

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 29 JUNE 2016

#### ***Item 6 (Pages 15 – 46 ) – CB/16/00860/REG3 – Land south of Dunton Lane, Biggleswade***

##### **Additional Consultation/Publicity Responses**

One third party letter received raising objections on the grounds of:

- Proposed access is not seen by traffic travelling towards Biggleswade until they are almost at the site.
- A bus stop in only one direction is dangerous to users on the other side.
- There is no street lighting or footpath on Dunton Road
- Site is too remote to allow a reasonable police response time.
- Local school places are limited.

Campaign for the Protection of Rural England (CPRE):

Object to the proposal commenting:

From the outset, we must say that we are surprised to see a site in this location still be put forward by CBC as suitable for traveller-related development. We are aware of course that, as site 26, a site south of Dunton Lane was one of those proposed in the pre-submission G&T Plan Feb 2014, but that plan was never put to EiP and was subsequently withdrawn. Consequently, we suggest it now carries little or no weight in consideration of the case.

Even more importantly – as we pointed out in our objection to Site 26 at the time – the May 2013 site assessment report scored this site as the worst performing of any of the site in the Feb 2014 Plan was proposing for adoption – just 15 points out of a possible 50 when measured against criteria which had been endorsed by the Sustainable Communities Overview and Scrutiny Committee for G&T Site Assessment principles, in particular:

- Location on High Grade agricultural land (score 0)
- 'Poor' access to public transport services (score 1)
- 'Very poor' access to GP/Health Services (score 0)
- 'Very Poor' walking access to a middle school (score 0)
- 'Poor' access to an upper school by public transport (score 1)
- 'Poor' walking access to a local food store (score 0)

Significantly, the subsequent Sustainability appraisal accompanying the Feb 2014 Plan took a markedly more relaxed view of the site's sustainability credentials, contradicting this previous work by asserting that 'the site is well located in terms of access to local services and facilities in Biggleswade'. It is pretty clear to us however, that this contradictory conclusion was forced by the fact that, if the Dunton site were not selected, some other site with even worse sustainability credentials would have to be selected in its place.

We do not, however, consider that expediency can be used to justify a proposal which has been identified to be so poorly performing against so many of the Council's own nominated selection criteria.

Moreover, in addition to the issues listed above, and notwithstanding the mitigation proposed in the Design and Access Statement, the site is inevitably going to be a highly visible feature, being situated on rising ground in the open countryside. It will impact adversely on the landscape, not just by day, but also – thanks to the inevitable lighting installations – by night. In this context we would point out that the value of the landscape in this area has been confirmed by the Council itself, which has designated Dunton Lane as forming part of a 'scenic route'. The insertion of a highly visible new Traveller site is hardly compatible with the Lane's scenic status.

In conclusion, we draw attention to Para 25 of the Planning Policy for Traveller Sites. This makes it clear that LPAs should 'very strictly limit new traveller development away from existing settlements or outside areas allocated in the development plan. As stated above, there is currently no either adopted or even emerging Development Plan – though a new one has currently just concluded its 'call for sites' stage. We strongly urge therefore that in accordance with this guidance the Dunton Lane application be shelved pending the emergence of this new plan.

A further consideration is the impact on the local primary school in Dunton. In this regards para 25 of the PPTS also states 'LPAs should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure'. 10 permanent pitches will undoubtedly involve a substantial number of children, and a good proportion of these are likely to be primary school age. Our understanding is that the capacity of Dunton school is already under pressure. There is nothing in the design and access statement as to how the Council intends to address this issue.

Accordingly, and in line with its original objection, CPRE trusts that the council will recognise this site's fundamentally unsustainable location for traveller related development, and reject this application.

### Highways

The applicant has submitted revised plans showing the visibility splay from both accesses and a revised site layout. The visibility splay is not correct and should measure 2.4m along the centre line of the access into the site from the nearside kerbline, from this point a splay of 215.0m is required either side of the access to the NEARSIDE channel of the road. The splays to the oncoming traffic, the critical side, are shown going into a field?

I have plotted the splays on the submitted plan D08 Revision A, and they appear to be achievable although it may require some removal of vegetative growth within the adjoining land and within the public highway.

Turning to the layout of the site I am content that the internal vehicle parking, manoeuvring and turning arrangements are satisfactory. I do, however question the

need for a footway along the frontage of the site and would recommend that the bus layby be removed as parked vehicles would impact upon the visibility splay.

If and when it can be agreed that there will be a bus service stopping at the site, then the layby for it can be constructed and a footway to the bus stop only, although it may be difficult to keep the stop clear from other vehicles using Dunton Lane, for using it as a parking bay?

It would be beneficial for the internal accesses/parking spaces to have at least some pedestrian visibility splays either side of them as the internal road is shared with pedestrians. I have included a condition for this. I am not sure what the boundary treatments are fronting the internal access road. The boundaries are up against the road and may afford little driver/driver intervisibility. I have included a condition for these boundaries to be set back, which will not lessen the size of the plots, but keep the frontage against the road clear to allow for a modicum of intervisibility between users of the shared access and users of the plots; this will also provide driver/pedestrian intervisibility.

#### Sustainable Urban Drainage Officer

The National Planning Policy Framework sets out the expectation that Local Planning Authorities, as part of their function of determining planning applications, should avoid flood risk to people and property and should manage any residual risk (para 103 NPPF).

When considering surface water as part of a major planning application, Local Planning Authorities therefore need to satisfy themselves that the minimum standard of operation is appropriate for surface water drainage systems (SuDS) and ensure through the use of planning conditions that clear arrangements are in place for their ongoing maintenance over the lifetime of the development (Written Statement HCWS161).

A 'Surface Water Drainage Strategy' is required under CBCs adopted local validation criteria for all major applications to demonstrate that the proposed development complies with National Standards as well as the Council's adopted Local Requirements for the design, maintenance and operation of sustainable drainage systems.

There are potential discharge points at the site, including an ordinary watercourse adjacent to the site's boundary and infiltration of surface water run off to the ground (which is noted in the application proposal).

Evidence and supporting materials for surface water drainage arrangements could therefore be conditioned, however there is no guarantee that these discharge methods can be delivered on site, or that surface water run-off generated by the development proposal will not exceed the run-off from the undeveloped site.

Additionally, a concept drainage strategy has not been provided to demonstrate there is adequate space on site for SuDS or how residual risk will be managed on site through the developments layout.

Also to be noted with regards to infiltration, an average infiltration rate of  $8.0 \times 10^{-6}$  m/s has not been determined and the effect on groundwater quality is not considered by

the application. Further testing must therefore be undertaken to assess the feasibility of infiltration devices, geotechnical and geological factors, and any implications for the final detailed design of the surface water drainage scheme.

Any conditions imposed on the grant of planning permission must therefore require the provision of appropriate sustainable drainage systems to drain the development's surface water runoff without increasing flood risk to or from the site. A detailed scheme and supporting evidence would need to be provided to demonstrate the drainage arrangements are appropriate. In order to be effective, the conditions would also need to provide that the entire surface water drainage system will be maintained for the lifetime of the development.

Proposed standards of operation, construction, structural integrity and ongoing maintenance of the surface water drainage system must be shown as compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

#### Trees and Landscape

No additional comments however I notice that Ash is included in the planting spec as specimen trees. This will not be obtainable due to disease restrictions. This species will need to be changed.

#### Anglian Water

No comments received.

#### Education Officer

A site with 10 - 12 traveller pitches is unlikely to have a great impact on local schools. Dunton Lower is a popular school, which is oversubscribed due to parental preference from out-catchment but the school is able to accommodate those living within catchment and would be able to meet the need arising from a small development such as this.

Plans are in place to expand lower, middle and upper capacity within Biggleswade which will provide for the Biggleswade/ Dunton area in the long term.

#### **Additional Comments**

The CPRE objection recommends no decision be made until a new G&T development plan is adopted. The comments are noted however the lack of a plan does not allow for this as part of the application process. The Council is obliged to consider and determine applications as they are submitted in accordance with the development plan apparent at that time and other material considerations. The lack of development plan for G&T accommodation means that the Council is unable to demonstrate a deliverable supply of sites and pitches and therefore this is a material consideration with any application submitted that would contribute to the supply of sites in a scenario such as this. Therefore it would not be reasonable to hold the consideration of this a proposal until a new Plan is adopted.

Tree and Landscape comments still raise concerns regarding species choice. It is considered that this can be resolved through the proposed landscaping condition which is explicitly worded to require details notwithstanding those considered with the application. This would give the tree officer scope to agree or refuse the species mix post decision.

### **Additional/Amended Conditions/Reasons**

#### Additional conditions

1. The development shall not be brought into use until the junctions of the proposed vehicular accesses with the highway have 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 in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

2. Notwithstanding the details in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a revised site layout which provides an area of land across the whole of the site frontage for plots 1 to 12, the managers unit and the van/lorry parking, measuring at least 2.0m from and parallel, to the nearside edge of the adjacent road carriageway to provide visibility splays for each pitch. The works shall be carried out in accordance with the approved details and thereafter be kept free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriageway level.

Reason: To provide adequate driver/driver and driver/pedestrian intervisibility between the carriageway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

3. Visibility splays shall be provided at the junctions of the accesses with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 215.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

4. Before the premises are occupied all on site vehicular areas shall be surfaced in stable and durable materials in accordance with details to be approved in writing by

the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

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 in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

5. Details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved by the Local Planning Authority prior to the occupation of any pitch. The scheme shall be fully implemented prior to occupation 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 in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

6. The proposed means of illumination shall be shielded so that no glare or dazzle occurs to drivers of vehicles using the public highway.

Reason: In the interest of road safety in the interests of policy DM3 of the Core Strategy and Development Management Policies 2009.

#### Replacement condition 7

No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of full scale site investigation, including infiltration testing and groundwater assessment carried out in accordance with BRE 365, as well as details of how the scheme shall be maintained and managed after completion. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Where revisions to the agreed strategy are proposed these shall be fully justified and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved final details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance details.

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 103 NPPF.

## **Item 7 (Pages 47 - 74) – CB/16/01148/OUT – Land Adj St Marys (Stotfold) Lower School, Rook Tree Land, Stotfold**

### **Additional Consultation/Publicity Responses**

#### **Neighbours:**

Further comments received from the following addresses:

- 2 Home Close
- 71 Silverbirch Avenue
- 19 Regent Court

Original objections were reiterated in terms of highway safety and further impact on existing local services.

Furthermore photos were supplied by a local resident and she wished that the committee be presented with these photos prior to the meeting. These can be viewed on our website via the following link:

<http://www.centralbedfordshire.gov.uk/portal/searchresult.asp?appnumber=CB/16/01148>

#### **Consultees:**

1. CBC Highways Officer (22/06/16) – Recommendations made for the incorporation of a raised junction and protection of the existing crossing. In addition recommends a funding obligation to secure the progression of a Traffic Regulation Order (TRO) which should be secured in a 106 Agreement.

### **Additional Comments**

In accordance with the Councils Highways Officers advice, the condition relating to the access has been updated to ensure the provision of a raised junction and protection of the existing crossing. Furthermore the applicant has confirmed its acceptance to a financial obligation to be secured within a 106 agreement to allow the progression of a TRO, in the event that permission is granted.

### **Additional/Amended Conditions/Reasons**

In direct replacement of condition 14:

*No development shall take place until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority. The details should include the incorporation of a raised junction at the adoptable access point and any associated works to ensure the retention of the existing crossing point. No building shall be occupied until the junctions have been constructed in accordance with the approved details.*

*Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road and in the interest of pedestrian safety by retaining an appropriate crossing.*

*(Policy DM3 of the Core Strategy for the North & Section 4, NPPF)”*

***Item 8 (Pages 75 - 88) – CB/16/01373/RM – Land off Bedford Road to the north of Gold Furlong, Marston Moretaine***

**Additional Consultation/Publicity Responses**

Church End Lower School – Objection on the grounds of possible overlooking from the apartments towards the school playground.

**Additional Comments**

Concerns have been raised regarding the need to segregate the residential parking area from the commercial parking for the shop units. This will be addressed by an additional condition.

**Additional/Amended Conditions/Reasons**

New Condition

Condition 7 – Prior to the occupation of the development a parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to occupation and remain in perpetuity.

Reason: To ensure that the parking to the rear of the site is retained for residential purposes and not used for parking in connection with the commercial units. (Policy DM3, CSDM).

***Item 9 (Pages 89 - 134 ) – CB/16/01455/OUT – Land East of Hitchin Road & South of The Former Pig Testing Unit Hitchin Road Fairfield.***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

Amended conditions

16. No development shall take place until a site wide travel plan has been submitted to and approved in writing by the council. Such a travel plan will set the context against which future travel plans for individual uses will be developed once occupiers are known. Such a travel plan to include details of:

- Proposed land uses across the site.
- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Preliminary proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.

- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.
- Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.
- Details of site specific marketing and publicity information, to include:
  - Site specific travel and transport information,
  - Incentives for sustainable travel
  - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
- Copies of relevant bus and rail timetables.
- Details of the appointment of a travel plan co-ordinator.

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 ensure suitable details are in place to encourage alternative methods of resident movement in the interests of Policy DM3 of the Core Strategy and Development Management Policies 2009.

22. No development shall take place until a Section 106 agreement has been entered into to secure affordable housing scheme provision and contribution, provision of the adjacent school approved under CB/16/01454/FULL, financial contributions towards local infrastructure, open space maintenance, a timetable for the delivery of residential units and off site highway works substantial on the form of the draft attached hereto.

Reason: To secure appropriate contributions towards the maintenance and running costs of the social and community infrastructure needs of the local community.

***Item 10 (Pages 135 - 162) – CB/16/01454/FULL – Land East of Hitchin Road & South of The Former Pig Testing Unit Hitchin Road Fairfield.***

**Additional Consultation/Publicity Responses**

Three letters of objection received from the occupier and agent of 167 Hitchin Road raising the following objections:

- Concerns over noise and floodlighting impacts from the proposed MUGA.
- Application should have had a noise assessment to consider the MUGA in relation to 167 and 165 Hitchin Road.
- Requested a condition to remove any community use from the school pitches.

### Internal Drainage Board

The comments made to planning application CB/16/01455/OUT can be used for this application as the indicative revised plan provided by MTC show that the attenuation area can be moved to outside of the Board's byelaw strip.

### **Additional Comments**

Regarding the objections received, the MUGA element of the proposal was removed from the scheme during the course of the application and replaced with grass pitches. This would reduce noise impact. The report acknowledges there would be an impact but conditions not allowing floodlighting and requiring a community use agreement which would set out management of the pitches can ensure no detrimental harm occurs to neighbouring amenity.

Regarding the additional Internal Drainage Board comments the comments referred to on CB/16/01455/OUT (Item 9) raised no objections subject to conditions which are covered in the recommendation.

### **Additional/Amended Conditions/Reasons**

#### Additional condition

Notwithstanding the approved landscaping plans, prior to the first occupation of the development hereby approved details of infill planting to the coppiced hedgerow along the southern site boundary shall be submitted to and approved in writing by the Local Planning Authority. Additional planting shall be carried out in accordance with the approved details in the next available autumn planting season.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

#### Amended condition

4. Hard and soft landscaping shall be carried out in accordance with approved plans B15027/401, B15207/402 and B15207/403 in the first planting season following the commencement of development. Any bare root planting shall be carried out no later than the first autumn planting season (which means the months of October to March inclusive) following the first occupation of the development hereby approved.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

***Item 11 (Pages 163 - 182) – CB/16/01681/FULL – Land adjacent to Sunny Cottage, 2 Mill Lane, Houghton Conquest, Bedford, MK45 3NF***

### **Additional Consultation/Publicity Responses**

**None**

**Neighbours:**

Further comments received from the following addresses:

- 19 Mill Lane

Original objections were reiterated in terms of highway safety including emergency access and impact on the local biodiversity.

**Additional Comments**

In light of the number of objections on highway grounds, it is considered a benefit to clarify the extent of Highway Works to Mill Lane proposed, which include the following:

- Widening of road the extent of Mill Lane up to the junction with Bedford Road on the side of the application site. (This is all included within the red outline of the site and will be secured by condition).
- New 1.5 metre width footpath the extent of the frontage of the new development
- Incorporation of build outs to accommodate the existing telephone poles and provide a traffic calming measure
- New footpath crossing

***Item 12 (Pages 183 - 194) – CB/16/01768/FULL – Water Lane Farm, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BP***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 13 (Pages 195 - 218) – CB/16/01011/FULL – ASDA Stores Ltd, Court Drive, Dunstable, LU5 4JD***

***Application withdrawn***

***Item 14 (Pages 219 - 226) – CB/16/ 2089/FULL – 1 Fox Dells, Dunstable, LU6 3LD***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 15 (Pages 227-236) – CB/16/01781/REG3 – Slip End Lower School, Ross Way, Slip End, Luton, LU1 4DD***

**Additional Consultation/Publicity Responses**

No additional responses received

**Additional Comments**

No additional comments

**Additional/Amended Conditions/Reasons**

No additional conditions