

## **LATE SHEET**

### **DEVELOPMENT MANAGEMENT COMMITTEE – 14.09.2016**

#### ***Item 06 (Pages 15-40) – CB/16/02590/OUT – Land to the South of Sandy Road, Potton***

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

The following additional response has been received from the RSPB:

As discussed, I should be grateful if you would be able to give due weight to the following matters previously raised in our letter of the 8 August. These are mitigation proposals which can be easily adopted within the planning conditions. For the species mentioned, these are critical for their conservation. We would be happy to work with the Council and the developer to ensure that these are delivered effectively.

In order that the Council can meet with its policy obligations to protect important species (Policy DM15); to preserve and re-create ecological networks (NPPF, paragraph 117) and to incorporate biodiversity in and around developments (NPPF, paragraph 118), the RSPB have the following points to make:

a). Recreational pressure

In order to alleviate pressure on Sandy Heath from an increase in dogs off leads, there are a number of sensible and practical solutions available:

A suitably located on-site 'dogs off-lead' area

Routing of off-site footfall away from sensitive areas

Interpretation – signage, together with literature (home information packs), identifying sensitive nature sites and encouraging positive behaviours among dog-walkers

All-weather footpath surfacing which will draw and direct dog-walkers away from sensitive sites

Fencing – to restrict access to sensitive sites

b). Priority invertebrates

The RSPB would like to see all elm within the development site retained and any new species mix being planted, to include elm. This should be secured for the long term.

c). Proliferous Pink

In order to restore this plant to the site, we would urge that appropriate expert botanical advice is sought for its restoration, ongoing management and conservation in the long-term.

d). Integrated nest-bricks

We would like to see these included in to dwellings on a 1:1 ratio (but not in its literal sense). These species are loosely colonial, so will benefit from clusters of nest-bricks being installed. These should be positioned above 5 metres, away from doors and

windows and preferably on the north or east aspect. In conjunction with Mansthorpe Building Products, the RSPB has just launched a swift-brick that costs just £15.

Seven additional consultation responses have been received. These repeat issues already referenced in the report and raise the following points:

The Council's failure to implement A Community Infrastructure Levy means that it is limited in contributions that can be sought from developments.

Potton needs new houses but would prefer to see a greater amount of green space at the site.

The following response has been received from the NHS GP Practice Manager:

If this development of 90 dwellings materialises, it will create approximately 234 additional patients. It will affect the Greensands GP practice with the main surgery in Gamlingay and branch in Potton. They are a very busy practice already operating close to their capacity.

Their patient list (currently 11,800) cannot be split between the main and branch surgery because patients from either location are being seen at both sites. For example, they have minor illness nurse clinics at both surgeries on a daily basis and patients from Potton and Gamlingay will attend these.

One of the reasons for being close to capacity is the number of additional services that are being offered to the local residents: they currently accommodate a Consultant Gynaecologist, Midwives, Aortic Aneurysm Screening clinics, anticoagulant clinics, vasectomy clinics, ENT clinics, minor surgery, sexual health, minor illness/minor injury clinics etc.

They have four GPs practising at Potton on a regular basis and a Practice nurse, Minor Illness Nurse and a Health Care Assistant as clinical staff and additional clinics as listed above. The practice serves higher than average populations of both males and females aged 40 to 74 years, which means additional strain on resources. There are lower than average populations of babies and patients aged 15 to 39 years. The Practice list size per full time GP equivalent is 2,094 patients. This compares to a national average of 1,731 patients.

We are concerned that there are other residential developments either underway or in the pipeline, which will further increase the pressure on this practice. With an average occupancy of 2.6 per dwelling, this will have a major impact on the current and planned service provision for the local population.

The surgery in its current state will not be able to accommodate this increase in numbers of patients and has no room to accommodate further staff, nor an increased range of services. Their site in Potton is land locked and therefore not capable of being extended. Without alterations to the premises, existing services will suffer since there is rising demand for activity due to the shifts in service provision as detailed in the Health and Social Care Act 2013. There have already been cutbacks to services accommodated at Greensands Medical Practice in the past due to lack of room.

The practice have confirmed that upon receipt of S106 money, they would be able to carry out the following internal works at Gamlingay Surgery in order to increase their

clinical capacity and also significantly ease the pressure on their branch surgery in Potton:

- Conversion of existing staff room/kitchen area into a meeting room
- Conversion of two existing admin offices into an additional consulting room
- Upgrade existing treatment room into multifunctional multipurpose facility
- Creation of secretarial office and kitchenette

In light of the above, I would be grateful if you could negotiate appropriate s106 contribution towards increasing clinical capacity of this practice in order to mitigate the impact of the development in question.

### **Additional Comments**

#### Secretary of State

The Secretary of State has received a third party request to call the application in for its own determination. Officers will inform the Secretary of State of the decision of the Development Management Committee. The Secretary of State will determine whether or not to call the application in for a decision. If no such call-in takes place, the Council will determine the planning application.

The Recommendation should now read:

That planning permission is approved subject to the successful completion of a legal agreement reflecting the terms set out in the report and the conditions set out in the report and in the Late Sheet after the Secretary of State has been notified of the decision of the Development Management Committee and providing that the Secretary of State determines not to call the application in for his own decision.

#### Health

A response has now been received from the NHS, which requests a contribution towards internal alterations that would increase capacity at Gamlingay Surgery.

Contributions have been secured from various planning permissions in the past for this project. Those funds have not yet been drawn down by the NHS. Pooling restrictions mean that the Council is not entitled to collect further contributions towards this project.

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

The condition should be added to any permission:

No development shall commence at the site before a scheme for biodiversity enhancement at the site including a timetable for its delivery has been 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 a net gain in biodiversity at the site in accordance with the requirements of the National Planning Policy Framework (2012).

Condition 17 should be re-numbered as condition 18.

***Item 07 (Pages 41-74) – CB/16/02132/OUT – Land to rear of 104 to 168 Station Road, Lower Stondon, Henlow***

**Additional Consultation/Publicity Responses**

The following additional consultation response has been received:

Please see the below in relation to planning application CB/16/02132/OUT. Over 50 of the residents of the existing estate have stated that they are not in fact in objection to the erection of properties on the site but are very much against the use of our access roads due to the one level nature of the roads and the pinch point by the play area and pedestrian access. This will become very dangerous for the children playing in the area and for traffic. Most objections would be lifted if a new access road was found. It is noted that the number of objections to the plan is not as high as it could be. It is thought that this is because Bovis have placed a restrictive covenant in most deeds along the lines of the following:

"You must not object to, or cause anyone to object to, any planning application in relation to The Estate"

The Estate is defined on Land Registry Plan BD292882 and it does not encompass the new estate. This planning is for a new estate and is not "phase two" (there was never a phase one). At point of sale it was stated that there were no plans to develop the estate.

I've glanced through the committee report and note that the Highways officer has picked up that this would result in a development of approaching 200 units served from a single point of access. He has no technical standard that suggests that the number would be too high to serve from a single point of access and so he "reluctantly acknowledges that there is no justifiable reason to raise and sustain a highway objection". I think that's an error of omission, for the following reason. The government's Manual for Streets has this to say at paragraph 6.7.3;

<https://www.gov.uk/government/publications/manual-for-streets>

Manual for streets - Publications - GOV.UK

[www.gov.uk](http://www.gov.uk)

Guidance for practitioners involved in the design, planning and approval of new residential streets and modifications to existing ones.

"the length of culs de sac or the number of dwellings have been used by local authorities as criteria for limiting the size of a development served by a single access route. Authorities have often argued that the larger the site, the more likely it is that a single access could be blocked for whatever reason. The fire services adopt a less numbers-driven approach and consider each application based on a risk assessment for the site and response time requirements."

So; although the Manual for Streets was a move by government to liberalise regulations and so, fixed limits on the numbers of dwellings served by a single access are now not supported, the issue of safety and emergency access isn't just to be ignored; it needs to be examined on a case by case basis. I don't see that Central Beds Council has consulted the fire service on the layout proposed, so I think there would be some mileage in arguing the health and safety point and arguing that the principle of access through the existing development should not be permitted until the

emergency services have considered the risks involved in serving 178 dwellings from a single access.

I haven't had chance yet to see whether your local fire service has published any standards on this issue; it may be they have or, it may be that when asked they think that it's OK. But, for certain, the Committee does not have information on this point before them and it would be wrong of them to take a decision to approve the outline application until they have satisfied themselves on this point.

### **Additional Comments**

The following financial contributions would be secured through a s106 agreement:

#### Education

Lower	£184,352.00
Middle	£185,502.72
Upper	£227,475.46

These contributions would be spent at Stondon Lower, Robert Bloomfield and Etonbury.

The Council's Education Team has confirmed that there is existing Early Years capacity in the area and so no contribution is sought towards further provision.

A contribution of £125,000 would be secured towards extensions and improvements to Stondon Village Hall.

A contribution of £15,000 would be secured towards upkeep and improvements to the nearby allotments.

Contact has recently been made with the NHS, which is determining whether or not a contribution towards local health provision would be required as a result of the development. If a contribution is required, the Council will need to determine whether such a contribution would be CIL compliant.

As such, the recommendation should now read:

That planning permission is approved subject to the successful completion of a legal agreement reflecting the terms set out in the report and the Late Sheet and the conditions set out in the report after the Chairman, in consultation with the Executive Member and Ward Members has confirmed his agreement to a potential contribution towards health facilities that would be secured by a s106 agreement if one is found to be required and in conformity with the CIL Regulations or that no such contribution is required or can be secured.

The additional consultation response received (above) sets out a concern that one point of access to the site would be provided and that this would also serve the existing adjacent development. Officers have considered whether these access arrangements would be safe and have found that they would be. A second access

point would be desirable, but that there is not one proposed would not render the highways impacts of the development unacceptable.

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

### ***Item 08 (Pages 75-88) – CB/16/01266/FULL – Land adjacent to The Green Man, High Street, Lidlington, Bedford, MK43 0RN***

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

None

#### **Additional Comments**

None

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

None

### ***Item 09 (Pages 89-102) – CB/16/02501/FULL – Duck End Farm, 43 Flitwick Road, Maulden, Bedford, MK45 2BJ***

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

Greensand Trust - I am writing to **object** to the above application, on the grounds that it will destroy a traditional barn owl nesting site within the Greensand Ridge Nature Improvement Area. Barn owls are protected under the Wildlife and Countryside Act (1981) and the existing structure is a traditional nest site for the species. It is important to note that a site does not have to be used every year for it to be considered a 'traditional' nest site. In years when weather conditions limit prey numbers barn owls may choose not to breed that particular year, but they do so at the same site in future years. It does not mean that they have abandoned the nest site. We also know from local observations that barn owls have been nesting here for many years. Therefore we consider the classification in the ecological report as "temporary habitat" to be inaccurate.

If the authority chooses to permit the development then mitigation appropriate to the status as a traditional nest site is required. This also needs to take account of future development proposals as previously promoted by Bidwells. With CBC either owning or having owned the adjacent area identified for future development there is a clear and urgent need to ensure that (a) any mitigation for the current proposal is not negated by future development, and (b) that there is a clear vision for achieving net environmental gain as a result of future development, including the creation of new barn owl foraging habitats.

The Ecological Report describes 5 apartments, while the application states 8. Not only is this an inconsistency, but represents a significant increase with additional impacts.

We urge CBC to consider this development as part of the 'wider picture' in this location, with any development that is permitted making a contribution to habitat creation and to the protection and management of the local nature reserve on its doorstep, Duck End Nature Reserve, which is a small and fragile site that will be subject to increasing pressure.

#### Duckend Farmhouse – Further comments 08/09/16

Contrary to your report item 3.3, we have not received or been served with any Notices or certificates of ownership whatsoever, and a letter from solicitors does not confirm or prove ownership of the wall that forms the end of the large eastern barn and our Stable, which we keep having to explain to you is ours - A Title Deed does however, and here is a copy of the Land Registry Title Deed. This Deed is unequivocal regarding the walls ownership.

The original Land Certificate is in our possession and is available for immediate inspection should you or your legal team wish to see it.

You say that you raised the ownership question with the applicant's agents but you neglected to query it with us. If you had notified us of any ownership dispute or query or the solicitors' letter or responded to our objection letters you would have been given this proof and deed copy earlier.

A copy of Taylor Walton Solicitors letter dated 14<sup>th</sup> July and our reply dated 15<sup>th</sup> July 2016 is enclosed together with a copy of our Solicitor's letter of 5<sup>th</sup> September 2016 for your information.

This application and determination is **not valid** based on the criteria that you have given in your report.

#### Agent – Further comments 08/09/16

I can confirm that my client is satisfied that they own the land as per the red line plan and have served all the appropriate notices.

#### **Additional Comments**

The issue regarding ownership and notices has been raised previously and has been raised with the agent. The agent has confirmed that their clients have served all the necessary notices and confirms ownership in accordance with the red line site plan. Whilst I do not dispute the information raised by the neighbouring property, this has been raised with the agent and a response received. In terms of the planning system, we have to determine the application before us. The agent has been advised that if the declaration is found to be incorrect then any decision could be challengeable at a later date.

In terms of the comments from the Greensand Trust, we have to determine the application before us and future developments cannot be considered at this time. The Council's Ecologist has not objected to the application and is content with the information provided and the suggested condition in terms of integrated bat and bird boxes.

Concern has been raised regarding loss of privacy to 41 Flitwick Road from the bedroom and living room window at first floor level serving unit 7 at the rear of the site. Any potential overlooking would be from oblique views towards the side elevation of 41 Flitwick Road. The separation distance as shown on the plans is some 17 – 18 metres. Given the oblique views offered this is considered to be an acceptable separation distance and would not have a detrimental impact on the privacy of 41 Flitwick Road.

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

None

#### ***Item 10 (Pages 103-114) – CB/16/02903/FULL – Land adjoining 12 Silverbirches Lane, Aspley Heath***

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

None

#### **Additional Comments**

Reason for Committee Determine was omitted from report –

- **Ward Councillor call in on grounds of loss of amenity to no. 5 Silverbirches Lane**

Omitted from report –

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

None

#### ***Item 11 (Pages 115-120) – CB/16/03178/ADV – Holiday Inn Express Dunstable, London Road, Dunstable***

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

Dunstable Town Council – No objection

#### **Additional Comments**

Omitted from report –

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**



Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Additional/Amended Conditions/Reasons**

None