

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 6 December 2017

### PRESENT

Cllr K C Matthews (Chairman)  
Cllr R D Berry (Vice-Chairman)

Cllrs M C Blair  
Mrs S Clark  
I Dalgarno  
F Firth  
E Ghent

Cllrs C C Gomm  
K Janes  
T Nicols  
J N Young

Apologies for Absence: Cllrs K M Collins  
T Swain

Substitutes: Cllr D Bowater (In place of K M Collins)

Members in Attendance: Cllrs Mrs A Barker  
P Downing  
P A Duckett  
B J Spurr

Officers in Attendance:	Ms P Bramwell	Planning and Highways Solicitor, LGSS Law
	Mr J Ellis	Planning Manager West
	Ms S Griffin	Committee Services Officer
	Mr M Heron	Principal Planning Officer
	Mr D Lamb	Planning Manager East
	Mr L Manning	Committee Services Officer
	Mr R Page	Principal Highways Officer
	Mrs L Newlands	Principal Planning Officer
	Mr M Plummer	Principal Planning Officer
	Ms A Rowland	Team Leader Sustainable Transport Team
	Mrs J Selley	Head of Planning Delivery

### DM/17/95. **Chairman's Announcements and Communications**

The Chairman advised the meeting that the order of business for the planning applications would be Items 6, 9, 7 and 8.

(Note: the above running order was subsequently amended to be Items 6, 9, 8 and 7).

DM/17/96. **Minutes**

**RESOLVED**

**that the minutes of the meeting of the Development Management Committee held on 6 December 2017 be confirmed and signed by the Chairman as a correct record.**

DM/17/97. **Members' Interests**

(a) **Personal Interests:-  
Member**

	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr M Blair	6	Was involved in discussions with the applicant as a Member of Ampthill Town Council regarding the future of the car park. Has not commented or voted on the Item. Also knows the Ampthill Town Council speaker.	Present
Cllr R Berry	6	Has known the Ampthill Town Council speaker for a long time and is a personal friend.	Present
Cllr F Firth	9	Knows the Northill Parish Council speaker and the applicant.	Present
Cllr K Matthews	9	Knows the Northill Parish Council speaker.	Present

(b) **Personal and Prejudicial Interests:-**

<b>Member</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
None.			

(c) **Prior Local Council Consideration of Applications**

<b>Member</b>	<b>Item</b>	<b>Parish/Town Council</b>	<b>Vote Cast</b>
Cllr M Blair	6	Amphill	No
Cllr F Firth	9	Northill	No

DM/17/98. **Planning Enforcement Cases Where Formal Action Has Been Taken**

The Chairman advised Members to raise any issues they might have with regard to planning enforcement cases with the Planning Enforcement and Appeals Team Leader.

DM/17/99. **Planning Application No. CB/17/03883/FULL (Amphill)**

The Committee considered a report regarding Planning Application No. CB/17/03883/FULL for the erection of 8 dwellings alongside the provision of 12 public car parking spaces and the demolition of an existing boundary wall at the existing public car park, St Andrew's Place, Church Street, Amphill.

In advance of consideration of the application the Committee's attention was drawn to additional comments and an additional informative as set out in the Late Sheet.

In advance of consideration of the application the Committee received representations from Amphill Town Council, objectors to the application and the applicant under the public participation scheme.

A Member sought clarification from the Amphill Business Chamber representative, as an objector, as to whether the staff of local businesses had been mandated to use the car park. He then commented that signage was well signposted at the site itself but asked if the Chamber had put any parking signposting in the town itself. In response to the second question the representative stated that consideration could be given to providing such information on the large plan showing local businesses which the Chamber had placed in the town. She added that, as a Business Chamber, it would be

difficult to require employers to tell their staff to use the car park especially if the staff were required to pay. However, Waitrose, as a local employer, had indicated that it would require its staff to park there if parking was free. She also felt that many businesses were not aware that the car park existed.

The Member then sought clarification from the applicant with regard to the planning officer's report which appeared to suggest the company had not made a s106 contribution or affordable housing contribution as a part of its previous original application. In response the applicant explained the process undertaken and how, because the car park was assumed to generate income, a higher financial contribution had in fact been made to the Council's affordable housing fund. If the car park had not been provided it would have assumed no income would have been generated from the site and a lower contribution would have been made. He stressed that the company had made a contribution to the Council towards the latter's provision of affordable housing.

In response to other Members' queries the applicant stated that the site had now been assessed for business rates and a bill of £800 pm had recently been received. The car park had been in operation since late 2015 but usage data was only available from May 2016 when the necessary monitoring equipment had been installed following the realisation there was an issue with use. The applicant advised that he was unable to state how much money had been contributed to the affordable housing fund but he or the case officer could supply this information.

A Member sought clarification on the level of the financial loss for the car park. The meeting was advised that the total loss was approximately £1,250 pm. This sum included the monthly rates of £800. The meeting noted that should the car park operate as a free facility it would be at a cost of at least £800 pm. In reply to a query as to why the applicant had submitted the planning application the applicant stated that the purpose was to make the best use of the site as there was no benefit arising from an underused car park. The 12 spaces which would be retained would be sufficient to cover the established demand and there would be no other impact apart from the provision of the new dwellings and making the best use of a previously developed site. In response to a further query the applicant added that discussions had taken place with the Town Council on the low level of use of the car park and joint measures had been taken to encourage greater use. However, such co-operation had ceased after the Town Council failed to respond for a six month period to a query on assisting the applicant with the running of the car park. Given the unsustainable losses incurred by the car park's operator RCP it was decided to take forward a pre-application submission for the redevelopment of the site. The applicant pointed out that it had always been intended that the car park would be a commercial enterprise and the hourly charge for the car park was 80 pence which was lower than that charged by Central Bedfordshire Council. He did not believe this charge deterred the public from using the car park. He emphasised that it had not been the applicant which had withdrawn from discussions with the Town Council but that the latter had stopped communicating with the applicant. Given the losses incurred by the operator it was decided to proceed with a planning application.

The first ward Member set out his objection to the application. He referred to the Planning Inspector's opposition to building on the site because of the presence of an orchard but as it was widely recognised that a new local car park was needed the original application for housing had been approved subject to the provision of a car park. The car park use was to be free and this incorporated in a s106 Agreement but it was only conditioned instead. The ward Member stressed that ultimately the town would gain nothing if the current application for redeveloping the car park was approved. He referred to the use of phasing of a development as a means of avoiding the provision of affordable housing and that the application before the Committee should be considered on this basis. He referred to an appeal decision which he claimed was of relevance to the current development and which supported his claim that this was a single site. Further, all of the proposed eight dwellings should be provided as affordable homes, though this would not generate income for the applicant. He then referred to the Central Bedfordshire Council's own policy (Policy CS7 of the Core Strategy) under which a divided site would be considered as a single whole. He reminded the meeting that the Council also had a 5 year land supply. The ward Member then stated that Traffic Regulation Orders (TROs) had been completed and local side roads would eventually have double yellow lines applied which would increase usage of the car park, especially if it were available free of charge. He did not believe it was feasible to expect local people, for a variety of reasons, to pay for car park use. The Town Council had formally offered to run the existing car park and offered to pay rent to do so. The applicant could bequeath the land to the Town Council, the land reverting back to the applicant should this operation cease. He pointed out that there was no other land in the town centre which could be used as a public car park. He urged rejection of the application.

A second ward Member referred to the Maulden and Clophill residents who used Ampthill for shopping and who were frustrated by the parking difficulties they experienced. He stated that he was unaware that the car park in St Andrew's Place had opened. He acknowledged that the need to walk uphill to the town centre and then return back to the car park could be difficult for some people though if it was free to use this could influence people's opinion positively. The ward member added that because a piece of land was unprofitable it did not mean it should be built on. The ward Member saw the car park as an open space, a community asset used for a number of purposes outside its intended use and its removal would have a detrimental impact. He concluded by commenting that he was uncertain when a car park became profitable and that even large car park operators probably did not see a site become so for two-three years after opening. The new car parking strategy in Ampthill would see the future use of off street car parking increase and the application had raised local people's awareness of the car park's location. He did not believe the proposed dwellings were needed and urged rejection.

The Committee considered the application and in summary discussed the following:

- The planning officer's comment that the s106 payment included a sum of £40k towards the provision of affordable housing and it had been collected. He stressed that the application site did not form part of a phased development as had been claimed but constituted an entirely separate scheme following the construction of the car park under the terms of the original application. The new application therefore represented a post-completion application. He explained how the appeal decision referred to by the first local Member was not relevant to the application before Members.
- The planning officer's comment that Council Policy CS7 did require a scheme to provide 35% affordable housing but Ministerial statements indicated that a contribution towards affordable housing should not be requested for smaller developments.
- The Chairman's comments and observations regarding many of the points raised by speakers including the validity of some of them as planning issues.
- The planning officer's comments that the building levels would be controlled by condition to ensure they were consistent with the adjacent built form and the Conservation area was 60 meters away. It was not considered therefore that there would be an adverse impact on the view of St Andrew's Church and that this was also the view of the conservation officer. He also stated that there would be no overbearing impact on the existing nearby bungalows.
- The new parking restrictions had not yet been implemented. The highways officer stated that he had only recently become aware of these. He explained the current parking restrictions near the application site and stated that he had not seen the details of those restrictions proposed though they appeared to be for Bedford Street (B530) leading north to Houghton Conquest and Bedford.
- A Member of the Committee, who was also a ward member, referred to the extensive background research he had conducted into the planning history of the application site. He explained how the requirement for the car park had arisen and how there had been widespread local support for it to be provided. He contrasted that with the opposition to the current application and how the commercial operation of the site had arisen.
- The ward Member stated that the Town Council had rightly not responded to the applicant's request to impose parking restrictions as a means to encourage use of the car park. He stressed that the proposed parking restrictions were to be introduced purely on the grounds of safety. The restrictions in Bedford Street had been imposed because parked vehicles created a dangerous pinch point.
- The ward Member referred to a series of meetings which had taken place with the applicant and the reasons why it had not been possible to immediately develop the Town Council's involvement in the operation of the car park. Once the business rate for the site had been announced the Town Council had been able to develop an operational budget and had contacted the applicant that it wished to take this matter further. However, no response had been received.

- On the matter of additional signage the ward Member stated that it was not the Town Council's responsibility to fund this for the benefit of a commercial body.
- The ward Member then detailed his opposition to the current application. He also drew the meeting's attention to the impact on the residents of Colston Rise which would cease to be a cul-de-sac and how there would no longer be a need for turning spaces because of this. In conclusion he stated that Members were misled as to the outcome of the 2013 revised application and that because it was an officer delegation Members were not enabled to object to the conditions and s106 Agreement. The application was seriously flawed. He then moved refusal and set out the reasons for doing so.

(Note: at this point in the proceedings the planning and highways solicitor interjected and raised concerns that the ward Member had fettered his discretion. She stated that it appeared from what he had said that the Member did not to have an open mind with regard to the application and had already taken a decision. The ward Member withdrew the motion and also withdrew from the seating allocated to Members of the Committee but remained within the Chamber. He took no further part in the debate or in the vote on this item).

- A Member referred to the desire for the Town Council to operate the car park, the costs involved and that an offer had been made by the Town Council to the applicant to do so. He also felt the application to be contrary to policy HA5 and this formed one of the reasons to refuse the application.
- A Member commented that the public would never pay to park at the St Andrew's Place car park when they could park at Waitrose which was both free and more convenient. She felt that there was no incentive to use the car park at St Andrew's Place and suggested a holistic review of all car parking in the town to gain the maximum efficiency of use. She strongly objected to the loss of 100 car parking spaces without first establishing whether demand would rise if the facility were free. She moved refusal on the grounds of loss of amenity. Another Member also suggested the application before Members was contrary to Policies HA5 and DM4 and would result in a reduction in sustainability.
- A Member referred to almost complete underuse of the St Andrew's Place car park and expressed the view that the public would not use a parking place unless it was directly in front of a shop. He also referred to the presence of the of the hill and how this would deter users from using the car park and walking to the town centre.. The Member stated that he had seen a similar refusal to use car park facilities that were only a short distance from shops in Dunstable and Leighton Buzzard. He was of the opinion that there might be about 12 vehicles using the car park in Ampthill and this was the number of places offered under the application. He added that it was in the Ampthill's interest both in general and for local businesses for better signage to be erected if business's were failing. Nonetheless, he believed that this would still not encourage greater use. In contrast housing was needed and the

application was a reasonable proposal for this and met Policy HA5. He did see how the application could therefore be refused and refusal would prove difficult to stand up to challenge. The Town Council did not refer to the loss of light and visual impact in its submission. He felt that these points should have been raised in written form and submitted before the meeting.

- In clarification the Chairman stated that the number of on-street car parking spaces lost as a result of the implementation of the proposed waiting restrictions in the town centre was unknown.

It was moved and seconded that the application be refused on the grounds of loss of amenity in form of 88 car parking spaces and contrary to Policies DM4 and HA5 of the Development Plan document, the reduction in the sustainability of Ampthill and the loss of amenity for the residents of Colston Rise on the basis it was no longer a cul-de-sac.

(Note: At the request of Councillor Nicols, and following the planning officer's comment that refusal would likely result in costs to the Council, and in compliance with paragraph 9.4 of Part 4E of the Constitution, a recorded vote was taken).

On being put to the vote 5 Members voted to refuse the application (Councillors Bowater, Mrs Clark, Dalgarno, Gomm and Young), 3 voted against refusal (Councillors Firth, Ghent and Nicols) and 3 abstained (Councillors Berry, Janes and Matthews).

#### **RESOLVED**

**that Planning Application No. CB/177/03883/FULL relating to the existing public car park, St Andrew's Place, Church Street, Ampthill, Beds. MK45 2EW be refused as set out in the Schedule attached to these minutes.**

**AT THE CONCLUSION OF ITEM 6 ABOVE COUNCILLORS P DOWNING AND P DUCKETT LEFT THE MEETING**

**THE COMMITTEE ADJOURNED AT 12.02 P.M. AND RECONVENED AT 12.20 P.M. ALL MEMBERS OF THE COMMITTEE WERE PRESENT WITH THE EXCEPTION OF COUNCILLOR MRS CLARK**

**DM/17/100. Planning Application No. CB/17/04334/FULL (Northill)**

The Committee considered a report regarding Planning Application No. CB/17/04334/FULL for proposed staff accommodation at Caldecote House Farm, 8 Caldecote Green, Upper Caldecote, Biggleswade, SG18 9BX.

In advance of consideration of the application the Committee's attention was drawn to an additional consultation, an additional comment and an additional informative as set out in the Late Sheet.



In advance of consideration of the application the Committee received a representation from Northill Parish Council under the public participation scheme.

The ward Member expressed his objection to the application. He stated that the proposed accommodation was sited alongside an existing barn inside the farm entrance. The location was outside the settlement envelope and was contrary to Policy DM4. Its proximity to no. 7 Caldecote Green was contrary to the Council's Design Guidelines. In addition the National Planning Policy Framework (NPPF) stated that local authorities should avoid new isolated houses in the countryside unless there was an essential need for a worker to live permanently at or near the site. The ward Member reiterated the point made by the Town Council representative that the work to be undertaken at the farm was seasonal in nature and so a temporary structure should be considered.

(Note: Councillor Firth withdrew from the seating allocated to Members of the Committee but remained within the Chamber. He took no further part in the debate or in the vote on this item).

The Committee considered the application and in summary discussed the following:

- The planning officer's comment that, from a planning perspective, the proposed accommodation was considered acceptable whether for temporary or permanent use and that the imposition of an agricultural tie was not considered viable as it would not meet the requirements set out in the National Planning Policy Framework (NPPF). A second planning officer explained that an agricultural tie was imposed where development would not usually be allowed and an exception was being made because of agricultural need. In this case the proposed dwelling was considered acceptable in its own right irrespective of agricultural need so it would be neither necessary or reasonable to restrict occupancy to an agricultural worker.
- The provision of two bedrooms was not considered excessive as it provided the applicant's flexibility if there were more than one worker. The inclusion of a second bedroom made no material planning difference to the application.
- The possible use of existing farm buildings for accommodation purposes was not before the Committee for consideration. The Committee was required, however, to assess what was before it as being acceptable in planning terms.
- The planning officer acknowledged the requirements of the NPPF regarding isolated dwellings in the countryside and that the NPPF outweighed the old PPS7. However, the NPPF said little about agricultural workers' accommodation and many planners and Planning Inspectors relied upon the detailed tests set out within the old PPS7 when evaluating such issues. His view remained that the application

represented a sustainable form of development without the need for an agricultural tie.

- The planning officer acknowledged that the proposed dwelling was contrary to the Council's Design Guidelines in that it lay within 21 meters of another property. However, the former was of modest proportions so this proximity was not considered to be significantly harmful.

On being put to the vote 9 members voted for approval , 0 voted against and 1 abstained.

## **RESOLVED**

**that Planning Application No. CB/17/04334/FULL relating to Caldecote House Farm, 8 Caldecote Green, Upper Caldecote, Biggleswade, SG18 9BX be approved as set out in the Schedule attached to these minutes.**

**COUNCILLOR MRS CLARK WAS ABSENT FROM THE CHAMBER FOR PART OF THE DEBATE ON ITEM 9 ABOVE AND SO TOOK NO PART IN THE DISCUSSION OR DECISION**

### **DM/17/101. Planning Application No. CB/17/04022/OUT (Houghton Conquest and Haynes)**

The Committee considered a report regarding Planning Application No. CB/17/04022/OUT, an outline application for the erection of up to two dwellings at 12 North Lane, Haynes, Beds. MK45 3PW.

In advance of consideration of the application the Committee's attention was drawn to additional comments as set out in the Late Sheet.

In advance of consideration of the application the Committee received representations from Haynes Parish Council and an objector to the application.

A Member sought clarification from the Parish Council representative with regard to the concerns which had been raised by that Council. In response the Parish Councillor explained that Parish Councillors' views on the application varied and he was, therefore, constrained in his response and could only refer to the form of words which he had read out. In view of this situation the Chairman referred the Central Bedfordshire Council Member to the objections received from some occupants of North Lane as set out in the planning officer's report.

The ward Member set out her objections to the application. She first referred to two errors by the officers relating to the application including a reference in the Late Sheet to a local bus service stopping in Bedford Road (A600) opposite the site. This was inaccurate as Bedford Road was some two miles away. She added that a choice had to be made on a proposed change of use and the replacement of an existing ancient orchard by the provision of two houses.

She emphasised that the plans supplied were purely indicative and there was no idea of the size of the properties or parking provision. The ward Member stressed the unique character of North Lane. She referred to the sewers being sometimes problematic and that no consultation had been carried out with either the British Horse Society or Ramblers Society as users of the Lane. Further, the application site was outside the settlement envelope, there was need to consider the impact on wildlife and the need to consider the views of the village. She supported the retention of the land as open space and reminded the meeting that Central Bedfordshire Council had its required five year land supply; refusing the application would not significantly impact on it. Allowing the application, however, would have a major impact and open the way to further development outside the settlement envelope.

The Committee considered the application and in summary discussed the following:

- The planning officer's comment on the need to assess the application on its own merits, that the site lay between two existing dwellings and that the proposed development could therefore be classed as infill. He acknowledged that there had been no development in North Lane for 60 years but the Committee was required to determine the application before it. He added that it was unlikely that wildlife or the general use of North Lane would be adversely impacted to any great extent. North Lane was a fairly typical country lane and he would not expect footpaths to be present.
- The planning officer's view that the additional traffic generated was not considered to be significant given the number of dwellings. He acknowledged the error regarding the bus stop in Bedford Road (A600) but pointed out that there was a bus stop in nearby Silver End Road, stated that any problems with the sewer system was for the applicant/developer and Anglican Water to consider and that two suitably designed dwellings sited between two existing dwellings were unlikely to prove overbearing or damaging to the landscape
- The planning officer's statement that the loss of the existing orchard had been recognised but it was in a state of decline and the provision of a replacement suitable orchard close by would represent a gain for biodiversity. In conclusion he stated that he did not consider the new houses would have any impact on the quality of the John Bunyan trail and that consultation had been undertaken with the Council's highways team which, it was felt, was best placed to comment on any impact on users.
- The highway's officer's comment on the presence of grass verges and how these would probably prove more attractive to horses than a tarmac surface. The visibility splay from North Lane on to Silver End Road exceeded the highways requirement and a condition regarding visibility had been imposed for inclusion at the Reserved Matters stage. He added that there were no footpaths present along the Lane but this was to be expected in a rural area. There was therefore no objection on highways grounds.

- A Member's queries regarding the size and location of the land to be made available for a new orchard to compensate for the loss of the existing orchard and the protection offered for the existing trees. In response the planning officer advised that the land to be used for the new orchard was not part of the existing orchard but was in the ownership of the applicant. The intention was to retain as many of the existing orchard's fruit trees as possible though some would be lost as the site was developed. He explained that the existing trees were not currently protected and there was no specific proposal to do so though the proposed conditions could be amended to reflect this if Members wished. He emphasised, however, that this measure would not carry the same level of protection as with the imposition of Tree Preservation Orders (TPOs) and that there were limitations in attempting to protect trees by condition. The planning officer commented that the applicant had been willing to undertake replacement planting and this approach suggested that it would be reasonable to seek the applicant's co-operation in retaining as many of the existing trees as possible.
- A Member's query as to why the replacement orchard was to be located out of site between the proposed properties as this represented a loss of visual amenity. Members were reminded that that the proposed site of the replacement orchard was owned by the applicant. The planning officer explained that the provision of the orchard was driven by ecological reasons and not visual.

On being put to the vote 9 Members voted for approval, 0 voted against and 3 abstained.

#### **RESOLVED**

**that Planning Application No. CB/16/04022/OUT relating to 12 North Lane, Haynes, Beds. MK45 3PW be approved as set out in the Schedule attached to these minutes.**

#### **AT THE CONCLUSION OF ITEM 8 ABOVE COUNCILLOR MRS A BARKER LEFT THE MEETING**

#### **DM/17/102. Planning Application No. CB/16/02971/OUT (Houghton Conquest and Haynes)**

The Committee considered a report regarding Planning Application No. CB/16/02971/OUT, an outline application seeking detailed approval of vehicular and pedestrian access only, with all other matters reserved; for the creation of 16 self-build homes and all associated works including surface water attenuation, car parking and landscaping on land at Chapel End Road and London Lane, Houghton Conquest, Beds. MK45 3LN.

In advance of consideration of the application the Committee's attention was drawn to additional comments as set out in the Late Sheet.

No representations were made.

The Committee considered the application and in summary discussed the following:

- The payment of a commuted sum of £290,400, on a date to be agreed, by the applicant in lieu of the onsite provision of affordable housing. This followed the receipt of evidence that Registered Providers would not be able to/willing to deliver such housing. The commuted sum would be delivered by a s106 Agreement and the sum put towards future affordable housing within Central Bedfordshire.
- The means by which the level of the commuted sum had been reached. The planning officer reported this was the first self-build scheme with an affordable housing contribution it and had therefore been submitted for an independent viability assessment. A methodology had since been agreed which could be used for further such schemes in the future.

On being put to the vote 11 Members voted for approval, 0 voted against and 1 abstained.

#### **RESOLVED**

**that Planning Application No. CB/16/02971/OUT relating to land at Chapel End Road and London Lane, Houghton Conquest, Beds. MK45 3LN be approved as set out in the Schedule attached to these minutes.**

#### **DM/17/103. Late Sheet**

In advance of consideration of the planning applications attached to the agenda the Committee received a Late Sheet advising it of additional consultation/publicity responses, comments and proposed additional/amended conditions. A copy of the Late Sheet is attached as an appendix to these minutes.

#### **DM/17/104. Site Inspection Appointment(s)**

#### **NOTED**

**that the next meeting of the Development Management Committee will be held on 3 January 2018.**

#### **RESOLVED**

**that all Members and substitute Members along with the relevant ward representatives be invited to conduct site inspections on 2 January 2018.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 1.06 p.m.)

Chairman .....

Dated .....