitigation

Highways: No objection subject to conditions including a Grampian condition requiring a Footway on the west side of Hitchin Road and planning obligations to secure the upgrade of bus stops in the area.

Trees: Recommend conditions for an Arboricultural Method Statement and Tree Protection Plan, Landscape and Boundary Treatment details and a Landscape Management Plan.

SUDS: Consider that outline consent could be given subject to recommendation and conditions of approval regarding the final design and maintenance arrangements for the surface water system at the detailed design stage.

Sustainable Growth and Climate Change: Recommend conditions requiring a sustainability statement at reserved matters stage and a post construction verification report.

Housing: Expect to see 35% affordable housing provision equating to 52 affordable housing units from the development, comprising 72% Affordable Rent equating to 37 affordable rented units, and 28% Shared Ownership equating to 15 shared ownership units. The affordable should be dispersed and integrated with the market housing, meet the nationally described floorspace standards, and expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

Adult social care: Seeking not less than Thirty-four (34) units of mainstream housing and Fourteen(14)units of housing with support or housing with care (or a hybrid of both) for older people, or not less than Forty-eight (48) units of mainstream housing suitable for older people.

Local Plans: At the time of writing CBC can demonstrate a 19.27 year supply against its Gypsy and Traveller requirement and a 12.03 year supply against its Travelling Showpeople requirement. This position is based on our existing supply of pitches and plots, as set out in the Council's latest GTAA (April 2016), and having regards to subsequent permissions and losses that have occurred since that document was drafted. On the basis of this evidence, the Submission Local Plan has not allocated specific sites for Gypsies and Travellers. This proposal would result in the loss of permanent pitches, and thus undermine this position. We therefore strongly object to this application.

Minerals and Waste: No comments received.

GI Coordinator: The layout of properties to the 'Green Corridor' does not accord with the Council's Design Guide. A wider landscape buffer for ecology is needed on the southern boundary. Planting needed in the parking areas.

Private sector housing: Advice that premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations.

Landscape:

- Proposed development will have a detrimental visual impact on rural landscapes and views.
- Proposed roundabout access will have a highly detrimental impact on the

character of Hitchin Road and urbanising effect.

- Internal layout does not accord with CBC Design Guidance in terms of layout including arrangement of development in relation to landscape edges.

GNC Officer: No objection and recommends an informative.

Self Build: As the development provides a high number of flats, we can lower the self build requirement from 15 to 8 as being proposed by the applicant. Plots would need to be clearly marked on the Masterplan and delivery to be agreed through s106. S106 should also include provision for agreeing a marketing strategy with CBC for these plots.

Public Art: Public art proposals to be secured by condition.

Ecology: Objects to the scheme as it fails to deliver ecological enhancements and does not demonstrate net gain. The further clarification provided in response to the objection has not addressed the issues and the objection stands.

Leisure and Open Space:

- Total open space requirement: 3Ha – Either on-site and or off-site per the following:
- Large formal recreation provision: off-site contribution towards improvements recommended
- Informal Recreation space: Either on-site or off-site
- Small amenity spaces:
 - A development of this size should provide an on-site Super LAP/LEAP – a total site of approx. 550sqm 6 pieces of 3-6yrs and 6-8 pieces of equipment for 6-12+yrs.
 - The central play area can accommodate the formal play provision, providing a 20m buffer can be achieved to the nearest property
 - If the above cannot be achieved in space terms, partial on-site provision should be made in the central play area only for a LEAP at 450sqm, plus a partial contribution. The LEAP should consist 5+ pieces of equipment for 6-12+yrs, plus a separate informal area for older children/teenagers possibly in the form of a teenage shelter and basketball area.
 - Off-site contribution sought
- Play pitch: Contribution sought
- *NB: See next section for the off-site financial contributions being sought*

Waste: No comments received

S106 Sustainability Mitigation Obligations

Sustainable Transport: No comments received

Affordable Housing: No comments received

Countryside Access: No comments received

Education: Total contribution £1,811,064.28 broken down as follows:

- Early Years: £153,473.04 – Put towards expansion of Arlesey Pre-school
- Lower: £511,576.80 – Put towards the expansion of the new Primary School within the Arlesey Cross development area.
- Middle: £514,770.05 – Put towards the creation/ expansion of Pix Brook

Academy, a new middle and upper free school, serving the local area.

- Upper: £631,244.39 – As per Middle

Early Years: No comments received

Community Halls: £162,148 towards community facilities in Arlesey

Libraries: £31,080 is sought towards refurbishment works of Arlesey Access Point Library.

Public Transport: No comments received

Leisure and Open Space:

- Indoor Sport: £135,720 is sought towards the refurbishment of existing wet or dry side changing rooms for Saxon LC
- Outdoor Sport: £80,701 is sought towards improvement & expansion of the grass pitch facilities and drainage, changing facilities & floodlighting at Arlesey Town FC.
- Children's Play: £44k is sought towards the Town Council's project for improvements to St John's Road play area, and towards a new play area for Chase Hill amenity space.

Transport: Bus stop upgrades

Other Representations:

A call-in by Cllr Richard Wenham was received 08 Sep with the reason for the call-in being, "[s]ignificant contribution to affordable and starter type housing".

Neighbours:

3 objections were received raising the following concerns:

- Traffic flow as well as safety including visibility and flooding issues
- Roundabout is insufficient
- Outside the settlement envelope, contrary to policy DM4 and the Arlesey neighbourhood Plan, application should be refused as CBC has a 5yr housing land supply
- Nearest facilities and services some distance away as compared to other larger towns where there is closer proximity to facilities and services
- Loss of an allocated Gypsy and Traveller site
- Proximity to the cemetery and memorial copse

12 letters in support raising the following matters:

- Good for business, activities, sports and first-time buyers
- Affordable housing, self build and opportunities for older people
- New families
- It would tidy up where development is intended
- Current site is empty and is therefore being wasted
- Modernised housing will improve the appearance of the site and increase housing prices in the area
- Site is not greenbelt and is brownfield with central govt guidance recommending the latter is developed
- Provides housing for London commuter with direct train link into Kings Cross
- Fresher appearance and the start of a larger regeneration
- Will improve highways and new roundabout will reduce car speeds
- The current owners want to move because of ill health

- New residential housing will bring a safer community

Site notice date: 02.10.2019

Press date: 11.10.2019

Determining Issues:

The main considerations of the application are;

1. **Principle**
2. **Affect on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Highway Considerations**
5. **Other Considerations**

Considerations

1. Principle

- 1.1 Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.

Loss of Gypsy and Traveller Accommodation

- 1.2 In addition to the NPPF, and the adopted and emerging Local Plans, the Planning Policy for Traveller Sites (PPTS) (2015) is a material planning consideration. Section 5 of the NPPF states the Council has a duty to supply and maintain a variety of accommodations to facilitate the needs of different groups of its community which includes Travellers. Similarly, paragraph 3 of the PPTS states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community and achieving this through identifying and meeting the need of this population.
- 1.3 This is reiterated in policy SP8 of the emerging Central Bedfordshire Local Plan which seeks to facilitate a suitable level of pitches to meet the needs of G&T accommodation and of travelling show people. Whilst it is acknowledged that only limited weight can be attributed to this policy at this time, what is relevant is the evidence base which underpins this is the Councils Needs Assessment and pitch requirement and how this scheme would detrimentally affect the Councils ability to retain its supply.

Existing Provision and Need calculation: Five Year Gypsy and Traveller Supply Statement for the five year period commencing 01/10/2019

- 1.4 Prior to the withdrawal of the previous application CB/18/02251/OUT for a similar redevelopment proposal for 147 residential properties the committee report considered the 5yr G&T supply commencing 01/07/2018. It assessed that the G&T need for Central Bedfordshire was 71 pitches over the period 2015 - 2035 (source: Gypsy and Traveller Accommodation Assessment, August 2016). This figure comprised 23 pitches for 'travelling' Gypsies and Travellers, and 48 pitches for 'unknown' Gypsies and Travellers.

- 1.5 It was further explained that the GTAA breaks down this need into 5-year periods which run from 2016 - 21, 2021 - 26 and so on, with some frontloading of delivery in the earlier part of the plan period. Taking the GTAA figures and annualising them, it can be seen that over the period 2016 - 2018, 10 pitches were needed to meet the pitch requirement set out above. Monitoring information at that time (30/06/2018) showed that over that same period CBC had acquired an additional 35 pitches against the base date of the GTAA. Of these 3 were temporary, and 2 had lapsed which left a balance of 30 additional permanent pitches. This showed a surplus of 20 pitches of available supply when assessed against what was needed to be provided during that period:
- 1.6 *Calculations:*
 $5 \text{ pitches} \times 2 \text{ years} = 10$ *[pitches required in the period so far]*
 $30 \text{ pitches [PP since 01/04/2016]} - 10 \text{ pitches} = 20 \text{ pitches [Available oversupply for the period at the time of last application CB/18/02251/OUT]}$
- 1.7 Since the last application, the Local Plans team advise that the position with G&T supply and need has changed. The GTAA identified a need for 23 pitches for 'Travelling' Gypsies and Travellers and up to 48 additional pitches for 'unknown' Gypsies and Traveller households that may not meet the planning definition. During the preparation of the GTAA study there were a number of households that were unavailable to take part in the surveys for a variety of reasons, such as being out at work, currently travelling, not allowing access to their site or not wanting to answer the questions within the survey. As a result of this, the study identified that there are 146 'unknown' households which have not been included within the needs assessment.
- 1.8 Using household formation rates, the 146 unknowns translate into an additional need of up to 48 pitches. However, data that has been collected from over 1,400 households nationally since the changes to PPTS in 2015 suggests that overall approximately 10% of Gypsy and Traveller households who have been interviewed meet the new definition, equating to 4.8 pitches. For this reason, during the Examination of the emerging Local Plan, a modification was proposed to Policy SP8 to make it clear that the need for Gypsy and Traveller accommodation is 27.8 pitches over the period 2015-2035. This comprises 23 pitches for 'travelling' Gypsy and Traveller households, and 4.8 pitches for unknown Gypsy and Traveller households and for clarity is rounded to 28 pitches.
- 1.9 *Calculations:*
 $3.02 \text{ pitches} \times 3.5 \text{ years} = 10.57$ *[pitches required in the period so far]*
 $40 \text{ pitches [PP since 01/04/2016]} - 10.57 \text{ pitches} = 29.43 \text{ pitches [oversupply since base date of GTAA to 30/09/2019]}$
- 1.10 At the time of writing, CBC has permitted 40 Gypsy & Traveller pitches since the base date of the GTAA (01/04/2016) and can demonstrate an adequate supply of G&T pitches. The five-year supply requirement is calculated by annualising the remaining need over the period 2019 Q2 to 2035 (17.23 pitches), by dividing by 15.5 (the remaining years in the plan period), and then multiplying by 5.
- 1.11 *Calculations:*
 $17.23 \text{ [remaining need over rest of plan period]} / 15.5 \text{ [years left in plan period]} = 1.11 \text{ pitches per year}$

- 1.12 Of the 40 pitches approved since 01/04/2016, only 10.57 have been accounted for in this period, leaving a surplus of 29.43 pitches going forward. As at 01/10/2019, the Council can demonstrate 26.51 years supply of pitches against the requirement.
- 1.13 *Calculations:*
 $29.43 \text{ pitches [surplus]} / 1.11 \text{ [pitch need per year]} = 26.51 \text{ years supply.}$
- 1.14 Although the position at current means we have an adequate supply of G&T pitches, the loss of 19 pitches on the application site would reduce the surplus to 10.43 pitches and the current supply position would be reduced to 9.39 years supply.
- 1.15 *Calculations:*
 $29.43 \text{ pitches [surplus]} - 19 \text{ pitches [potential loss]} = 10.43 \text{ pitches [surplus]}$
 $10.43 \text{ pitches [surplus]} / 1.11 \text{ [pitch need per year]} = 9.39 \text{ years supply}$
- 1.16 Although the Council would have 9.39 years supply, there are 15.5 years left in the plan period, meaning there would be some 6.11 years at the end of the plan period where the Council could potentially not demonstrate a sufficient supply of G&T pitches. Therefore, CBC would need to find sites to accommodate additional pitches to the end of the plan period, either by granting more windfall applications or having to find and allocate additional Gypsy & Traveller sites in the review of the Local Plan.
- 1.17 If this application was granted, the Council would be required to find a minimum of 7 additional pitches, however this would just be meeting the identified need as a minimum, with no buffer on top.
- 1.18 However, if the application is not approved, the Council would have sufficient pitches to meet their identified need until 2035 with an adequate buffer.
- 1.19 Therefore, the loss of the 19 pitches would have a significant adverse impact on the Council's supply and approach to G&T provision to the end of the plan period.

Availability and Lack of Alternative Accommodation

- 1.20 The last planning permission under local authority reference CB/15/03000/VOC granted 12/11/2015 has a specific condition attached to its approval, for the use of the site for persons that fall within the definition of G&T. This planning permission remains extant. *NB: It should be noted that there is a separate application ref 19/01379/VOC on this committee agenda to consider deleting this condition to enable the site to be used for Class C3 accommodation.*
- 1.21 The 19 pitches on this site were counted in the Council's Needs Assessment (2016), and as such despite the applicant's own assumptions in respect of the current calculated need, the Council has concluded that their assessment is the most up to date evidence base for calculating the current need position. If the 19 pitches were to be lost, some of these pitches would be required to be facilitated elsewhere to meet the shortfall. As was the case in the previous application, this application fails to identify alternative sites for re-providing the 19 pitches.

- 1.22 The committee report for the previous application suggested there was some evidence submitted which suggests that the current occupiers of the pitches do not meet the 2015 G&T policy definition although it was not possible to verify this. No evidence has been submitted with the current application. The Planning Statement suggests anecdotally that they do not meet the definition and that, *“[a]s such those living at the site have general housing needs. All at the site wish to re-locate and all have somewhere to re-locate to. All of these locations are outside of Bedfordshire and most are in bricks and mortar accommodation”* (para 6.6).
- 1.23 However, there is no detail of the alternative accommodation to be taken up, if this is actually secured and when the move to the alternative accommodation is anticipated. In any event, it follows that approving the application would displace the current occupiers and result in a loss of 19 pitches for Gypsy and Travellers that currently meet the 2015 G&T definition. Indeed, were there for example an application in the future to vary the extant permission to remove reference to the 2015 G&T definition, a wider group of the Gypsy and Traveller community for which their housing need must be addressed, could be met on this site. Indeed, if the assertions of the planning statement para 6.6 are the actual situation on site, then the site already appears to be meeting the housing need of the wider G&T community in practice.
- 1.24 As was the consideration of the officer of the previous application, it remains pertinent to conclude the following:
- That based on the Councils Needs Assessment, if pitches were to become available, this site can contribute to fulfilling the Councils G&T accommodation need. On all available accounts, the site has and still is meeting a G&T housing need, albeit wider than the 2015 definition; and
 - That the consideration of any enforcement action regarding the current occupation of the pitches is not a matter for consideration and determination as part of this application.
- 1.25 Further to the supply calculation, there are very compelling reasons why the Council should resist in principle the loss of pitches and in particular the pitches on the subject site:
- The site is well established, the planning history indicating that the G&T occupation has progressed from being for a temporary period and a personal permission allowed on appeal, to pitches that could serve a wider G&T group, not limited to just the current occupiers
 - Although there is enforcement history, in terms of social cohesion the occupation of the site by the G&T traveller community has been without relative incident. The pitches have increased in the course of successive permissions from 4 to 19 without any significant adverse consequences evident
 - The extant permissions have limited the occupation. The extent and consequences of the pitches remains contained in practice e.g. limiting the visual and amenity impacts to within the site, screened and buffered by the surrounding fields and away from Hitchin Road. Indeed, the site appears to continue to be occupied in a way that is no greater in activity than what might have otherwise been anticipated in the use of the domestic curtilage of the primary dwelling, 197 Hitchin Road. This was part of the assessment and determination of the Inspector in allowing the appeal which established the first permission for G&T pitches on the site App Ref, 07/01654/FULL and associated appeal Ref. APP/J0215/A/08/2071409/NWF]

- Although the site is in countryside and is not regarded as sustainable in location terms for permanent residential accommodation e.g. Class C2 and C3 and is reliant upon car based transport, it is acknowledged that it is a site that is in proximity to the settlement of Arlesey
- In regards to alternatives, there are not an abundance of options and it often takes longer for these types of sites to come through the planning system so there is even greater value in retaining existing G&T sites which are established in their parishes and wider areas and are an important part of community diversity. There were 8 no. G&T sites submitted to CBC in the most recent Call For Sites exercises and none of these were submitted in Arlesey or the wider local area. Plus there have been very few applications for new G&T sites in the area. Therefore, off-setting the loss is not straightforward
- Compared with the Class C3 housing numbers, the G&T housing need and supply requirement numbers are a whole lot less. Therefore, losing 19 G&T pitches takes on a vastly different significance and implication in supply terms as compared to such a loss of Class C3 accommodation. Even more so given the challenge identifying and bringing forward G&T sites in general.

Proposed 148 no. Class C3 dwellings

- 1.26 Policy CS1 classifies settlements by virtue of their scale, services and facilities. Further, the thrust of Policy DM4 is to apply weight in favour of development within Settlement Envelopes and restrict development divorced from the settlements identified within Policy CS1. This policy position is largely echoed by Policy SP7 within the emerging Local Plan. There is therefore a clear settlement strategy directing residential developments to larger, more sustainable, urban areas. Additionally, the National Planning Policy Framework seeks to encourage residential developments in sustainable locations only.
- 1.27 The site is located outside the Settlement Envelope of Arlesey. Therefore, the proposal would not comply with Policy DM4 of the adopted Local Plan. Policy CS1 of the Core Strategy defines Arlesey as a Minor Service Centre, and it should be noted that it remains so in the settlement hierarchy of the emerging Local Plan. The emerging Plan also retains the approach of defining Settlement Envelopes to define the boundaries between settlements and surrounding countryside (Policy SP7).
- 1.28 Policy DM4 of the Core Strategy seeks to direct the majority of development to the major and minor service centres, within defined settlement envelopes. As a Minor Service centre, developments commensurate with the scale of the settlement are supported within the settlement boundary of Arlesey. However, the site is unallocated and is located outside of the defined settlement envelope for Arlesey.
- 1.29 *NB: It should be noted that the application site was put forward as part of the Call for Sites of the emerging Plan, identified as part of the wider site ref. NLP419 in the Council's Strategic Housing Land Availability Assessment (SHLAA) May 2018. However, in the Emerging Plan the area to the west of Hitchin Road taking in the application site is not being taken forward as part of the proposed strategic allocation Policy SA3 'East of Arlesey'. As stated in the CB 'Matter 6 East of Arlesey Delivery Statement' as part of the Local Plan process, the revised site allocation boundary reflected the ongoing engagement, additional technical work and land ownership issues during the*

Local Plan process. The reduction in site area reduced the number of landowners involved with the scheme, thereby improving the deliverability of the allocation. After consideration of Regulation 18 consultation responses, the strategic site allocation was proposed, the subject application not being included.

- 1.30 *It is further noted that the Agent made representations during the Examination seeking inclusion of the subject site. However, there was no change to the approach. The allocation as currently proposed achieves the required provision of 2000 homes in a sustainable and deliverable manner. It should be further noted that the transport proposals of this subject application could prejudice the more comprehensive improvement proposals need in the area – see section 4 of this report for further detail.*
- 1.31 *Furthermore, In the absence of detailed master planning on the strategic allocation at this stage, there is no location agreed for the access road link with Hitchin Road. Therefore, the subject application and its proposals which include a roundabout on Hitchin Road could prejudice the delivery of the strategic allocation. Indeed, rather than improvements in a piecemeal fashion, the CB ‘Matter 6 East of Arlesey Delivery Statement’ states that any highways improvement proposals need to come forward as part of a wider comprehensive improvement scheme, taking into account development in the area including Chase Farm further to the north. Improvements will be needed as a result of the impacts posed from several planned developments in the area.*
- 1.32 *Policy DM4 is considered to be entirely consistent with the thrust of the NPPF which seeks to promote sustainable social, economic and environmental development. Overall, it is considered that moderate weight may still be attributed to this policy in the determination of this application as the Council seeks to deliver planned development in a sustainable manner. However, the proposal, for residential units outside of a settlement boundary, conflicts with the current settlement strategy of the Council (denoted by Policies CS1 and DM4), which weighs against the proposal in principle.*
- 1.33 *NB: The Applicants Planning Statement refers to the consideration of the weight to be given to policy DM4 per section 5 of the statement. Specific references are to an appeal decision from April 2018 (Planning statement para 5.3). Instead, officers note there are more recent 2019 appeal decisions in Central Bedfordshire which affirm the weight that can be attributed specifically to policy DM4.*
- 1.34 *The Council has identified and demonstrated in the latest Annual Monitoring Report a five year supply of housing (6.39yrs) and, it is noted that the position in respect of five year housing has been extensively tested now at appeal. Accordingly, the most important housing policies in the Core Strategy relevant to this application, including policy DM4, are not considered to be out of date and the presumption in favour of sustainable development in paragraph 11 of the NPPF is therefore not engaged.*
- 1.35 *NB: The Applicant’s Planning Statement questions if the Council is achieving a 5yr HLS per section 5 of the statement. Again, specific appeal references are to an appeal decision from April 2018 (Planning statement para 5.3). Instead, officers note there are more recent 2019 appeal decisions in Central Bedfordshire which affirm 5yr HLS such as that in Maulden and Clifton.*

- 1.36 In considering the principle of development, the decision maker must consider whether there are other material matters which outweigh the lack of compliance with Policy DM4. The purpose of the planning system is to contribute to the achievement of sustainable development and it is necessary to assess the merits of the site more broadly having regard to the NPPF.
- 1.37 Settlements that are classified as Minor Service Centres are considered to be able to accommodate development commensurate with the scale of the settlement. Although 'commensurate' is not defined, the scale of the proposed development should reflect the scale of the settlement in which it is to be located. There is no specific technical site assessment and analysis available as the site was not taken forward following the Call for Sites. See section 2,4 and 5 of this report for discussion of the adverse implications of the scheme that could come forward based on the illustrative information.
- 1.38 The following further matters are noted in respect of why the principle of development is not acceptable in this case:
- The planning statement asserts at para 2.2 that the site is "*largely*" previously developed land i.e. brownfield and therefore, that the proposals accords with the NPPF insofar as it directs development to previously developed land. However, the existing approved occupation of the site for G&T covers a relatively limited and contained area i.e. the area occupied by the dwelling no. 197 Hitchin Road and its domestic curtilage to the rear which is the area and extent and influence of the G&T pitches and associated dayrooms. Otherwise, the site is undeveloped greenfield site comprising unworked agricultural land in open countryside. This appraisal is consistent with the site appraisal contained in the LVA. Therefore, the wider site is not considered to be previously developed land per the NPPF; and
 - NPPF para 79 states that planning policies and decision should avoid development of isolated homes in the countryside unless certain circumstances apply e.g. there is an essential need for a rural worker; it would be the optimal viable use of a heritage asset to secure its future; it re-uses redundant or disused building and enhances its immediate setting; involves the subdivision of an existing dwelling; or is an outstanding/innovative proposal and significantly enhances the immediate setting and is sensitive. Such justifications are irrelevant to the site and proposals.

Sustainable location for development

- 1.39 The Council's evidence base to the emerging Plan includes the Central Bedfordshire Settlement Capacity Study (May 2017), to provide an objective assessment of the overall sustainability of settlements to determine how much growth could sustainably be accommodated within our existing settlements, rather than being driven by a need to identify capacity for a particular level of housing. Arlesey was identified as part of group of settlements ('Area B Settlements') where there was high, medium-high capacity for growth. Arlesey was stated as having 'medium-high' capacity:

"Arlesey Summary: Capacity: Medium -High

Development is significantly constrained to the west of the settlement by flood risk and designated biodiversity. The railway line also creates a barrier to successful integration of growth in the west, and subsequently new development here would be likely to require significant infrastructure development.

Any development around the eastern settlement edge would need to be sensitively designed to respond to the heritage settings of Listed Buildings. Development could also contribute towards coalescence with Stotfold in the east, Henlow in the north-west, and Fairfield in the south-east.

Overall, the environmental constraints could be largely avoided through the appropriate siting of development, particularly in the east of the settlement. Any development here is likely to result in the loss of best and most versatile agricultural land. Coordinated medium-high level development could contribute to the enhancement and provision of services and facilities in the town."

- 1.40 Although the vehicular access may be acceptable to addressing the impacts of this development, pedestrian connectivity is not acceptably resolved at present. The indicative layout is showing a north-south connection which is not considered appropriate or acceptable and is reliant upon 3rd party land which at present cannot be guaranteed in perpetuity to serve the development. This was an issue raised in the officer reporting the previous application prior to its withdrawal. Any alternative opportunities for pedestrian connectivity along Hitchin Road do not form part of the proposals before the Council although, the Highways Officer is satisfied that a footway can be re-established. This could be secured by Grampian condition if the Council was minded to approve the application.. Therefore, whilst not demonstrated in the supporting information that the site is sustainable in location terms for residential use, it is capable of being made sustainable. Nonetheless, it should be noted that the location is by no means optimal given the available facilities and services in Arlesey are *not* located in the south. Also, that residents further into the site would have to come down and out to Hitchin Road to access the footway and bus stops going north. Therefore, there will still be a propensity for people to rely on private cars if they have them and a relative disadvantage to people who do not.
- 1.41 The following sections of the report summarises in greater detail the considerations material to the assessment and determination of the application.

2. Character and appearance

Landscape and visual impact

- 2.1 In terms of consideration of impact on the landscape, NPPF para 170 states that proposals should amongst other things protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside.
- 2.2 In respect of Central Bedfordshire Policy CS14: High Quality Development requires development to be of the highest quality by amongst other things, respecting local context, the varied character and the local distinctiveness.
- 2.3 Policy CS16: Landscape and Woodland states the Council will, amongst other things:
- Conserve and enhance the varied countryside character and local distinctiveness in accordance with the findings of the Mid Bedfordshire Landscape Character Assessment;
 - Resist development where it will have an adverse effect on important landscape features or highly sensitive landscapes;
 - Require development to enhance landscapes of lesser quality in accordance with the Landscape Character Assessment.

- 2.4 Policy DM14: Landscape and Woodland states the Council will ensure that amongst other things, planning applications are assessed against the impact the proposed development will have on the landscape, whether positive or negative. The Landscape Character Assessment will be used to determine the sensitivity of the landscape and the likely impact. Any proposals that have an unacceptable impact on the landscape quality of the area will be refused.
- 2.5 In the assessment of the previous application, serious concerns were raised regarding the impact of the proposals despite the LVA assessment and mitigation planting which was not considered sufficient to address the fundamental, transformative urbanising impact posed by development of this site. There were serious concerns regarding the impact of the proposed roundabout, its impact on the rural character of this section of Hitchin Road as well as the consequential loss of verdant planting and increased visibility of the site and the subsequent development therein.
- 2.6 Further still, the officer report stated that the harm identified above to the character of the area would be permanent regardless of the landscape quality and it is considered that an open space offering does not offset the impact of harm to the character of the settlement in this location. Also, that whilst there are proposed biodiversity enhancements, these are not sufficient to address the concerns of the ecologist, and along with the illustrative layout which suggests provision of open space and play areas, still appears to be an overdeveloped and cramped development, where the pressure from residents uses of space would conflict with the ecology imperative.
- 2.7 The Council's Landscape Officer notes that the application site is located within a rural setting typical of the Upper Ivel Clay Valley (CBC LCA 4C), a level lowland with smaller scale pastures along watercourses, larger scale arable fields beyond bounded by ditches, hedgerows and some long views. To the east the more elevated Fairfield Rolling Chalk Farmland (CBC LCA 10D) enables wide ranging views across the clay valley, including settlement at Arlesey and wider Hiz landscape corridor beyond the main line railway running north to south, west of Arlesey.
- 2.8 The CBC LCA describes the sensitivity of open views over arable farmland within the Upper Ivel Clay Valley and from the Fairfield Rolling Chalk Farmland.
- 2.9 The LCA guidelines for new development in the Upper Ivel Valley advises on the need to resist development that will result in further loss / fragmentation of hedgerows and hedgerow trees.
- 2.10 The LCA also advises on the need to conserve the character of secondary roads and limiting urbanising influences, e.g. kerbing and widening, and ensure traffic management measures are sympathetic to sections in rural areas.
- 2.11 Referring to the submitted LVA, the Landscape Officer notes that the existing mature tree-line just beyond the site boundary to the southeast corner and No.197 Hitchin Road are identifiable in landscape views especially from the wider landscape to the south-east (VP 6) and the south-western edge of Fairfield / east of Blue Lagoon (VP 7). The visibility of these features increases concerns the proposed development will be visually intrusive in views from the east / southeast, especially in winter time when views are more exposed, and at night time.

- 2.12 The potential impact on rural views to the west of the site / mainline railway are also of concern; VP 5 from Arlesey / Hitchin Road to the south of the site and looking north-west illustrates the gently rising topography to the west of the main line railways and Hiz corridor and relative openness in views. VP 11 illustrates the existing mature tree-line to the south-eastern corner of the application site is discernible in this view and this increases landscape concerns 2 - 2 ½ storey development will be visible in rural views from the west. VP11 also illustrates the elevated Fairfield landscape to the east, the Blue Lagoon and reciprocal rural views; built elevations / roof tops would be highly intrusive in these views and have a detrimental impact on landscape character.
- 2.13 In respect of the proposed highways measures, the Landscape Officer notes the proposed roundabout junction design is a further serious concern. Hitchin Road, south of Arlesey settlement edge, is rural, framed by agricultural hedgerows, ditches in soft verges and is unlit. The proposed roundabout will require the removal of existing native hedgerow to the eastern site boundary and open up views to proposed development to facilitate visibility splays, the linear character of Hitchin Road will be significantly altered and urbanised, will require street lighting, potentially illuminated signs and bollards and will have a highly detrimental impact on local and wider landscape character especially at night-time. The highway proposals are not in accordance with the CBC LCA guidance and are not acceptable in this regard.
- 2.14 Overall, whilst there have been some changes to the illustrative layout, the objections to the landscape and settlement impacts have not been addressed, nor the related concerns regarding the ecological implications of the proposals. Taking into account the total site area (4.3Ha) and dwellings (148 + existing house) the density of 35dpha is above the 28dpha suggested by the Design Guide. The intensity of the development zones would be even higher still if the curtilage and GI (0.534Ha) was omitted from the calculations, with only the development zones considered i.e . 40dpha.
- 2.15 Residential development at this site and the additional highway mitigation proposals would be inappropriate and harmful to the character and appearance of the countryside. As such it is considered that the proposal would fail to conform with the above mentioned policies of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 12 of the NPPF and the National Design Guide.

Design

- 2.16 Design is at the heart of the planning system. Chapter 12 of the Framework emphasises the importance of good design in context, stating that, *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work”*. The Framework requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 2.17 The National Design Guide notes that the NPPF makes clear that *“...creating high quality buildings and places is fundamental to what the planning and*

development process should achieve. This design guide, the *National Design Guide*, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice". The Guide further states "...it addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics". The 10 characteristics are: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes and Buildings, Resources, Lifespan. In respect of the components for good design the guide states that, "[a] well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout (or masterplan); the form and scale of buildings; their appearance; landscape; materials; and their detailing". In addition, "[a]s well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the *National Planning Policy Framework* which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

- 2.18 Policy DM3 of the Core Strategy for the North reinforces the need for developments to reinforce the established character of an area which includes the need to complement the surrounding pattern and grain of development. In addition, the Central Bedfordshire Design Guide states that proposals should be designed as a sensitive response to the site and its setting, which is further iterated in policies DM3 & DM4 respectfully. In addition, Paragraph 3.23.3 of the Core Strategy and Development Management Policies states that the nature and scale of development will be expected to reflect the size and character of the community within which it is proposed.
- 2.19 Overall, the differences are relatively minimal between the illustrative layout of the previously withdrawn application and current proposals. The scheme will still contribute an urbanising effect inappropriate in this countryside location. Key concerns with the illustrative details are as follows:
- Buildings set within a park/campus-like site, overly urban in appearance and unreflective of a more organic development pattern as would be relevant to Arlesey and rural settlements typically in CBC;
 - The site is laid out along a grand sweeping boulevard-like spine road, competing with the prominence of Hitchin Road and being unreflective of the historic character of the settlement;
 - Secondary roads are variously dominated by unbroken runs of surface parking, as well as intensive and regimented clustering of dwellings, contributing an overly urban feel, incongruent with this countryside context. The flat blocks, themselves an uncharacteristic development form in a countryside location, being overscale, are further dominated by extensive and unbroken swathes of surface parking;
 - Open spaces and curtilages that are ambiguous and turning their back to key connections like the north/south pedestrian link with back-flank plot boundaries, creating a foreboding tunnelling effect with no passive surveillance and providing the potential and opportunity for social problems e.g. littering, fly-tipping, burglary, loitering, assault and other antisocial behaviour (riding of motorcycles and other motorised devices);
 - Although appearing spacious, the provision of GI and open space as opposed to incidental curtilage and parking areas does not meet the minimum requirement for on-site provision of 3Ha as indicated by the Leisure and Recreation Officer. Only 0.534Ha is provided, planning

statement para 4.4. The Officer further recommends relocating the play area away from the Network Rail track in the interests of safety; and

- Building zones are spread across the full extent of the site to the red line boundary with an absence of any substantive passive ecological curtilage to off-set the impact of the development and demonstrate that net biodiversity gain is possible. Invariably the scheme would be reliant upon a more dense form of screen planting. It will not necessarily conceal the development e.g. winter time and night time and could impose a vegetation not necessarily reflective of the area and thereby contributing a harmful urbanising effect itself.

2.20 It is further noted that even a scheme redeveloping only the domestic curtilage i.e. the area of the G&T pitches, with permanent C3 dwellings poses a greater and irreversible impact which may not be acceptable, let alone the scheme submitted. With the exception of the ancillary day rooms, the G&T occupation is restricted by the permissions to be very limited and comprising temporary structures that can be removed from site. By contrast, Class C3 dwellings would be permanent structures and an irreversible change from the domestic curtilage of the primary dwelling.

2.21 Whilst not material to the determination, the following observations are made regarding the contents of the DAS:

- Although the Introduction p3 refers to promoting the consideration of “...*local context, regardless of the size and scale*...”, no detailed context appraisal is evidenced as the basis for developing the proposals on this site;
- Although there is reference to the winning of awards p3, none of these appear to relate to spatial master planning of large greenfield sites, which might have served some relevance in considering the subject application;
- The site assessment is no more than a series of 3 no. aerial views and 3 no. site photos taken from Hitchin Road. There is no reference to the considerations that have informed the design development such as reference to the site characteristics and constraints or to any of the supporting technical reports.
- Page 4 sets out various Design Team contacts however, it is not summarised as to what their input has been to developing the proposals;
- The Introduction p9 states that the DAS has been prepared to support the application rather than making reference to the development brief and or project scope for developing proposals for the site. It follows that there is no design development evidenced, including any input or influence of any stakeholder engagement or evaluating design alternatives as might normally be anticipated as part of developing proposals for a site and detailed in a DAS. For example, it does not refer to the previous applications and how the design has been further developed in response to the issues encountered. As a very basic level of detail, there is no summary of the changes compared to the previous and very similar application 18/02251/OUT;
- The details of the proposal p9-10 are brief for a scheme of this size. It amounts to not more than a summary of key requirements and standards, parking numbers etc, to be adhered to, rather than detailing a fully realised illustrative masterplan concept to guide future detailed proposals and how this has been arrived at. Where it would be helpful in support of the illustrative details, there is a lack of background research, nor specific examples to describe and justify what is being

proposed and why. For example, in regards to 'Appearance and Materials', there are bland statements including, "...*the design of the proposed dwellings and flats will draw upon elements of the surrounding context...*". However, the DAS does not evidence if and how the context has actually been appraised nor how this *has* or *could* inform the design. The reference to the materials palette provides merely generic information as to serve no benefit to understanding how the development might possibly appear and how this relates in any way to the local context. Taking these pages on their own, the details described could apply to any development 'anywhere'; and

- Rather than there being continuity across the successive applications, there was a different architectural firm producing the DAS and indicative drawings for each of the earlier applications including the very similar scheme for 147 dwellings 18/02251/OUT and another for the scheme of 97 dwellings 17/03168/OUT.

- 2.22 Overall the illustrative design indicates that such development, being a permanent, irreversible, transformative change to the site would contribute an inappropriately urbanising form detrimental to the character and appearance of the site and area of countryside including the character of Hitchin Road. It would further adversely impact on the pattern and character of Arlesey.

3. Neighbour Amenity

- 3.1 Policy DM3 High Quality Development requires amongst other things that development respects the amenity of surrounding properties. Guidance in paragraph 127(f) of the NPPF requires a high standard of amenity for all existing and future users specifically referencing housing development in footnote no. 46. Further guidance is found within the Central Bedfordshire Design Guide.

Existing neighbours

- 3.2 The detailed relationships between proposed dwellings would be a matter for consideration under a reserved matters application however it is considered that it would be possible to design a scheme which would not have adverse impact on the neighbouring amenity

Future occupiers

- 3.3 As above, matters pertaining to the detailed relationships between each proposed unit, would be a matter for consideration under a reserved matters application. Concerns regarding the illustrative layout and the implications for safety, security and crime notwithstanding.
- 3.4 As per the assessment of the previous application, the Council's Pollution Officer is satisfied that despite the site's proximity to the railway line, a scheme could be designed such that would lead to acceptable living conditions for future occupiers, subject to the imposition of a condition to secure the necessary provisions through a noise mitigation scheme.
- 3.5 Also as noted in the previous application assessment, there is sufficient space to accommodate waste storage, collection, manoeuvring as well as cycle storage and private amenity space. Further regard could be had at reserved matters to these features in relation to the Council's Design Guide, policy DM3 of the Core Strategy for the North, policy HQ1 of the emerging Central

4. Highways Considerations

- 4.1 Para 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy DM3 of the Core Strategy requires that development provides adequate areas for parking and servicing. Policy CS4 states the Council will focus new development in locations, which due to their convenient access to local facilities and public transport, promote sustainable travel patterns. Development will be expected to contribute towards new facilities and services that support sustainable travel patterns.
- 4.2 The application site seeks access from Hitchin Road, which is classified (the C169) and subject to a 60mph speed limit which starts some 220m to the north of the proposed access on Hitchin Road. There is a footway on the western side of Hitchin Road up to the property known as Fountain Cottage which is to the north of No.197 Hitchin Road.
- 4.3 The applicant has also submitted an addendum to the Transport Statement (TS) which includes a TRICS assessment of the projected levels of traffic that could be generated by the development. This addendum also takes committed development in the area into account.
- 4.4 With regards to the TRICS, the correct edge of town selection for development has been applied and the development could be expected to generate some 673 movements per day.
- 4.5 During the am peak it is projected that 54 movements would be made, 15 vehicle movements (27%) would go north into Arlesey. Whilst aware of the future development within Arlesey itself this development would represent one extra car per 4 minutes which would be acceptable. The remaining 39 movements (73%) would travel south.
- 4.6 The TS was supported by two Automatic Traffic Count surveys (ATC) which identifies the peak am and pm hours as 8-9am and 5-6pm which is concurred with. The vehicular speeds were recorded 44.8mph southbound with 57.7mph northbound for which there is no reason to dispute. The total traffic is circa 5300 vehicles per day with a fairly equal distribution of traffic in both directions i.e. 2650 northbound and 2650 southbound per day.
- 4.7 Due to substandard access proposals provided on previous applications, a compact roundabout was suggested to the applicant which this application proposes in line with the Design Manual for Roads and Bridges (DMRB). This is a three-arm roundabout with 2m wide footways on the western side of Hitchin Road. The over run area should be removed so that deflection is more acceptable for vehicles heading southwards from the centre of Arlesey.
- 4.8 The proposed shown footway provides access (southwards) to a new location for a bus stop. Through a Section 106 Agreement there should be bus shelters provided but through discussions with the councils Public Transport Officer as to whether this would be the best location as per drg 03/001 Rev A or for two shelters with upgrading of the two bus stops adjacent to the cemetery. The 2m wide footway northwards would need to include, through a

condition, upgraded to existing footway to the northern side of the cemetery access.

4.9

The applicants will need to provide speed reduction measures which would be to extend the existing 30mph speed limit to a point south of the proposed roundabout, this would in turn need a new 40mph buffer zone prior to the speed limit turning back to 60mph. As part of this scheme additional measures will need to be provided through an overall scheme.

5. Other Considerations

Environmental Impact Assessment (EIA)

- 5.1 In accordance with section 8 of the Regulations 2017, the application has been screened following submission. The proposal is not Schedule I and II development. Further that any potential impacts are considered to be of not more than local significance. As such, the proposal is not EIA development and there is no requirement for an Environmental Statement (ES) therefore.

Loss of Agricultural Land

- 5.2 The proposals result in the loss of agricultural land, the amount lost is not quantified, nor its grade. Other than the description in the LVA, the planning statement para 6.1 simply refers to the land as “*unused and unproductive*”. As such it is yet to be demonstrated that there is no loss of ‘Best and Most Versatile’ (BMV) agricultural land. The loss of BMV is normally resisted in principle having regard to NPPF ch15.

Housing Need including affordable housing

- 5.3 Local Planning Authorities are charged with delivering a wide choice of sufficient amount of and variety of land and to boost significantly the supply of housing by identifying sites for development, maintaining a supply of deliverable sites and to generally consider housing applications in the context of the presumption in favour of sustainable development.
- 5.4 Policy CS7: Affordable Housing requires New housing development for 4 or more dwellings to provide 35% affordable housing. Amongst other criteria affordable housing should be constructed and designed to the same standard as market housing and should be fully integrated into the development. Within large housing developments, the affordable housing will be scattered through the development, or in small clusters. Also, the provision of fewer affordable homes may exceptionally be considered on sites only if the applicant produces evidence to demonstrate that to provide the full amount would make the scheme unviable.
- 5.5 Policy DM10: Housing Mix states that All new housing developments will provide a mix of housing types, tenures and sizes, in order to meet the needs of all sections of the local community, promote sustainable communities and social cohesion. The main considerations in determining appropriate mix are up to date needs assessment, existing mix in the locality, locational and site characteristics and current housing market conditions. Subject to any relevant local circumstances, the council seek a dwelling mix of tenures according to the SHMA:

Figure 98: Housing mix of OAN for market and affordable housing by local authority (Source: ORS Housing Model. Note: Figures may not sum exactly due to arithmetic rounding)

		Market Housing			Affordable Housing		
		Luton	Central Bedfordshire	TOTAL	Luton	Central Bedfordshire	TOTAL
Flat	1 bedroom	110	730	800	480	1,140	1,600
	2+ bedrooms	-80	750	700	1,520	1,090	2,600
House	2 bedrooms	1,300	3,540	4,800	1,410	2,660	4,100
	3 bedrooms	7,330	13,040	20,400	4,210	2,700	6,900
	4 bedrooms	1,700	4,890	6,600	1,020	510	1,500
	5+ bedrooms	40	960	1,000			
TOTAL		10,400	23,900	34,300	8,600	8,100	16,700

- 5.6 In the course of the assessment the affordable housing provision was increased from 30% to 35%. It was reconfirmed that 8 self build plots were also to be provided. The Council's Housing Officer further seeks 72:28 tenure split between social rent and shared ownership. The unit mix of the affordable and market tenures of any reserved matters application should reflect the SHMAA although, there is some flexibility to consider individual circumstances. For example, a scheme that is solely dwellings which may be more appropriate on the settlement edge in terms of appearance and character as compared to flat blocks as is currently suggested in the illustrative details. Whilst the affordable housing level is acceptable in principle, this is subject to it being secured by s106 agreement and the detailed design at reserved matters if the council was minded to approve the application.
- 5.7 In respect of accommodation for the elderly, this is a requirement of the emerging plan and as such, little weight can be given to this until such time in the future as the emerging plan gains increasing weight and is finally adopted.

Energy efficiency, sustainability and climate change

- 5.8 NPPF Ch14, para 148 states that the planning system should support the transition to a low carbon future in a changing climate. Para 150 states amongst other things that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions.
- 5.9 CB CS Policy CS13: Climate Change seeks new development which incorporates measures to take account of climate change.
- 5.10 Policy DM1: Renewable Energy requires that Proposals for all new development of more than 10 dwellings or 1,000 square metres of non-residential buildings should contribute to renewable energy targets by incorporating on-site or near-site renewable or low carbon technology energy generation. Developments should achieve 10% or more of their own energy requirements through such sources, unless it can be demonstrated that this would be impracticable or unviable.
- 5.11 Policy DM2: Sustainable Construction of New Buildings states all proposals for new development should contribute towards sustainable building principles.
- 5.12 To ensure compliance with all policies requirements, submission of a sustainability statement at reserved matters stage and a post construction verification report should be secured by conditions if the council be minded to approve the application.

Pollution

- 5.13 NPPF para 170 states that proposals should amongst other things prevent new development contributing to or being at risk of unacceptable soil, air, water or noise pollution and land instability and remediating despoiled, degraded, derelict, contaminated or unstable land where appropriate.
- 5.14 Whilst conditions are recommended to mitigate the impacts of contamination, construction and noise, the Pollution Officer requested further clarification and consideration of the Green Waste recycling facilities potential noise and air quality impacts on future occupiers. Further air quality assessment would also be needed for dwellings in proximity to the proposed roundabout.

Trees and Ecology

- 5.15 Paragraph 170 of the NPPF requires amongst other things that new development minimises impacts on biodiversity and provides net gains in biodiversity.
- 5.16 Paragraph 175 of the NPPF states that local planning authorities should apply the principles including the following: If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigate, or, as a last resort, compensated for, then planning permission should be refused;
- 5.17 Paragraph 177 of the NPPF states that the presumption in favour of sustainable development (para 11) does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.
- 5.18 CB CS Policy CS18: Biodiversity and Geological Conservation states the council will amongst other things support the designation, management, and protection of biodiversity and geology.
- 5.19 Policy DM15: Biodiversity states amongst other things that where there is a need to protect or enhance biodiversity, developers will be required to carry out such work and/or make contributions to secure longer term benefits for wildlife. Also, the use of native and locally appropriate species, including locally sourced plants and seeds and plants of local provenance, in planting schemes will be required where appropriate.
- 5.20 The committee report for the previous application indicated that the Ecologist was concerned about the minimal provision of open space and that it was predominantly formal play with limited buffers at the perimeter of the site. The previous scheme appeared cramped and despite attempts to include enhancements such as wildlife ponds and a small orchard it resembled overdevelopment. It was considered that the pressure from the number of residents using the open spaces would detract from their ecological value and henceforth, the scheme would struggle to demonstrate a net gain for biodiversity. The previous scheme was for 147 dwellings, the current scheme being for 148 dwellings and no substantive change in the illustrative layout from an Ecology perspective. Despite the opportunity to submit additional information in an effort to narrow issues, the Ecology objection stands. The proposal continues to pose an adverse impact on biodiversity, contrary to the above mentioned policies and NPPF.

- 5.21 *NB: Not only in terms of ecology, the landscaping design and species selection has visual implications which could pose an uncharacteristic and urbanising effect, as noted earlier in this report.*

Fire safety

- 5.22 Although fire safety is a matter for Building Regulations stage, the consultation from the fire service refers to the provision of fire hydrants and access which would be preferably factored into the consideration of 'layout' at reserved matters. Also, the consideration of sprinklers in building which would need to be evaluated as part of the detailed design development of the buildings.

Flood risk and drainage

- 5.23 Paragraph 163 of the NPPF requires new development to ensure that flood risk is not increased elsewhere. Where appropriate applications should be accompanied by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.24 Policy DM2: Sustainable Construction of New Buildings states amongst other things that the provision of Sustainable Urban Drainage Systems for the disposal of surface water within and leading from development sites will be expected.
- 5.25 As was the consideration in the previous application 18/02251/OUT, the Councils SuDs Officer is satisfied that an appropriate Sustainable Drainage System could be implemented on site, subject to condition to secure design at reserved matters if the council was minded to approve the application. Further, the EA commented on the previous scheme indicating they had no objection to the proposals and to consult with the Lead Local Flood Authority (LLFA) in respect of flood risk and surface water drainage. *NB: The Council's SUDS team has confirmed that the EA do not need to be consulted as there are no relevant criteria and circumstances triggered by the General Development Procedure Order.* Neither the Internal Drainage Board nor Anglian Water have raised any objection to the proposals. As such it is considered that the proposal accords with the Councils adopted SuDs guidance and the Section 14 of the NPPF.

Impact on services

- 5.26 As noted in the officer report to the previous application 18/02251/OUT, about the impact of the proposed dwelling houses on the existing water and sewage connections, the Internal Drainage Board and Anglian Water has not raised any objections in this regard. It should be noted that supply connections are subject to separate approvals with the providers.

Public Art

- 5.27 As noted in the officer report to the previous application 18/02251/OUT, CBC actively encourages public art in new developments. CBC looks to developers/promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council. The Councils Public Art Officer has raised no objection, subject to the imposition of a condition to secure an art strategy.

S106 Planning Contributions

- 5.28 Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy CS2 of the Core Strategy for the North is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals. Emerging policy in the Local Plan sets out a similar requirement.
- 5.29 The development will impact on local infrastructure and as a result, development of a scale as proposed here, is required to offset these impacts, by entering into a S106 agreement to provide financial contributions to mitigate these impacts. At the time of writing, the following contributions would be requested, noting further details relating to each contribution is detailed in the consultee response section of this report:
- 35% Affordable Housing provision as well as a commitment to housing delivery within 5yrs
 - Waste
 - Health
 - Primary Care - £815 per dwelling
 - Community Health provision - cost per dwelling £114.10
 - Secondary healthcare - cost per dwelling of £130.40
 - Education: Total contribution £1,811,064.28 broken down as follows:
 - Early Years: £153,473.04
 - Lower: £511,576.80
 - Middle: £514,770.05
 - Upper: £631,244.39
 - Community Halls: £162,148
 - Libraries: £31,080
 - Leisure and Open Space:
 - Indoor Sport: £135,720
 - Outdoor Sport: £80,701
 - Children's Play: £44,000
- 5.30 The contributions being sought are considered to be CIL compliant as well as necessary to make the development acceptable in planning terms and fairly and reasonably related in scale; in accordance with para 56 of the NPPF.
- 5.31 NB: S106 Transport-related contributions and separate and exclusive of any other required improvements and approvals that may be necessary under the Highways Act e.g. traffic calming scheme and footway upgrades. Also, any financial implications of provisions required by the Travel Plan to be approved e.g. travel vouchers.

6. Whether the scheme is sustainable development

- 6.1 There are three overarching objectives to achieving sustainable development, an economic, social and environmental objective. The NPPF states that these roles are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

Economic

- 6.2 There would be economic benefits including employment generation during construction as well as operationally with the population increase.

Social

- 6.3 The proposal would contribute housing including affordable housing which is a benefit although, there is no overriding positive social objective given the council can otherwise demonstrate over 5yrs supply and near to a settlement where there are approvals and proposed allocations providing for housing need. Moreover, the scheme would result in the loss of 19 no. G&T pitches, impacting on supply. This loss of G&T pitch supply is considered significant in terms of meeting the need of the G&T community in the district.
- 6.4 The indicative north-south link does not secure a connection that is deliverable however, it is possible to re-establish the footway along Hitchin Road, meaning the site could be made sustainable in location terms. Albeit that the route for residents would not be direct and convenient and that the services and facilities are not located in the south of Arlesey, meaning there will still be a propensity to rely on private car use and a relative disadvantage to those that do not have access to a car. The indicative layout, turning its back on this link as well as the other ambiguous and dead space poses safety, security and crime issues for future users. As such the scheme is not contributing to the wellbeing of the future community of this site nor its integration with Arlesey.

Environmental

- 6.5 The scheme would result in a permanent, irreversible and transformative urbanising impact on open countryside. The roundabout would itself contribute an adverse urbanising effect as would buffer planting on the site edges. Even a scheme redeveloping only the domestic curtilage i.e. the area of the G&T pitches, with permanent C3 dwellings poses a greater and irreversible impact which may not be acceptable, let alone the scheme submitted. The scheme would further impact on the settlement pattern and character of Arlesey. Notably, the park/campus setting is at odds with Arlesey and the grand boulevard-like spine road will compete with the dominance of Hitchin Road.
- 6.6 In addition to the character and appearance impacts, biodiversity would be adversely affected, the scheme unable to suitably demonstrate that net gain is possible, given the indicative details presented.
- 6.7 The proposals further result in the loss of agricultural land although it is unclear if this is BMV agricultural land due to a lack of supporting information.
- 6.8 Overall, the development is not considered sustainable having regard to the social and environmental objective and this weighs against the development proposal.

7. Planning balance

- 7.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver 'sustainable development'. With regard to s. 38(6) of the Planning and Compulsory Purchase Act 2004, the report identifies that the proposal does not comply with saved policies CS1, CS2, CS4, CS14, CS16, CS18, DM3, DM4, DM14, DM15 of the Central Bedfordshire Core Strategy. Taking the plan as a whole, the proposal is considered to not be in accordance with the development plan.
- 7.2 The Council can demonstrate a 5 year housing land supply and the tilted balance in para 11 of the NPPF is not therefore engaged.
- 7.3 The development would contribute to housing supply including affordable housing although, this is tempered to moderate positive weight on the basis that the council can demonstrate over 5 years supply. Any benefit is offset and indeed considered to be outweighed by the significant adverse weight and impact attributed the loss of the 19 G&T pitches. In terms of the competing needs, ultimately the favouring of the needs of one group would be at the expense of another whose needs are not as easily accommodated and for which the implications of any reduction supply is very significant and not so easily re-provided elsewhere.
- 7.4 In respect of landscape and visual impact on the countryside, impact to the character of Hitchin Road as well as the settlement pattern and character of Arlesey, this is attributed significant adverse weight in the planning balance. The proposals further result in the loss of agricultural land which is attributed moderate negative weight in the planning balance. Also, the impact to biodiversity and failing to demonstrate net gain can be achieved, is attributed significant negative weight in the planning balance.
- 7.5 In respect of sustainable location and transport, whilst the access arrangements do not satisfactorily demonstrate pedestrian connectivity to Arlesey, it is possible to make the site sustainable by re-establishing the footway along Hitchin Road. Significant positive weight attributed to this however, is tempered to moderate given the route for residents is not direct and convenient to facilities which are not located in the south of Arlesey and are further north, meaning there will still be a propensity to private car use and a relative disadvantage for people without access to a car.
- 7.6 Compliance with other policies of the development plan and NPPF have been demonstrated in terms of neighbour amenity, amenity of future occupiers, energy sustainability, and drainage subject to the detailed design to come forward at reserved matters and conditions of approval if the Council was minded to approve the application. However, these matters do not represent benefits to the wider area but demonstrate an absence of harm, thus contributing neutral weight to the balance.
- 7.7 In the case that the scheme was being considered for approval, the applicant would have been requested to enter into a s106 agreement to secure the affordable housing as well as financial contributions towards mitigating the impacts of the proposals on waste, healthcare, education, community halls, libraries, leisure and open space as a consequence of the development. Securing the mitigation would result in an absence of harm, which would be

attributed neutral weight in the planning balance. However, in the absence of such agreement, negative weight is attributed in the planning balance.

- 7.8 Overall, the adverse impacts are considered to outweigh the public benefits of the scheme. This is considered to be the case irrespective of a tilted or non-tilted balance. The scheme is recommended for REFUSAL.

8. Human Rights and Equality Act issues

- 8.1 Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act and as such there would be no relevant implications.

9. Recommendation

- 9.1 That Planning Permission be REFUSED for the following:

RECOMMENDED REASONS

- 1 The proposed development will result in the permanent irreversible loss of open countryside and agricultural land, with an over-intensive, cramped and urbanising development which will harm the open countryside character in the area as well as harm to important landscape features with ecological value. The development would further result in demonstrable harm to the settlement pattern and character of Arlesey and the rural character of Hitchin Road. The proposed development is therefore contrary to policies CS14, CS15, CS16, CS18, DM3, DM4, DM13 and DM14 of the Central Bedfordshire Core Strategy and Development Management policies (2009), the National Planning Policy Framework (2019) and the Central Bedfordshire Design Guide (2014) and National Design Guide (2019).
- 2 The proposal would result in the unacceptable loss of Gypsy & Traveller pitches and what would also be capable of providing culturally suitable accommodation for non-travelling Gypsies and Travellers and of which no alternative suitable sites have been proposed. The loss would significantly impact on the Councils ability to ensure an appropriate supply of Gypsy and Traveller accommodation as demonstrated in the Central Bedfordshire Council Gypsy and Traveller Accommodation Assessment (August 2016) and contrary to Planning policy for traveller sites (2015) and the National Planning Policy Framework (2019).
- 3 In the absence of a completed legal agreement securing financial contributions to offset infrastructure impact, including waste, healthcare, education, community halls, libraries, leisure and open space and the provision of affordable housing, the development would have an unmitigated and unacceptable impact on existing local infrastructure. The development would therefore not amount to sustainable development and would be contrary to the objectives of the National Planning Policy Framework (2019) and Policies CS2 (Developer Contributions) and CS7 (Affordable Housing) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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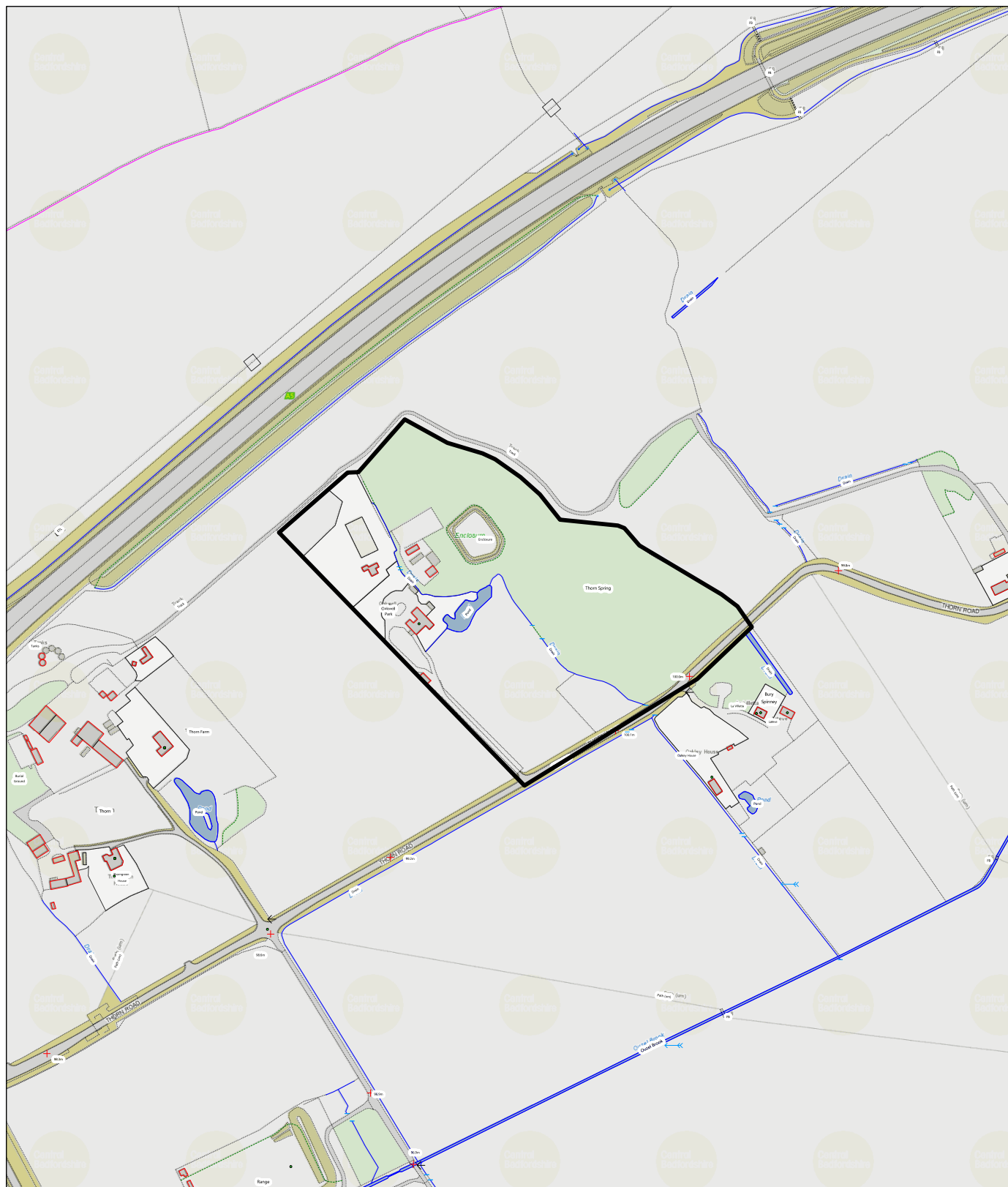
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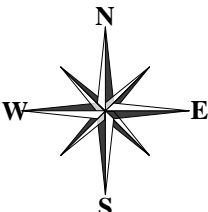
7. Planning Application No:
CB/18/04471/FULL (Houghton Hall)

Address: Land at Oakwell Park, Thorn
Road, Houghton Regis, LU5 6JH

48 new residential units.

Applicant: Haut Ltd



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/18/04471/FULL
	Date: 18:November:2019	
	Map Sheet No	
Scale: 1:5000	Land at Oakwell Park, Thorn Road, Houghton Regis, LU5 6JH	

APPLICATION NUMBER	CB/18/04471/FULL
LOCATION	Land at Oakwell Park, Thorn Road, Houghton Regis, LU5 6JH
PROPOSAL	48 new residential units.
PARISH	Houghton Regis
WARD	Houghton Hall
WARD COUNCILLORS	Cllrs Mrs Goodchild & Farrell
CASE OFFICER	Stuart Robinson
DATE REGISTERED	29 November 2018
EXPIRY DATE	28 February 2019
APPLICANT	Haut Ltd
AGENT	Optimis Consulting
REASON FOR COMMITTEE TO DETERMINE	Departure from the adopted development plan.
RECOMMENDED DECISION	Major development with Town Council objection.
RECOMMENDED DECISION	Full Application - Approval

Reason for Recommendation:

The proposed development forms inappropriate development within the Green Belt and in accordance with the NPPF this factor should be given substantial weight. Cumulatively the very special circumstances presented, and principally the suggestion that the site no longer serves the purposes of Green Belt land, are considered to clearly outweigh the harm to the Green Belt and any other harm. The site contains several heritage assets and a County Wildlife site, which would be impacted by the proposed development. As described within the report, the impact to the heritage assets, the County Wildlife Site and the wider landscape are considered to be mitigated by conditions and a management plan. As such, the proposed development is considered to be acceptable subject to planning conditions and a completed s106 agreement.

Site Location:

The application site is located to the north of Houghton Regis. The site is surrounded by the Houghton Regis North - Site 2 (Bidwell West) site, however it must be noted that the site is still within the Green Belt. The western side of the site largely open in nature, with a large detached property (Oakwell Park) forming the main visible feature. The eastern side of the site is heavily wooded. The site is accessed to the south, via Thorn Road.

Oakwell Park is used as a residential property and has been designated as a Grade II Listed Building. The property has a number of recently built outbuildings, associated with the residential use, such as a tennis court. These outbuildings do not form part of the listing.

The site contains two Scheduled Ancient Monuments (SAMs); Thorn Spring Moat (near the centre of the site) and a set of woodbanks (to the south of the site).

The eastern section of the site, formed by woodland, is a designated County Wildlife Site (Thorn Spring CWS). This CWS also comprises Ancient Woodland.

The Application:

The application seeks planning permission for 48 dwellings. The proposed development would not alter the use of the listed building. The application has been reduced from 50 dwellings, as originally submitted.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

South Bedfordshire Local Plan Review Policies

Policy SD1: Sustainability Keynote Policy

Policy BE8: Design Considerations

Policy T10: Controlling Parking in New Developments

Policy H4: Providing Affordable Housing

Policy R14: Protection and Improvement of Recreational Facilities in the Countryside

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 Policies SD1, BE8 and R14 are consistent with the Framework and carry significant weight. Other South Bedfordshire Local Plan Review Policies set out above carry less weight where aspects of these policies are out of date or not consistent with the NPPF.

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

Policy CC1 Climate Change and Sustainability

Policy CC5 Sustainable Drainage

Policy EE1 Green Infrastructure

Policy EE2 Enhancing Biodiversity

Policy EE3 Nature Conservation

Policy EE4 Trees, Woodlands and Hedgerows

Policy H1 Housing Mix

Policy H2 Housing Standards

Policy H4 Affordable Housing

Policy HE1 Archaeology and Scheduled Ancient Monuments

Policy HE3 Built Heritage
 Policy HQ1 High Quality Development
 Policy SA5 Houghton Regis North Strategic Allocation
 Policy T3 Parking

Supplementary Planning Guidance/Other Documents

Houghton Regis (North) Framework plan - adopted by CBC Executive for Development Management purposes on 2 October 2012.

Central Bedfordshire Design Guide - March 2014.

Affordable Housing Guidance Note for Central Bedfordshire (South Area) - April 2016.

Relevant Planning History:

Application Number	16/05701/OUT
Description	Demolition and removal of existing buildings, trees and associated landscaping to create a residential development together with environmental improvements, green infrastructure and heritage enhancement
Decision	Application refused
Decision Date	28/07/2017

Consultees:

Houghton Regis Town Council	Object to the application for the following reasons: <ul style="list-style-type: none"> • The scheme does not enhance the setting of the heritage assets. • Overdevelopment of the site. • Out of keeping with the listed building and SAMs • Harmful to the setting of heritage assets. • Contrary to the NPPF regarding heritage.
Anglian Water	No objection, subject to conditions.
Beds Fire and Rescue Service	No objection, subject to conditions.
Environment Agency	No objection.
Historic England	Objection. Consider the application would result in harm to the significance of a scheduled monument and a grade II listed building, through a development within their setting. It is considered that this would represent a high degree of harm.
Internal Drainage Board	No objection.
The Wildlife Trust	Concerns have been raised regarding the impact to the CWS, however an objection has not been raised. Comments include: <ul style="list-style-type: none"> • Supports the increased buffers to the woodland. • Lighting must be sympathetic • Good management of the woodland is vital for the scheme to be successful. Without active and ongoing management the woodland would decline resulting in a net loss of biodiversity.

- Recommend "Hedgehog Highways" and swift bricks within the development.

CBC Landscape	<p>Objection regarding the impact on landscape character, green infrastructure and setting to heritage assets. Further specific comments are summarised below:</p> <ul style="list-style-type: none"> • The proposals require the loss of significant number of existing trees and hedgerows. • The proposed layout and density does not allow for the inclusion of tree lined streets and soft verges through proposed built form. • Development backing on structural landscaping to the northern site boundary is not acceptable
CBC Trees	No objection, subject to conditions.
CBC Conservation	<p>No objection. Comments summarised below:</p> <ul style="list-style-type: none"> • Pleased to see the reduction in units, creating greater spacing to the listed building. • Highlight that street lighting could have a significant impact to the setting. • Highlight need for established boundary treatment/landscaping in order to mitigate views to/from the listed building.
CBC Local Plan	Highlight that the site has not been allocated within the emerging Local Plan as there were concerns raised regarding compliance with the HRN Framework Plan.
CBC Pollution	No objection, subject to a planning condition.
CBC Highways	No objection, subject to planning conditions.
CBC Rights of Way	No objection. Seek connections to the northern open space via the application site.
CBC Countryside	No comments.
CBC Public Art	No requirement for public art.
CBC Archaeology	No objection, subject to conditions.
CBC Leisure	No objection. An on-site combined LEAP/LAP play area of approx. 450sqm should be provided. The play area proposed is too small, however this matter can be controlled via a planning condition.
CBC Affordable Housing	No objection.
CBC Ecology	No objection, subject to a condition.
CBC Sustainability	No objection, subject to conditions.

Other Representations:

Neighbours

One neighbouring resident has commented on the application. This comment has been summarised below:

- 'Hedgehog highways into the design of the gardens',
- Swift bricks into suitable buildings'.
- More retention of trees, especially fruit trees.
- a sensitively designed lighting scheme would need to be developed which maintains the darkness in the woodland and along its edge'
- recommend that the widespread removal of Sycamore is carefully reconsidered'.
- secure suitable management of the woodland' as 'all new developments must result in a net gain for biodiversity. The provision for management of the CWS must be adequately funded in perpetuity to ensure this requirement is met. The development should not go ahead if this cannot be secured

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

Considerations

1. Principle

Green Belt

- 1.1 The application site is situated to the north of Houghton Regis, in an area wholly within the Green Belt. Whilst the site is largely enveloped by the Bidwell West (Houghton Regis North - Site 2) planning permission, the land can only be removed from the Green Belt by the adoption of the emerging Local Plan. As such, the impact to the openness of the Green Belt is a key consideration. It must also be noted that, if the Committee resolve to approve the application, then it must be referred to the Secretary of State for Housing, Communities and Local Government.
- 1.2 The National Planning Policy Framework (NPPF) describes the means and method for considering planning applications within the Green Belt. Paragraphs 143 and 144 of the NPPF, included below, details how the Council should approach such an application.

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." (Para. 143)

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.” (Para. 144)

- 1.3 The NPPF provides a list of situations where development may not be inappropriate within the Green Belt. Paragraph 146 specifically states that:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

Due to the nature and location of the proposed development, the development would form inappropriate development within the Green Belt.

- 1.4 As highlighted previously, the NPPF states that inappropriate development, which is harmful due to its inappropriateness, should not be approved except in very special circumstances. The proposal would be harmful to the Green Belt due to its inappropriateness and its impact on openness due to the scale of the residential development within a largely undeveloped environment.
- 1.5 There is no definition of the meaning of ‘very special circumstances’ but case law has held that the words “very special” are not simply the converse of “commonplace”. The word “special” in the guidance implies a qualitative judgement as to the weight to be given to the particular factor for planning purposes.
- 1.6 In response to this point, the agent has provided a list of points, which they consider represent very special circumstances. These very special circumstances have been considered in turn below.

- 1. Transfer of private land into the control of a public body, trust or charity to allow public access to over 8 acres of woodland as part of a strategic green infrastructure, benefiting residents of this application as well as the adjacent expansion of Houghton Regis and existing residents*

Very few details have been provided regarding this point and, at the point of writing this report, no agreement has been made with a public body, trust or charity. It must be highlighted that, due to the conflict of residential development and the ecological and heritage assets, officers do not recommend that the woodland is made available to the public. As such, this matter is not considered to represent a very special circumstances.

- 2. Dedicating this woodland to the public realm will provide a healthy community as encouraged by the NPPF but will also meet the expectation of the Framework to deliver strategic green infrastructure as an important component of the Houghton Regis North proposals.*

It is noted that the provision of woodland may have medical benefits to the community, both in terms of physical and mental health. The woodland is a County Wildlife Site, containing Ancient Woodland, which contains SAMs. Therefore, National and Local Planning Policy would seek the retention, preservation and enhancement of this land anyway. The use of the woodland would lead to conflicts with the need to retain the natural and historic assets. It is considered that these matters can be controlled via a management plan if the application is approved, however it is considered that this matter holds, at most, limited weight and does not form a very special circumstance.

3. *Enhanced ecological habitats and the provision of ecology features to secure the protection of flora and fauna and to offer the opportunity for expansion of existing or creation of new habitats. These habitats will be formed within a sensitively designed residential development and the woodland area.*

There is limited information to demonstrate that the proposal would represent an expansion of existing habitats and the creation of new habitats. The proposed development has the potential to provide net gains in terms of biodiversity, however the NPPF identifies that this is an expectation for any major development. As such, this matter is not considered to represent a very special circumstance.

4. *Sustainable urban drainage feature as an opportunity to extend green infrastructure within the site and to link into future water features envisaged in the Bidwell West development. Utilising the existing ditch network and expanding in strategic locations to collect surface water run off a network of features will provide additional opportunities for the creation of new habitats.*

The application retains the existing pond as a drainage feature. No significant SuDS arrangements have been provided as part of this application. The NPPF identifies that drainage features should be incorporated within the development, reducing surface run-off and flood risk to neighbouring land. Therefore, as the suggested benefits are simply compliant with National Planning Policy, this matter is not considered to represent a very special circumstance.

5. *Provide enhancements to the heritage assets within the site by improving their setting and enabling the public to gain access to enjoy them. These enhancements will allow an opportunity for history to come to life and feature as part of a combined heritage and ecological enhancement.*

The proposed development does provide the opportunity to provide effective management of heritage assets, such as the SAMs and the Listed Building. Further details are required via condition, if the application is approved, to provide clarity regarding the management arrangements for the benefit of heritage and ecological assets. As such, based upon the information provided, this point is not considered to form a very special circumstance and can only be afforded limited weight.

6. *Provide educational trails with information boards to allow local school children and residents to understand features within Thorn Spring so that it may be utilised as a community woodland. The proximity of the site to the proposed new school together with safe routes of access will allow this*

feature to have a real purpose. It is encouraged that any section 106 contributions for educational purposes may be directed to the achievement of these aims.

No information has been provided regarding information boards and links to local schools. As noted above, it is accepted that the woodland being available to the public would provide benefits in terms of access to open space, but it must be weighed against issues related to the increased use of the site (such as possible deterioration and damage). As there is no information provided regarding the links to education, this matter is not considered to represent a very special circumstance.

7. Provision of valuable affordable housing and the delivery of homes for local people. The proposals will allow the opportunity of affordable homes to be provided and meet a substantial need for the district and the wider market area of Luton.

The application seeks to provide 30% affordable housing, which would be secured by a s.106 agreement if the application was approved. This is compliant with the Council's emerging Local Plan, which would be expected from any scheme of this nature anyway. Therefore, as the proposal is essentially a policy compliant scheme in terms of affordable housing, this matter is not considered to represent a very special circumstance.

8. Delivery of housing that would have a positive impact on the housing need for Central Bedfordshire and Luton Housing Market area in a location that has been identified for strategic development in successive development plans and has received certainty from successful applications in the area that have generated over 7,000 dwellings.

The Council currently has a five-year supply of housing land. Therefore, there is not considered to be a substantial reason to provide additional housing land within the Green Belt. Therefore, this matter is not considered to represent a very special circumstance.

9. No longer serving the purposes of Green Belt land

The NPPF identifies that Green Belt land serves five purposes, as listed below:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The application site has essentially be enveloped by the proposed Bidwell West development (Houghton Regis North site 2), which adjoins the site on all sides. The eastern, western and southern boundaries would all adjoin residential development, whilst the northern boundary would adjoin a landscaped play area, which then adjoins the A5-M1 Link Road. The site is currently used as a residential property which, on its own, is considered to have a very limited role in assisting the safeguarding of the countryside from encroachment. With these points in mind, the application site is no longer considered to serve the five purposes of Green Belt land. As such, it is

considered that this point constitutes a very special circumstance and can be afforded significant weight.

- 1.7 In conclusion, it is considered that the application site can no longer serve the any of the purposes of Green Belt land, and as such this forms a significant very special circumstance. There are other points, such as the provision of public open space, which provided limited weight. Cumulatively, it is considered that the very special circumstances clearly outweigh the impact to the openness. These very special circumstances are also considered to clearly outweigh any other harm (for example, such as the impact to the heritage and ecological assets). The specific harm to each of these matters is discussed in greater detail within the relevant sections of the report.

HRN Framework Plan

- 1.8 In October 2012 Central Bedfordshire Council adopted the Houghton Regis North Framework Plan for Development Management purposes. This plan includes a diagram which provides an indication of future uses and expectations associated with future development to the north of Houghton Regis. This plan has limited weight as a planning consideration, as it is not a development plan document.
- 1.9 Whilst the plan principally directs the two main planning permissions, which total up to 7,000 dwellings together, the Framework Plan also covers areas outside of the planning permission, such as this site.
- 1.10 The Framework Plan identifies that the application site contains a SAM, a wildlife and ecological area (in the form of the County Wildlife Site), and can accommodate residential development. The level of residential development is not indicated.
- 1.11 It must be noted that the Framework Plan was constructed at a stage when the design and arrangement of Bidwell West (Houghton Regis North Site 2) was not known. Therefore the layout does not, and cannot be expected to, follow the exact layout of Bidwell West. It is considered that the application site is, however, broadly consistent with the Framework Plan, given the location of the proposed land uses. Therefore, this weighs in favour of the proposal.

2. Affect on Heritage Assets

- 2.1 The application site includes a Grade II Listed Building (Oakwell Park) and contains two Scheduled Ancient Monuments (SAMs). The Listed Building is currently used as a residential property and does not include any significant aspects of harm or damage to the listed elements. The proposed development would not change the use of the listed building and would not reduce or remove the SAMs. Having said this, due to the close proximity of the development, the setting of both the listed building and SAMs would be impacted.
- 2.2 Paragraph 193 of the NPPF identifies that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"

- 2.3 The Council's Archaeology and Conservation Officers have considered the application and have not raised an objection to the proposed development, subject to conditions. Historic England have objected to the proposed development, considering that the proposal would cause great harm to the heritage assets. Historic England consider the harm is due to the significance of the heritage assets, due to the location of the development, within the setting of the assets. It is considered by all consultees that the proposed development would lead to less than substantial harm to the SAMs and the listed building.
- 2.4 The NPPF identifies that where the development would cause less than substantial harm to heritage assets, the harm must be weighed against the public benefits of the proposal. Historic England consider that the public benefits would not outweigh the harm to the heritage assets. The proposed development would provide public benefits in terms of providing housing, providing affordable housing and providing open space and opening up a County Wildlife site, with historic interests, up to the public.
- 2.5 It is considered that the proposed development would provide public benefits which would clearly outweigh the harm to the Heritage Assets. The public benefits would be further supported by planning conditions, such as the control of lighting, boundary treatment and the management of the SAMs and County Wildlife Site. As such, the proposed development is considered to be acceptable in terms of heritage considerations.
- 3.0 Impact on the Landscape and the Character of the Area**
- 3.1 The application site has an open setting, with grassland at the entrance of the site, with a tree-lined access road. The north, eastern and western boundaries are bounded with mature trees, largely enclosing the site.
- 3.2 The proposed development would remove approximately 57 trees, principally related to the northern area of the site. Of the 57 trees to be removed, 6 are protected by Tree Preservation Orders. The majority of these trees are currently hidden from public views by the existing listed building.
- 3.3 Concerns have been raised by a Landscape Officer due to the loss of trees, the lack of space for trees within the development and because the northern edge of the development backs on to strategic landscaping.
- 3.4 In response to these points, it should also be noted that the site is already largely enclosed by hedgerows/trees. Externally, the landscaping would have a similar visual appearance and would screen the development. The development would also still provide the opportunity for trees within the public realm.
- 3.5 It is accepted that the development would result in the loss of several trees, including 6 TPO trees. The applicant has responded to this point with several points of clarification, which have been summarised below:
- The majority of the trees to be removed are of poor quality.
 - Many of the trees, mainly the fruit trees, would not reach maturity as they have been damaged by previous maintenance.
 - The TPOs have little value beyond the boundaries of the site.
 - The development would help provide additional trees
 - The development would also secure suitable management arrangements to make sure the trees of value (both protected and not protected) would be able to reach maturity.

- 3.6 The loss of trees, both protected or not, does present concerns to the character of the area. It is considered that the impact to the character of the area is limited, as many of the trees are not of significant value, many of the TPO trees are not currently visually prominent from the public realm. As such they provide benefit in terms of public amenity value. It is also noted that additional trees can be provided to support the existing trees and aid public amenity. The Council's Tree Officer has also considered these points further and, whilst the loss of protected trees is noted, the Officer has not raised an objection subject to conditions.
- 3.7 The proposed development would provide 48 dwellings, set to the north and south of the existing listed building. The development would include a mix of dwellings and flats and would be two storey in height throughout. The proposed design indicates a traditional design featuring pitched roofs, porches, gable roof projections and, in key locations, chimneys. The proposed construction materials have not been detailed, however, if the Committee consider that the application should be approved, a condition can be included to control the proposed external construction materials.
- 3.8 The proposed layout respects and considers several constraints across the site, including heritage assets, protected trees and a County Wildlife Site. It is considered that the reduced number of dwellings provides sufficient spacing between the County Wildlife Site, SAMs and the listed building. The retention of mature woodland and the proposed landscaping would also benefit the development, presenting a sense of place and a unique character given the constrained setting.
- 3.9 Therefore, whilst there are several constraints associated with the site, the design is considered to present an acceptable level of landscaping and is considered to be acceptable in terms of the character of the area.

4.0 Residential Amenity

- 4.1 The proposed development is located around Oakwell Park, a two storey Grade II listed dwelling. The nearest dwelling to the building would be located approximately 20.0 metres away and there are no direct views into the property from the proposed development. There are no existing dwellings within close proximity of the site.
- 4.2 The proposed development would be located to the east of a housing parcel within Bidwell West. Detailed planning permission has been approved for this site, which indicates that the dwellings would be approximately 20.0 metres away from the boundary of the application site. The proposed development would have a gap to this boundary, to serve the proposed access road and for landscaping, resulting in a distance between properties close to 30.0 metres in distance. The relationship of the proposed housing is considered to be acceptable in terms of residential amenity.
- 4.3 The majority of dwellings would have a rear to rear privacy distance of at least 21.0 metres, as sought by the Council's adopted Design Guide. There is one instance (between plots 40 to 49) where the rear to rear distance would fall to approximately 20.0 metres. Whilst such instances are discouraged, it is considered that there is adequate spacing to provide sufficient privacy. It should be noted that the standards within the Design Guide are a Guide and not an adopted Policy. The proposed garden sizes would comply with the Council's standard within the adopted Design Guide.

- 4.4 In conclusion, based upon the proposed layout, it is considered that the proposed development is acceptable in terms of residential amenity.

5.0 Highways Considerations

- 5.1 The proposed development would have a principle access via Thorn Road, in a position further east than the existing access point. The proposed access would be via Thorn Road, which is proposed to be reduced in width as part of the Bidwell West development.

- 5.2 The proposed development has been considered by a Highways Officer who has not raised an objection, subject to planning conditions. The visibility splays and layout have been considered acceptable from a highways perspective. If the application is approved, it is recommended that a planning condition is included to provide passing bays on Thorn Road.

- 5.3 The proposed development would provide an acceptable level of car parking provision. As such, the proposed development is considered to be acceptable from a highways perspective.

6.0 Rights of Way

- 6.1 The proposed development would not impact any existing or proposed public rights of way. A Rights of Way Officer has considered the proposed development and have not raised an objection. They have requested that, if possible, a connection be provided to an area of public open space proposed to the north via the Bidwell West development. Whilst this point is noted, it is considered that such a proposal would harm the landscape buffer to the north of the development and also could harm the County Wildlife Site, by reducing tree cover. As such, the proposed development is considered to be acceptable in terms of Rights of Way as proposed.

7.0 Planning Obligations

- 7.1 Spending Officers were consulted as part of this application and comments were returned from Education, Leisure and Open Space. Contributions towards local Early, Middle and Upper Schools, and have been agreed with the applicant. Affordable housing would also be sought at 30% of the development. A LEAP would also be provided via the s106 agreement.
- 7.2 If members support the application, then these contributions would form part of a s106 agreement, to be completed and signed following the Committee.

8.0 Construction Code of Practice for Developers and Contractors

- 8.1 As part of any s106 agreement, the applicant is required to agree to the Council's Construction Code of Practice. The applicant has not raised an objection to this.

9.0 Human Rights and Equality Act issues

- 9.1 Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

10.0 Planning Balance and Conclusion

- 10.1 The proposed development forms inappropriate development within the Green Belt and in accordance with the NPPF this factor should be given substantial weight. Cumulatively the very special circumstances presented, and principally the suggestion that the site no longer serves the purposes of Green Belt land, are considered to clearly outweigh the harm to the Green

Belt and any other harm. The site contains several heritage assets and a County Wildlife site, which would be impacted by the proposed development. As described within the report, the impact to the heritage assets, the County Wildlife Site and the wider landscape are considered to be mitigated by conditions and a management plan. As such, the proposed development is considered to be acceptable subject to planning conditions and a completed s106 agreement.

Recommendation:

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 No works above ground level, notwithstanding the details submitted with the application, shall be undertaken until details of the materials to be used for the external walls and roofs of the development, hereby approved, shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 3 Prior to the commencement of works above ground level, details of the surfacing materials for all hardstanding areas shall be submitted to the Local Planning Authority for approval in writing. The surface materials should be constructed in accordance with the approved details and retained thereafter.

Reason: To avoid extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF.

- 4 No development above ground level shall take place until a landscaping scheme to include all soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been 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 (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan, the adopted Design Guide and the NPPF. These details are

required prior to commencement, as they landscaping may influence the location of other elements of the development, such as bin storage and collection.

- 5 Prior to the commencement of development above ground level, details of passing bays along Thorn Road shall be submitted to the Local Planning Authority for approval in writing. The details shall be provided prior to the first occupation of the development and retained thereafter.

Reason: To provide sufficient access to the proposed development in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 6 Prior to the commencement of the development, hereby approved, a Conservation Management Plan (CMP), covering archaeological, ecological, listed building and historic landscape matter, in addition to details of the body vested with ownership and with responsibility for management of the site, shall be submitted to the Local Planning Authority for approval in writing. The CMP shall be in relation to the area of woodland containing the County Wildlife Site and Scheduled Ancient Monument, as shown on drawing number 15139 (D) 202 Rev.D. No dwellings shall be occupied until a programme and timetable for the implementation of the Conservation Management Plan has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the development would be acceptable in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and Section 16 of the NPPF. This is a pre-commencement condition as it is important to ensure that the management of the designated and other heritage assets are secured before development begins.

- 7 Notwithstanding the details submitted as part of this application, details of a LEAP to be provided on site shall be submitted to the Local Planning Authority for approval in writing prior to the first occupation of the development. The proposed LEAP shall be constructed in accordance with the approved details and retained thereafter.

Reason: To provide an acceptable level of play space, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 8 Prior to commencement of any above ground building works, details of electrical charging points to accommodate facilities for charging plug-in and other ultra low emission vehicles for dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development protects and exploits opportunities for the use of sustainable transport modes for the movement of people in accordance with section 4 of the National Planning Policy Framework.

- 9 No development shall take place above ground level until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.

Reason: In order to ensure appropriate access to fire hydrants for use in the event of emergency in accordance with policy BE8 of adopted Local Plan and Section 12 of the NPPF.

- 10 No development shall take place until a written scheme of archaeological investigation (WSI); that includes provision for fieldwork followed by post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme and this condition will only be fully discharged when the post-excavation analysis and reporting is complete, and the future of the site archive is secured.

Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 199 of the National Planning Policy Framework (NPPF) that requires developers to record and advance of understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part).

- 11 Prior to the commencement of works above ground level, details of any proposed lighting shall be submitted to the Local Planning Authority for approval in writing. The details shall include sympathetic lighting to preserve and enhance the setting of the listed building. The details shall be provided in full, and in accordance with the approved details, prior to the first occupation of the development.

Reason: To preserve and enhance the character of the listed building and in the interests of high quality design, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 12 Prior to the commencement of works above ground level and notwithstanding the details submitted as part of this application, details of any boundary treatment shall be submitted to the Local Planning Authority for approval in writing. The details shall be provided in full, and in accordance with the approved details, prior to the first occupation of the development.

Reason: In the interests of high quality design, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 174640-001 Rev.D, 174640-003 Rev.D, 15139 (D) 202 Rev.D, 15139 (D) 223, 15139 (D) 217, 15139 (D) 222, 15139 (D) 218, 15139 (D) 221, 15139 (D) 220, 15139 (D) 219, 15139 (D) 215, 15139 (D) 215, 15139 (D) 211, 15139 (D) 216, 15139 (D) 214, 15139 (D) 212, 15139 (D) 213, 15139 (D) 207, 15139 (D) 210, 15139 (D) 209, 15139 (D) 205, 15139 (D) 206, 15139 (D) 208, 15139 (D) 201, 15139 (D) 204, 15139 (D) 203 and 15139 (D) 200.

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

INFORMATIVE NOTES TO APPLICANT

1. 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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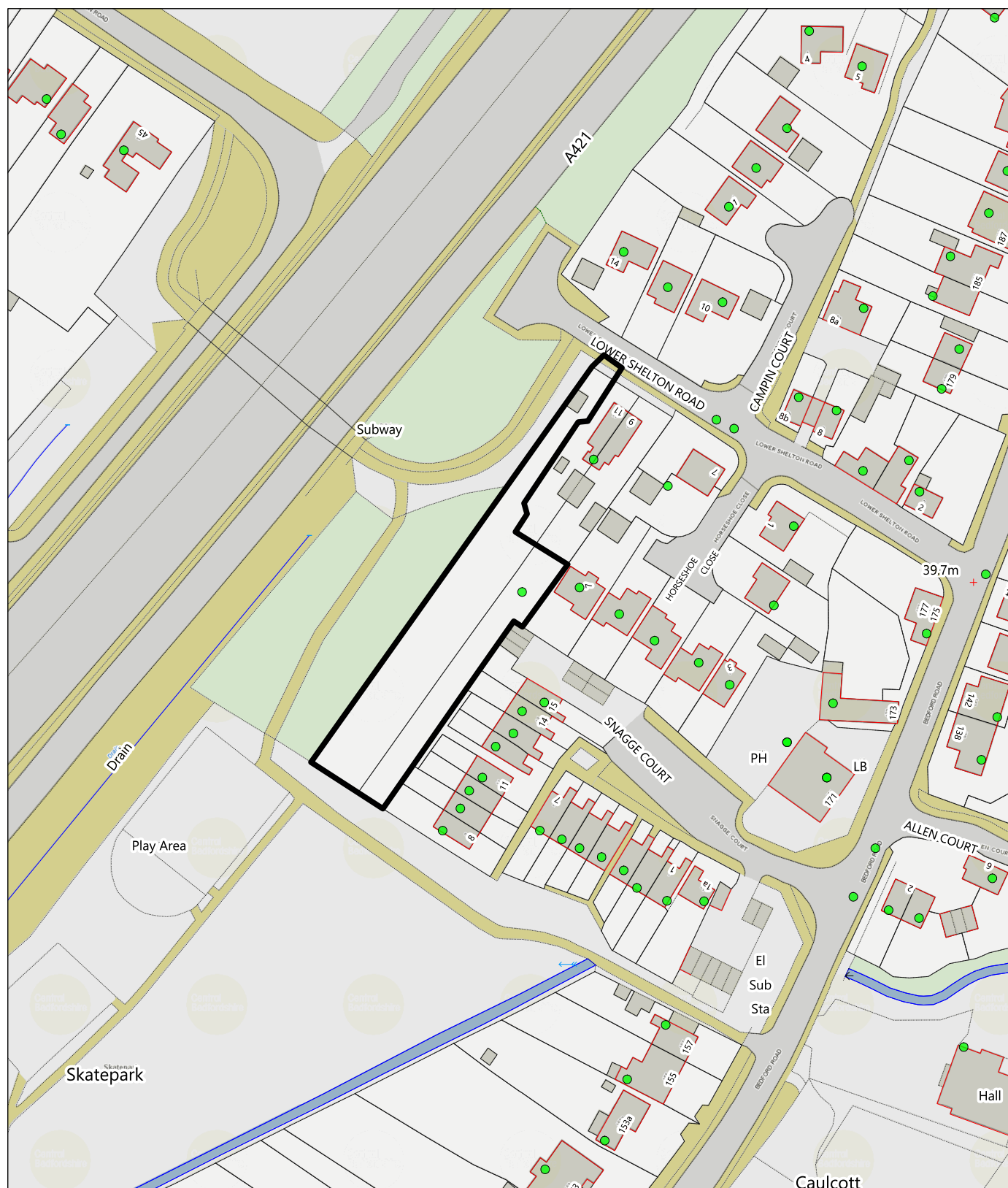
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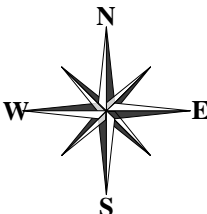
8. Planning Application No:
CB/19/01022/FULL (Cranfield & Marston
Moretaine)

Address: Land to the side and rear 9-11
Lower Shelton Road, Marston Moretaine,
MK43 0LN

Erection of 4 new dwellings.

Applicant: Mr & Mrs Hawkes (& Garner)



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/19/01022/FULL
	Date: 18:November:2019	
	Map Sheet No	
Scale: 1:1250	Land to the side and rear of 9-11 Lower Shelton Road, Marston Moretaine, MK43 0LN	

APPLICATION NUMBER	CB/19/01022/FULL
LOCATION	Land to the side and rear 9-11 Lower Shelton Road Marston Moretaine MK43 0LN
PROPOSAL	Erection of 4 new dwellings.
PARISH	Marston Moreteyne
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Thomas Mead
DATE REGISTERED	12 April 2019
EXPIRY DATE	07 June 2019
APPLICANT	Mr & Mrs Hawkes (& Garner)
AGENT	Building Tectonics Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Morris on the following grounds: <ul style="list-style-type: none"> • Too many houses for the size of site • Too close to houses in Snagge Court • No parking for No. 11 Too close to nature reserve
RECOMMENDED DECISION	Full Application - Approval

Reason for recommendation:

The proposed development would include 4 No. dwellings, within the settlement envelope of Marston Moretaine. The development would not cause harm to the character and appearance of the area given the mixed the character of the area, and would also not result in unacceptable harm to the amenity and living conditions of neighbouring occupiers. The development would include a safe access, and a design guide compliant provision of on site car parking for the new dwellings and for No. 11 Lower Shelton Road. The new dwellings would be protected from any adverse noise from the A421, and therefore would be considered acceptable, in accordance with Policies DM3 and DM4 of the Core Strategy and Development Management Policies (2009), Section 12 of the NPPF, and would further accord with the Central Bedfordshire Design Guide (2014).

Site Location:

The application site consists of a parcel of land consisting of 0.16 Ha of land, located to the southwest of Lower Shelton Road, Marston Moretaine. The site is located to the rear of the existing dwellings at Snagge Court and Horshoe Close. The site lies within the settlement envelope of Marston Moretaine, with the A421 to the northwest of the site.

The Application:

The application seeks planning permission for the erection of 4 No. dwellings, with associated parking and garden space. The site would be comprised of a pair of semi detached dwellings, and 2 No. detached dwellings.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

- 2: Achieving sustainable development
- 5: Delivering a sufficient supply of homes
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 15: Conserving and enhancing the natural environment

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
 CS14 High Quality Development
 CS16 Landscape & Woodland
 DM3 High Quality Development
 DM4 Development Within & Beyond Settlement Envelopes
 DM14 Landscape & Woodland

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

LP HQ1: High Quality Development
 LP EE12: Public Rights of Way
 LP EE4: Trees, woodlands and hedgerows
 LP EE5: Landscape Character and Value
 LP SP1: Growth Strategy
 LP SP2: NPPF - Sustainable Development
 LP SP7: Development within Settlement Envelopes
 LP T2: Highway Safety and Design

Central Bedfordshire Design Guide (2014)

Relevant Planning History:

Case Reference	CB/18/03777/PAPC
Location	Land to the rear of Lower Shelton Road, Marston Moretaine MK43 0LN
Proposal	Pre-application non householder charge - Erection of 5 new dwellings
Decision	Pre-App Charging Fee Advice Released
Decision Date	15/11/2018

Case Reference	MB/01/00820/FULL
Location	Cycle Track Off, Wood End, Marston Moretaine
Proposal	FULL: CONSTRUCTION OF PUBLIC CYCLEWAY (VARIATION OF ROUTE OF TWO SECTIONS OF CYCLEWAY PREVIOUSLY APPROVED UNDER REF: 29/99/836 DATED 29.9.99)
Decision	Full Application - Granted
Decision Date	10/07/2001

Consultees:

Parish Council

With reference to the above application, the Parish Council, having considered the matter, objects to the above proposal for the following reasons:-

The site is located on land to the side and rear of 9-11 Lower Shelton Road and is located to the rear of dwellings in Snagge Court.

It is considered that the proposed development of 5 x new dwellings on this site is overdevelopment and its current proposed layout will be to the detriment of current dwellings in Snagge Court. The Parish Council's position is that should development on the site be taken forward, then a lower number of dwellings should be considered; for example 3.

The Council is concerned over inconsistent information contained within the application regarding trees and hedges. The applicant states that there are no trees or hedges on land adjacent to the proposed development site which could influence the development or might be important as part of the local landscape character and yet the Landscape Plan states that there may be a need to cut back / lop trees located on adjacent Council land.

These trees form part of an important natural environment along a footpath leading to the underpass and are adjacent to an area classified as a Nature Reserve. The parish council's opinion is that an Ecological Survey should be undertaken as part of the planning application.

The Council requests that neighbour's comments are taken into consideration regarding this application. Given the above objections, the Parish Council requests that the application is refused.

Highways Officer

The Highways Officer has not provided comments on the amended plans, and therefore the officers comments will be updated on the late sheet.

Rights of Way

No Objection.

Ecology

No Objection subject to condition.

Trees and Landscape

No Objection subject to a landscaping and boundary treatment condition.

Archaeology

No Objection.

Pollution Officer

Following the submission of an acoustic assessment, no objection is raised subject to a condition for a scheme of noise mitigation to be submitted prior to development.

Other Representations:

Neighbours

9 Objections and a petition have been received towards the application, objection on the following grounds:

Objections

- Angle of the access is inadequate for turning on the road and residents accessing driveways
- Legal requirement to be 22 metres away from another property
- Access too narrow for emergency services.
- Narrow Road, LGVs cannot gain access
- Loss of privacy
- Overdevelopment of the site
- Site is too small for the number of houses
- Not enough parking
- Increased noise through construction
- Overlooking impact
- The development would worsen a poor road surface.
- Devaluation of existing properties
- Strain on existing infrastructure such as doctors
- Loss of light to neighbouring gardens
- Visitors will park in Lower Shelton Road causing obstruction
- Noise assessment conducted in school holidays and therefore is not a true reflection of the noise
- Bins located in an inappropriate location
- No parking for No. 11
- Insufficient Green Space and landscaping proposed.
- Complete overdevelopment of the site.
- Building works will upset anxious dogs
- Lower Shelton Road is already congested
- Development will result in more on street parking on Lower Shelton Road
- Path and roadway is used for horse riders, cyclists and pedestrians

- Houses out of character with existing design

Petition

The application has received a petition against the development with 51 signatures on it. This however is considered as one representation.

Considerations

1. Principle of Development

- 1.1 The application site lies within the settlement envelope of Marston Moretaine, whereby Policy CS1 of the Core Strategy and Development Policies (2009) identifies the settlement as being within the Northern Marston Vale area, and as a Minor Service Centre. Policy CS1 also states that Marston Moretaine, being in this area for strategic growth, that the Council will seek to enhance the sustainability of Marston Moretaine through development of the committed housing and employment sites together with additional employment development, community facilities and services and small-scale housing development.
- 1.2 Policy DM4 states that Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre.
- 1.3 Given that the dwellings are located within the settlement envelope, to the rear of a number of dwellings with a mixed character and appearance, it is considered that the principle of development would be acceptable, in accordance with Policy DM4 of the Core Strategy and Development Management Policies (2009).

2. Character and Appearance of the Area

- 2.1 The proposed development is sited to the rear of Nos. 9 and 11 Lower Shelton Road, and to the rear of dwellings on Horseshoe Close and Snagge Court. The pattern of development within Horseshoe Close and Snagge Court are of mixed orientations, tenures, scales and layouts, and therefore there is no presiding character within the area.
- 2.2 Plot 1 forms a continuation of the row of houses along Horseshoe Close, and Plot 2 is sited to the rear of an existing garage block, proposing a continuation to the built form. Whilst plots 3 and 4 would not continue any built form as such, they are acceptably placed at the rear of the site with sufficient space and landscaping surrounding the dwellings, and therefore the siting and appearance of these dwellings would be acceptable.
- 2.3 Given the edge of settlement location of the site, there is an acceptable provision of soft landscaping throughout to break up the built form and hardstanding, and therefore would be acceptable. The scheme has been amended by the agent to reduce the number of dwellings to accommodate additional planting and landscaping.
- 2.4 Concerns have been raised from residents regarding the design of the dwellings, and how they are out of character with the existing character of the area. The surrounding area has a wide range and mix of dwelling types, tenures and designs. Therefore there is no set character, and the proposed dwellings would not be out of character.

- 2.5 As such, the proposed development would not cause harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Residential Amenity

Plot 1

- 3.1 Plot 1 lies adjacent to No. 7 Horseshoe Close, and would continue the linear pattern of development immediately adjacent. Plot 1 would continue the same side by side pattern and therefore the overlooking impact would not be unusual or unacceptable of residential development. The proposed dwelling would have the same relationship with No. 7 as is presented between No. 6 and No. 7 Horseshoe Close. As such, the overlooking impact would not be to an unacceptable degree. The dwelling, given its siting as a continuation of the built form, would also not result in any adverse impact in relation to a loss of light, outlook or overbearing impact upon this neighbouring dwelling.

Plot 2

- 3.2 Plot 2 lies to the west of the existing block of garages, and to the north of the gardens serving Nos. 14 and 15 Snagge Court. Plot 2 proposes a first floor bedroom window in the south west facing elevation, and would provide a slight view south towards the rear gardens. However, given the orientation of the proposed development, it is considered that this window is offset from any direct view into the rear gardens of Nos. 14 and 15, and therefore would not result in a harmful overlooking impact or subsequent loss of privacy. Given the siting and separation between plot 2 and the surrounding neighbouring dwellings, it is considered that the proposed development would also not result in any adverse loss of light, outlook or overbearing impact upon these neighbouring dwellings.

Plots 3 and 4

- 3.3 The 2 no. plots sited at the southwest corner of the site lie to the rear of Nos. 8-11 Snagge Court. There is a side to rear separation of 14.75 metres which is considered to be an acceptable separation and acceptable relationship between the proposed plots and existing neighbours. Plot 3 is sited closest to the rear boundaries of the neighbouring dwellings, and proposes no first floor windows in the side elevations which would overlook the rear of these neighbouring dwellings.
- 3.4 As is the case with plot 2, there are first floor windows proposed in the northeast facing front elevation of the proposed plots. Given the orientation and positioning of the windows in relation to the rear gardens of these dwellings, it is considered that the view is offset and not directly into the rear gardens of these neighbouring dwellings, and as such there would be no unacceptable loss of privacy, nor would there be an unacceptable loss of light, outlook or an overbearing impact upon these neighbouring dwellings.
- 3.5 Therefore, for reasons outlined above, it is considered that the proposed development as a whole would not cause harm to the amenity and living conditions of any neighbouring dwelling, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4. Living Standards for Future Occupiers

- 4.1 Each of the residential units proposed would comply with the minimum space standards required within the National Space Standards, with each habitable

room internally benefiting from at least one source of light. Therefore the internal layout of the proposed dwellings would provide an acceptable living standard.

- 4.2 Each dwelling has also been allocated an external garden space, all of which would comply with the minimum external space requirement outlined within the Central Bedfordshire Design Guide (2014). Therefore the external space provided would also be acceptable.
- 4.3 The site is adjacent to the A421, and therefore is at risk to noise and disturbance from highway. The applicant has submitted a noise assessment and details of Noise mitigation to protect the future residents against an unacceptable noise impact, to which the Pollution Officer is satisfied with, and therefore subject to condition securing the implementation, would have no objection to the scheme.
- 4.4 As such, the proposed development would deliver an acceptable provision of amenity and living standards, and would therefore accord with DM3 of the Core Strategy and Development Management Policies (2009), and would further comply with design principles outlined within the Design Guide (2014).

5. Highways

- 5.1 The site takes access adjacent to No. 11 Lower Shelton Road, and runs the length of the site. Each dwelling contains 3 No. bedrooms and has been provided with 2 No. on site car parking spaces, as well as providing replacement parking for No. 11 given the access would be proposed in place of their existing parking. As such, the proposed development would provide a compliant provision of parking in accordance with the Councils Parking Standards within the Design Guide (2014).
- 5.2 The access to the site is located towards the end of an existing cul-de-sac, and therefore there would be no danger to the users of the Highway when turning left or right given that the only traffic approaching from the left would be No. 14 Lower Shelton Road. The site can achieve acceptable visibility from both directions, and therefore would not result in danger in this respect.
- 5.3 As such, the proposed development would be acceptable in relation to car parking and highway safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 9 of the NPPF.

6. Other Considerations

6.1 Human Rights and Equality Act issues:

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be **GRANTED**

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been 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 building in the interests of the visual amenities of the locality.

(Section 12, NPPF)

- 3 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme [before the use hereby permitted is commenced / before the building(s) is/are occupied] and be thereafter retained.

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

(Section 12, NPPF)

- 4 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.

(Sections 12 & 15, NPPF)

- 5 **Prior to any development commencing the applicant shall submit for approval a scheme of noise mitigation to the Local Planning Authority in order to protect the dwellings from unacceptable levels of noise from the A421. Thereafter, the scheme shall be implement and maintained in full throughout the life of the development.**

Reason: To ensure that the correct measures are in place prior to construction that would ensure that the amenity of the future occupiers of the units are protected from unacceptable levels of noise and disturbance.

(Section 12, NPPF)

- 6 **No development shall take place until an Ecological Enhancement Plan for the enhancement of boundary features and the creation of new**

wildlife features such as the inclusion of integrated bird/bat and bee boxes, hedgehog holes in fences and landscaping has been submitted to and approved in writing by the local planning authority. The content shall be informed by an up to date Ecological Appraisal of the site and include the:

- a) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- b) extent and location of proposed works shown on appropriate scale maps and plans;
- c) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- d) persons responsible for implementing the works;
- e) details of initial after care and long-term maintenance.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

- 7 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties (Section 12, NPPF)

- 8 Prior to the construction of vehicular parking areas associated with the approved dwellinghouses, a scheme for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be completed in accordance with these approved details.

Reason: To assist with the transition to low-emission vehicles in line with paragraph 110 of the National Planning Policy Framework (2019).

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC-001 Block Plan, CBC-002, CBC-003, LSR/R6/JL - Re1, CBC-004, CBC-005

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. 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.

2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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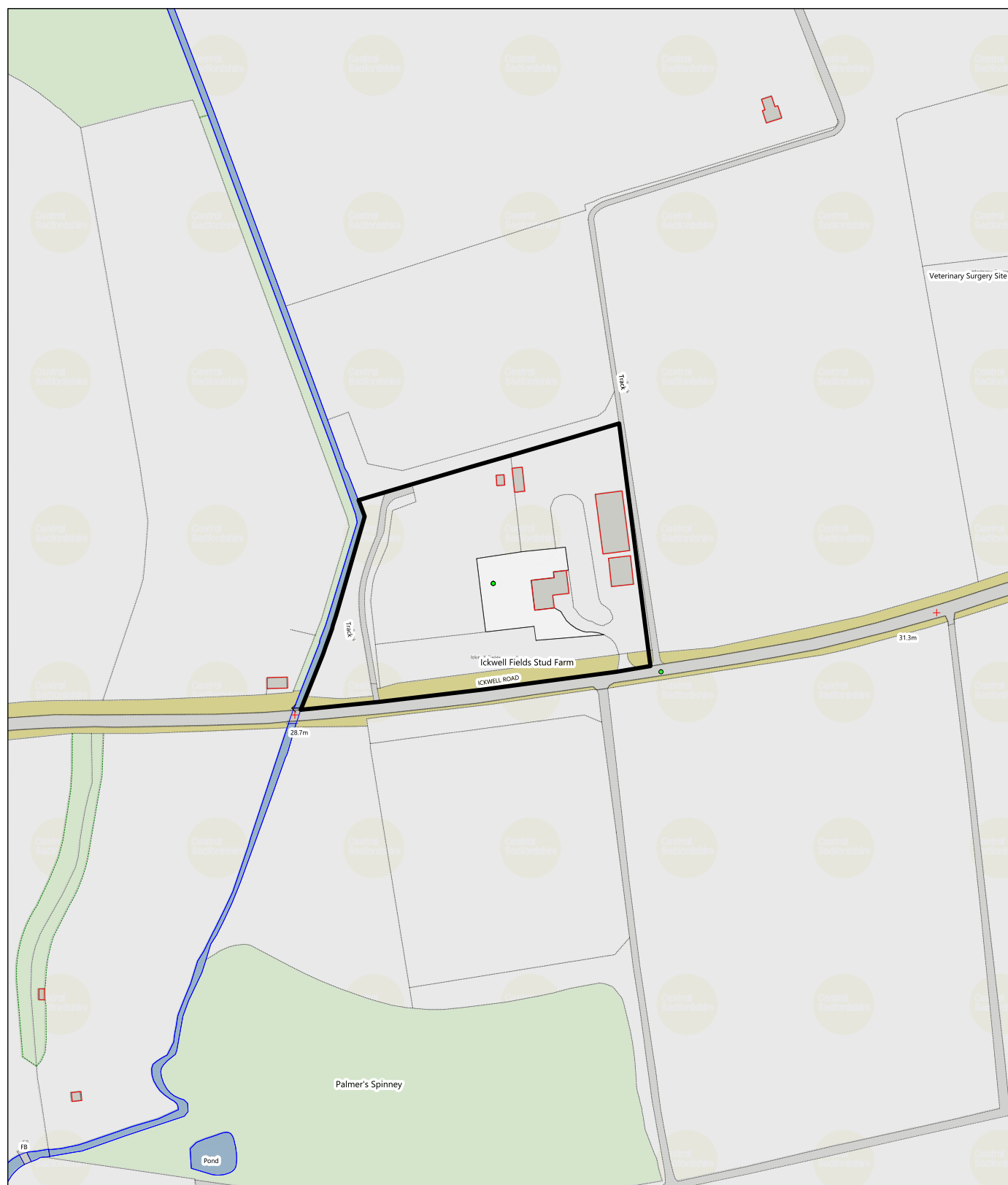
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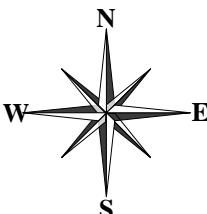
9. Planning Application No:
CB/18/01882/FULL (Northhill)

Address: Ickwell Fields, Ickwell Road,
Upper Caldecote, Biggleswade, SG18
9BS

Erection of two new agricultural sheds.

Applicant: Mrs C Maudlin



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/18/01882/FULL
	Date: 18:November:2019	
	Map Sheet No	
Scale: 1:2500	Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS	

APPLICATION NUMBER	CB/18/01882/FULL
LOCATION	Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS
PROPOSAL	Erection of two new agricultural sheds.
PARISH	Northill
WARD	Northill
WARD COUNCILLORS	Cllr Mr Firth
CASE OFFICER	Stuart Robinson
DATE REGISTERED	01 August 2018
EXPIRY DATE	26 September 2018
APPLICANT	Mrs C Maudlin
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Applicant related to a Central Bedfordshire Councillor.
RECOMMENDED DECISION	Full Application - Approval

Reason for Recommendation:

The proposed development would use an existing access which falls below the Council's visibility splay standards. Whilst this point is noted, the proposed access is already within use and the development is not considered to generate a significant increase in the use of the access. As such, the proposed development is considered to be acceptable in terms of Highways and all other matters.

Site Location:

The application site comprises a farm, located between Ickwell and Upper Caldecote. The site contains several farm buildings and a residential property. The site is accessed via an existing access from Ickwell Road.

The site is not located within a Settlement Envelope and is therefore located within open countryside.

The Application:

The application seeks planning permission for two new agricultural sheds to be located on the site.

The sheds would be used for the storage of hay, straw and machinery, which is currently stored outside.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (2019)

Core Strategy and Development Management Policies - North 2009

CS14 - High Quality Design

DM3 - High Quality Design
 DM4 - Development Within and Beyond Settlement Envelopes
 DM12 - Horticulture & Redundant Agricultural Sites
 DM14 - Landscape and Woodland
 DM15 - Biodiversity

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP1: National Planning Policy Framework - Presumption in Favour of Sustainable Development
 T1: Mitigation of Transport Impacts on the Network
 T2: Highways Safety and Design
 T3: Parking
 HQ1: High Quality Development
 CC3: Flood Risk Management
 CC5: Sustainable Drainage

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application:	Planning	Number:	CB/17/02780/FULL
Validated:	06/06/2017	Type:	Full Application
Status:	Decided	Date:	14/09/2017
Summary:		Decision:	Full Application - Granted
Description:	Proposed Menage		
Application:	Planning	Number:	CB/14/04099/VOC
Validated:	20/10/2014	Type:	Variation of Condition
Status:	Decided	Date:	23/12/2014
Summary:		Decision:	Variation of Condition - Granted
Description:	Variation of Condition: Removal of condition 6 (occupancy) of outline planning permission MB/98/0005/OUT Outline application erection of detached dwelling for use with existing stud farm (all matters reserved).		
Application:	Planning	Number:	CB/11/01079/FULL
Validated:	21/07/2011	Type:	Full Application
Status:	Decided	Date:	14/10/2011
Summary:		Decision:	Full Application - Granted
Description:	Erection of 2No agricultural storage buildings		

Application:	Planning	Number:	MB/98/01787/RM
Validated:	30/12/1998	Type:	Reserved Matters
Status:	Decided	Date:	16/02/1999
Summary:		Decision:	Reserved Matters- Granted
Description:	RESERVED MATTERS: ERECTION OF DETACHED DWELLING FOR USE WITH EXISTING STUD FARM (EXCEPT LANDSCAPING)		

Application:	Planning	Number:	MB/98/00193/FULL
Validated:	16/02/1998	Type:	Full Application
Status:	Decided	Date:	25/08/1998
Summary:		Decision:	Full Application - Granted
Description:	FULL: RETENTION OF MOBILE HOMES FOR STOCKMAN		

Application:	Planning	Number:	MB/98/00005/OA
Validated:	06/01/1998	Type:	Outline Application
Status:	Decided	Date:	25/08/1998
Summary:		Decision:	Outline Application - Granted
Description:	OUTLINE APPLICATION ERECTION OF DETACHED DWELLING FOR USE WITH EXISTING STUD FARM (ALL MATTERS RESERVED)		

Consultees:

Northill Parish Council	Support the application.
Environment Agency	No objection, subject to a planning condition.
Internal Drainage Board	No objection.
CBC Highways	Objection. The development would intensify the use of an access which has insufficient visibility splays.
CBC Drainage	No objection, subject to a planning condition.

Other Representations:

Neighbours	No responses received.
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Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle

- 1.1 The site is located outside the settlement envelope of Northill and therefore within open countryside. However, the provision of agricultural development within such a location is considered to be acceptable, in principle having regard to policy DM4 of the Development Plan.
- 1.2 The applicant has identified that there is a need for additional buildings to support the agricultural complex, stating that the building would be required for storage of hay/straw and machinery, which is currently stored outside. The

applicant has also suggested that the buildings could be used to house livestock in the future. No contrary evidence has been put forward to identify that the buildings are not required.

2. Affect on the Character and Appearance of the Area

- 2.1 The site forms a collection of buildings located to the east of Northill, along Ickwell Road. The site contains several agricultural buildings, finished with brown cladding, and a manege (with associated stabling building). A dwelling is located to the west of the site.
- 2.2 The proposed buildings are well consolidated within the existing built form of the farm setting and will retain the agricultural character and form of the site through the use of similar materials and design to the existing buildings on the site. The buildings would not extend beyond the existing boundary of the site, which is delineated by a hedgerow.
- 2.3 The proposed buildings are similar to the scale, form and design of the existing buildings. The proposed development will not result in significant harm to the open countryside location and the development will ensure that the traditional farm character is retained.

3. Neighbouring Amenity

- 3.1 Having regard to the siting and significant distance between the proposed development in relation to existing neighbouring properties, it is not considered that there will be any significant harm to the living conditions of any existing neighbouring dwellings.

4. Highways Considerations

- 4.1 The proposed development would be served by an existing access which connects to Ickwell Road. The proposed development would not alter this access point.
- 4.2 Concerns have been raised by Highways, who have highlighted that the current access has insufficient visibility splays. Typically, visibility splays of 215 metres from the centre point of the access to the east and west would be expected. These splays should be free of obstruction and should be within the applicant's control. Based upon the submitted plans, the land ownership of the applicant only extends approximately 12.0 metres to the east of the centre point of the access.
- 4.3 The applicant has stated that the proposed development would increase vehicular access to a negligible degree, suggesting that there would be a less than 5% increase in the use of the access. Whilst no evidence, such as trip rate data, has been provided, it is considered that the storage of hay/straw, and potentially livestock in the future, is unlikely to present a significant increase in the use of the access.
- 4.4 It must also be highlighted that the access is already in use. The access already serves the existing agricultural buildings, manege and a dwelling. The use of the access would relate to agricultural activity which, in terms of storage of hay/straw, already occurs on the site.
- 4.5 Based upon this information, it is considered that the development is not unacceptable in terms of Highways.

5. Other Considerations

5.1 Human Rights and Equality Act issues:

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be approved for the following reasons:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 No development shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+40%CC), and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the agreed 1.5l/s, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards. The final detailed design shall be based on the agreed FRA (Ref: R1069-SW-001, dated 19th September 2019) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 163 and 165 of the NPPF and its supporting technical guidance. This detail is required prior to the commencement of development as any development may adversely impact the provision of a detailed surface water drainage scheme.

- 3 The proposed development shall be constructed in accordance with the proposed construction materials, as shown on drawing numbers 050318/1 and 050318/3, and retained as such thereafter.

Reason: To control the appearance of the development in the interests of high quality design, in accordance with Policy DM3 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 4 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors'
https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties (Section 12, NPPF)

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 050318/1, 050318/2, 050318/3, 050318/4, CBC1 and CBC2.

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

INFORMATIVE NOTES TO APPLICANT

1. 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.
2. Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction", which can be downloaded from the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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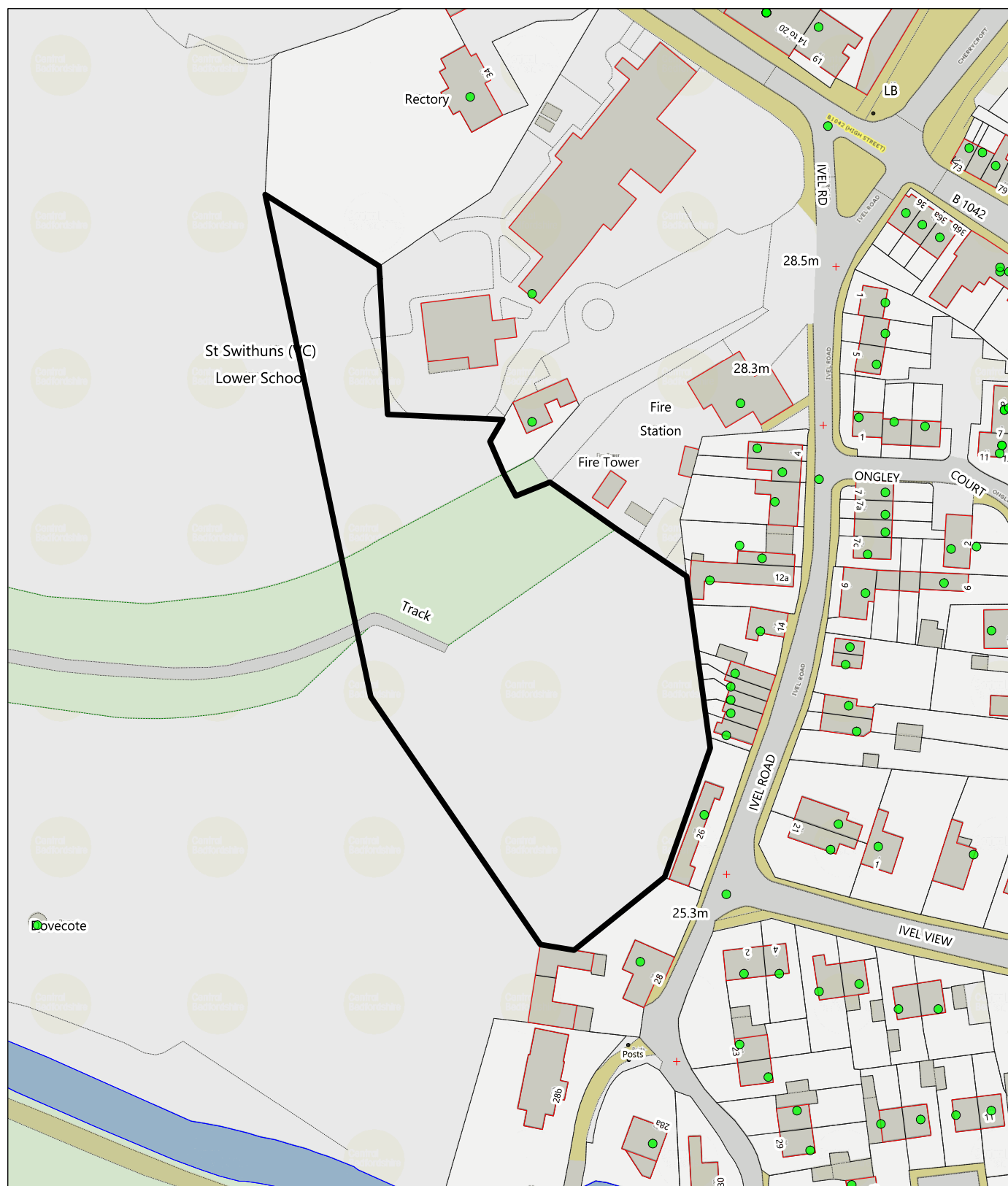
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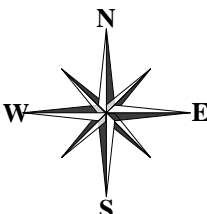
10. Planning Application No:
CB/19/03126/FULL (Sandy)

Address: Dovecote to south-east of
Sandye Place, Park Road, Sandy
(nearest postcode SG19 1JD)

Proposal to erect a temporary security
fence along the section of the Sandye
Place Academy playing field belonging to
St Swithuns Lower School for three years.

Applicant: Mr Morriss



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	Date: 18:November:2019	
	Map Sheet No	
Scale: 1:1250	Dovecote to South-East of Sandye Place, Park Road, Sandy	

APPLICATION NUMBER	CB/19/03126/FULL
LOCATION	Dovecote To South-East Of Sandye Place, Park Road, Sandy
PROPOSAL	Proposal to erect a temporary security fence along the section of the Sandye Place Academy playing field belonging to St Swithuns Lower School for three years.
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllrs Maudlin, Ford & Stock
CASE OFFICER	Nicola Stevens
DATE REGISTERED	18 September 2019
EXPIRY DATE	13 November 2019
APPLICANT	Mr Morriss
AGENT	
REASON FOR COMMITTEE TO DETERMINE	The Council holds the freehold for the land and third party objections have been received which cannot be overcome by conditions.
RECOMMENDED DECISION	Full Application - Approval

SUMMARY OF RECOMMENDATION

The site is located within the settlement envelope at Sandy. Having regard to the siting and design, the proposed development would not result in a loss of sporting open space or have an unacceptable impact on the character and appearance of the site or its surroundings or heritage assets, or significant impact on the amenities of any nearby dwelling, and would not have an unacceptable impact on highway safety. Overall the proposal is in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and National Planning Policy Framework (NPPF) (2019).

Site Location:

The application site is Sandye Place Academy school playing field, which is shared with St Swithuns Church of England Vc Primary School.

Sandye Place and its Dovecote within the grounds are both Grade II listed buildings. St Swithuns Church to the north is Grade II*. The site is within the Sandy Conservation Area and is identified as an important open space.

The Application:

Full planning permission is sought to erect a temporary security fence along the section of the Sandye Place Academy playing field belonging to St Swithuns Lower School for three years.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

8 : Promoting healthy communities
12: Achieving well-designed places

- 15: Conserving and enhancing the natural environment
 16: Conserving and enhancing the historic environment

Core Strategy and Development Management Policies - North 2009

CS3 Healthy & Sustainable Communities
 CS14 High Quality Development
 CS15 Heritage
 CS16 Landscape and Woodland
 DM3 High Quality Development
 DM5 Important Open Space
 DM13 Heritage in Development
 DM14 Landscape and Woodland

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

LP HQ1: High Quality Development
 LP HE3: Heritage
 LP SP7 Development within settlement envelopes
 LP EE4 Trees, woodlands & hedgerows
 LP EE13 Outdoor Sport Leisure & open space

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Sandy Conservation Area Appraisal December 2003

Relevant Planning History:

Case Reference	CB/19/02659/FULL
Location	Sandye Place Academy, Park Road, Sandy, SG19 1JD
Proposal	Erection of a security fence along the section of the Sandye Place Academy playing field belonging to St Swithuns Lower School.
Decision	Application Withdrawn
Decision Date	12/09/2019 12:32:57

Consultees:

Sandy Town Council	No objection to this application as per the plan, not the description as this is misleading. Sandy Town Council would not wish to see the fence extended to the Dovecote.
Historic England	No comments received.
Conservation officer	No objection.
Highway officer	No objection.
Pollution team	No comment.
Tree officer	No objection.
Archeology officer	No objection.
Leisure Officer	No comment.
Sport England	No objection.
IDB	No comment.

Other Representations:

Neighbours	3 objections received
site notice 9.10.19 & 18.10.19	- Harmful impact on setting of listed building; - Loss of sports facilities;
press notice 11.10.19	- Concerned whether proposal includes CTC cameras, security lighting and regular security checks.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations**1. Principle**

- 1.1 The application site is an established school within the settlement envelope of Sandy which is identified as a Major Service Centre and as such Core Strategy policy DM4 states that housing, employment and other settlement related development commensurate with the scale of the settlement will be permitted.

Para 94(a) of the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Policy CS3 states that 'The Council will support in principle the upgrading of education facilities'.

Sandye Place Academy was permanently closed in July 2019 and its immediate future use is currently unknown as it has been left vacant. The playing field that adjoins to both Sandye Place Academy and St Swithuns Lower School was previously listed as owned by Sandye Place Academy. St Swithuns Church of England Vc Primary School does not currently have its own dedicated playing field. It is currently granted access to the playing field by Sandye Place Academy. As the Academy is now permanently closed the applicant being Central Bedfordshire Council is seeking to retain a section of the playing field to

be allocated to St Swithuns Lower School and the fence is necessary to safeguard the lower school pupils maintained by a visible boundary.

The lower school site currently has a land allocation of 0.54ha. This proposal will extend the school's boundary ownership by 0.76ha which totals 1.3ha for St Swithuns. The accessible playing field is what the school currently uses. The use of the existing full football pitch can be relocated elsewhere on the Sandye Place Site should this be required if the school was to be reopened in the future. As the future of Sandye Place Academy is currently not known a set of gates will be installed along the proposed fence line that could be opened up to allow students and teachers access to the larger section of playing field should this ever be required in the future. These will be kept locked at all times. The applicant confirms there is no wish to lose any sports fields within Sandy and points out that the proposal doesn't stop the fields being used for sporting activities since the lower school will be using this space.

Sports provision

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy.

This application relates to the temporary construction of a security fence to enclose part of the playing field for secure use by the primary school. Sport England originally raised concerns that the positioning of the fence will adversely affect the ability to mark out pitches for formal sports use; no plan had been submitted which indicated existing or proposed pitches used by the primary school, or whether the primary school can use pitches on the playing field beyond the proposed security fencing.

A revised plan (Plan 4) has been submitted which indicates a larger area to be enclosed within the fence, and capable of accommodating sports pitches for the school. Sport England has removed its objection, based on the revised plan being approved, as this will allow more opportunity for sport and physical activity within the enclosed area.

Important Open Space

The site is also an important open space. Policy DM5 of the Core Strategy states that the Council will protect designated important open space within settlement envelopes by refusing planning permission where proposals would result in the loss of important open space and this would have an unacceptable adverse impact on its value either in visual or functional terms. Redevelopment or partial redevelopment of an important open space will only be considered favourably:

- where proposals would result in enhanced provision in functional terms (both the facility itself and its location),
- where there are exceptional circumstances resulting in overall community benefit;
- where there would be no adverse effect on the visual quality of the settlement.

With regards to policy DM5 relating to important open space, the temporary fencing will secure sports provision for the lower school subdividing the sports provision between the two sites. Its wider visual impact will be assessed further below.

It is therefore considered that the principle of the development is acceptable.

2. Affect on the Character and Appearance of the Area & Historic Environment

- 2.1 The proposed fence will enclose the area of playing field that exists to the rear of St Swithuns Primary School. The fence will run continuously from the rear boundary of St Swithun Church Rectory across the tree line and down to the corner of the outbuilding at No 28 Ivel Road to the south. The fence will have a height of 2.4m and be finished in polyester powder coated green.

The fence will be enclosed by existing built development with any longer distance wider views only being obtained from the footpath to the south as identified in the Conservation Area Appraisal. It will provide new hard boundary treatment within the setting of listed buildings. The listing for Sandye Place Academy states it 'is an early C18 house in the style of Henry Flitcroft. Now forms part of a school'. The Dovecote within its grounds to the south is listed as 'Circular ironstone dovecote, apparently dating from the early C20 when the house was in the ownership of Walter Graves, FRIBA'. Although the comments of the Town Council are noted regarding the address in relation to the Dovecote, the fencing will be well of set from both Grade II listed buildings.

The Church to the north is also Grade II*, there is a high brick wall along the shared boundary with the school playing fields and the fence will be well offset from that boundary.

Although the comments of local residents are noted the Conservation Officer states that the proposed fencing for the school is acceptable in conservation terms given that temporary permission is being sought and hopefully, as things happen with the closed middle school, a more appropriate means of enclosing can perhaps be considered (subject to another application). In the meantime, the proposed fence will not have a detrimental impact upon the setting or character of the listed buildings or the Sandy Conservation Area.

Therefore no objection is raised on the basis that the proposal would satisfy the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as supported by the aims of Section 16 of the NPPF.

The public benefits include the provision of school playing fields for the lower school and therefore the public benefits outweigh the less than substantial harm in accordance with paragraphs 193-196 of the NPPF.

Additionally, the Tree Officer has no objections to the proposal.

3. Neighbouring Amenity

- 3.1 The fence will extend from the corner of the Rectory garden in the north down to the corner of the outbuilding belonging to the residential property No 28 Ivel Road in the south of the site.

The proposal, due to its scale, design and siting (in terms of proximity to boundary and relationship with neighbouring properties), does not result in an unacceptable loss of light, overbearing impact and loss of privacy.

4. Highways

- 4.1 No additional staff will be employed as a result of this proposal. The Highway Officer notes that the proposal is for a fence between the school playing fields with a double and single width gated access between the fields. The proposal does not affect the public highway, as such there is no objection to the proposal.

5. Other Considerations

5.1 Other issues

Concern has been raised whether the proposal includes CTC cameras, security lighting and regular security checks. No details have been submitted regarding cameras and security and as such does not form part of the consideration of this application. Security checks would be a management issue.

5.2 Archeology

The proposed development site lies within the historic core of the town of Sandy (HER 17131) and this is a heritage asset with archaeological interest (as defined by the NPPF). However, the scale and nature of the proposal are such there is unlikely to be a significant impact upon any surviving archaeological remains. Consequently, there would be no archaeological constraint on this development.

5.3 Human Rights and Equality Act issues:

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be Approved subject to the following:

RECOMMENDED CONDITIONS

- 1 The temporary security fence hereby permitted shall be removed on or before 05/12/2022 and the land shall be subsequently reinstated to its former condition within 3 months of its removal.

Reason: This is a temporary expedient only. (Policies DM3, DM13 and CS3 CSDMP & Sections 8, 12 and 16 NPPF)

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1001, 1002, 1003, Plan 4 & Design & Access Statement.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through early engagement with the applicant 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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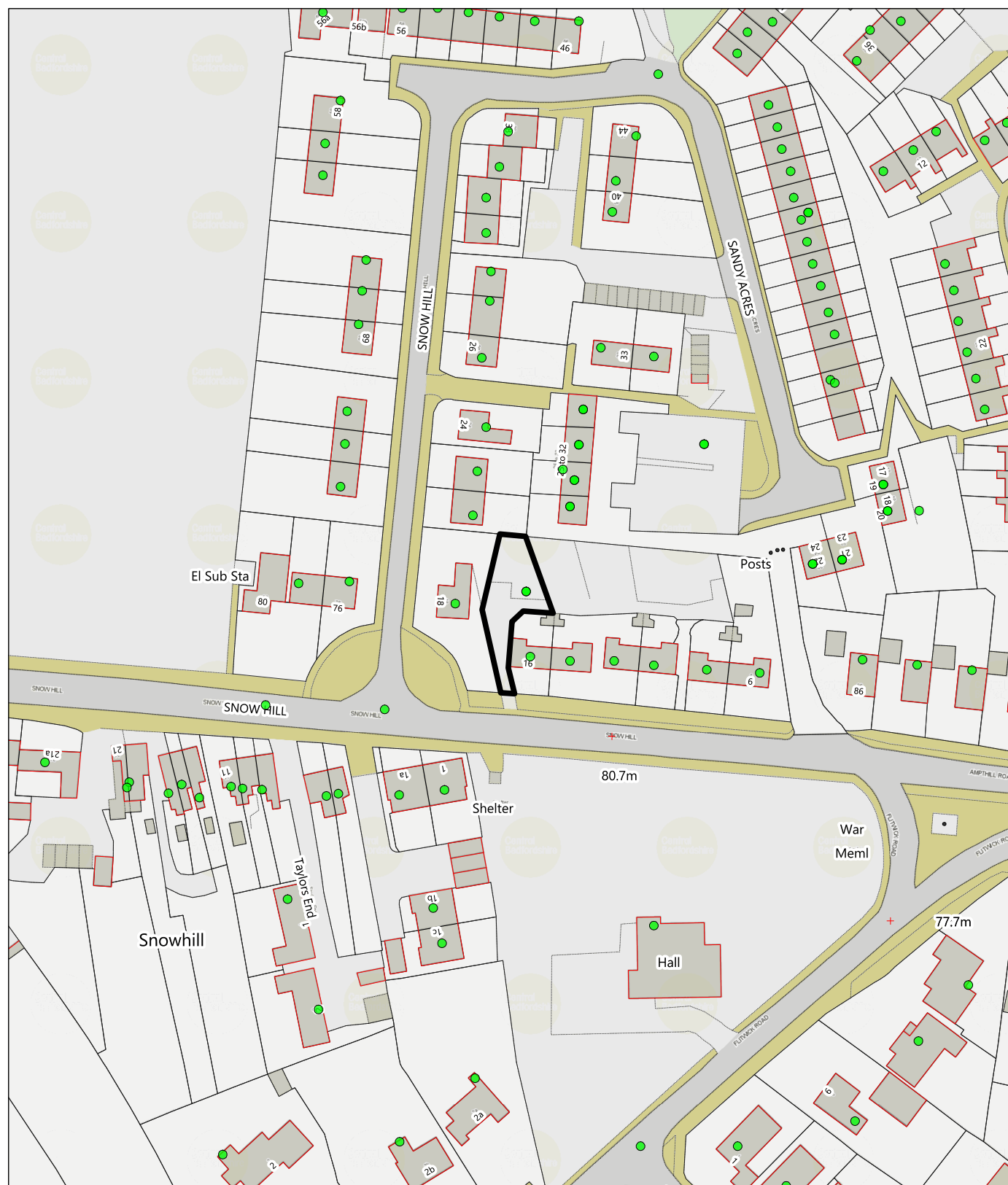
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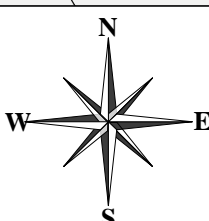
11. Planning Application No:
CB/19/02509/FULL (Amphill)

Address: 16 Snow Hill, Maulden, Bedford,
MK45 2BN

Erection of a bungalow.

Applicant: Mr Nicholas



	© Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009)	Application No. CB/19/02509/FULL
	Date: 18:November:2019	
	Map Sheet No	
Scale: 1:1250	16 Snow Hill, Maulden, Bedford, MK45 2BN	

APPLICATION NUMBER	CB/19/02509/FULL
LOCATION	16 Snow Hill, Maulden, Bedford, MK45 2BN
PROPOSAL	Erection of a bungalow
PARISH	Maulden
WARD	Amphill
WARD COUNCILLORS	Cllrs Duckett, Blair & Smith
CASE OFFICER	Anna Horn
DATE REGISTERED	01 August 2019
EXPIRY DATE	26 September 2019
APPLICANT	Mr Nicholas
AGENT	DLA Town Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Call in by Cllr Duckett for the following reason:- This application is the result of personal medical need to enable the applicant to house and care for their in-laws in their old age and should therefore be viewed as an exceptional circumstance.
RECOMMENDED DECISION	Full Application - Refusal

Summary of Recommendation:

The proposed development would be situated within the settlement envelope of Maulden, in accordance with policy DM4. The development would however result in a cramped and harmful form of backland development that would not be in keeping with the grain of development within the immediate locality. Although the development would not be considered to cause harm to neighbouring amenity, the bedroom space proposed does not comply with the National Space Standards for a double occupancy room and therefore would not be considered to provide an adequate standard of living to future occupants. The proposal would not be considered to represent a high quality layout and design and does not accord with policy DM3 of the Core Strategy and Development Management Policies (2009) or Section 12 of the NPPF.

Site Location:

The application site is located on the North side of Snow Hill, to the rear of a row of semi-detached dwellings consisting of numbers 6-16 Snow Hill, Maulden.

The site is currently used as private amenity space belonging to property number 16 Snow Hill and is open in character and appearance. It forms one of a row of open and undeveloped sites to the rear of numbers 6-16 Snow Hill. Although some of these sites to the east of the proposal are occupied with garages and outbuildings, the row remains largely undeveloped with an open appearance, providing extended amenity space and parking to these properties.

Access is taken from Amphill Road in the form of a single and narrow track that wraps around the rear of properties 6-16 Snow Hill, allowing access to the amenity space to the rear of the dwellings.

To the north and west of the site are a mix of two storey detached and semi-detached dwellings with some bungalows present as well. The dwellings follow a linear build line along Snow Hill and Sandy Acres, with no other examples of backland development within this immediate locality.

The Application:

The application seeks planning permission for the erection of a one bedroom bungalow on the land to the rear of number 16 Snow Hill. Access would be taken from the existing road serving the rear of numbers 6-16 Snow Hill and one parking space would be provided on the east side of the site. The bungalow would have a gable feature on the front and rear with a porch also present on the front elevation.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

12: Achieving well-designed places
9: Promoting Sustainable Transport

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
DM3 High Quality Development
DM4 Development Within & Beyond Settlement Envelopes

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

LP HQ1: High Quality Development
LP HQ8: Backland Development
LP T3: Parking

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference	CB/19/01393/LDCP
Location	16 Snow Hill, Maulden, Bedford, MK45 2BN
Proposal	Lawful Development Certificate Proposed: Creation of a Hardstanding Driveway

Decision	Lawful Dev - Proposed - Granted
Decision Date	25/06/2019 17:54:12

Consultees:

Maulden Parish Council	Object to the proposal based on grounds of inadequate access, unacceptable backland development and impact on right of way.
Trees and Landscape	No objection.
Pollution	No comment.
Highways	Objection.

Other Representations:

Neighbours	<p>Four objections received, the concerns raised are summarised below:</p> <ul style="list-style-type: none"> • intensification of narrow access • increased road noise • restricted parking pressures • overdevelopment • loss of light • overbearing impact
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Determining Issues:

The main considerations of the application are;

1. Principle
2. Impact on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Living Standards of Future Occupants
5. Highway Considerations
6. Other Considerations

Considerations

1. Principle

- 1.1 The application site is located within the settlement envelope of Maulden, defined by Policy CS1 as a large village. Policy DM4 states that for new development within the settlement envelope of a large village, small scale housing and employment uses, together with new retail and service facilities to serve the village and its catchment will be permitted.
- 1.2 Therefore the construction of a dwelling in this location would be considered acceptable in principle due to it being within the settlement envelope, subject to the proposed development not causing harm to the character and appearance of the area; not causing harm to the amenity and living conditions of occupiers of neighbouring dwellings; not causing harm to the amenity and living conditions of occupiers of the future dwellings; and demonstrating an acceptable provision of living space, car parking and turning space, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

2. Impact on the Character and Appearance of the Area

- 2.1 The proposed dwelling would be sited on a parcel of land to the rear of existing dwelling number 16 Snow Hill. The site is currently private amenity space within the ownership of this existing dwelling and forms one of a row of open and undeveloped sites to the rear of numbers 6-16 Snow Hill. Whilst there are some outbuildings and areas of hardstanding along this row, it is an area that remains largely undeveloped and has an open appearance or an extension to the private amenity space serving existing properties in Snow Hill.
- 2.2 The siting of a new dwelling on this site would constitute backland development. Policy HQ8 of the Emerging Local Plan seeks to resist backland development where it is against the existing pattern and grain of development and the character and appearance of the area would be harmed.
- 2.3 Whilst limited weight is attached to this emerging policy, the siting of a dwelling on this plot would not be considered to follow the existing grain of development within the immediate surrounding area. The proposal would involve the creation of built form in the rear garden space that would be considered as out of keeping with the surrounding character and grain of development due to the adjacent plots to the east to the rear of 6-14 Snow Hill being undeveloped private amenity space and, given the more uniform pattern and plot shape of adjoining development to the north and west. The approval of this planning permission would make it difficult to resist future development to the rear of existing properties to the rear of Snow Hill which would further impact on the character and existing grain of development.
- 2.4 Due to the constrained nature of the site, the footprint of the proposed dwelling would occupy a significant proportion of the site, with the building forming a tight relationship with the boundaries to the west (with no. 18 Snow Hill) and an awkward, contrived shaped parking space to the east and a very small garden amenity space to the rear. The overall plot size and shape would be at odds with the more generously proportioned and regular shaped gardens to dwellings in the immediate surroundings. As such, the proposal would be considered to represent a cramped and incongruous form of development that would result in harm to the character and appearance of the area.
- 2.5 For the reasons outlined above, the proposal is not considered to represent a high standard of layout or design which is appropriate to its setting and would conflict with policy DM3 of the Core Strategy and Development Management Policies (2009), and section 12 of the NPPF.

3. Neighbouring Amenity

- 3.1 The proposed dwelling would be set 0.5m off the shared boundary with neighbouring dwelling number 18 Snow Hill, this falls short of the requirements outlined within the Design Guide that new development should be set a minimum of 1m from any shared boundary. However, given the single storey nature of the proposal and the adequate separation distance between the proposed dwelling and this neighbour, there is not considered to be a significant impact on the living conditions of this neighbour.
- 3.2 The proposed dwelling is within 21 metres of neighbouring properties to the north and south (20 Snow Hill, 25/29 Sandyacres and 16/14 Snow Hill). However, the overall orientation of the proposed dwelling and relationship with the side elevation of those neighbours and their associated rear garden, together with the single storey nature of the proposed development, will not result in a harmful impact on the living conditions of these neighbouring properties.

- 3.3 Two of the objections received raised the issue of loss of light. However, as stated, due to the separation distances to the surrounding dwellings, and the single storey nature of the proposal, the proposed development would not be considered to cause a harmful loss of light to any neighbouring properties.
- 3.4 As such and, whilst the proximity to boundaries and neighbouring properties is acknowledged, the proposal would not be considered to cause a harmful impact on living conditions to neighbouring properties in terms of an overbearing impact, overlooking issue, loss of light or a loss of privacy.
- 3.5 Considering the above, the proposal would be considered to accord with policy DM3 of the Core Strategy and Development Management Policies and Section 12 of the NPPF.

4. Living Standards of Future Occupants

- 4.1 The proposed development would provide a one bedroom bungalow. Paragraph 17 of the NPPF states that all new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and that the space provided should be usable.
- 4.2 The application provides a small area of garden space to the rear of the bungalow. Being a one bedroom dwelling the Central Bedfordshire Design Guide does not provide a minimum garden space requirement albeit, as noted previously, the size of the garden is a concern in terms of the impact on the setting.
- 4.3 The bedroom complies with the National Space Standards for a single occupancy bedroom. However, from the floor plans provided it appears the bedroom would be designed as a double occupancy room. The bedroom falls short of the minimum requirement for a double occupancy room, as outlined within the National Space Standards, currently measuring 9.3 square metres opposed to the standard of 11.5 square metres.
- 4.4 The other habitable rooms provided by the proposed development comply with the national space standards and benefit from at least one main source of light.
- 4.5 Having regard to those considerations, the proposal would not be considered to provide acceptable living and amenity standards for the future residents.

5. Highway Considerations

- 5.1 The proposed dwelling on this site would lead to an intensification of the existing access road. All four of the objections received raised concerns over the existing parking constraints and the narrow nature of the existing access road which have been noted. The objections also reference the right of way the access track provides to the rear of the row of properties at numbers 6-14 Snow Hill.
- 5.2 The proposed dwelling would not be considered to impede on this right of way as the development would be contained within the site, aside from the turning space which requires the use of the access track.
- 5.3 The proposed parking plan would provide one on site parking space which is compliant with the minimum requirements as outlined within the Design Guide for a one bedroom dwelling. A tracking plan has also been provided to highlight the turning space for a delivery goods vehicle following the Highways Officers initial comments on the application.

- 5.4 The Highway Officer initially raised concern regarding the turning and parking plan as it involved use of land outside the red outline. However, on review of the amended turning and parking plans, the turning space and parking is now considered to be acceptable and within land controlled by the applicant.
- 5.5 Notwithstanding this, the Highways Officer has raised concerns with the access track and the existing width of the access. Due to it being an existing access way, the required width of 4.8m cannot be achieved. The proposed development would result in the intensification of use of an access which, due to its width, makes no provision for the two-way flow of vehicles clear of the carriageway and would result in vehicles waiting in the highway while another vehicle leaves the access and this will lead to conditions of danger and inconvenience to users of the highway and the surrounding properties. Whilst this is acknowledged to be an existing situation, the development will intensify use of the access which is currently inadequate. It is noted that third parties and the Parish Council raise similar concerns.
- 5.6 As such, the proposed development is not considered to be acceptable on highway grounds and would pose a safety risk to highway users, involving the intensified use of an inadequate access road. Therefore, the proposal is considered to conflict with policy DM3 of the Core Strategy and Development Management Policies, the Central Bedfordshire Design Guide and Sections 9 and 12 of the NPPF.

6. Other Considerations

6.1 Reason for Call In

The applicant has informed the Council that the application is to provide accommodation to an elderly relative of the applicant. The application has been called in due to this special circumstance.

- 6.2 Whilst the personal circumstances of the applicant have been given very careful consideration, it is considered that it does not outweigh the previously mentioned harm associated with the impact on the character and appearance of the area or highway safety impact.

6.3 Maulden Parish Council Objection

Maulden Parish Council have raised an objection to the proposal on the grounds that the development would constitute an unacceptable backland development, would involve the intensification of an existing inadequate access track and would impact on this right of way.

- 6.4 As discussed above, the application would be considered to harm the character and appearance of the area. The issues with the access road and right of way have also been assessed under the Highway considerations section of the report.

6.5 Human Rights and Equality Act issues:

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

6.6 Summary

The NPPF sets out that sustainable development incorporates three objectives – economic, social and environmental.

- 6.7 In terms of the social objectives, the application would provide a new dwelling to an elderly relative which attracts some weight. In respect of the economic objective, it is acknowledged that there may be some limited benefit through building works associated with the development and the way in which future residents support existing services and facilities which also attracts some modest weight.
- 6.8 However, due to the harm on the character and appearance of the area, the application would not be considered a sustainable development in terms of the environmental objective. The highlighted harm under the environmental objective would be considered to outweigh the benefits of the scheme.
- 6.9 Considering the above in the round, the proposal is not considered to represent a sustainable form of development and Officers therefore recommend that planning permission is refused.

Recommendation:

That Planning Permission be **REFUSAL** subject to the following:

RECOMMENDED REASONS

- 1 The proposed development is of siting, size, scale, form and design which will result in a cramped form of backland development which is out of keeping with and harmful to the spacious character of the site and the pattern and grain of development in the surroundings. The proposed development does not represent a high standard of design and layout and the proposed bedroom does not comply with the national space standards for a double occupancy room. The proposed development is therefore contrary to policies CS14 and DM3 of the Core Strategy and Development Management Policies (2009), Section 12 of the National Planning Policy Framework (2019) and the Central Bedfordshire Design Guide (2014).
- 2 The proposed development, if permitted, would result in the intensification of use of an access which, due to its width, makes no provision for the two-way flow of vehicles clear of the carriageway. This would result in vehicles waiting in the highway while another vehicle leaves the access and this will lead to conditions of danger and inconvenience to users of the highway and the surrounding properties, contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 9 of the NPPF.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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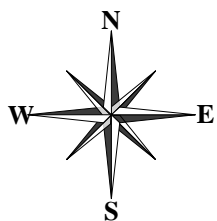
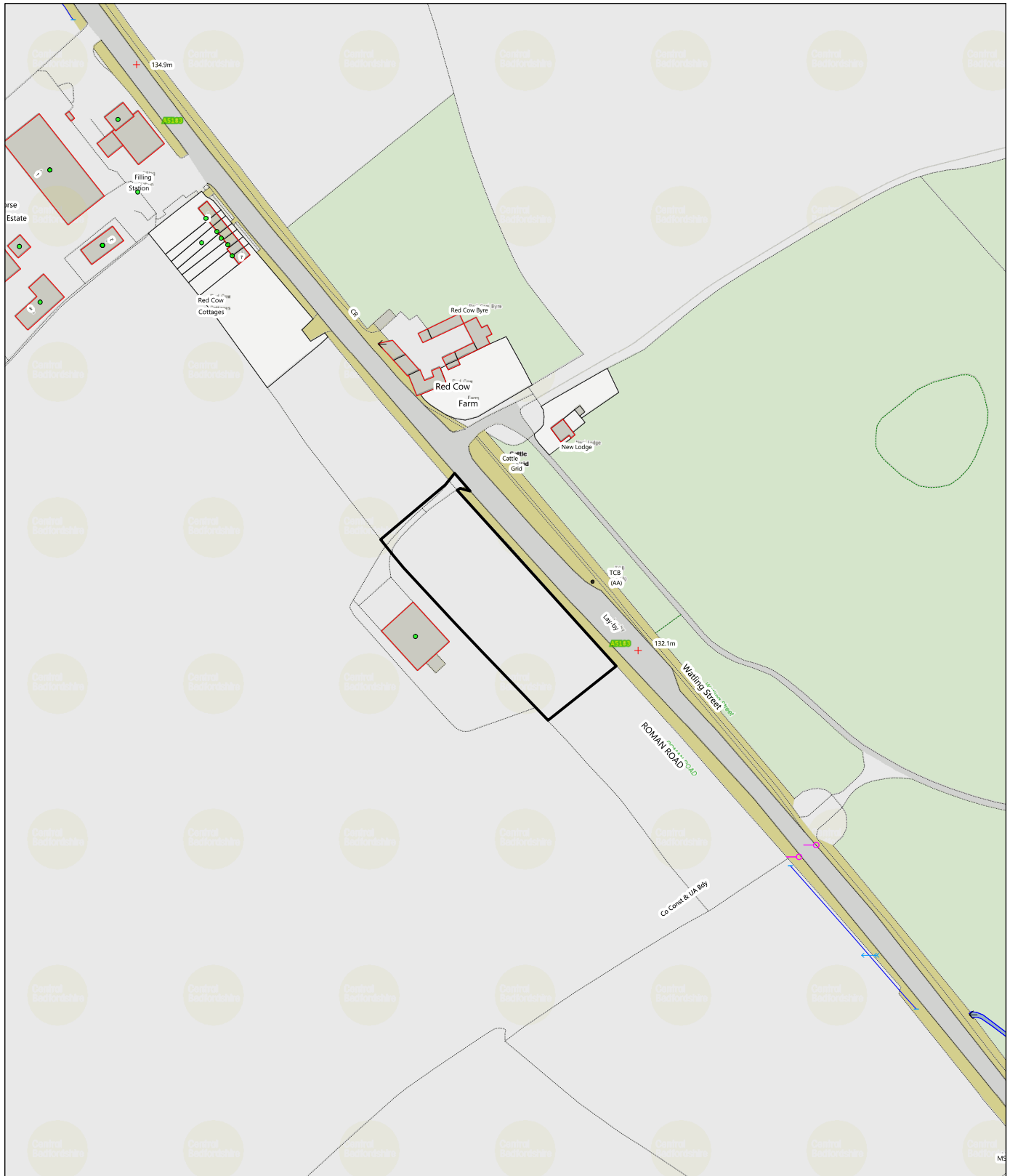
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12. Planning Application No:
CB/19/03394/VOC (Caddington)

Address: Manor Farm, Watling Street,
Kensworth, Dunstable, LU6 3QU

Variation of condition 2 of planning
permission CB/18/04383/FULL
(Retrospective change of use from
agriculture to temporary use as storage
area): Condition 2 to be removed.

Applicant: Mr S O'Hagan



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Date: 18:November:2019

Map Sheet No

Application No.
CB/19/03394/VOC

Scale: 1:2500

Manor Farm, Watling Street, Kensworth, Dunstable, LU6 3QU

APPLICATION NUMBER	CB/19/03394/VOC
LOCATION	Manor Farm, Watling Street, Kensworth, Dunstable, LU6 3QU
PROPOSAL	Variation of condition 2 of planning permission CB/18/04383/FULL (Retrospective change of use from agriculture to temporary use as storage area): Condition 2 to be removed
PARISH	Kensworth
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Perry
CASE OFFICER	Caroline Macrdechian
DATE REGISTERED	18 October 2019
EXPIRY DATE	13 December 2019
APPLICANT	Mr S O'Hagan
AGENT	DLP Planning Limited
REASON FOR COMMITTEE TO DETERMINE	Call-in request made by Cllr Perry requesting determination at DMC should the application be recommended for refusal. Reasons put forward are as follows: <ul style="list-style-type: none"> • application supports CBC policy to achieve infrastructure for Oxford Cambridge arc; • Sits within an existing commercial envelope; • Well screened by road; • Existing facility; • Supports rural employment opportunities
RECOMMENDED DECISION	Variation of Condition - Refusal

Summary of Recommendation

The proposed removal of condition 2 would remove a key justification for the very special circumstance that Members considered was sufficient to justify the temporary development in the Green Belt. Condition 2 was imposed at the request of Members to restrict the nature of the storage. It is considered that the removal of condition 2 would render the scheme an inappropriate form of development as the fundamental very special circumstance by which consent was originally granted would no longer exist and therefore the scheme would conflict with the requirements set out in Section 13 (Protecting Green Belt land) of the National Planning Policy Framework. There is concern that general storage purposes would be fundamentally different in nature to the scheme that was originally approved and would give rise to a greater degree of impact on the surrounding area, in terms of the openness of the Green Belt and the intrinsic character and beauty of the countryside. The proposal is therefore considered contrary to Section 13 (Protecting Green Belt land) and 16 (Conserving and enhancing the natural environment) of the National Planning Policy Framework and Policy NE3 of the South Bedfordshire Local Plan Review.

Site Location:

The site of 5,183 sq m is to the south west of the A5183 (former A5). It was a field in agricultural use with vehicular access onto the A5183.

Within the 'Blue Line' area adjoining the application site to the south west are two

buildings. The first, to the north, is a building granted planning permission as a grain store under reference SB/89/01217/FULL, and then issued a Certificate of Lawful Development for commercial storage purposes under reference SB/08/00596/LDCE. The second building, to the south, was granted planning permission for agricultural storage under reference SB/95/00716/FULL. An application to change the use of this building from agricultural storage to commercial storage under reference CB/18/02617/FULL, was granted consent on 11 February 2019.

There is also a recently constructed agricultural grain store building immediately to the north west of the application site, approved under reference CB/18/00952/FULL. This is not on land within the ownership of the applicant for this application.

There are three dwellings - New Lodge, Red Cow Farm and Red Cow Byre - a short distance to the east and north of the site, on the opposite side of the A5183. The rest of the surrounding area is open countryside.

The site is in the South Bedfordshire Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

The boundary of Central Bedfordshire district with Dacorum district follows the A5183 in the vicinity of the application site.

The Application:

The original application was presented to Members at Development Management Committee on 6th March 2019 with a recommendation for refusal as Officers considered the principle of development in the Green Belt was unacceptable and the issues could not be overcome. The Development Management Committee considered that there were sufficient very special circumstances (VSC) to justify the development and granted planning permission for the retrospective change of use from agriculture to temporary use as storage area for 5 years, with ancillary landscaping works and formation of hardstanding area using road planings (scalpings) under reference 18/04383/FULL dated 6th March 2019. Members considered that the intended use of the site to store historic artefacts to be excavated from Euston Station as part of the HS2 work represented a suitable VSC, along with the development supporting the rural economy. In light of this, and at the request of Members, it was deemed appropriate to impose a condition to restrict the storage use and this is set out in condition 2 of the notice. For clarification, condition 2 is worded as follows:

The storage use hereby approved shall be solely for the storage of historic artefacts arising from excavation at Euston Station, and not for any other use.

The reason for imposing the condition was to ensure the use is specific to the very special circumstances demonstrated to clearly outweigh the harm to the Green Belt (Section 13, NPPF)

The application seeks to remove condition 2 of the permission.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

- 2: Achieving sustainable development
- 4: Decision-making
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 16: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

SD1 Keynote Policy
 NE3 Control of Development in AGLV
 BE8 Design Considerations

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

LP SP4: Development in the Green Belt
 LP T2: Highway Safety and Design
 LP T3: Parking
 LP EE5: Landscape Character and Value
 LP EE7: The Chilterns Area of Outstanding Natural Beauty
 LP HQ1: High Quality Development
 LP DC5: Agricultural Land

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number	CB/18/04383/FULL
Description	Retrospective change of use from agriculture to temporary use as storage area for 5 years, with ancillary landscaping works and formation of hardstanding area using road planings (scalpings)
Decision	Withdrawn
Decision Date	6 March 2019

Application Number	CB/18/00680/FULL
Description	Retrospective change of use from agriculture to temporary use as storage area for 5 years, with ancillary landscaping works and formation of hardstanding area using road plantings (scalpings).
Decision	Withdrawn
Decision Date	6 August 2018

Within 'Blue Line' area:

Application Number	CB/18/02617/FULL
Description	Change of use from agricultural storage to commercial storage
Decision	Granted
Decision Date	11 February 2019

Application Number	CB/17/02974/FULL
Description	Erection of secure fencing to enclose storage yard, with ancillary landscaping works
Decision	Conditional planning permission
Decision Date	23 January 2018

Application Number	CB/13/00471/FULL
Description	Demolition of a warehouse and construction of a pair of semi-detached houses
Decision	Refused
Decision Date	30 April 2013

Application Number	SB/08/00596/LDCE
Description	Use of building for commercial storage purposes
Decision	Lawful Development - Existing - Granted
Decision Date	24 July 2008

Application Number	SB/95/00716/FULL
Description	Erection of agricultural building for implement and machinery store - workshop and parts store
Decision	Conditional planning permission
Decision Date	13 December 1995

Application Number	SB/89/01217/FULL
Description	Erection of grain store
Decision	Conditional planning permission
Decision Date	27 June 1990

Consultees:

Kensworth Parish Council	No response received.
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Highways	<p>The applicant wishes to remove condition 2 of planning permission CB/18/04383/FULL to allow temporary commercial storage on site.</p> <p>I would not object to the removal of this condition, however, it is essential that the highway conditions imposed as part of the original planning consent are maintained and indeed the highway comments offered in response to CB/18/04383 are still applicable.</p>
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Ecology	No response received.
Environment Agency	No response received.
Highways England	The application is unlikely to have a severe impact on the strategic road network. Therefore offer no comment in this instance.
Pollution Team	No response received.
Trees and Landscape Officer	No objection to the VOC application.
Dacorum Borough Council	Acknowledgement of consultation but no comments made.

Other Representations:

Neighbours	To date no representations from neighbouring residents have been received. An update will be provided at the meeting, if necessary.
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Determining Issues:

The main considerations of the application are;

1. Principle and Impact on the Green Belt, AONB and AGLV
2. Impact on Neighbouring Amenity
3. Highway Considerations
4. Other Considerations

Considerations

1. Principle and Impact on the Green Belt, AONB and AGLV

- 1.1 Section 73 of the Town and Country Planning Act provides for applications for planning permission to develop land or change the use of land or a building without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued. In this case, there has been no relevant material change in circumstances.
- 1.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.

- 1.3 As set out in the original report, the proposal did not fall within the exceptions for development in the Green Belt, which are specified in paragraphs 145 and 146 of the NPPF. Members considered that there were very special circumstances that justified the proposal. The nature of the intended storage to support a nationally significant infrastructure project was deemed to constitute a fundamental VSC. Members requested the imposition of condition 2 to prevent the site being used for general storage purposes. The reason cited for imposing condition 2 was to ensure the use is specific to the very special circumstances demonstrated to clearly outweigh the harm to the Green Belt (Section 13, NPPF). In recognition that the storage was to support a particular project, a 5 year temporary permission was granted and after this period the land should be reinstated.
- 1.4 Additionally, it was considered that the scheme would positively contribute to the rural economy, which is a key objective of the NPPF as expressed in paragraph 83. Although it should be noted that support offered by the NPPF to the expansion of all types of business in rural areas, is via conversion of existing buildings or provision of new buildings, as opposed to open storage. Nonetheless significant weight was given to the opportunity to support the rural economy.
- 1.5 Within the supporting statement, it states that due to delays in achieving planning permission the contract for HS2 storage fell through. The applicant therefore seeks the removal of condition 2 to allow general commercial storage on site. The supporting statement adds that discussions have taken place with companies involved in the Oxford to Cambridge arc project but no evidence is provided to substantiate this statement. In any case it is not considered appropriate for the site, given the sensitive nature of its surroundings, to form a storage site for local construction sites/projects, which although they might be of significance locally and regionally, are not deemed to constitute a very special circumstance.
- 1.6 In terms of impact on openness and the AONB, the supporting statement indicates that the relaxation of condition 2 would not give rise to any unacceptable impact on the Green Belt or the Chilterns AONB over and above the existing consent. The original application was specific about the types of materials to be stored on site but with general storage proposed, there is no clear indication of the types of materials/products that would be stored. General storage could be used for a multitude of materials/products and is different in nature to the storage of historic artefacts. Section 16 of the NPPF seeks to ensure that planning decisions contribute and enhance the natural environment by recognising its intrinsic character, with great weight to be applied to conserving areas including AONBs. Additionally, policy NE13 of the South Bedfordshire Local Plan Review states that a proposal can only be considered acceptable if it does not affect the landscape character and setting of the area. It is considered that general storage would have a greater impact on the character of the area.
- 1.7 Overall, in the view of the above, it is considered that the removal of condition 2 would render the scheme an inappropriate form of development as the fundamental VSC by which consent was originally granted would no longer

exist. There is concern that general storage purposes would be fundamentally different in nature to the scheme that was originally approved and would give rise to a greater degree of impact on the surrounding area, in terms of the openness of the Green Belt and the intrinsic character and beauty of the countryside. The proposal is therefore considered contrary to Section 13 (Protecting Green Belt land) and 16 (Conserving and enhancing the natural environment) of the NPPF and Policy NE3 of the South Bedfordshire Local Plan Review.

2. Impact on Neighbouring Amenity

- 2.1 It is not considered that the removal of condition 2 and use of the site for general storage purposes would result in any undue impact on neighbouring amenity. The conditions imposed on the original application to restrict operating hours, lighting provision, and delivery times, would remain if the VOC was to be approved.

3. Highway Considerations

- 3.1 The supporting statement advises that the proposed use of the site would not lead to a significant increase in vehicles entering and leaving the site.
- 3.2 The details have been assessed by the Highways Officer who has advised that no objection would be raised on this application. However, it is essential that the highway conditions imposed as part of the original planning consent are maintained and indeed the highway comments offered in response to 18/04383/FULL are still applicable. These comments are noted.
- 3.3 A number of conditions were imposed on the original application and the local planning authority are in the process of reviewing these conditions to determine whether the information is sufficient to discharge the conditions.

4. Other Considerations

4.1 Human Rights and Equality Act issues:

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That the application to remove condition 2 be refused subject to the following:

RECOMMENDED REASONS

- 1 The removal of condition 2 would remove the fundamental very special circumstance and would therefore render the scheme an inappropriate form of development in the Green Belt, which is, by definition harmful to the Green Belt. The proposal for general storage purposes would be detrimental to the openness and visual amenity of the Green Belt. No factors which could amount to very special circumstances to outweigh the harm to the Green Belt, and other harm to the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV), are evident. The proposal is therefore contrary to Section 13 and 16 of the National Planning Policy Framework.
- 2 The application site is in the Chilterns Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV). The proposed use

of the site for general storage purposes is considered to have a greater impact on the countryside and would fail to conserve or enhance the landscape and scenic beauty of the AONB, and the landscape character and setting of the AGLV. The proposal is therefore contrary to Policy NE3 of the South Bedfordshire Local Plan Review, and Section 16 of the National Planning Policy Framework.

DECISION

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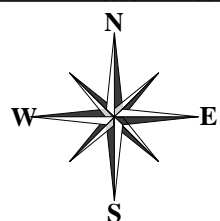
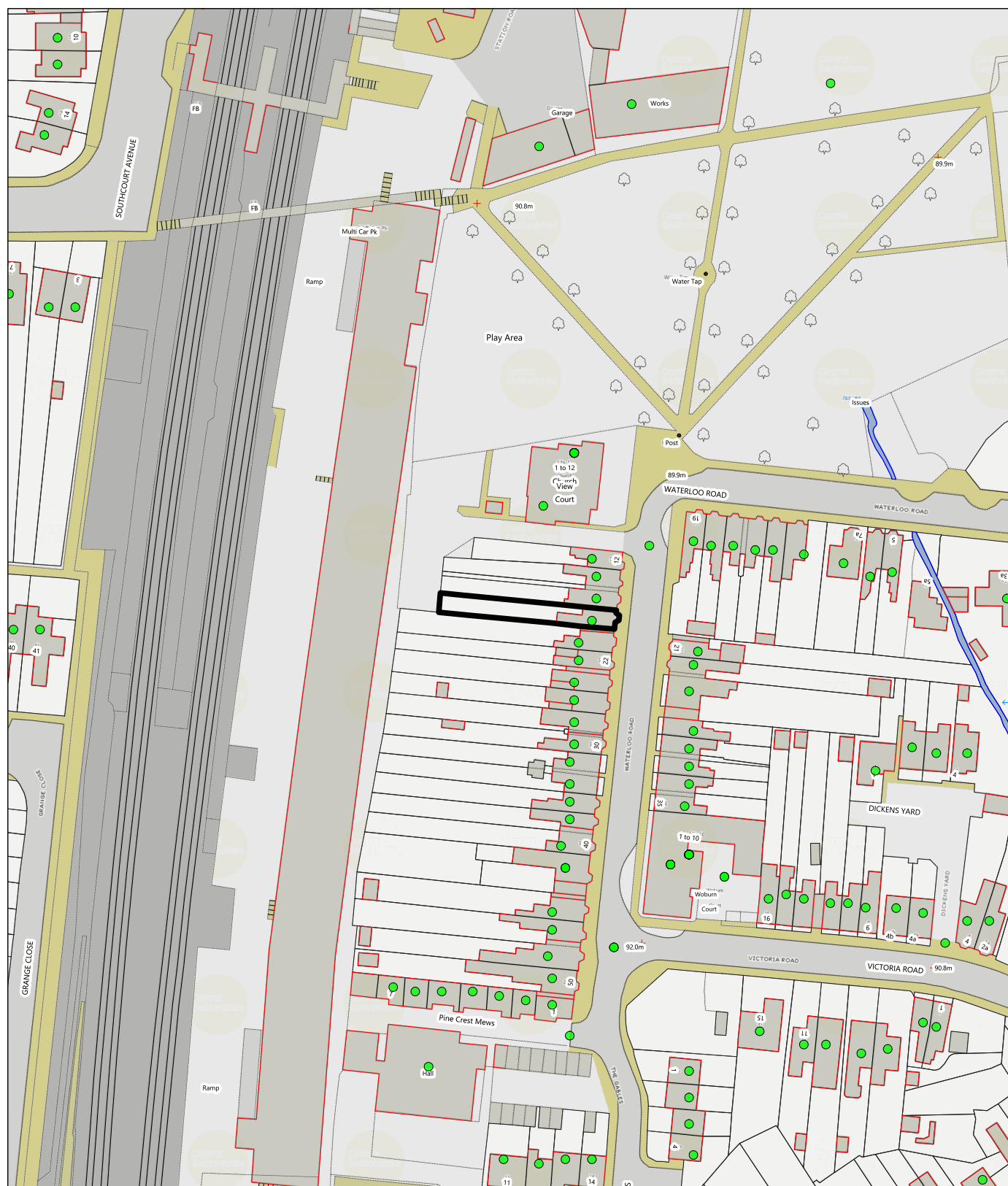
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13. Planning Application No:
CB/19/02331/FULL (Linslade)

Address: 18 Waterloo Road, Linslade,
Leighton Buzzard, LU7 2NS

Single storey rear extension, first floor
rear extension and enlargement of
roofspace to habitable use to include a
rear dormer.

Applicant: Mr Latham



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Date: 18:November:2019

Map Sheet No

Application No.
CB/19/02331/FULL

Scale: 1:1250

18 Waterloo Road, Linslade, Leighton Buzzard, LU7 2NS

APPLICATION NUMBER	CB/19/02331/FULL
LOCATION	18 Waterloo Road, Linslade, Leighton Buzzard, LU7 2NS
PROPOSAL	Single storey rear extension, first floor rear extension and enlargement of roofspace to habitable use to include a rear dormer
PARISH	Leighton-Linslade
WARD	Linslade
WARD COUNCILLORS	Cllrs Perham, Snelling & Harvey
CASE OFFICER	Mark Spragg
DATE REGISTERED	27 August 2019
EXPIRY DATE	22 October 2019
APPLICANT	Mr Latham
AGENT	Define Architects
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Snelling for the following reasons:
	<ul style="list-style-type: none"> - Design - Impact on Conservation Area - Overdevelopment - Loss of amenity to No.16 and 20
RECOMMENDED DECISION	Full Application - Recommend Approval

Summary of Recommendation:

The proposed development is situated within the Linslade Conservation Area. The proposal, as amended would preserve the character of the Linslade Conservation Area and accords with the principles of good design within the Design Guide. The proposed development, as amended, would not cause undue harm to the amenity of the neighbouring dwellings and would not raise issues in terms of highway safety. The proposed development would accord with the Central Bedfordshire Design Guide, Policies HQ1 and HE3 of the Emerging Local Plan and Sections 12 and 16 of the NPPF.

Site Location:

The site consists of a traditional Victorian terraced property located on the west side of Waterloo Road, within the Linslade Conservation Area.

The Application:

The application seeks planning permission for a replacement single storey rear extension to provide an enlarged kitchen/diner, a first floor rear extension to provide a bathroom, and a dormer window in the rear roofslope.

Following observations by the Planning Officer amendments were made to the original proposal with changes including, reduction to size of dormer, reduction to depth of first floor extension, lowering of the eaves and replacing flat roof with pitched roof, revision to window design to replicate the existing property.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (February 2019)

12: Achieving well-designed places

16: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H8 Extensions to Dwellings

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H8 are still given significant weight. Policy T10 is afforded less weight).

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

LP HQ1: High Quality Development

LP T3: Parking

LP HE3: Built Heritage

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

It is considered that the proposal is in conformity with the relevant policies listed above unless otherwise stated in the Assessment.

Relevant Planning History:

None relevant.

Consultees:

Linslade Town Council Object to the proposal for the following reasons:

- Loss of light to neighbours.
- Overlooking and loss of privacy to neighbours.
- Overdevelopment
- Conflict with the Design Guide.
- Impact on Conservation Area
- Extension would dominate the existing house
- Lack of parking provision

Conservation Officer No objection

The application property is mid-terrace, and the proposed rear extensions and loft conversion are confined to the property rear.

The architectural integrity of the street frontage of the property, which contributes positively to Conservation Area character as one of a terraced group featuring rhythmic full-storey bays, is unaffected by the proposed development. The development itself has been subject to considerable reworking, at the request of the Local Planning Authority, to better reflect the traditional built forms of the host building and its neighbours.

Within the context of additions to traditional buildings forming the characterful building stock of the Conservation Area, some clarification of material impacts, in respect of Conservation Area character and local character and distinctiveness, has been given in allowed Appeal APP/P0240/D/14/2222950 (100A Wing Road), with the applied tests for establishing harm set at a high bar by the Appeal Inspector.

Taken altogether, including the outcome of scheme re-working required and secured by the Local Planning Authority, and mindful of the allowed Appeal highlighted above, I confirm that I offer no objection to the proposed development.

Other Representations:

Neighbours Original Plans

10 letters of objection were received to the original plans raising the following issues:

- Loss of light to No.20 and No. 16.
- Overlooking and loss of privacy to neighbours.
- Overdevelopment
- Conflict with the Design Guide.

2 letters of objection were received to the amended proposal, raising the following issues:

- Loss of light to No.20 and No. 16.
- Overlooking and loss of privacy to neighbours.
- Overdevelopment
- Conflict with the Design Guide.
- Impact on Conservation Area
- Extension would dominate the existing house
- Lack of parking provision

Assessment

1. Principle

The site lies within the settlement envelope of Linslade wherein there are no objections in principle to the extension and alterations to dwellings provided that they are in keeping with the character of the property and the surrounding area. There must also be no unacceptable adverse impact on the amenities of any neighbours or on highway safety.

2. Character and Appearance of the Area

- 2.1 The proposed extensions, being located to the rear of the terraced property would not be visible from any public viewpoints within the Conservation Area and would only be viewed from within the private gardens of neighbouring properties. As such the proposal would not impact on the streetscene.
- 2.2 Whilst the Officer considered that the original proposal was an unacceptable design within the Conservation Area, amendments were sought to the application which resulted in significant changes.
- 2.3 In respect of the amended proposal the rear dormer is now considered to be modest, well designed and set well within the roof, and would not dominate it. Furthermore, it would be similar in size and appearance to the dormer window in the roofslope of the adjoining property (No. 20) and sited lower in the roof slope
- 2.4 In respect of the first floor extension the originally proposed flat roof has been replaced by a pitched roof which now reflects the rear pitched roofscape to the rear of properties within Waterloo Road. The depth of the proposed extension would be significantly less than the two storey rear gable to No.20 and as such would not appear large in the context of its surroundings. The design of the window and the proposed traditional external finish of the first floor extension, as amended, would match other neighbouring properties and would result in an acceptable appearance in the context of the Conservation Area. The Conservation Officer supports the proposal.
- 2.5 The ground floor extension remains as originally proposed and is considered to be of an acceptable design and finish.
- 2.6 On the basis of the above, the proposed extensions would have no impact on the Waterloo Road streetscene. As amended, the extensions are also considered to be well designed and would respect the finish and materials of the existing property and preserve the character of the Conservation Area.

3. Impact on Residential Amenity

- 3.1 The proposed ground floor extension would be the same height and would be 1m shorter than the existing extension, which has its side elevation abutting the boundary of No.20.
- 3.2 The first floor extension, as amended, would extend by 1.8m beyond the rear of No.20, which projects slightly beyond the rear wall of the application property. The neighbouring house has a rear facing dining room window and a first floor bedroom window above. In addition, No.20 also has a ground floor kitchen window and door facing the existing party wall. As amended, the first floor extension would comply with the Design Guide in respect of a 45 degree line from the rear facing windows of No.20. It would also be sited to the north of the neighbouring windows. Furthermore, the ground floor extension would have no greater impact than the existing ground floor extension.
- 3.3 Given the limited depth of the proposed first floor addition and the fact that the window would be obscure glazed it is not considered that the extension would be either overbearing or result in any loss of privacy or amenity to No. 20.
- 3.4 The proposed ground floor extension would abut the higher flank wall of the adjoining property whilst the first floor extension would satisfy the 45 degree light angle criteria to the closest habitable windows. There is an existing first floor rear facing bedroom window serving the application site and as such it is not considered that the new first floor obscure glazed bathroom window or the proposed dormer window would result in any undue loss of privacy or amenity to the rear of No.16.

4. Car Parking and Access

- 4.1 The existing property has three bedrooms including one within the roofspace. As the number of bedrooms is not increased as part of this proposal there are no parking or highway implications.

5. Addressing the Neighbours Concerns

- 5.1 Neighbour concerns have been addressed within the report.

6. Other Considerations

6.1 Human Rights and Equality

Based on information submitted there are no known issues raised in the context of Human Rights or Equality.

Recommendation

That Planning Permission be approved subject to the following conditions

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.
(Section 12, NPPF)

- 3 The first floor bathroom window in the extension shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window(s) which can be opened are more than 1.7m above the floor of the room(s) in which the window(s) is installed.

Reason: To safeguard neighbouring privacy. (Section 12, NPPF)

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PLN 200F, PLN 300D, PLN 301B, PLN 090B.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
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. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax.

If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.
The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

DECISION

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14. Date of Next Meeting and Site Inspections

Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on 8 January 2020 and the Site Inspections will be undertaken on 6 January 2020.

15. Late Sheet

To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on 3 December 2019.

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE 04/12/2019

Item 5 - CB/19/01379/VOC - The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE

Additional Consultation / Publicity Responses

None

Additional Comments

The applicant has sent a document to all members of the Development Management Committee directly which responses to a number of points raised within the officers report. Each of these points is listed and addressed below:

1. The officers incorrectly refer to the existing site as being temporary. It is a permanent site with a permanent planning permission for the stationing of caravans. The variation of condition does not "fundamentally alter" the approved land use: it remains a site for the stationing of caravans for residential purposes.

Officers Response:

The Officers Report does not state that the existing planning permission is a "temporary" planning permission. Rather the report states that the application would fundamentally alter the permission it seeks to vary. The consented use of the site restricted to Gypsies and Travellers only, consents a more transient and temporary use of the site for residential purposes and falls within the "Sui Generis" use class. The proposal is to consent the site for C3 residential use (different use class than a G&T use) for permanent residential occupation in an unsustainable location. The previous permission granted permission specifically for use of the site by Gypsies and Travellers only and the proposal would take away that original consent, thus resulting in a fundamental alteration to that original permission. Officers have sought legal advice on this matter which supports the view that the proposal would be a fundamental alteration to the permission it seeks to vary and as such should not be approved through s73 of the Town and Country Planning Act.

2. The variation of condition would not prevent Gypsy and Travellers from occupying caravans: it simply broadens the range of occupants who can live there, including for Gypsies and Travellers who no longer meet the definition of a "permanent travelling Gypsy" in planning terms whose needs are now considered under "general housing needs".

The proposal would remove the restricted use of the site for residential purposes by Gypsies and Travellers only and thus would remove the 19 pitches from the G&T supply. It could be possible, as has been indicated to the agent previously, to alter the wording of the condition under the previous permission to refer to a wider definition of Gypsies and Travellers by removing reference to the 2015 definition. This application seeks the full removal of the condition to allow for unrestricted C3

use of the site as "market housing" and thus it would make it extremely unlikely that Gypsies and Travellers would occupy the site.

3. The officers confirm there is a five-year supply of Gypsy and Traveller pitches in the district.

The officers report does confirm that currently the council can demonstrate a 5 year supply of G&T pitches, although this fact not in itself justify a loss of current pitches.

4. The Council position at the Examination into the emerging Local Plan was that there is no need for Gypsy and Traveller pitches over the plan period to 2033.

5. The Council in fact has a surplus of 31 pitches over the plan period to 2033 and therefore the loss of 19 pitches at this site would still leave a surplus of 12 pitches across the district to 2033 and there would be no need to find additional pitches.

Points 4 and 5 above are addressed in significant detail in paragraphs 2.2 to 2.20 of the Officers report. The Councils position as outlined in the report is the same as was presented to the Inspector during the Local Plan hearings although the figures have been updated to take into account approved and lost pitches since. Whilst the Council can demonstrate a 5 year supply of pitches the loss of 19 pitches would result in the Council needing to find additional G&T pitches towards the end of the plan period as identified in the officers report. Paragraphs 2.21 to 2.26 specifically outline the difficulties the Council is likely to face in identifying sites and approving pitches to replace the 19 lost pitches.

6. The current occupiers would become homeless if the condition is not varied and the applicant is forced to ensure the caravans are only occupied by Gypsies and Travellers who meet the "planning definition". They would only be able to meet their own housing needs if planning permission is granted for the redevelopment under CB/19/02552/OUT.

This issue is also specifically addressed in detail in sections 5.3 to 5.8 of the officers report. Any subsequent enforcement action would be considered and progressed entirely separately to this planning application. Those who are currently occupying the site who do not fall within the definition of Gypsy and Traveller as outlined in Annex 1 of Planning Policy for Traveller Sites, August 2015 are in breach of Condition 1 of the consented planning 2015 permission. The refusal of this application would not in itself render those individuals homeless rather the Council, through any enforcement process, would provide a reasonable timeframe for those individuals occupying the site to find alternative accommodation. Notwithstanding this as is outlined in the officers report, the applicant has provided conflicting information in this regard and have stated in their planning statement on the outline application that all current occupiers have confirmed that they have alternative accommodation available, much of which is outside of Central Bedfordshire.

Additional / Amended Conditions / Reasons

None

Item 6 - CB/19/02552/OUT - The Lagoon, 197 Hitchin Road, Arlesey, SG15 6SE

Additional Consultation / Publicity Responses

Environment Agency: No objection and standard informative notes regarding flood risk and drainage, land contamination, water resources, water quality, and waste and pollution prevention

CBC Waste Team: No objection subject to waste s106 obligation

Additional Comments

Report clarification:

Officer report para 1.30 clarification [page 44]: Further discussions with the Council's Highways Officer indicate that the Strategic Site Allocation SA3 'East of Arlesey' is unlikely to be adversely affected by the proposed roundabout of the subject application. However, any suggestion that the current proposals would benefit the proposed allocation is unfounded at this state and as Site SA3 has not yet been the subject of detailed design proposals including any highway connections and improvements.

Additional Agent submission:

The Agent supplied a 9-point submission from the Agent as follows:-

"1. Inspectors in numerous planning appeal decisions in Central Bedfordshire have stated that Policy DM4 should only be afforded "moderate weight" in the planning balance, and residential developments have consistently been approved by the Council and at appeal on sites outside settlement boundaries."

Officer response: Addressed in the Officer report at paras 1.32 -1.33.

"2. There is considerable doubt as to whether the Council continues to have a 5 yhls. In the most recent appeal decision at land at south of Sandy Lane, Potton (decision 15th October 2019) the Inspector did not find one way or another as to whether there was a 5 yhls: the matter was simply not tested because the Inspector had other serious concerns with that proposal, namely harm to character and appearance."

Officer response: Addressed in the Officer report at paras 1.34-1.35, the Council has 6.39yrs of housing land supply.

"3. The Council does not have a 5 yhls for 'affordable homes'."

Officer response: The Council's housing land supply position of 6.39yrs is inclusive of affordable housing.

"4. The site adjoins the built-up area of Arlesey. It is a brownfield and otherwise vacant/unkempt site which is not used effectively or efficiently."

Officer response: See p29 'Site Location', other than the dwelling and the its domestic curtilage occupied by the G&T pitches, the site is made up of arable land i.e. 'greenfield'. Their current condition in purely circumstantial, is no indication of the agricultural potential and visually contributes to the countryside character of the site and wider area.

“5. It has no designated landscape features and is visually characterless. It has, for example, none of the landscape and character qualities that the site at Sandy Lane, Potton possesses (referred to above).”

Officer response: NPPF para 170 refers to the intrinsic character and beauty of the countryside, to which policies and decisions should positively contribute to and enhance. However, the subject scheme would detract from this as addressed in Officer report paras 2.1 - 2.15.

“6. The Council’s position at the Examination into the emerging Local Plan was that there is no need for Gypsy and Traveller pitches over the plan period to 2035. The Council in fact has a surplus of 31 pitches over the plan period to 2035 and therefore the loss of 19 pitches at this site would still leave a surplus of 12 pitches across the district to 2035 and there would be no need to find additional pitches. In short, the officers’ approach in respect of Gypsy and Traveller need/supply in this application would undermine the Council’s position on its own emerging Local Plan (see our comments on CB/19/01379/VOC).”

Officer response: Addressed in officer report para 1.16, there would be 6.11 years at the end of the plan period where the Council could potentially not demonstrate a sufficient supply of pitches. Unless granting approval for more windfall sites and/or finding additional G&T sites. The loss of sites such as the subject application would exacerbate this issue and challenges of finding alternative sites as outlined in Officer report para 1.25.

“7. The proposal includes a detailed and proactive approach to ecology by a top firm of consultants, and the proposal will provide net biodiversity gains with the inclusion of new native woodland planting, wildflower meadows, numerous bird and bat boxes, hedgehog domes, wildlife pond and log piles.”

Officer response: Biodiversity net gain is not demonstrated. See Officer report p37 ‘Internal Consultees’, ‘Ecology’ as well as para 5.20

“8. The design of the layout, whilst in outline, is spacious with large areas of green space, of low-rise housing and flats (nothing above 2.5 stories) and is appropriate for its location adjacent to the railway line. Key changes to the layout to reflect previous concerns by the officers during the last application have been fully addressed.”

Officer response: In addition to the adverse impact to the countryside character as discussed in officer report paras 2.1 - 2.15, the indicative design would impose an adverse urbanising effect on the countryside and detract from the character of Hitchin Road and the settlement pattern and character of Arlesey as discussed in Officer report paras 2.16 – 2.22.

“9. The proposal will provide substantial benefits which include:

- *The provision of a wide range of house and tenure types – 21 apartments for over-55’s, smaller houses and apartments affordable for local first-time buyers and young families (properties in the region of £160,000) thereby enabling the sons and daughters of Arlesey residents to remain living locally, and 8 plots for self-build.*
- *Full policy compliant affordable housing provision at 35%, i.e. 52 units. In a District where the need for affordable housing is very high, at least 14,400 dwellings for the period 2011 to 2031, (720 per year) and delivery over the past 7 years has only averaged 333 dwellings per annum, this represents a benefit to which substantial weight can be given in the planning balance.*

- *The provision of a roundabout, supported by the Highway Authority, on Hitchin Road to serve the site and which will also be a key part of the proposed relief road through the East of Arlesey development. Again, this is a major benefit for which substantial weight can be given.*
- *Measures to improve the footway on Hitchin Road and to slow down traffic on this fast stretch of road in the short term.*
- *Provision of charging points for electric vehicles throughout the development.*
- *Financial contributions to meet all reasonable council requested contributions towards health, schools, leisure and open space, libraries and community halls: the Council has requested a combined sum of circa £2.4million.”*

Officer response: As addressed in Officer report 'Planning Balance' paras 7.1 - 7.7, housing is a benefit however, s106 contributions are mitigation of the adverse impacts of the scheme and are not considered a benefit, therefore. This includes Highway improvements. Provision of electric charging points is a scheme benefit until such time as emerging plan Policy T5 'Ultra Low Emissions Vehicles' gains weight when such provision will represent the minimum required mitigation as part of any proposal.

Additional / Amended Conditions / Reasons

Refusal Reason 1 [Page 60]: Delete policy CS15 and DM13 references as follows:

1. The proposed development will result in the permanent irreversible loss of open countryside and agricultural land, with an over-intensive, cramped and urbanising development which will harm the open countryside character in the area as well as harm to important landscape features with ecological value. The development would further result in demonstrable harm to the settlement pattern and character of Arlesey and the rural character of Hitchin Road. The proposed development is therefore contrary to policies CS14, ~~CS15~~, CS16, CS18, DM3, DM4, ~~DM13~~ and DM14 of the Central Bedfordshire Core Strategy and Development Management policies (2009), the National Planning Policy Framework (2019) and the Central Bedfordshire Design Guide (2014) and National Design Guide (2019).

Item 7 - CB/18/04471/FULL - Land at Oakwell Park, Thorn Road, Houghton Regis, LU5 6JH

Additional Consultation / Publicity Responses

No additional responses have been received.

Additional Comments

Paragraph 3.6 has been amended to read as follows:

The loss of trees, both protected or not, does present concerns to the character of the area. It is considered that the impact to the character of the area is limited, as many of the trees are not of significant value, many of the TPO trees are not currently visually prominent from the public realm. As such they provide **little** benefit in terms of public amenity value. It is also noted that additional trees can be provided to support the existing trees and aid public amenity. A Tree Officer has also considered these points further and, whilst the loss of protected trees is noted, the Officer has not raised an objection subject to conditions.

Additional / Amended Conditions / Reasons

The following condition has been amended so that a LAP is provided instead of a LEAP. This amendment is because there is insufficient space to accommodate a LEAP and the provision would reduce and negatively impact the buffer between the development and the County Wildlife Site and heritage assets.

Notwithstanding the details submitted as part of this application, details of a LAP to be provided on site shall be submitted to the Local Planning Authority for approval in writing prior to the first occupation of the development. The proposed LAP shall be constructed in accordance with the approved details and retained thereafter.

Reason: To provide an acceptable level of play space, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

The following conditions have been added:

- 1 Prior to the commencement of development, the Local Planning Authority shall be advised of a qualified Supervising Arboricultural Consultant, to be appointed by the applicant in all areas of operations being required in the Arboricultural Method Statement. The appointed Supervising Arboricultural Consultant shall then oversee all the required operations specified in the Arboricultural Method Statement, and shall record these operations in writing on an appropriate pro-forma, which shall be securely stored and made available to the Local Planning Authority on request.

Reason:

To ensure the proper implementation of the Arboricultural Method Statement, and at the required sequence of operations, in the interests of good arboricultural practice and tree protection, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 2 All tree removal shall be confined to that specified in Sub-Section 5.3 and 5.4, of Section 5.0 "Impact of Proposed Development on Retained Trees", of the document "Tree Survey, Arboricultural Impact Assessment, , Arboricultural Method Statement", dated November 2019 (Rev A).

Reason:

To ensure that tree removal is restricted to that actually required to facilitate development, and that unnecessary and unjustified felling is avoided, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 3 Prior to the commencement of development, including demolition, all tree protection barrier fencing shall be positioned and installed in strict accordance with Section 6.0 "Arboricultural Method Statement Methodology", and Section 9.0 "Tree Protection Barriers" of the "Tree Survey, Arboricultural Impact Assessment, , Arboricultural Method Statement", dated November 2019 (Rev A), which includes reference to the plan drawings "Arboricultural Impact Assessment and Arboricultural Method Statement" (Drawing No's. B15064 602.1, B15064 602.2 and B15064 602.3). The tree protection barriers shall then remain securely in position throughout the entire course of development works, unless otherwise specified in the Arboricultural Method Statement, and agreed with the Supervising Arboricultural Consultant.

Reason:

To prevent damage from development activity by securing appropriate construction exclusion zones around the retained trees, so as to protect their root systems and existing canopy spread, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 4 All demolition and construction procedures, including areas required for "No-Dig" methods of construction, and areas requiring supervised excavation, shall be carried out in strict accordance with Section 6.0 "Arboricultural Method Statement Methodology", Section 7.0 "Demolition and Construction close to retained Trees and Hedges", and reference to the drawings "Arboricultural Impact Assessment and Arboricultural Method Statement" (Drawing No's. B15064 602.1, B15064 602.2 and B15064 602.3), which specify areas required for "No-Dig Methods of Construction", and "Areas of Supervised Excavation", all of which form part of the "Tree Survey, Arboricultural Impact Assessment, , Arboricultural Method Statement", dated November 2019 (Rev A).

Reason:

To prevent demolition and construction damage to retained trees by the implementation of recommended work operations, to be undertaken under close arboricultural supervision, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 5 The provision of services must comply with the recommendations stipulated in Section 8 "Services" of the document "Tree Survey, Arboricultural Impact Assessment, , Arboricultural Method Statement", dated November 2019 (Rev A), and shall be undertaken under the close supervision of the Supervising Arboricultural Consultant.

Reason:

To ensure that the installation of services is undertaken in accordance with current industry guidelines and best practice, in order to prevent damage to retained trees, in accordance with Policy BE8 of the adopted Local Plan, Policy

HQ1 of the emerging Local Plan and the NPPF.

- 6 Prior to the first occupation of the development, details of a 2.0m wide footway on the northern side of the road along the frontage of the site, shall be submitted to the Local Authority for approval in writing. The details shall be implemented prior to the first occupation of the development, in accordance with the approved details. Any Statutory Undertakers equipment or street furniture shall be sited elsewhere to provide an unobstructed footway.
Reason: In the interests of road safety and pedestrian movement, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.
- 7 Prior to the commencement of development above ground level, details of the junction between the proposed estate road and the highway shall be submitted to the Local Planning Authority for approval in writing. Prior to the first occupation of the development, the junction shall be 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, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.
- 8 Before the new access is first brought into use, any existing access within the frontage of site, not incorporated in the proposed main access, hereby approved, shall be closed in a manner to the Local Planning Authority's written approval.
Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.
- 9 No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
Reason: To improve sustainable travel opportunities, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.
- 10 The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 12).
Reason: In the interests of the safety of persons using the access and users of the highway, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.
- 11 Prior to the first occupation of the development, details of the surfacing of all on site vehicular areas and the arrangements for surface water to be intercepted and disposed of separately so that it does not discharge into the highway shall

be submitted to the Local Planning Authority for approval in writing.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 12 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, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 13 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, then details showing a temporary turning space for vehicles shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 14 Prior to the commencement of development above ground level, a scheme for the parking of cycles on the site shall be submitted to the Local Planning Authority for approval in writing. The approved 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, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

- 15 Prior to the first occupation of the development, details of bin storage/collection point shall be submitted to the Local Planning Authority for approval in writing. The development shall be constructed in accordance with the approved details.

Reason: In the interest of amenity, in accordance with Policy BE8 of the adopted Local Plan, Policy HQ1 of the emerging Local Plan and the NPPF.

Item 8 - CB/19/01022/FULL - Land to the side and rear 9-11 Lower Shelton Road Marston Moretaine MK43 0LN

Additional Consultation / Publicity Responses

Since the publication of the officers report, the Highways Officers comments have been received. They state:

The applicant has submitted revised plans for the proposal of 4 x 3 bedroom dwellings, associated access and parking and parking for no. 11. However, the landscaping plan shows the dwellings in a different location to the block plan, the refuse area and visitor parking bay are also shown differing in each plan. The planning officer has confirmed that it is the block plan that should be used for assessment for the proposal.

The block plan has some issues, the bin collection point exceeds the 10.0m drag distance measured from the highway to the furthest bin. There appears to be no driver/driver and driver/pedestrian intervisibility at the parking provision for no. 11, if a vehicle is reversing from the parking space they can not see any vehicle or pedestrian entering the site. There appears to be no driver/pedestrian intervisibility at the parking provision for plots 1 and 2. The visitor parking space fronting plots 3 and 4 should be 6.0m in length. All of these issues can be dealt with by conditions. Please include the following in any permission issued.

Additional Comments

None

Additional / Amended Conditions / Reasons

Additional conditions following the Highways Officers comments being received are as follows:

1. No building shall be occupied until the widened junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Section 9, NPPF)

2. The visitor parking space at the frontage of plots 3 and 4 shall measure no less than 2.5m x 6.0m

Reason: For the avoidance of doubt and to provide adequate parking provision
(Section 9, NPPF)

3. A triangular vision splay shall be provided on each side of the new access drive for plots 1 and 2, and at the parking area for no. 11 and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the

highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant'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 proposed shared use access and the proposed vehicular accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.
(Section 9, NPPF)

4. The proposed vehicular access shall be surfaced in accordance with the approved plan prior to the development being brought into use, and the surfacing shall remain as approved thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits
(Section 9, NPPF)

5. The maximum gradient of the vehicular access shall be 5% (1 in 20) for the first 6.0m measured into the site from the highway boundary and thereafter 1 in 10.

Reason: In the interests of the safety of persons using the access and users of the highway.
(Section 9, NPPF)

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision on the site and turning area shall not be used for any purpose, other than as parking provision and turning area 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 turning within the site thereby minimise the potential for on-street parking and vehicles reversing into the highway which could adversely affect the convenience of road users.
(Section 9, NPPF)

7. A refuse collection point located at the site frontage and outside of the public highway and any visibility splays, and not exceeding 10.0m from the waiting refuse vehicle to the furthest bin shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Section 9, NPPF)

Item 9 - CB/18/01882/FULL - Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS

Additional Consultation / Publicity Responses

No additional responses.

Additional Comments

No additional comments.

Additional / Amended Conditions / Reasons

No additional or amended conditions.

Item 11 - CB/19/02509/FULL - 16 Snow Hill, Maulden, Bedford, MK45 2BN

Additional Consultation / Publicity Responses

None received.

Additional Comments

None received.

Additional / Amended Conditions / Reasons

None received.

Item 12 - CB/19/03394/VOC - Manor Farm, Watling Street, Kensworth, Dunstable, LU6 3QU

Additional Consultation / Publicity Responses

Response received from Dacorum Borough Council stating the following:

Dacorum Borough Council's only comment is that the planning application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Additional Comments

A supporting letter was submitted by the agent on 27th November. The letter addressed to the applicant is dated 25th November and is from a Senior Logistics Manager at East West Rail Alliance and sets out their potential interest in using the facilities at Manor Farm. A copy of the letter has been saved to the file and the letter states the following:

I am writing to you in order to follow up on our previous on site meeting, subsequent discussions and letter dated 06.09.2019 for the potential use of your facilities at Manor Farm, Watling Street, Kensworth, AL3 8QQ for appr x a potential 4/5 year duration whereby our project staff are able to utilised the internal and external storage space as discussed and also your office/meeting room and welfare space for a potential Induction/Training facility for our EWRA project personnel.

We are excited by the potential this venture may bring to our project and the wider community regarding our commitment to employ locally and utilise local businesses wherever possible and look forward to further meetings in order to progress with this opportunity via the formal process.

We look forward to hearing from you at the earliest opportunity in regard to progression in terms with the rental of the above said facility/storage areas as this is becoming increasingly critical in our strategy for project delivery.

Additional / Amended Conditions / Reasons

As set out in the report, the application is made under Section 73 of the Town and Country Planning Act 1990. The Planning Practice Guidance is clear in reference to section 73 and states that one of the uses of section 73 is to seek a minor material amendment.

The leading case of *Coventry City Council ex p. Arrowcroft Group 2001* considered the effect of section 73 and confirmed that alterations to planning permission made through section 73 should not amount to a 'fundamental alteration' of the proposal put forward in the original application. The case also considered a 'fundamental alteration' would be one such that the operative part of the planning permission would give permission for something and the revised conditions would take away that consent.

In this instance the original application granted consent for use of the site for the specific storage purposes in line with condition 2 and Members sought the imposition of condition 2. It is considered that the removal of condition 2 would

remove a key justification for the very special circumstance, and create a proposal for general storage that would be fundamentally different to the original permission.

On the basis of the above it is not considered that the proposal would be acceptable within the parameters of section 73 of the Town and Country Planning Act. The proposal would require the benefit of full planning permission. It is therefore necessary to add an additional reason for refusal:

The proposal would result in a fundamental alteration of the original permission which is not considered to fall within the parameters of section 73 of the Town and Country Planning Act.

Item 13 - CB/19/02331/FULL - 18 Waterloo Road, Linslade, Leighton Buzzard, LU7 2NS

Additional Consultation / Publicity Responses

Highways - No objection.

Additional Comments

None

Additional / Amended Conditions / Reasons

None
