**Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ**

**TO EACH MEMBER OF THE
DEVELOPMENT MANAGEMENT COMMITTEE**

29 March 2011

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 30 March 2011

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet which contains consultations, amended/additional conditions and comments received.-

Late Sheet **3 - 44**

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4032.

Yours sincerely

Martha Clampitt,
Committee Services Officer
email: martha.clampitt@centralbedfordshire.gov.uk

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LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 30 MARCH 2011

10 AM

SCHEDULE A

Item 10 (Page 33-72) – CB/10/03034/FULL – Double Arches Quarry, Eastern Way, Heath and Reach, Leighton Buzzard.

Additional Consultation/Publicity Responses

Since the committee report was finalised the following comments and representations have been received.

Consultation responses

A further response has been received from MAS the consultants advising the Council's Public Protection department on the application. They are recommending approval with conditions. They have made the following comments:

1. Where dwellings fall outside of a 35dB contour at all wind speeds up to 10m/s ETSU-R-97 envisages a simplified noise limit of 35dB LA90.
   This is incorporated in Condition 1 for those properties falling outside that 35dB contour. This overcomes the serious concerns we have over the data presented for those dwellings and is compliant with the guidance.

2. For those properties where 35dB is predicted to be exceeded it is fortunate that the data obtained has reduced uncertainty in comparison with the other locations. Nevertheless, there is still some obvious anomalies and our research suggests an error range of 1-3dB in the background noise data. In our expert view the error range is nearer the bottom and a 1 decibel uncertainty adjustment has been applied. This still provides a margin over the predicted levels and we consider fairly represents the prevailing background noise environment in relation to the four properties protected by the limits set in the tables.

3. In summary there is a blanket level where 35dB is not exceeded and a limit relating to background noise plus 5dB and the 43dB night time threshold in cases where the noise level is predicted to exceed 35dB.
   This is consistent with ETSU-R-97.

4. The limits relate to 10m measured wind speeds consistent with ETSU-R-97 and in particular we reject the reliance on an artificial ("standardised") wind speed. This has led to a loss of correlation in the data preventing limits to be properly determined if it were to be applied and it would remove the critical protection ETSU-R-97 affords to residents of assessing compliance against the actual conditions which result in excess noise rather than comparing them against a hypothetical ("standardised") wind speed value. This is particularly relevant at this site due to the high wind shear conditions identified in the data.

5. The high wind shear at this site and the topography, in particular the dense wooded / forest areas and the changes in height significantly increase the risk of turbulent airflow and / or variations in wind speed such that the likelihood of excess amplitude modulation is high. As a consequence a condition to protect against this phenomenon is required.
   It is not addressed by the standard noise level conditions as these exclude excess amplitude modulation and cannot identify it as they are based on the LA90 index. As a consequence the proposed condition is considered essential. There are cases where the Secretary of State has approved such conditions. The criteria set out within it follows that adopted by the Inspector in the Den Brook appeal which in turn was based on our own research. That condition was considered by the courts during a Judicial Review and no objection to the criteria within it was raised either by the Secretary of State or the developers. In effect the method of assessing excess amplitude modulation and the limits applied to it went unopposed. The court essentially were considering whether the enforcement element of the condition was appropriately constructed.
   This is not an issue in this case and thus it is in line with the control principles applied and accepted elsewhere.

6. The wording and requirements of the noise conditions are complex.
   This is common with wind farm conditions and there are not any requirements that are not commonly applied and considered necessary in other cases.

Representations

Since the committee report was written a further 10 letters of support have been received and an additional letter of objection. Resulting in 15 letters of support and 20 letters of objection.

The letters of support were on the following grounds:

- We need to take steps to counter the threat of climate change;
- Noise pollution would be trivial compared with the sound of traffic both from within the village and the A5;
- A quarry complex is an ideal location for a wind turbine;
- It is a non polluting and environmentally friendly way of supplying energy.

The letter of objection was on the following grounds:

- It is excessively tall and overpowering;
- Totally out of character with anything else to be seen in Bedfordshire;
- Inefficiency and that many turbines including the one adjacent to the M25 are often stationary;
- Wind turbines are not financially viable in the long term and they do nothing to enhance the visual beauty of the countryside.

Members of the Development Management Committee have been sent two letters prior to the Committee meeting one from Hives Planning the agent for the application and one from South Bedfordshire Friends of the Earth.

Hives Planning

To summarise the letter asks members to consider the following points:

- Significant renewable energy generation – The proposed turbine would provide enough energy to power approximately 1319 homes. Central Bedfordshire Council presently has no adopted policy for renewable energy , and the submission Core Strategy does not propose or advocate any policy which would encourage renewable energy generation. The wider environmental benefits resulting from the turbine should be given considerable weight, and the efforts of the applicant to provide green energy encouraged, rather than discouraged, particularly in the absence of any local policy encouraging any other suitable schemes to come forward.
- Supposed significant harm from the Visibility of the Turbine – It is suggested in the Officers Report that there would be harm to heritage assets yet the proposal does not directly affect any heritage asset. It would only have an effect on their settings and principally only by the fact of being visible. Similarly, it is said a single turbine will have a detrimental effect on the whole of the Greensand Ridge. Again, this is essentially an issue of visibility of a single object. A consequence of declaring that a single turbine constitutes substantial harm to the landscape character and all the surrounding heritage assets is to say that a single turbine is one of the worst things that could happen to the area. It would be unreasonable as any effects would also be reversible – as the turbine would only have a lifespan of 25 years upon which it would be decommissioned.
- Public Support – The thrust of the Coalition Governments Manifesto is the Localism Agenda. In the case of Double Arches turbine, the scheme proposals were subject to extensive pre-application consultation and a public exhibition. The Officers report notes that none of the Parish or Town Councils have objected, none of the owners of the local heritage assets have objected and there has been very little public representation to the scheme. Given the public response to other renewable applications in the area, it is difficult to think of another location within Central Bedfordshire where a renewable energy development of this form, would receive such little public objection or interest.

<u>South Bedfordshire Friends of the Earth</u>

I have appended a copy of the letter to the late sheet.

To summarise the letter questions Central Bedfordshire Council's attitude to government guidance on Climate change, as there are currently no wind turbines within the area and only one turbine approved at the Marston Vale. In addition to this there are very few renewable energy projects in Central Bedfordshire that will allow the area to play its role in cutting CO2 emissions.

The letter also raises the following issues:

- The balance of the openness of the greenbelt verses the need for renewable energy as set out in PPS22; the wider environmental benefits of the scheme should be considered as very special circumstances.
- The value set on the green belt and the landscape officers report – Green Belt but industrial; the landscape is not a farmed landscape it is industrial. Regional guidance in terms of the placing of renewables states that the Greensand Ridge can accommodate 2-3 wind turbines.
- Consistency over protection of the Green Belt; the greenbelt has been abandoned is some areas for housing provision which will have an impact on the landscape. The Officers report refers to other potential sites for turbines

highlighted in the Parsons Brinckerhoff report, however, there is not a sequential test nor insist upon the examination of alternatives within PPS22.

- Openness of the Green Belt policy leads to contradiction of PPS22; most of south Bedfordshire unless in an urban area is within the greenbelt. By stating that the proposal will affect the openness of the greenbelt then Central Bedfordshire are severely limiting renewable energy schemes especially wind energy and this is contrary to PPS22.
- Attitudes towards wind energy and the questions of impartiality
- Wind energy effectiveness – the issue of effectiveness is not a planning consideration.
- Noise – The request by MAS for further information is typical of the style of MAS.
- Letters Missing – Friends of the Earth believe there to have been more letters of support submitted than acknowledged on the officers report.

Additional Comments

Following the comments received by MAS, it is considered that the issue of noise can be adequately dealt with by condition and is therefore not included as a reason for refusal.

In terms of the additional letters received many of these issues have already been addressed within the committee report. It has been acknowledged that the proposal would provide significant renewable energy, however, although this can be considered as a very special circumstance this has to be balanced with the impact on the greenbelt and the landscape character. It is also acknowledged that harm to the heritage assets will be on their setting and not a direct impact.

In terms of the letter submitted by Friends of the Earth, the committee report has dealt with many of the issue discussed in detail. The Councils responsibility to reduce CO2 emissions is acknowledged and given significant weight when determining the application.

Additional/Amended Conditions

None.

Item 11 (Page 73-92) – CB/10/02908/FULL – 192 High Street South, Dunstable.

Amended Site Location

There is an error in the first line. The site lies on the south western side of High Street South not the north western.

Additional representation from the applicant, Sainsbury's Supermarkets Ltd

Sainsbury's Supermarkets Ltd have circulated, by email, a letter to all Members of the Committee, requesting support for the proposals. A full copy is attached at Appendix 1.

Additional Consultation/Publicity Responses

1. Occupier of 194 High Street South – objects on the following grounds. A full copy of the letter is attached as Appendix 2.
   - Due to disability, chronic back pains and on-going medication spends a lot of time in the house and garden. Also retires to bed early:
   - Concerned about noise and disturbance arising from the use of the car park with doors banging, people shouting and the store becoming a congregating point for teenagers, drunks and the general public;
   - Concerned that all this activity late into the evening will disturb the household dog causing the dog to bark which will also add to the effects of noise and disturbance from vehicles and store customers and disrupt sleep patterns of all occupiers of the property;
   - Also concerned that shoppers will park indiscriminately in the two parking spaces that belong to No. 194 (accessed from Garden Road). One of these is for the private car but the other is used for a school mini-bus, which is a work vehicle for the husband. Access to these spaces is required at all times.

Additional Comments

Notwithstanding the contents of the letter from the applicant, it is not considered that this overcomes the concerns with the scheme.

The comments of the neighbouring occupier are noted. However, having regard to the comments of the Public Protection Officer regarding the regulation by condition of night-time deliveries, hours of opening and noise/vibration from external plant and machinery, we are satisfied that there would be no adverse impact upon the residential amenity of the adjoining occupiers by reason of noise and disturbance that would warrant a refusal of planning permission.

Additional/Amended Conditions

None.

SCHEDULE B

Item 12 (Page 93-130) – CB/10/03110/FULL – Land and commercial units between King Street, Queen Street, Cemetery Road and fronting High Street, Houghton Regis.

Additional Consultation/Publicity Responses

- Bedfordshire Police Architectural Liaison Officer – response received 7/10/10
  The application has been the subject of extensive discussions and as a result of this it is anticipated that the scheme could receive Secured By Design and Safer Parking awards. Subject to there being no change in the proposals agreed no objection is raised to the proposal.

- The Co-operative Group – letter received 25/3/11 (copy attached)
  The letter raises concern that the sequential assessment accompanying the application does not satisfy the requirements of PPS4 in respect of the Co-op site which lies within the town centre. The letter states that they have Counsel's opinion on the adequacy of the sequential assessment which concludes that the assessment is not adequate particularly in relation to the suitability of the Co-op site. The letter continues stating that a decision to grant planning permission would be vulnerable to challenge by way of a judicial review on the ground that the Council disregarded a sequentially preferable site.

  The letter urges the Council to defer the determination of the application in order that the Co-op can prepare an application for the redevelopment of their site and the sequential assessment within this application can be judged against their proposal.

  The letter also raises concern that the need or otherwise for a EIA has not been addressed in the officers report.

  Officer's comment

  Environmental Impact Assessment

  A request for a Screening Opinion under Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations) Regulation 5 was received by the Council on 15th December 2009. A letter was sent to the applicant's agent on 12 March 2010 stating that the proposals do not fall within Schedule 1 of the Regulations but constitute Schedule 2 development. For the purposes of the Regulations the site is not considered to be a particularly sensitive or vulnerable location and the proposal is not considered unusually complex or one which would have potentially hazardous environmental effects. The letter concluded that an Environmental Impact Assessment is therefore not required.

  Sequential Assessment

  PPS4, Planning for Sustainable Economic Growth, states in policy EC15 that a sequential assessment is required for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. Policy EC15 sets out that in considering sequential assessments local planning authorities should;

  a) ensure that sites are assessed for their availability, suitability and viability

  There are only two potential sites within the town centre boundary which could be redeveloped for a superstore. Bedford Square is an existing retail area which is contains few, if any, empty units. Although the design of Bedford Square could be improved it is not considered that the loss of a number of small retail units and replacing them with a superstore would be acceptable.

  The second site is the Co-op site. There is a small convenience store on the site and an existing car park. The site is designated in the Houghton Regis Town Centre Masterplan for a new Co-op and other active retail and leisure uses at ground floor with two floors of residential above. The applicants have stated that

the Co-op site is too small to accommodate a suitably sized store. A store of a similar size to that of the previous Co-op store could be accommodated. The proposed store would be relatively small in modern terms and much smaller than nearby superstores such as Tesco, Skimpot Road, Dunstable or Sainsbury, White Lion Retail Park, Dunstable. The store although limited in size would be sufficient to meet the food shopping requirements of the population of Houghton Regis. The retail review undertaken for the Council by Savills predicts that 61.5% of spending on food shopping could be retained within Houghton Regis if the application is approved compared to 13% at present. The construction of a smaller store on the Co-op site, around half the size of the proposed store, would mean the range of items for sale would be limited and the store would be unlikely to be able to compete with nearby superstores. A smaller store would result in a high proportion of food shopping continuing to be carried out outside of Houghton Regis town centre.

It is therefore considered that part (a) of the test has been met.

b) *ensure that all in-centre options have been thoroughly assessed before less central sites are considered*

It is considered that the two potential sites have been thoroughly assessed. It is therefore considered that the assessment meets part (b) of the test.

c) *ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connection to the centre by means of easy pedestrian access*

As there are no town centre sites to accommodate the proposed development, the application site chosen is an edge of centre location. The application site adjoins the town centre boundary and is within easy walking distance of the town centre. The proposed highway improvements which would be implemented as part of the proposal would improve pedestrian access from the store to the town centre and vice versa. It is therefore considered that the assessment meets the requirements of part (c) of the test.

d) *ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
   i. *scale, reducing the floorspace of their development*
   ii. *format, more innovative site layouts and store configurations such as multi storey developments with smaller footprints*
   iii. *car parking provision; reduced or reconfigured car parking areas; and*
   iv. *the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.*

The applicants have considered the town centre sites and the possibility of reducing the floorspace of the development. The applicants have advised that size of the store that could be accommodated on the Co-op site would be too small to sell an adequate range of goods and would not fulfil the food shopping needs of the population of Houghton Regis. A multi storey store could be

designed for the Co-op site; however this would lead to the frontage to the High Street being a car park and would not provide any active frontage to the development. It is not considered that the level of car parking which could be provided on the Co-op site with a larger store would be acceptable in highway terms. In addition it is considered that there is insufficient parking within the town centre already. It would be unreasonable to request the disaggregation of the superstore onto different sites and would be arbitrary sub-division.

In considering whether flexibility has been demonstrated, under the above policy, local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site, for example where a retailer would be limited to selling a significantly reduced range of products.

Overall it is considered that the sequential assessment has been adequately carried out and that it meets the tests of the policy set out in PPS4. The assessment concludes that there are no suitable sites within the town centre and that the application site is the next most sequentially acceptable site.

- Transport Planning Practice (TPP) – letter received 28/3/11 (copy attached)
  TPP have made comments on behalf of the Houghton Regis Development Consortium (HRDC) and state that they do not object in principle to the proposed foodstore.

  The letter does raise concern that the proposed access is not the best solution and that a more suitable access would be gained off Cemetery Road. The letter also states that in TPPs opinion the applicants should be expected to contribute financially towards the Woodside link.

  Officer's comment

  An access to the site from Cemetery Road may be preferable in highway terms however the application to be determined shows the access off High Street. With regard to requesting a financial contribution to the Woodside Link the Highways Development Control Officer comments that food stores generate little additional traffic onto the highway network as a whole and the applicant has proven that with the improvements they are proposing that this would be mitigated on weekdays, however there will still be some congestion on Saturday. Whilst these improvements are proposed to mitigate against additional traffic generation it is considered that they also constitute a town centre improvement scheme.

  Overall it is not considered that a contribution towards the Woodside Link would met the strict tests of s106 obligations and it is considered that the applicant has already contributed significantly to the improvement of the highway network.

- 4 additional letters of support reiterating the reasons set out in the report.

Additional Conditions

Condition to be inserted as number 12

Development shall not begin until the detailed plans and sections of the proposed highway improvements, including gradients, method of surface water disposal and

construction details have been approved by the Local Planning Authority. The development shall not be open to the public until those works have been constructed in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

Amended Conditions

Condition 9 to be amended to read -

Development shall not commence until a schedule detailing the implementation of the highway improvements shown on drawing 09/315/TR/021C is approved in writing by the Local Planning Authority and the schedule shall be adhered to unless agreed in writing by the Local Planning Authority. The development shall not be open to the public until those works have been substantially completed to the Local Planning Authority satisfaction.

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety

Condition 24 to be amended to read -

No more than 30% of the retail sales area shall be permitted to be used for the sale of comparison goods.

Reason: To ensure that the amount of comparison goods sold does not increase to a level which would adversely impact on existing retailers.

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 30 MARCH 2011

2 PM

REPORT

Item 7 (Page 15-24) – The direction by the Secretary of State for the Environment, Food and Rural Affairs for Central Bedfordshire Council to make a Definitive Map Modification Order to add three sections of footpath to the Definitive Map and Statement in Clophill.

See attachments from Mr Gibbs.

SCHEDULE A

Item 13 (Page 131-146) – CB/11/00087/OUT – Skylarks, Great North Road, Stotfold.

Additional Consultation/Publicity Responses

A further 14 letters of support have been received and 6 letters of objection. There is a total of 38 letters of support and 11 letters of objection.

One additional letter of support has been received from Alistair Burt MP, this acknowledges the national interest in the collection and that it would add to the tourist potential of the village. The development of tourism within the area is a positive aim of the authority, as something that contributes both to the economy and the promotion of jobs and employment.

Members have received a letter from DLP Planning the agent for the application. To summarise the letter refers to localism and that the scheme has support within the local community and from expert groups and societies that reflect the wide public interest in the collection. In addition to this it aims to address some of the issues raised in objection to the application.

There were also a number of pertinent issues concerning noise and pollution. The letter states that the issue was not raised by the Council in dealing with the 2004 application and that a noise report was submitted with that application which demonstrated that any noise issue could be dealt with by condition. It should also be noted that the application is in outline and detailed noise attenuation measures can be dealt with by condition.

The letter continues by outlining the benefits of the proposal and the chosen site. In addition to this it states that Policy CS11 seeks to support rural economy and promote rural tourism in settlements or in the countryside. In addition it is emphasised by the agent that the proposal will create a modest number of jobs.

Additional Comments

In terms of the letter received by DLP Planning, the issue of noise was raised in the previous application in 2004 by Public Protection and at this point a noise assessment was requested and submitted.

A noise assessment was not requested during the application process, as the decision to recommend refusal had been made on policy issues prior to receiving the comments from Public Protection. It was therefore not considered appropriate to require further information at this point. It is considered that a noise assessment is required as there are residential properties within the vicinity of the application site, the properties to the north and south are approximately 180 metres away, with the Skylarks dwelling being approximately 60 metres from the front elevation of the dwelling.

Additional/Amended Conditions

None.

SCHEDULE B

Item 14 (Page 147-192) – CB/10/04078/FULL – Former RKB Precision Products Ltd, New Road, Sandy.

Additional Consultation/Publicity Responses

A further consultation response has been received from Central Bedfordshire Highways confirming that they have taken account of the Report submitted by MVA Consultants in their consideration of the application and that the Stage 1 Road Safety Audit carried out by Transport Planning Associates were considered and properly addressed.

A further 40 letters of support have been received and a further petition of 888 signatures against the proposal has been received.

Additional Comments

An email has been received from a resident within Sandy regarding a report submitted by MVA Consultants on behalf of Budgens which commented on the Transport Assessment submitted with the application. The email requests confirmation that this report has been taken into account when determining the application by Central Bedfordshire Highways and the Highways Agency. Confirmation has been received from Central Bedfordshire Highways that the report was taken into account when advising on the application. The Highways Agency were sent a copy of the report prior to them providing advice to the authority on the application. The report is also acknowledged within the Officers Report. Therefore, it is considered that proper consideration was given to this report during the application process.

It is noted in the report that should the Council be minded to approve that the application would be sent to the Planning Casework Team within the Department for Communities and Local Government (DCLG) to establish whether they wished to call-in the application for determination. An official request in the form of a Direction has not been received by the Council, it is not considered to meet the call-in criteria and therefore it will not be referred to the DCLG in this instance.

The Section 106 has been drafted and agreed, therefore the recommendation is that the application be approved subject to a Section 106 agreement fulfilling the requirements set out in the Officers Report.

Additional/Amended Conditions

None.

Item 15 (Page 193-214) – CB/10/04356/OUT – Land to the west of Station Road, Sandy.

Additional Consultation/Publicity Responses

No additional consultation responses received.

A letter has been circulated to all Members of the committee from DLP Planning, the agent for the application. It states that they support the recommendation made by the Officers and would like to emphasise that although the site allocations DPD makes reference to a minimum of 50 dwellings, an application for 41 units was made to the Council last year and refused on numerous grounds, one of which was the high density of the scheme. The application now is of lower density and now satisfies officers in respect of its design and layout and offers a density more appropriate to that of Sandy.

Additional Comments

The Section 106 has been drafted and is in the process of being agreed. The recommendation is that the application be approved subject to the S106 fulfilling the requirements set out in the Officers Report.

Additional/Amended Conditions

None.

Item 16 (Page 215-224) – CB/10/04366/FULL – Heath and Reach Methodist Church, Heath Green, Heath and Reach.

Additional Consultation/Publicity Responses

Highway Officer

The Highway Officer maintains an objection because of the lack of adequate parking provision.

Heath and Reach Parish Council

The Parish Council neither support nor objects to the application. The Parish Council has stated that the occupancy of 5 double ensuite bedrooms without any car parking facility does seem disproportionate. This number of bedrooms is very high and could lead to there being up to 10 cars parked in the vicinity of the property. The Council recommends that the number of bedrooms be reduced to 3 or 4.

The Council strongly recommends the removal of the front wall to the road to permit 2 parking space. The wall is not original; is out of place and does not enhance the appearance of the building.

The Parish Council is not willing to consider altering or in any way modifying the existing car parking arrangements on Heath Green. This is a Village Green and as such prohibits the construction of a car parking area or spaces.

If approved two conditions should be added to restrict storage or offloading on the Green and that Lanes End and Heath Green must be kept clear at all time.

6 Lanes End

Provision of a single garage space for a 5 bedroom dwelling is inadequate. The accommodation of other residents vehicles will rely on the use of the use of the limited amount existing public parking in front of the chapel. This will have a knock-on-effect leading to increased road-side parking in front of the chapel. This will be a nuisance to local residents and a danger to pedestrians and other road-users.

3 Heath Green

Further to your second planning letter regarding the future of the building, as a very close neighbour I would be very interested in this Planning to go ahead just as soon as possible before the old church deteriorates further or is vandalised. I will be delighted for this to be made into one private dwelling, including demolition of the single storey rear building. I see the current application does not mention the previously proposed garage in the centre front of the building, and I personally think this is a pity as, with suitable doors it enhanced a heavy frontage. However, as stated I hope the conversion to a single dwelling is permitted as soon as possible.

4 Heath Green

We are writing to support in full the plans of Mrs Berchielli regarding the conversion of the Methodist Church. We are very concerned about the future of the church, as it forms a significant part of the village landscape and its loss would be a catastrophe. As the church's immediate neighbours, our interest in the building is all the greater. We felt that Mrs Berchielli's previous set of plans were an ingenious solution to the problem of parking, but are now even happier that this difficulty has been removed. We are now delighted that the new proposals will preserve the architectural integrity of the building in full. We urge you to approve these plans so that work may begin on the conversion without further delay.

Mansheve, Heath Green

We fully support the proposal for the conversion especially as it is to form a single dwelling and not for multiple use. The fact that there is no parking should not detract from the application being conceded particularly as people who live in nearby streets and come and park their cars in front of the church overnight. The occupier would therefore be no more different situation from that which currently exists. For that matter we have no problem with the original proposed for an integral garage within. We hope the proposal will be agreed so that the church can once again be part of the community.

Additional Comments

The Parish Council has stated that that a 3-4 bed dwelling would be more acceptable and that the front boundary wall, which is a later addition, could be removed to allow parking spaces to the front of the building and that condition to restrict loading/storage on Heath Green and Lane's End.

It is agreed that the front wall does not warrant retention. However, the space between the chapel and the highway is not sufficient to allow parking spaces. The space is approximately 1.4m in width therefore vehicles would partly be parked on the Highway.

Even if the proposed number of bedrooms were reduced to 3-4 bedroom dwelling the proposal would still require 2-3 parking spaces which cannot be provided.

Conditions to restrict loading/unloading and storage of goods on Heath Green and Lane's End would be an unreasonable condition outside the remit of the this application, related to other legislation i.e. Highway Act and Commons Act.

In terms of the issue raised concerned regarding the 'knock-on-effect' of parking, nuisance to local residents and a danger to pedestrians and other road-users, it is considered that the potential increase of three cars would not have an overly detrimental impact on the locality, especially when compared to the existing D1 use, which has substantial parking demands.

Following discussions with the applicant, amended plans have been submitted with the external flue removed with an internal flue added. The Conservation Officer has confirmed that this is acceptable. Although the barbecue has been retained, which the Conservation Officer has objected to, it is considered that refusal on these grounds would not sustainable and that, considering its modest size and location to the rear of the building, its retention is acceptable. The plans also indicate that the eastern windows will be obscured. For additional control a condition for a scheme of obscured glazing has been added below.

Additional/Amended Conditions

Prior to development commencing a scheme of obscure glazing and method of window opening shall be submitted to and agreed in writing with the Planning Authority. The approved scheme shall thereafter be carried out in full.

Reason: To protect the amenity of adjoining neighbours.

Before development/work begins and notwithstanding the details submitted with the application, detailed drawings of the proposed new external windows, roof lights and doors showing fenestration, sections, mouldings, the relationship with the external envelope of the building, and cill / head details shall be submitted to and approved in writing by the Local Planning Authority. The development/work shall be carried out only in accordance with the approved details.

Reason: To ensure that the development/work is in keeping with the existing building.

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1509-P1, 1509-P3B ,1509-P4 and 1509-P5D.

Reason: For the avoidance of doubt.

Delete condition 5 (removal of flue and barbecue).

SCHEDULE C

Item 17 (Page 225-232) – CB/11/00393/FULL – 9A Silsoe Road, Maulden.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 18 (Page 233-240) – CB/11/00691/FULL – 29B Hitchin Road, Upper Caldecote.

Additional Consultation/Publicity Responses

Newspaper Advert – 11.03.2011.

Additional Comments

Archaeology Team – The proposed development site lies within an archaeologically sensitive area and is within a locally identified heritage asset (HER 17129). It has the potential to produce archaeological remains of the Saxon, medieval and post-medieval periods. The development will have a negative and irreversible impact on

any surviving archaeological remains and on the significance of a locally identified heritage asset. The application should, therefore, include a heritage asset statement of significance and an impact assessment.

This application does not contain any information on the heritage asset affected by the development. Without the inclusion of a heritage asset statement of significance and an impact assessment this application does not conform to Policies HE6.1 and HE6.2 of PPS 5 and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.

It is therefore recommended that the Committee defer the application to allow the applicant to submit the necessary heritage asset statement of significance and impact assessment.

Additional/Amended Conditions

None.

Green End Farm
Green End
Maulden
Bedfordshire
MK45 2AB

26th March 2010.

Mr A Maciejewski
Definitive Map Officer
Central Bedfordshire Council
Priory House Monks Walk
Chicksands, Shefford. SG17 5TQ

By post & Email

Central Beds ref: CLO/10/AM

Dear Mr A Maciejewski

Re: Central Bedfordshire Council (Definitive Map & Statement for Bedfordshire) (Clophill:FootpathNos 10 and 11) Modification order 2010

Further to our previous correspondence I would be grateful if (as agreed) you would provide and draw attention this letter to the Development Management Committee on 30th March 2011.

I would like to object to the order relating to these footpaths. Green End Farm has acquired this land on 1st June 2010 for the purpose of traditional farming.

Our objections to the footpath are based upon the following10 points:-

1) The land in question is **not common land** as defined under Under the Countryside and Rights of Way Act 2000 (CROW).

2)The land is farmland and is being managed in a traditional manner, currently for livestock and silage production, with intended future use of planting crops on a rotational basis.

3) For the past seven or more years the land has been stock fenced by the previous owner. The only access has been by person(s) who have deliberately broken down the fence(s) and cut the wire. This is contrary to CROWsection 2(i) where a person

"d) commits any criminal offence
n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock.

q)in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect—(i)of intimidating those persons so as to deter them or any of them from engaging in that activity,

(ii)of obstructing that activity, or

(iii)of disrupting that activity,

(r)without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph

(q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,"

The previous owners have disputed with trespassers and have made endeavors to stop access.Erection of stock fencing is clear evidence that any *De facto* access had been withdrawn.

4) From evidence submitted by the definitive map officer (DMO), prior to the land being put to set aside crops were grown in the fields (on average 9 months each year). This again constitutes a disruption to any trespassers crossing the land. Any one crossing over the crops would be causing damage to the crop (contrary to CROW section 2(i))

5) With reference to CROW section 6 (Part 1) In section 26 of the 1980 Act (compulsory powers for creation of footpaths and bridleways) after subsection (3) there is inserted—

"(3A)The considerations to which—

(b) a local authority are to have regard in determining whether or not to confirm such an order as an unopposed order,"

The proposal is opposed. The land in question is not common land and consists of farmland. I wish to extinguish the myth that a right of way exists. I attach two witness statements (ref 2) from villagers who are both in their eighth decade one of which has previously farmed the land in question. Both these gentlemen confirm that no right of way ever existed.

6) Further evidence supplied by the DMO includes the original sale document from John Drake & Co along with supportive written evidence (ref 3). This defines a footpath that currently exists (foot path No 5) but not that being proposed(A-B). This further confirms that any other path across Lot 1 is a myth. No ordinance survey map to date has ever shown a path existing from A-B or form G-E-D2-D.

7) The claimed footpath section D2-D-C attempts to pass through the graveyard of St Mary's Old Church, which is under the jurisdiction of ecclesiastical law which does not permit dedication of a footpath across its land.(ref 4)

8) The public rights of way evidence forms (only six supplied by the DMO out of a claimed 65) show that evidence of notices were displayed that the land was private. The paths claimed appear to have several different routes to that proposed by DMO. User statement claims the previous owners have where possible remonstrated that the land was not public. One user claimed access via woods near the old church; this is nowhere near the proposed access points (ref 6). The same user claims "children play in the fields in winter time" –again the

land in question is not common land. One user participated in horse riding across farmland. Such comments support the fact that trespass has occurred.

9) Only the lower half of church path is adopted footpath. From written evidence supplied in The Clophill DCC report (3rd final pdf) section 3.60 states "Church Path is an awarded private road". Referring to the ownership of Church Lane the same document states-

"Accordingly, and as the lane remains unregistered to this day, the only way of determining the ownership of the lane is to apply the "ad median filumviae" principle whereby the abutting land owners (frontagers) can be considered to own up to the centre-line of the lane."

Bearing the above evidence in mind it is illogical to allow access to the proposed footpath from a private road where by definition "the use is not intended by the public at large" at point B on the attached map.

I strongly dispute the notion that any unchallenged public use gives rise to a "rebuttable presumption" that any owner has dedicated the private road as a public footpath. There is no factual evidence that Church path between my fields has been dedicated as public foot path. Usage of church path for access to St Marys Church is a tolerated use not a "*de jure"* access right.

10) I would ask the committee to consider that if such footpaths should be permitted there would be additional risks associated with

a) Consider that any walkers and dogs may potentially be at risk from injury from the cattle who may be protecting their calve(s). There will be occasions where bulls will be present in the fields.
b) Consideration that dogs that are not under control will potentially cause a risk to livestock.
c) Bio-security issues, risk of litter deposits, contamination to water supply.

Factors 10 a, b & c will directly affect the ability to traditionally farm this land.

Summary

I wish to object to the proposed footpaths No 10 &11 being adopted and would ask you to consider the above points and extinguish the route based upon

a) The land is not common land
b) All access has been by trespass involving damage to fencing which is a criminal act.
c) The claimed route has been interrupted and no continuous use has occurred
d) Notices that the land has no public access were displayed.
e) Previous owners had prevented to the best of their ability in a remote location access
f) Claim to access church land are not permitted in ecclesiastical law.
g) Routes indicated in supplied user statements do not correspond with the proposed path.
h) Access to the proposed path is via private road and not public footpath.
i) Effects such a path may have on traditional farming of the land

Yours sincerely,

W A G Gibb

References which are available for viewing upon request:-

1 Map of claimed additional footpaths in Clophill
2 Witness statements confirming that no footpath ever existed
3 Original sales details from J Drake & Co confirming only footpath 5 existed
4 Diocese of St Albans correspondences
5 User statements

Dear Councillors and Planners

Application CB/10/03034/FULL

Central Bedfordshire Council's attitude to government guidance on Climate change

1) What is Central Bedfordshire' policy towards renewable energy or will Central Bedfordshire stand out as the county that does the least to reduce its carbon emissions in contradiction of its stated vision of sustainable communities in the emerging Core Strategy? Central Bedfordshire is unusual in that the there are presently no wind turbines and there is permission for only one turbine at Marston Vale.

2) At present there are very few renewable energy projects in Central Bedfordshire that will allow Central Bedfordshire to play its role in the UK's legal commitment to cutting CO2 emissions by 32% by 2020. I have attached a letter from Greg Barker, Conservative minister for the department of Energy and Climate Change which states the governments commitment to reducing CO2 and the governments commitment to onshore wind energy.

3) The officer states this turbine will play a significant role "It is agreed that the proposed turbine will generate a significant amount of renewable energy, and displace a similarly significant amount of CO2"

4) It is unclear how Central Bedfordshire will meet its commitments to reducing CO2, or how the reasons for refusal of this application will not contradict the emerging CS11 which demand the code level 6 of Sustainable homes.This level of the code requires renewable energy as well as insulation. The question then is how is the renewable energy produced and this seems undecided by Central Bedfordshire. If wind turbines are not allowed in the Green Belt then it is difficult to see how the code level 6 can be delivered.

5) The Parsons Brinkerhoff report "Central Bedfordshire and Luton Borough Councils Joint Committee Sustainable Development and Adaptation and Mitigation of Climate Change Study" which has been submitted to the Public Inquiry for the Core Strategy by Central Bedfordshire Council sees biomass as the main renewable energy source for the Strategic Site Specific Allocations. However enough biomass supply for these urban extensions will mean a huge importation of biomass from across the country and probably imported and probably mainly by road , so the overall carbon footprint could be questioned as well as the security of the resource and whether insisiting on biomass only will actually fulfil PPS1 the supplement on climate change.

6) This leaves a very worrying gap or question mark in the future policy for Central Bedfordshire and raises questions of is Central Bedfordshire not complying with the supplement to PPS1. "To deliver sustainable development, and in doing so a full and appropriate response on climate change, regional planning bodies and **all planning authorities should prepare, and manage the delivery of, spatial strategies that**:

7) **make a full contribution to delivering the Government's Climate Change Programme and energy policies, and in doing so contribute to global sustainability;"**

8) Nor does Central Bedfordshire seem to be following the emerging core strategy objective of SO8 " To require sustainable development and design quality, including maximising opportunities to use renewable and decentralised energy, in order to help minimise the area's carbon footprint and to mitigate and adapt to climate change."

9) Because this wind turbine will be helping reduce CO2 emissions Central Bedfordshire should consider the guidance of PPS1 supplement on climate change. In determining the planning application, the supplement to PPS1 states "An applicant for planning permission to develop a proposal that will contribute to the delivery of the Key Planning Objectives set out in this PPS **should expect expeditious and sympathetic handling of the planning application."**

The balance seems to be for Central Bedfordshire to be the openness of the greenbelt and the need for renewable energy as set out in PPS22.

10) 'when located in the green belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. **Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'**

11) **We have argued that the wider environmental limits create special circumstances and this is reinforced by the lack of renewable energy project coming forward in Central Bedfordshire**

The value set on the green belt and the Landscape Officers report; Green belt, but industrial

12) The area beside Double Arches is quarry land with large pits and with large steel structures. The view from the A5 is of an industrialised and scarred landscape. Sand pits and pylons in the distance. It cannot be described as the Landscape officer wrote as "a farmed landscape"

13) The Landscape officer quotes the Regional Landscape Guidance: The regional study 'Placing Renewables in the East of England' (2008) aimed to review the potential for green energy across the region and define broad areas of greatest potential. In terms of landscape sensitivity most of the region was evaluated as medium sensitivity, but the

14) Greensand Ridge is evaluated as having medium high sensitivity. However the Landscape officer omits the crucial piece from the Regional Landscape guidance which recommends the Greensand ridge as able to accommodate two or three wind turbines; page 94 (Page D12) of the document which states that the Greensand Ridge is capable of 2 – 3 wind turbines, with an estimated maximum capacity of 10MW. http://www.eera.gov.uk/publications-and-resources/studies/topic-based-studies/renewable-energy-studies

15) T he landscape officer has stated that the development is contrary to CS9, however I do not see the relevance as CS9 is an employment policy and the Landscape officer should be commenting on landscape.

16) Consistency over protection of the Green Belt

17) The Green belt has been abandoned in some areas for housing provision which will impact severely on the landscape.

18) The emerging Core Strategy has placed the plans for a large dual carriageway the Luton Northern Bypass through the greenbelt, through an area of Outstanding Natural Beauty. I believe that there has to be consistency for the development within the Green Belt, and if a wind turbine will impact on the openness of the green belt at Double Arches then a road through an AONB where the hills afford wide views of the countryside will impact far more severely. I am presuming that Development Management commitee will not go against the emerging core strategy approved by the council.

19) The Officer argues that The Parsons Brinkerhoff report also show some suggested areas for wind turbines, which are also in open areas of the green belt, however PS22 does not have a sequential test nor insist upon the examination of alternatives. These alternatives might be a long way away or impossible in terms of ownership and palnning terms

Openness of Green Belt policy leads to contradiction of PPS22 key principle 1. (iii)

20) Most of South Bedfordshire unless it is in an urban area, is in the green belt although some parts of the green belt have been reallocated for housing need. If the policy of the openness of the Green Belt is used then by default Central Bedfordshire Council has created planning policy which will severely limit renewable energy especially wind energy and this is contrary to PPS22 Key Principles 1. (iii) **Planning policies that rule out or place constraints on the development of all, or specific types of, renewable energy technologies should not be included in regional spatial strategies or local development documents without sufficient reasoned justification.** The Government may intervene in the plan making process where it considers that the constraints being proposed by local authorities are too great or have been poorly justified.

Attitudes towards wind energy and questions of impartiality.

21) Several Councillors on this committee, Councillors Spur, Hopkins and Cllr Bowater have expressed their belief that wind turbines are inefficient and only produce a minimal amount of electricity. Cllr Bowater appears from conversation in public to believe that a wind turbine only operates at a 20-35% capacity of the time when the wind is blowing and therefore the energy produced is very insignificant which is inaccurate. This view which is possibley shared by many more councillors raises concerns about impartiality of the councillors on the development management committee in assessing a wind turbine application.

Wind Energy : effectivenes

22) The reality of the effectiveness of Onshore Wind energy is not only backed by Greg Barker in the attached letter but can be seen clearly in the metered readings that OFGEM have on their website of the actual kilowatt hours produced by identified wind farms. These are necessary to gain the Renewable Obligation Certificates.

23) Coldham Wind farm in Cambridgeshire which consists of 8 2 MW wind turbines between Apr 2009 - Mar 2010 produced over the year 28,668 Megawatt hours of electricity which is enough to power nearly 7000 homes (each home annually consumes approx 4.1Megawatt Hours.) This was in the least windy year for seven years.

24) The Burton Wold Wind Farm near Kettering consists of 8 2 MW turbines, in 2009 April to March 2010 it produced 33,374 Megawatt Hours which is enough to power 8140 houses.

25) Westmill Wind farm near Swindon consists of 5 1.3MW wind turbines and produced between April 2009 and March 2010 10,243 Megawatts

26) No one assumes that future energy supply will be from one source alone, Dr David Mackay, the energy Advisor to DECC ex[plains in his book Sustainable Energy without the hot air, the various scenarios of renewabel energy mixes. At present the UK relies on a mixture of gas, coal nuclear and some renewables. There is a wide range of technologies so that if there is failure then there are other sources.

27) Energy from Wind turbines goes into the national grid and the overall energy mix, so that if it is not windy on that particualr day it does not matter, it means for example that more biomass would be used, but on a windy day then less biomass for example would be used.

Noise

28) The request for further information from MAS consulting is very typical of the style of MAS. In the Den Brook Case the argument that more information was need was rejected by the Inspector and the Inspector's decision was upheld in the High Court. Last December in the successful appeal over Coton Farm in St Neots the Inspector rejected MAS consulting request for further information.

29) IN an FOI request put in at Christmas tide, Central Bedfordshire Council stated that MAS had approved this application on noise grounds. This is now part of the an internal review procedure as it does not appear to myself that the Procurement guidelines were followed in relation to the contracting of MAS.

Letters Missing.

It is stated in the officers report that as well as the four organisation listed there were only two letters. I believe that there were at least six or seven letters in support as well as the organisations.

We strongly support this application and urge the councillors to support it.

Victoria Harvey
South Bedfordshire Friends of the Earth
3 Creran Walk
Leighton Buzzard
LU7 2YP

DEPARTMENT OF ENERGY & CLIMATE CHANGE

Gregory Barker MP
Minister of State
Department of Energy & Climate Change
3 Whitehall Place
London
SW1A 2AW
www.decc.gov.uk

Our ref: MC2010/06944/JH

Andrew Selous Esq MP
House of Commons
London
SW1A 0AA

8 October 2010

RECEIVED
14 OCT 2010

Dear Andrew,

Thank you for your letter of 20 September to Charles Hendry, enclosing correspondence from your constituent, Mrs J A Taylor of 7 Croxley Court, Leighton Buzzard LU7 1YX, about increasing the amount of onshore wind turbines in the UK . I am replying as Duty Minister while Parliament is in recess.

The Government is committed to the development of wind energy in the UK. As an island nation we have outstanding wind resources and wind energy is an indigenous source of energy which is needed to meet our renewable energy and climate change goals. The wind industry can be a key player in creating the investment, exports and jobs we need to bring back economic prosperity, and the UK is already a world leader in offshore wind.

The Coalition Programme made clear this Government's commitment to Renewable Energy. We have formally asked the Climate Change Committee to review our target for energy from renewable sources, and depending on the advice of the Committee, we will seek to increase this target.

Wind will be a key component in meeting the UK's 2020 target for energy from renewable sources and onshore wind could deliver around 15% of the required total. However, the precise breakdown between technologies will depend on how investors respond to the incentives put in place. [1]Renewable generating technologies more widely could provide around 30% of our electricity (compared to around 6.5% today), with some two-thirds of this coming from onshore and offshore wind.

Onshore wind capacity has grown by 80% in the last two years and we have around 7GW of onshore wind currently in the planning system.

[1] http://decc.gov.uk/en/content/cms/what_we_do/uk_supply/energy_mix/renewable/res/res.aspx

The Office for Renewable Energy Deployment (ORED) was set up in October 2008 in order to catalyse deployment of renewable energy to deliver the UK's 2020 target. More information about ORED is available from: www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/energy_mix/renewable/ored/ored.aspx.

Yours ever,

Sainsbury's

Sainsbury's Supermarkets Ltd
33 Holborn
London
EC1N 2HT

Telephone 020 7695 6000
Fax 020 7695 7610
www.sainsburys.co.uk

Members of the Development Management Committee
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford SG17 5TQ

By email
Gill.Claxton@centralbedfordshire.gov.uk
Our ref. SMG/PSD/1479002

28 March 2011

Dear Committee Members

SAINSBURY'S LOCAL, 192 HIGH STREET SOUTH, DUNSTABLE (CB/10/02908/FULL)

We write on behalf of Sainsbury's Supermarkets Ltd in respect of the application for a proposed Sainsbury's Local which will be considered by you at the Development Management Committee this Wednesday, 31 March 2011.

We would like to raise a number of key issues in respect of the proposals:

- The development will provide much-needed investment in Dunstable. In addition, the proposed new store will be a 'flagship' eco store for Sainsbury's for the 2010/2011 year. This investment from Sainsbury's will only send out a positive message about the town. This is particularly relevant given the Government's recent statements made with the Budget on the need to secure jobs and investment.

- The store will create approximately 25 to 30 full-time and part-time jobs. Sainsbury's is committed to providing both initial and on-going training for all retail colleagues. In Sainsbury's experience, around 90% of colleagues generally live within 1 mile of the store in which they work. Therefore, the new jobs generated by Sainsbury's will benefit the local community.

- The sole reason for refusal relates to concerns over the transport impacts, in particular traffic congestion. Sainsbury's transport consultant has extensive knowledge and experience in dealing with proposals for both large and local format stores around the UK. They are confident that the proposals are acceptable, and in light of the high pedestrian trade at such stores can confirm that this type of development does not generate vehicular congestion. Parking provision at the store has been provided in accordance with policy. Sainsbury's will not want a store if it brings surrounding loads to a halt because it causes resentment, negative publicity and poor trading.

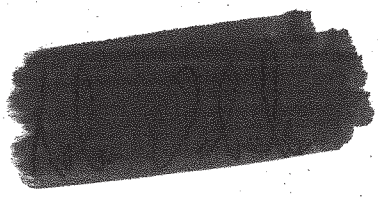
- The key retail tests have been addressed. It is accepted that the store does not adversely impact on Dunstable town centre.

Registered office as above
Registered number 3261722 England
A subsidiary of J Sainsbury plc

100% post consumer waste recycled paper

Sainsbury's is keen to invest and create jobs in Dunstable. The proposals will only have positive impact on the town moving forward. There are strong reasons for you to support these proposals and we would request that you grant planning permission for the application on Wednesday. In the meantime, if you have any queries in respect of the proposals, please contact me or my colleague, Sean McGrath from Indigo Planning on 020 8605 9400.

Yours faithfully



Robin Ockendon
Regional Acquisition Manager
Sainsbury's Supermarket Ltd

cc: Ms G Claxton, Central Bedfordshire Council
Ms J Lee, Sainsbury's Supermarkets Ltd

[redacted]
[redacted]

194 High st. South
Dunstable
Beds
LU6 3HS

26-NOV-10

30 NOV 2010

To whome it may concern.

I am writing to you concerning the application for Sainsburys to move into the premises next door to my home. I live in my home with my husband and dog; I keep a large dog because I was assaulted in my own home at a previous address, by a criminal that broke into my home; I therefore need my large dog as it makes me feel secure.

Although this happend many years ago, I have since, always kept myself large dogs for protection; Should Sainsburys move next door, I fear my dog will keep barking at the late night noise of car doors slamming and people makeing noise which ~~does~~ would seem louder when I'm asleep in bed trying to sleep.

I am also dissabled with cronic back pains. I have had a disc removed, a steal rod screwed onto my spine, then removed, with ongoing spine problems. I take medication for this problem, one of which is a morphine drug because of my cronic pain. I also take medication for depression and seriously high blood presure.

Due to all this medication, I have to go to bed by 6p.m every single night because I get very tired due to pain and medication; yet I still wake often dureing the late evenning if there is any noise. I sleep in my back bedroom to block out trafic noise, but I fear that with a late night shop next door, and of how my back bedroom is situated, (on top of next doors) the noise levells will severly disturb my sleep.

My husband already suffers with insomia.

Because of my dissability, Central beds has already agreed to spend a lot of money on my home because my kitchen is in bad condition; My husband can work only part time

because he has to work in the Kitchen cooking dinners, ect, as I cannot help myself in my Kitchen, So the council are going to re-plan my Kitchen to help me cope with a more independant life, so I can release my husband to do a full time job. The council are also going to re-plan my bathroom. All this has been approved and the work is to be carried out within 4 weeks or so.

The council have warned me, that should I ever leave this house and move else where, they cannot provide me with any further help; but I do not and never will move house because this house is very near to town, which enables me to walk into town on my better health days, and I love my house, but if I get a sainsburys next door, and late Eve noise, I fear it will increase my health problems and could even drive me away.

We have a private car park behind my house and its imperative that my husband uses our two car parking spaces that our ours to use, he has a School bus, that is a work bus, and our own private car, if sainsburys car park gets full-up, on busy shopping days, we fear we will get the public driving into our private car park useing-up our parking spaces.

If I use my lounge, (front of house) to watch T.V ect, car doors slamming, School children shouting, large groups of teenagers; drunks, and general public, are going to severely disturb my peace, set my dog off barking, and totaly distrupt my already poor quality of life; and due to my dissability, I spend really all my time inside my home and garden. I strongly oppose to a Sainsburys or any Supermarket being next door, and wish to take this matter further with yourselves or I will seek further advice from my local M.P.

yours Sincerely

[redacted]

TPP
transport planning practice

Victoria Davies
Central Bedfordshire Council

Victoria.Davies@centralbeds.co.uk

Our ref: ML/30027

28th March 2011

By email only

Dear Victoria

Morrison's foodstore proposals Houghton Regis

Thank you for meeting with TPP on the 7th March to discuss the proposed Morrison's foodstore in Houghton Regis. As outlined in previous correspondence the Houghton Regis Development Consortium (HRDC) does not object in principle to the proposed foodstore.

As discussed we have concerns about the applicants analysis for instance all pedestrians accessing the foodstore from the town centre have been assumed to cross the High Street at the existing crossing to the east of Bedford Road rather than at the new double mini roundabout. Further small variations in either traffic generation, or the direction of travel to or from the store could have an impact on the analysis. With regard to the applicants traffic counts we understand from our discussions that they have allowed for traffic joining the back of the existing queues as well as vehicles crossing the stop lines at junctions.

The proposed foodstore access will be just 40m to the west of the existing High Street/ A5120, Bedford Road junction. This would create a double mini roundabout on Houghton Regis High Street which we are concerned could have the potential to gridlock and exacerbate existing traffic conditions. Therefore our preference would still be for the access to be relocated to Cemetery Road as originally proposed by the developer. For information we have attached copies of the TPP plans tabled at the meeting, one of these shows how access could be achieved from Cemetery Road whilst retaining the foodstore, service yard and car parking in their current locations.

We understand that since our previous meeting with the council on the 8th October 2010 the highway proposals have been reviewed with the cycle lanes being removed to increase capacity and that further analysis has also been undertaken. This analysis, dated 7th December 2010, shows that the revised highway proposals will improve the traffic situation in the town centre and reduce queues in peak hours. We understand that this revised work has been reviewed by the council's consultants who have advised that they agree with the applicants conclusions. Therefore the Council believes that it is

Victoria Davies
Central Bedfordshire Council

Our ref: ML/30027
28th March 2011

not in a position to ask for the access to be relocated although they might seek to protect their position through the section 106 agreement and Travel Plan. We believe that the council should protect Houghton Regis through these documents by requiring the applicant to relocate the access on to Cemetery Way if traffic conditions are not as indicated in the applicants analysis dated 7th December 2010.

In addition to the above the committee report recognises the importance of strategic infrastructure to accommodating development including the proposed foodstore in Houghton Regis. The foodstore should be required to contribute towards the strategic infrastructure in the area, this includes the proposed A5 to M1 Link Road, Woodside Connection and extensions to the Luton to Dunstable Busway. With regards to the level of contribution there is no SPD in place, however if we take the neighbouring Luton Borough Council 2007 SPD as an example this requires a contribution £414 per sqm for a foodstore development. Therefore on this basis the proposed Morrison's would be required to contribute approximately £2 million towards strategic transport infrastructure in the Houghton Regis area. Alternatively it would be possible to calculate an amount based on the current proposals in the pre submission Core Strategy documents.

At this point it is also worth noting that the analysis in the applicants Transport Assessment dated February 2011, which we have just received, differs from the analysis dated the 7th December 2010 on which we understand the Council's conclusions were based. The analysis in the Transport Assessment predicts longer queues which mean a gridlock situation is more likely. On this basis the above comments become even more relevant. However we have not undertaken a detailed review of the applicant's analysis and therefore despite our reservations we must rely on your consultant's confirmation that the proposed highway arrangements will improve traffic conditions in Houghton Regis and the access junction will not gridlock. Therefore this is positive news for the proposed urban extension and the early release sites.

In summary we believe the council should protect Houghton Regis through the section 106 agreement and Travel Plan. These should include conditions requiring the applicant to relocate the access on to Cemetery Way if conditions are not as indicated in their analysis dated 7th December 2010. In addition the applicant should be required to make a significant contribution towards strategic transport infrastructure in the area as indicated above.

We look forward to working with you in the near future with regards to the details of the early release sites including their impact on the transport network. As you are aware the early release sites are necessary to enable us to bring forward funding for the A5 to M1 Link Road which should ultimately further improve traffic conditions in Houghton Regis.

If you have any queries with regards to the above please do not hesitate to contact me.

Yours sincerely

[redacted]

For Transport Planning Practice Ltd

[redacted]

TPP

Victoria Davies
Central Bedfordshire Council

Our ref: ML/30027
28th March 2011

cc:	Dave Ager	Central Bedfordshire Council
	Jim Tombe	Central Bedfordshire Council
	Trevor Saunders	Central Bedfordshire Council
	Duncan Jenkins	Lands Improvement Holdings
	Julian Carter	GVA Grimley
	Neil Lawrence	GVA Grimley

Att: Drawing 30027/106AC
Drawing 30027/107AC

TPP
transport planning practice

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The Co-operative Group

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www.co-operative.coop/estates

The co-operative

Mr Andrew Davie
Planning Department
Central Bedfordshire Council
Central Bedfordshire Offices
Priory House
Monks Walk
Shefford
SG17 5TQ

25 MAR 2011

24 March 2011

Dear Mr Davie

Re: Planning application ref CB/10/03110 - Land and commercial units between King Street, Queen Street, Cemetery Road and fronting High Street, Houghton Regis (Dransfield Properties)

We write with reference to the Dransfield Properties planning application (ref CB/10/03110) which is on the agenda for the Planning committee on 30 March 2011. We have now had the opportunity to consider the officer's report to the committee together with the Dransfield application documents posted on the Council's website.

We have been attempting to meet with yourself and Victoria Davies (the case officer for the Dransfield application) since 22nd February (see emails attached) to discuss aspects of the Dransfield application given its proximity to our current store in Houghton Regis. A potential meeting date of 10th March was postponed by yourselves and despite our efforts in trying to secure alternative dates it has not been possible to do so. We now find ourselves one week away from the committee date without having had the opportunity to properly discuss the Dransfield application with yourselves and fully alert you to our concerns. Given the size and nature of the proposed development by Dransfield you will appreciate that this raises a number of concerns with regard to the future of the Co-op trading from its existing store and any redevelopment proposals that we may have regarding our site (which are also required under the terms of our lease with the Council).

Specifically, we are concerned that the sequential assessment accompanying the Dransfield application does not adequately satisfy the requirements of PPS4 in respect of consideration towards our adjacent site which lies within the town centre and is acknowledged to be sequentially preferable. We have provided to the Council schematic proposals for the redevelopment of our site demonstrating how our site could accommodate a store of similar size to that proposed by Dransfield.

Given our concerns, we have sought Counsel's opinion on the adequacy of the sequential assessment undertaken in the context of the requirements of PPS4 and the prospects of success in making an application for judicial review should the Council resolve to grant permission for the Dransfield application. We have now received the opinion, the conclusions of which are that the sequential assessment contained in the Dransfield's planning and retail statement is not adequate to satisfy the requirements contained in PPS4. This is particularly in relation to the conclusion as to the suitability of the Co-op site and its ability to accommodate a store of similar size to that proposed in the Dransfield application.

Continued....

THE QUEEN'S AWARDS FOR ENTERPRISE: SUSTAINABLE DEVELOPMENT 2007

INVESTOR IN PEOPLE

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Although our schematic layout results in a smaller store (albeit only 5% smaller) and with multi-storey as opposed to external car-parking, it should be remembered that, under the PPS4 Guidance, it is not necessary to demonstrate that alternative sites can accommodate precisely the scale and form of the development proposed on the application site. We also note that the review of Dransfield's planning and retail statement undertaken by White Young Green on behalf of the Council was specifically confined to the economic impact assessment considerations and did not review the sequential test issue. Consequently the view set out in the officer's report to committee regarding the adequacy of the sequential test under taken by Dransfield can only be based on Dransfield's planning and retail statement. It would appear that the officer's report appears to largely reiterate the submissions made by Dransfield in this respect and there is little, if any, critical analysis made.

We have been advised that were the Council to grant permission on the basis of the current application documents, such a decision would be vulnerable to challenge by way of judicial review on the ground that the Council has failed to correctly apply the sequential approach under PPS4 by disregarding the existence of a sequentially preferable site . Consequently the Council will have failed to have proper regard to the provisions of the Development Plan in that PPS4 is a material consideration and the Dransfield application clearly fails to satisfy the requirements of PPS4 by providing a satisfactory sequential assessment. We are confident that such a challenge to any grant of planning permission for the Dransfield application based on the officer's report to committee would be successful.

On the basis of this advice , and the fact that we have unsuccessfully attempted to meet with yourself and Victoria Davies, we would strongly urge the Council to review the officer's report and consider whether the recommendation set out therein should be put forward for endorsement by the planning committee at the meeting on the 30 March 2011. On this basis we would strongly urge the Council to defer the determination of the application for a further 2 months so that :

(i) We can prepare and submit a planning application for the redevelopment of our site based on the schematic layouts already submitted and subject to any comments received by the Council as part of any pre-application discussions.

(ii) The sequential test for the Dransfield application can be properly assessed in the light of the application for the redevelopment of our site.

In the event the Council refuses to defer the Dransfield application from consideration at the meeting on 30 March as we have requested we would advise you :

(i) Given that the officers report is already in the public domain, the Council must be clear at the meeting on 30 March whether reliance is placed on the views set out in the officers report. We are advised that if the Council grants consent for the Dransfield application on the basis of the advice set out in the officers report then any challenge to that decision would be successful for the reasons set out above.

(ii) Given that this matter may lead to legal proceedings we trust that this letter will be brought to the attention of the members of the committee prior to their consideration of the Dransfield application.

Continued....

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(iii) The refusal by the Council to defer determination in the light of this request could also form the basis of a further ground for challenge on the grounds of fairness.

Finally, with regards to the Dransfield application, we would also request clarification regarding the application of the EIA Regulations to the proposed development. We note that there is no mention of EIA screening in the officer's report to committee even though the application site is 2.65ha and the application falls within Paragraph 10(b) of Schedule 2 of the EIA Regulations. While there is passing reference in Dransfield's planning and retail statement to a screening opinion having been provided by the Council, we are not aware that this was included within the application documents posted on the Council's website. In addition there is no information either within the application documents or posted on the Council's website as to the basis on which the screening opinion was issued. We would advise you that this could provide a further ground for challenge in the event the planning committee determines the Dransfield application on 30 March, subject to the documents that you are able to provide to us to clarify this point.

We would be grateful if you could acknowledge receipt of this letter and confirm your intentions as soon as possible regarding the determination of the Dransfield application at the forthcoming Planning Committee on 30th March.

Please also note that The Co-operative Group reserves its position with regard to the production of this letter in any formal proceedings for judicial review of the decision of the Council on the Dransfield application.

Yours sincerely

[redacted]

CC Victoria Davies (Planning Officer)
Trevor Saunders (Assistant Director for Planning and Development)
John Atkinson (Head of Legal and Democratic Services)

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