

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



**TO ALL MEMBERS OF THE
DEVELOPMENT MANAGEMENT COMMITTEE**

12 September 2017

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE – WEDNESDAY, 13 SEPTEMBER 2017

Further to the agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet.

17. **Late Sheet**

To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on **12 September 2017**.

Should you have any queries regarding the above please contact me.

Yours sincerely

Leslie Manning
Committee Services Officer

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Item 6 (Pages 17 - 256) – CB/16/01389/FULL – Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe

Additional Consultation/Publicity Responses

Four additional letters of support received from 24 & 41 Timber Lane, Woburn; 24 Stoke Road, Linslade and 27 Albany Road, Leighton Buzzard.

Bedfordshire Gardens Trust

At Appendix A is an objection from the Bedfordshire Gardens Trust, responding on behalf of the Gardens Trust.

It is noted that the Bedfordshire Gardens Trust concur with Historic England that the impact on the significance of Woburn Park would be low-moderate and that the impact on Battlesden Church would be less than substantial, albeit at the higher end of the scale.

The Bedfordshire Gardens Trust also states that there would be a similar level of harm to the significance of Battlesden Park in general.

It is noted that the conclusion of the letter indicates that any harm to these heritage assets should be exceptional (wholly exceptional in the case of Grade I Listed heritage assets). However, this is not the correct policy test as set out in the NPPF. Paragraph 132 of the NPPF states that any harm should require clear and convincing justification, but it is only substantial harm which should be exceptional or wholly exceptional. None of the specialist heritage consultees has stated that the proposal would have substantial harm to any heritage asset.

It is considered that the conclusions set out in Section 5 of the report still apply.

Richard Buxton Environmental & Public Law

At Appendix B is a letter from Richard Buxton Environmental & Public Law writing on behalf of the Bedford Estates.

Counsel's advice has been sought on the content of the letter.

In respect of the requirement for an Environmental Impact Assessment, Counsel has advised that she does not think that the corrected Screening Opinion would be upheld as an unlawful approach. She has noted that the 2017 EIA regulations were not in force at the time the Screening Opinion was released and are therefore not pertinent to this matter.

In reference to Green Belt Considerations, it appears likely that the letter from Mr Buxton is in response to the previous iteration of the committee report, as it refers to a paragraph number that no longer exists in the current report and also raises issues which existed in the previous iteration of the report but have now been addressed within the updated version of the report.

In particular, the report now balances “any other harm” as well as inappropriateness of development in the Green Belt when considering whether very special circumstances exist.

The report also explains more clearly within the planning balance why it is considered that very special circumstances exist in this case.

Counsel has confirmed that whether or not very special circumstances exist is a matter of planning judgement for the decision maker. Matters of planning judgement cannot be questioned in law, unless decisions are irrational. She does not consider that the conclusions within the report are irrational.

Counsel considers that the updated report is written in such a way that, should the Committee approve the application, the Council ought to be able to resist a challenge to the decision in a Judicial Review scenario.

Savills

Attached at Appendix C is another letter from Savills. This draws the attention of Committee Members to the concerns of the Landscape Officer and considers further the Council’s Wind Turbine Guidance Note.

The Landscape Officer did raise concerns in regards to the development, but did not object to the proposal. The conclusion of the Landscape Officer was that if the proposal were to be progressed, it should be identical in design to the existing Double Arches turbine and have similar nacelle / blades height so that the two turbines should read as a single cluster. The proposal is for a turbine which would be identical in design to the Double Arches turbine and would have similar nacelle / blades height.

Section 4 of the report addresses Officer’s interpretation of the Wind Turbine Guidance Note. It acknowledges that it may be appropriate to consider that the proposal represents a cluster, as the proposed single turbine would be clustered with the existing Double Arches turbine, but then points out that the proposal would not represent more than one development within the landscape character area as the other part of the cluster would be the existing turbine at Double Arches. The cluster would therefore not compete with Double Arches, but include it. Section 4 of the report includes assessments of a cluster of turbines against the criteria set out within the guidance note.

SCWT

An additional letter has been received from the SCWT campaign, which is attached at Appendix D.

In response to this letter, the points raised are predominantly covered within the Officer's report at Section 7.

In response to point 1 of the letter, it is noted that it was Planning Officers and the Development Management Committee who considered that removing the Excessive Amplitude Modulation condition was a reasonable decision at the time, on the basis of government policy and several contemporaneous Appeal decisions.

In response to point 2 of the letter, it is noted that MAS Environmental clearly state in their response to the planning application on page 77 of the report that the conditions agreed (and recommended to be imposed) addressed their concerns in respect of amplitude modulation. This is why Officer's consider that the proposed condition would adequately protect neighbouring residents from unacceptable levels of noise pollution.

In response to point 3, the Council legally cannot impose, as part of this application, a condition on a wind turbine that does not form part of this application and is not located within the red line of the application site. As is noted in paragraph 7.14, any reports of EAM in the area would be sufficient to trigger investigation under the recommended condition for this wind turbine. It is noted that neither MAS nor the Council's Environmental Health Officer has outstanding concerns in respect of EAM.

Additional Comments

Additional information was submitted to the Enforcement Team to support a noise complaint for the existing wind turbine at Double Arches in relation to properties at Overend. The Enforcement Team will proceed with an investigation in accordance with the measures set out within the planning conditions which control the Double Arches turbine.

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Bedfordshire Gardens Trust

Debbie Willcox
Case Officer
Planning Department
Central Bedfordshire Council
Council Offices
Priory House, Monks Walk
Chicksands
Beds SG17 5TQ

8 September 2017

Dear Debbie Willcox

CB/16/01389/FULL

Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure. Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard LU7 9LG

Bedfordshire Gardens Trust is responding to this application on behalf of the Gardens Trust, statutory consultee for planning applications affecting registered historic parks and gardens. Although this application originated in 2016, it was only received by the Gardens Trust on 24 August 2017, giving a very short time to assimilate the voluminous documentation and respond. I hope that in future such referrals will be more timely. This response is restricted to the impact of the proposal on registered parks and gardens, and does not cover other heritage aspects more generally.

Summary: Bedfordshire Gardens Trust objects to this application owing to the level of harm to the Grade II registered site at Battlesden Park, and the Grade 1 registered site at Woburn Abbey.

Registered parks and gardens within the Study Area

The cultural heritage assessment by Headland Archaeology (as revised September 2016) states that there are two registered parks and gardens within 5km of the proposed turbine – Woburn Abbey and Battlesden Park. For completeness, it should be noted that there is now a third site within that radius: the formal gardens at Stockgrove House, Leighton Buzzard, were registered Grade II on 15 November 2016 (list entry number 1434590). The formal gardens are just across the local authority boundary in Milton Keynes UA, while the parkland adjoining forms the greater part of the Rushmere Country Park in Central Bedfordshire. A fourth site – the Whipsnade Tree Cathedral, registered Grade II on 10 February 2017 (list entry number 1439326) lies south-east of Dunstable within the 15km radius of the Outer Study Area.

Local planning policies

Heath and Reach lies within the area of your Council's South Local Development Framework, consisting of the former South Bedfordshire District local plan adopted in 2004. Policies from that plan saved in 2007 include BE7: Conservation and Enhancement of Historic Parks and Gardens: *"the local planning authority will encourage the conservation, enhancement and restoration of the historic parks and gardens identified as of importance in this plan and on the proposals map. Planning permission will not be granted for development that would unacceptably harm the character or appearance of such areas and their settings, or result in the loss of significance features."*

Battlesden, Potsgrove and Woburn, however, lie within the area covered by the North Local Development Framework adopted in 2009. Within the core strategy of that Framework,

heritage Policy CS15 states unequivocally that the Council will protect, conserve and enhance the district's heritage. I suggest that this should have some weight in the Council's decision-making process on this application. The emerging UA-wide local plan is at a relatively early stage – a public consultation exercise finished on 29 August 2017 – and so must have limited weight.

Battlesden Park

This representation focuses on Battlesden Park, which is the closest site to the proposed wind turbine, and the most seriously affected. I have made a visit to the publicly-accessible parts of the site, which contains the remains of mid-19th century formal terraced gardens in an 18th century (and earlier) park, and is associated with Humphry Repton and Joseph Paxton. As the Historic England register entry describes, the park of around 90ha is still bounded largely by agricultural land, with the south-west boundary formed by the A5 Watling Street. The site of the house lies within the park on the southern tip of a shoulder of land extending 1km south from the A4012, with Battlesden church forming a close group with the house site and the walled garden to the south of the churchyard. The site slopes down to a valley to the west and south in which lie two lakes. This topography (shown in the LIDAR view at Appendix A Fig 1) is very important in assessing the degree of harm which the proposal would cause to an area which remains (apart from the existing intrusion of the Double Arches wind turbine) remarkably rural and unspoilt. Battlesden Avenue running from the northern boundary of the site to the Hockliffe-Woburn road is also registered as part of the site.

The Cultural Heritage Assessment produced by Headland Archaeology for the applicant (reworked September 2016) concludes (page 39) that there will be no harm to the significance of Battlesden Park. We disagree. The Assessment underplays the importance of views within and beyond the site. There is evidence that views from the pre-1860s house and gardens to the south and south-west across Watling Street towards the Chilterns were valued, as attested by a visitor in 1748, and the presence of a bastion-shaped viewing mount (Tent Hill, shown topped with a tent in a watercolour c1820) at the south-west corner of the lower garden terrace.

We do not know the details of the garden before Humphry Repton's visit in 1806, but his sketch of the site made for an 1808 almanac, though schematic, shows house, church, a terraced walled garden with greenhouse, and Watling Street in the foreground. The later terraces south-west of the new house as designed or redesigned by Joseph Paxton and G H Stokes in the 1860s were clearly intended to take advantage of the aspect and the topography.

The northern drive and avenue runs along a ridge from which there are views to east and west. It is acknowledged that the views to the west above Home Wood would be impacted by the proposed turbine, as shown at Viewpoints 5 and 6 of the Battlesden Visualisations prepared for the applicant in December 2016. Other areas of the Park are dismissed in the Cultural Heritage Assessment (page 39) on the basis that "*there are public foot paths through the park, though none of the views are frequently accessed by members of the public and the hedgerows limit any such views.*" I would remind the applicant that a heritage asset is a heritage asset irrespective of public access.

Of the two lakes referred to in the register description, the larger lying south-west of the house site can be attributed on good evidence to a (very young) Joseph Paxton (whose elder brother William Paxton was the estate bailiff) and dated 1822. One of the public footpaths running down the eastern side of the registered site overlooks the lake. The Double Arches turbine is clearly visible from it (Appendix A fig 3) and again the proposed Checkley Wood terminal would greatly add to visual intrusion. The turbine is visible not just from the raised area overlooking the lake, but along the path for some distance where it runs parallel to the drive from the A5 lodges.

The Double Arches turbine is also clearly visible from the public footpath running along the western edge of the registered site (Appendix A fig 4), and from the footpath running westwards from the Avenue across the valley towards Potsgrove Church (which is outside the registered site, but part of its setting). The proposed Checkley Wood turbine would also intrude on those views.

Battlesden Church

The Historic England representation of 11 January 2017 concludes from the Visualisations of December 2016 and other evidence that “although the level of harm [to Battlesden Church] would be considered less than substantial (in the terminology of the NPPF), it would be towards the higher end of that scale”. We agree. As well as being a Grade I listed building in its own right, the church lies within the registered parkland and is an important component of the significance of the site. It follows that there must be harm to the significance of the registered site as well.

Woburn Park

I see no reason to disagree with the reasoning and conclusion by Historic England (their ref P0051167, representation of 11 January 2017) that there would also be a low-moderate level of harm to the significance of the registered Woburn Abbey park.

Conclusions

The proposed Checkley Wood turbine, because of its great height and the flickering movement of the rotor arms, would cause serious visual intrusion to the landscape of the Grade II Battlesden Park, leading to a high, though less than substantial, degree of harm to its significance. There would also be a low to moderate degree of harm to the significance of Woburn Abbey park. Harm to these assets should be exceptional (in the case of the Grade I Woburn Abbey park, wholly exceptional), and can only be justified by very compelling arguments. In deciding the application your Council needs to conduct a balancing exercise as in National Planning Policy Framework paragraphs 132 and 134 to establish whether the public benefits of the proposal outweigh the damage to the heritage assets affected. That is a matter for your Council, but I will only point out that the proposals have no public benefits as far as the registered parks and gardens themselves are concerned.

Yours sincerely



CAROLINE BOWDLER
Bedfordshire Gardens Trust
Conservation



Appendix A; Images, Battlesden Park

Fig 1 LIDAR image of Battlesden Park

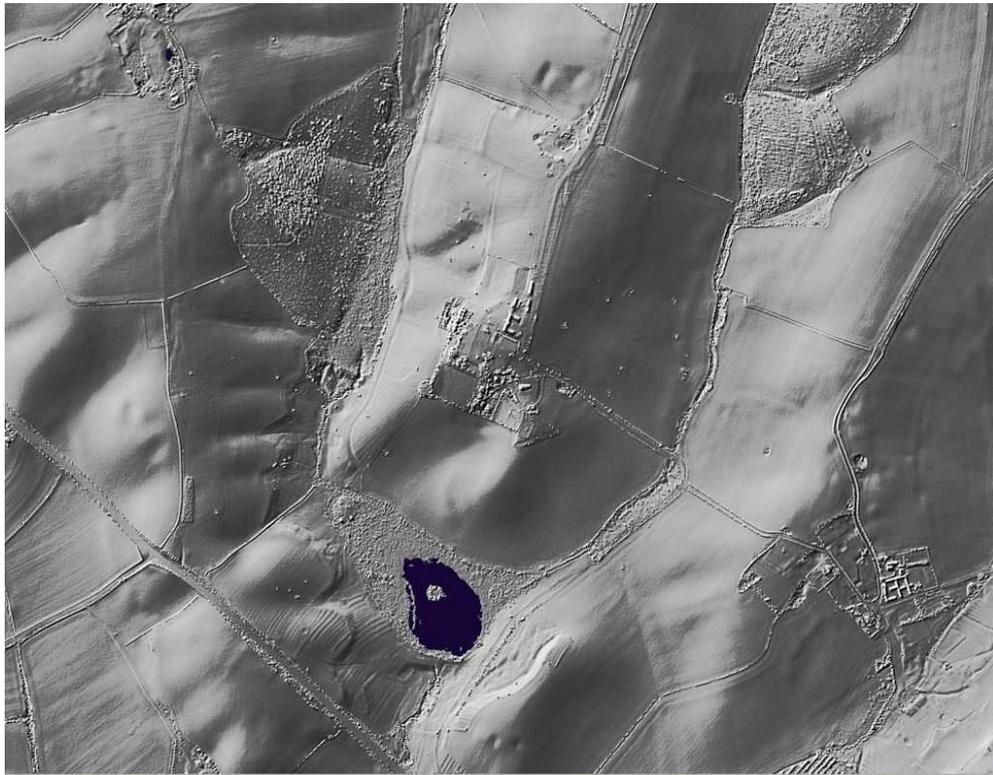


Fig 2 Key to views at Fig 3 and fig 4

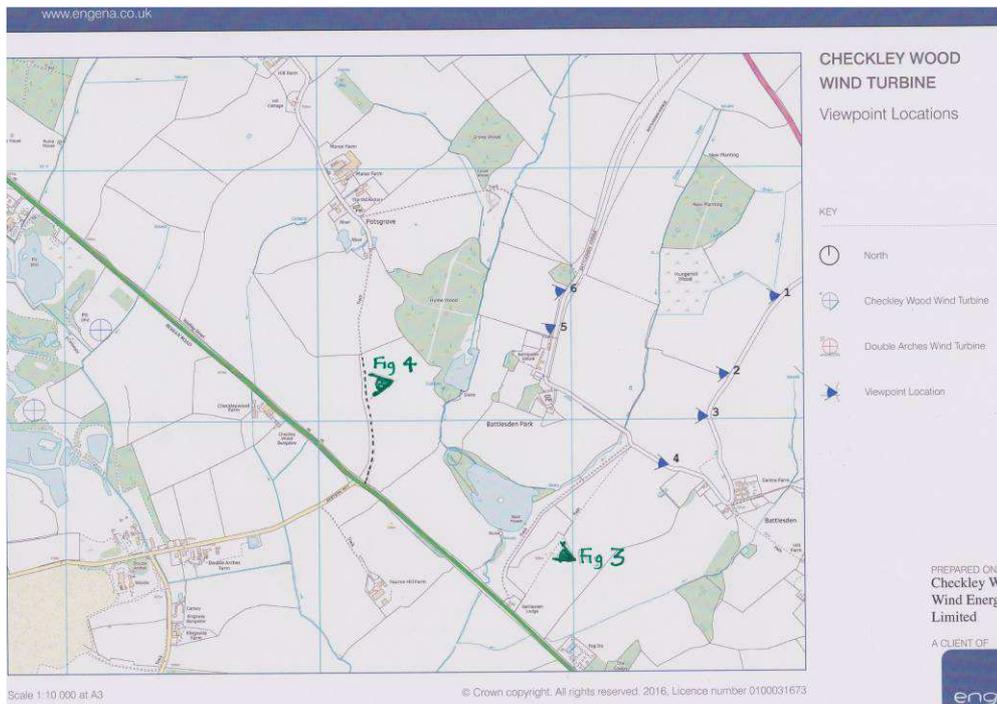


Fig 3 Double Arches wind turbine seen across Paxton's lake



Fig 4: Double Arches turbine seen from W edge of registered site



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Priory House
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Sheldford SG17 5TQ**Your Ref: Planning Application CB/16/01389/FULL**
Attn: Debbie Willcox

Our Ref: BEF1-001/RB

4 September 2017

Dear Sirs

Proposed Wind Turbine at Checkley Wood Farm

1. Thank you for your notification of 31.8.17 that this matter will be further considered by the Planning Committee on 13.9.17.
2. Bedford Estates have asked us to consider the materials including the officer report (OR). We and our clients were surprised in all the circumstances to see the OR recommending grant of permission here where the weight of considerations seems so heavily against it. Those particularly include the strong concerns raised in relation to landscape and the historic environment including by Historic England and your own officers.
3. Having reviewed the matter the OR does – as is often the case where one's reaction is "this cannot be right" – contain at least two issues which appear to be in legal error. For the avoidance of doubt this is not trespassing on the question of "planning judgement" which is not our place to do. That is for the Committee members to make their own minds up about once they have carefully considered all the materials including representations made on the day. On the other hand they must do that on the correct legal basis.
4. We trust you would agree that it is better that the Committee is properly informed of these now than following office recommendations which are – with respect – wrong in law, and then the decision end up being challenged.
5. The OR is lengthy and other papers here are voluminous so we will try to keep the points short. You are very familiar with the issues and we trust that an outline will suffice.

Environmental impact assessment

6. The reasons for the council's approach to EIA being unlawful were originally set out in detail in our letter of 3.8.16. The net result of that was that the Council carried out a fresh screening opinion dated 18.11.16. This corrected an error in

an earlier purported screening opinion dated 25.3.15. We have reviewed the later screening opinion and the OR.

7. In our letter of 3.8.16 we raised three areas of concern: significance (including the question of mitigation measures), the EIA voluntarily provided for the Double Arches application, cumulative impact, and proximity to sensitive areas. The OR addresses these points at §§16.4-13.
8. As for the issue of “significance”, we are truly surprised that the Council in the OR purports to hide behind the suggestion that EIA and planning significance are different things. Particularly given the low threshold applicable to EIA (see the discussion and authority *R. (Bateman) v. South Cambs DC* [2011] EWCA Civ 157 which we referred you to in our letter of 3.8.16, to the effect that the threshold is met where there is “any serious possibility” of significant effects) this is obviously wrong. The screening opinion accepts in terms that there “may be significant effects on a small number of heritage assets” and the probability of this is “high”.
9. Perhaps this is discounted by the notion that “the impact is not complex and reasonably predictable”. But that is not the test. We refer to the currently applicable rules (2017 EIA Regulations) where the relevant consideration is “the possibility of effectively reducing the impact”. That does not appear to have been considered at all. But anyway the report itself acknowledges significance notwithstanding.
10. As for the EIA of the Double Arches application, as we pointed out in our letter of 3.8.16 the Council considered then that the matter was of environmental significance, and the refusal was recommended in strong terms on the basis of effects on landscape and the historic environment. It just does not “add up” now to say in the OR that this is really a single turbine application, consistent with others where EIA has not been required.
11. From this also follows the point that in relation to cumulative impact, we can say little more than that the Council’s approach here is a blatant attempt at unlawful “salami slicing” and refer to the points made in our letter of 3.8.16.

Green Belt

12. The Council (rightly) recognises that the development is “inappropriate development” from a Green Belt (GB) perspective and therefore “very special circumstances” (VSC) must be found to justify development. In summary the OR concludes that the substantial harm that would be caused to the GB is “clearly and demonstrably” outweighed by (principally) the electricity generating benefits of the scheme.
13. There are two important legal errors in the analysis.
14. First, we deal with the matter as put. Although in the end the existence of VSC is a matter of judgement, the difficulty with the OR’s approach is that there is nothing to suggest anything special about electricity generation from this proposal. It is of course fully accepted that renewable electricity is a good thing and our clients (and indeed we) strongly support that. But in order to constitute VSC the situation has to be not just “special” but “very special”. There is nothing of either of those identified here at all. It is just “one more turbine” contributing

as part of a national effort to improve renewable generation. That is simply not good enough.

15. VSC must be interpreted to mean what it says. We are aware that the NPPF contemplates at §91 that VSC may include the wider environmental benefits from renewable energy. We accept that in considering VSC it is right to put that in the balance, as the OR does. But what it does not do is explain why in this instance it “clearly and demonstrably outweighs” the identified harm. The OR identifies the extent of electricity generation and that it is “significant” (see §3.12). However that still does not make it “special” let alone “very special”.
16. And in this context the OR appears, see again §3.12) to muddle the NPPF support for small scale electricity generation at §98 NPPF with GB factors. But that is wrong, §98 is in a different section dealing with planning and environmental challenges generally. Of course we do not say that VSC cannot exist in relation to even a small scale renewable energy project, just that there is no indication that VSC can properly be said to exist here. The OR jumps to its conclusion without explaining why.
17. In this context we particularly note the observations of your Renewables Officer at OR pp.33-36. There is no suggestion there of the special circumstances of this application. Indeed it is neutral at best given the other considerations mentioned. It is thus extraordinary for the OR to conclude as it does in relation to GB and VSC. As a matter of law we are satisfied overall that the OR is misdirected in this regard.
18. The second error is one that goes directly against established jurisprudence, namely the need to balance “any other harm” as well as inappropriateness of development in the GB when considering whether VSC exist or not. This issue was discussed in *Reigate and Banstead BC and Others v Redhill Aerodrome Limited* [2014] EWCA Civ 1386 and it appears that the OR here is manifestly deficient in the balancing it purports to carry out. The “other harm” identified in the report simply does not form part of the VSC balance. That is a serious error of approach.
19. We trust these observations are of assistance.

Yours faithfully

[Redacted Signature]

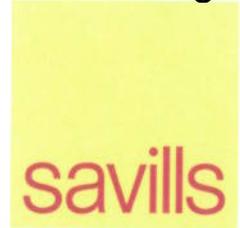
Richard Buxton Environmental and Public Law

[Redacted Contact Information]

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5 September 2017

Woburn/Checkley Wood/CBC Dev Mngt committee.ltr.0509



Members of the Development Management Committee
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Dear Sirs

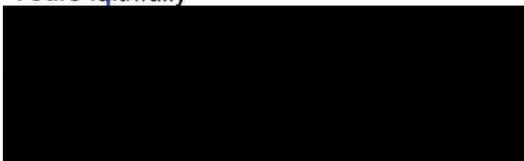
PLANNING APPLICATION CB/16/01389/FULL - CHECKLEY WOOD WIND TURBINE

Further to our previous submissions, please find enclosed the following correspondence which we have recently sent to Debbie Willcox, the Planning Officer at Central Bedfordshire Council:-

- Savills letter dated 30 August 2017
- Richard Buxton's letter dated 4 September 2017

There are several reasons why we consider that this application should be refused, including opinions which have been expressed by some of the Council's own Officers, as well as our own and other parties' interpretation of the planning policy and how it applies to what will be one of the largest onshore turbines in the UK.

Yours faithfully



Michael Horton BSc MRICS
Director

Encs



30 August 2017
WOB/CheckleyWood/CBC.Willcox.ltr.3008



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Dear Debbie

Checkley Wood Farm - Proposed Wind Turbine Application No.CB-16-01389-4

It was helpful to speak to you on the telephone further to my letter dated 17 August 2017, primarily concerning landscape issues and the Council's own guidance note on wind energy development in Central Bedfordshire.

During the conversation, you made the point that CBC's own Landscape Officer had not objected to the application. Having read through the agenda papers for the last Committee meeting and referring to page 59, I have looked through the Landscape Officer's comments which I think raises more concerns than have been admitted.

To quote his comments:-

"I have serious concerns regarding the proposal's visual impact on the local and wider landscapes, especially given wind turbines cannot be mitigated visually, it is important to note that the proposed turbine is of an equivalent scale to the existing turbine at the adjoining Double Arches site – currently one of the tallest on-shore turbines in the UK."

That may not technically be an objection, but neither does it indicate any support and it does indicate the Officer has serious concerns.

In the last paragraph of page 61, the Officer refers to the key question of the cumulative effect of two turbines at this location, in particular, raising the issue of capacity of the landscape to accommodate more turbines being the key.

On page 62, the Officer comments on CBC's own wind energy guidance, but for some reason does not provide an opinion on which of the capacity criteria apply, either a single turbine or a cluster of 1-3 turbines.

I find this odd. Surely it is an Officer's responsibility to give an opinion as to how the guidance should be interpreted.

In my letter dated 17 August 2017, I provided views on what seems to be a logical interpretation of the guidance, i.e. that you have to accept that the Double Arches turbine is already there and the issue is trying to assess the capacity of the given landscape to absorb wind development.

I reiterate, that adding this turbine into the existing landscape produces one where two turbines exist and thus, the appropriate criteria to consider in landscaping terms, is that described as a cluster of 1-3 turbines.





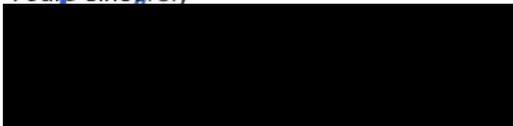
Thus, as stated, in the guidance notes, there is a low capacity for the landscape in question to absorb a cluster of 1-3 turbines. The analysis specifically refers to concerns over cumulative impact with a large turbine at Double Arches.

I have tried to think how the single turbine criteria might be applied as you describe. It seems illogical to me that another turbine in one planning application should be considered as a single turbine in the landscape when one exists already. In theory, if your interpretation applies there could be several applications of single turbines made, which could create substantive numbers of turbines clustered there, but only the single turbine criteria would be applicable to consider the landscape's capacity to absorb them. Surely this cannot be right?

I know this letter may seem slightly repetitive, but I think it is a vital point that the members of the Committee consider and it is important that the serious concerns that your Landscape Officer has over the application, are made clear.

With regards,

Yours sincerely



Michael Horton BSc MRICS
Director

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Ms. D Willcox & Mr. S Joynes,
Central Bedfordshire Council,
Priory House,
Monks Walk,
Chicksands,
SG17 5TQ

September 7th, 2017

Dear Ms. Willcox & Mr. Joynes,

RE: Proposed Checkley Wood Wind Turbine - Noise Impact Assessment

We wrote to you on 2nd July raising serious concerns regarding the Noise Impact Assessment and the proposed planning conditions designed to protect the Public Health of local communities.

You advised us that the revised Officer's Report ("OR") would be available on 31st August and would provide the necessary explanations and assurances. Having now had the opportunity to review that report, we are of the firm opinion that these substantial planning matters have not been addressed and trust that you will agree, that it is better that the Committee is properly informed of these now, before any decision is made.

In an attempt to be succinct, we will outline the key issues and references to documents within the OR:

1. Section 7.9 of the OR states "when planning permission was granted in 2011 for the Double Arches turbine, a condition to control the effects of EAM was imposed. This condition was removed under Planning Reference CB/13/02037/VOC in September 2013 on the basis that there was insufficient evidence to show that it was reasonable and enforceable, which is considered to be a reasonable decision based on the available evidence at the time."

The Council's advisers, MAS, disagree that this was reasonable. In their report of 12th February 2015, Section 4.4 they state "The variation of Condition 10 to permit higher levels of noise impact at dwellings influences the overall noise impact to which residents will be subjected. It was considered at approval of the original Application that EAM was in need of control. This remains the case and is relevant to the variation of Condition 10 as the combined impact of higher noise levels and noise character (*i.e.* EAM), is a significant change of impact.

The OR is incorrect and the lifting of the AM condition was not deemed reasonable in the report.

2. Section 7.11 of the OR states "The Parsons Brinkerhoff Report found significant evidence that where EAM occurs the adverse effects can be significant and therefore, a condition should always be imposed."

and

Cont'.....

-2-

MAS in their report of 12th February 2015, Section 3.6, comment “it is to be recognised that whilst the metric for determining EAM was removed from the previous consent by VOC, the need for its control was not.”

Further to these statements:

Respondents to the Planning Application have reported EAM arising from Double Arches (7.11 OR).

Further, the likelihood and level of EAM is increased when wind speeds between the apex and the nadir of the turbine are markedly different and/or the airflow to the turbine’s blades is disturbed. It is a recognised fact that at only 410m distant, the erection of a second turbine will increase airflow disturbance and therefore, increase the likelihood of EAM both in terms of frequency and level.

The proposed Planning condition for AM control only controls the EAM generated by the Checkley Wood turbine.

Remarkably the OR, Section 7.13, states “As such, it is considered that the proposed EAM conditions would meet the six tests for planning conditions and would provide an adequate protection for neighbouring residents in regard to the potential impacts of EAM.” No explanation is given as to how this conclusion was reached or whether the Council’s noise advisers, MAS, were consulted.

It is CBC and NPPG Policy that the CUMULATIVE impact of turbine noise is to be considered.

By definition the points above show that the cumulative impact of the noise (*EAM*) arising from the 2 turbines has NOT been considered. Furthermore, the points above also demonstrate that the total EAM will, in all likelihood, be increased by the actions of one turbine on the other.

As such, the following statements contained within the OR must be reconsidered:

Pollution Officer “I therefore recommend support, on the grounds that the agreed conditions pertaining to the cumulative impact of turbine noise and AM are imposed.”

This statement has not been met.

Renewables Officer “I have no objections to Planning Permission, however, this is based on the assumption that Committee satisfied that the issues raised by the local community have, or will, be adequately resolved and the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects such as noise, etc., are dealt with satisfactorily.”

This statement has not been met.

Planning Officers, Section 7.13 “It is considered that the proposed EAM conditions would meet the six tests for Planning conditions and would provide an adequate protection for neighbouring residents.”

This statement has not been met.

June 2015 Ministerial Statement “When considering applications for wind energy development, LPA’s should only grant Planning permission if, following consultation, it can be demonstrated that the Planning impacts identified by affected local communities have been fully addressed and, therefore, the Proposal has their backing.”

This statement has not been met.

Cont’.....

-3-

3. Finally the OR makes a significant error of Application when it states (*Section 7.14*) "It should be noted that the turbine at Double Arches is not part of this Application and Planning Law does not permit the imposition of conditions which would seek to control a turbine that is not part of this Application".

Firstly, it must be recognised that EAM control is only lacking from Double Arches because CBC allowed by VOC, the EAM condition on the original approval to be lifted.

Planning Law however does ensure that the consequences of any proposed development are understood and managed. It has been shown above that one of the consequences of this proposed development will be to, in all likelihood, increase EAM arising from the nearby Double Arches turbine. If this affect cannot be mitigated, then the requirement of Planning Law is clear and that is the refusal of the proposed development.

Will you please ensure that this letter is provided to Committee Members of the Late List and that they fully understand the points made.

Kind regards.

Chris Roberts
On behalf of SCWT

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***Item 7 (Pages 257 - 272) – CB/17/01236/OUT – Land at Sorrell
Way, Biggleswade***

Additional Consultation/Publicity Responses

None

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Item 8 (Pages 273 - 296) – CB/17/01277/OUT – Land at Saxon Drive, Biggleswade

Additional Consultation/Publicity Responses

Change to description of application from 'up to 230 dwellings' to 'up to 200 dwellings'

The change in description also means a pro-rata reduction in the amount of s106 contribution for education and leisure will be required.

The change in description also means that the percentage of affordable housing provided when shared with the Sorrell Way scheme will increase to up to 46%.

Amendment to Condition 9, so that it reads:

No dwellings shall be occupied until a timetable for the implementation of the scheme has been agreed in writing with the Local Planning Authority.

Amendment to Condition 10, so that it reads:

No dwellings shall be occupied until a timetable for the implementation of the Enhancement Scheme has been agreed in writing with the Local Planning Authority.

Additional comment from Town Council regarding potential covenant on the land – Covenants on land are not material planning considerations, and there is no covenant on the land that the Planning Department is aware of.

Comments from Highways Officer below:-

No objection.

The access road off the roundabout is shown at 7.3m in width with 2m wide footways on both sides. This would lead to an increase in traffic on a route that dissects the leisure route and so it would be appropriate for a zebra crossing which can accommodate cyclists as well as pedestrians under new TSRDG (Traffic Signs Regulations and General Directions) provisions.

The Transport Assessment has looked at the following junctions in terms of operating capacity and accident data,

Saxon Drive/Foxglove Drive – Saxon Drive, Site Access Roundabout
Saxon Drive/Foxglove Drive/Dunton Lane, Roundabout
Saxon Way/Sorrel Way/Baden Powell Way, Roundabout
Chambers Way/A6001 London Road, Priority Junction

All the junctions are below the capacity level RFC (Ratio to Flow Capacity) of 0.85 with the exception of Chambers Way/London Road which will already be above its theoretical maximum of 1.09 in 2026 (do nothing scenario) with the worst case being 1.16 (do something scenario) which is not considered severe in-line with NPPF guidance.

A crossing for pedestrians and cyclists to the Saxon Centre is proposed and it is recommended that a signalised TOUCAN crossing is provided on Saxon Drive to aid crossing in the location of where the Public Right of Way is located which is about 65m south of Saxon Way/Sorrel Way/Baden Powell Way Roundabout.

The following planning conditions will be required:-

Conditions

1/No building shall be occupied until the junction of the proposed vehicular access (altered roundabout) with the highway has been constructed in accordance with the approved details.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

2/Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason

To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).

3/Visibility splays shall be provided at all internal road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason

To provide adequate visibility at road junction in the interest of road safety.

4/The development shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace them, and no building shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

5/The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate an independent vehicular turning head areas for an 11.5m refuse collection vehicle. Car and cycle parking shall also be provided in accordance with the relevant parking standards at the time of the submitted reserved matters.

Reason

To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway and parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

6/The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include car and cycle parking in accordance with Central Bedfordshire Design Guide September 2014 or other such documents that replace them has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

Reason

To ensure a satisfactory standard of development in accordance with the Central Bedfordshire Design Guide September 2014.

7/No dwelling shall be occupied until a zebra crossing in the near vicinity of the development entrance (roundabout eastern arm) has been provided in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway to the crossing.

Reason

In the interests of road safety and pedestrian movement.

8/No dwelling shall be occupied until a TOUCAN crossing, south of the Saxon Way/Sorrel Way/Baden Powell Way Roundabout),has been provided in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway to the crossing.

Reason

In the interests of road safety and pedestrian movement.

Clarification of financial contribution request from Leisure Services below:-

The wording for the S106 legal agreement will need to reflect more general refurbishment works instead of just the wet side changing rooms. Therefore, please can it state that the contribution is to be used for "refurbishment works at Saxon Pool Leisure Centre". The amount sought remains the same at £193,231.00.

Additional condition requested by Archaeological Officer set out below:-

"No development shall take place within each phase of the development until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme of archaeological resource investigation. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) A method statement for the investigation and recording of any archaeological remains present;

(ii) A post-excavation assessment and updated project design (to be submitted within six months of the completion of fieldwork at (i), unless otherwise agreed in advance in writing by the Local Planning Authority);

(iii) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork at (i), unless otherwise agreed in advance in writing by the Planning Authority);

(iv) A Programme of interpretation, public outreach and community engagement."

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development in accordance with Chapter 12 of the *National Planning Policy Framework*. This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National*

Planning Policy Framework that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).

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**Item 9 (Pages 297 - 325) – CB/17/02682/REG3 – Kennel Farm,
Saxon Drive, Biggleswade**

Additional Consultation/Publicity Responses

Additional comments received from the Council's Archaeologist raising no objection subject to a condition which is drafted below.

Landscape Officer

The proposals are well considered and will help to integrate the numerous buildings and units, eg from views from Dunton Lane.

There is some concern regarding potential views from the west.

The species selection is acceptable but it would be preferable to include a wider range of native shrubs eg to include dogwood. Wild cherry would also be an addition to the tree stock proposed and the use of orchard trees should also be considered.

Native shrubbery should be used to underplant the grouped trees proposed for the southern boundary, to increase the screening value and to benefit the habitat.

Consideration should also be given to establishing mixed native hedgrows rather than just hornbeam.

A Management Plan will be required to aid the longterm care of the trees, shrubs and wildflower grassland.

A detailed planting specification is also required - this needs to detail the proportions of shrubs used in the mix; eg an equal mix of species is not ideal. Blackthorn is invasive and should be planted at a lower rate. A reduced planting density for the native shrubbery is required - 3/m will lead to management issues in the future.

Green Infrastructure Coordinator

The application site is near the route of the Biggleswade Green Wheel network; a spur of the Biggleswade Green Wheel follows the route of the footpath to the south of Kennel Farm.

The Parish GI plan identifies the aspiration to upgrade this to a bridleway / cycleway. Opportunities to deliver this enhancement should be sought through the development if appropriate.

In terms of the site's wider context, there is a good RoW network around the site, and woodland belts planted to the south and east. The development should complement these through further woodland belt planting / landscape screening.

Additional Comments

Clarification on need.

The proposal for Travelling Showpeople plots is distinctly different to that of Gypsy and Traveller pitches. Therefore Para 1.6 does not reflect a need for travelling showpeople plots, rather, as it states, gypsy and traveller pitches. The GTAA identifies a need for up to 31 Travelling Showpeople plots in

Central Bedfordshire over the period 2015 - 2035, and therefore the development of this site would assist in meeting this need.

In respect of comments from the Landscape Officer the views from the west will show the site in the context of its surroundings however this is to be considered against existing views from this location which go through the site to the commercial and agricultural buildings to the east. The impact will change but it is not considered to do so to a detrimental extent.

In respect of comments from the GI Coordinator the scale of development proposed is such that a contribution towards identified GI projects would not be considered reasonable or necessary to make the scheme acceptable in planning terms in this instance

Additional Conditions

No development shall take place until a written scheme of archaeological investigation; that includes provision for post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.

Reason: To protect *in situ* or record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development. This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* (NPPF) that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.

No works to show equipment or machinery and no operation of machinery shall take place on the plots hereby approved before 7:00 am on weekdays and 8:00 am on Saturdays nor after 19:00 pm on weekdays and 17:00 pm on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.
(Section 7, NPPF)

Item 10 (Pages 325 - 368) - CB/15/01657/OUT – Samuel Whitbread Community College, Clifton, SG17 5QS

Additional Consultation/Publicity Responses

Cllr Liddiard

I would of liked to of had the opportunity to address you in person at DMC on Wednesday but due to work commitments I am unable to make the meeting hence this email arriving to you before you carry out your site inspections tomorrow. As a ward member for Shefford for the last 5 months, traffic congestion and parking are a major concern for residents. Over 3500 children a day go to school in Shefford and Clifton and it at these times that severe congestion occurs despite the best efforts of the schools to educate parents and their pupils.

We all have a 'Place Making' responsibility to ensure that Central Bedfordshire is a great place to live and work and that proposals presented to the Council, wherever possible should significantly outweigh the impact caused. There is always a balance to strike between residents living close to schools and the fact that we want the best outcomes for children in Central Bedfordshire through our schools.

I have set out below my reasons below as to why DMC should debate this proposal afresh, to ensure that you are comfortable that the applicant has exhausted all avenues to prove that the proposal is the best that can be achieved and strike that fine balance. There might be alternative options.

Members also need to be aware of the following:

- I have 3 children attending all 3 tiers of schools in the town.
- Mark Liddiard is employed by The Football Association as a National Project Manager. The Football Association has commented upon this application to Sport England as part of its MOU Planning Agreement.
- Mark Liddiard is a director appointed Governor to the Local Governing Body of Robert Bloomfield Academy by BEST Directors but does not act as a BEST Director.
- Mark Liddiard is a Director at Shefford Sports Club, the club would receive investment into its facilities if the proposal is granted.

Clifton Parish Council

Clifton Parish Councillors have the often stated concerns with regard the lack of infrastructure particularly in Education with regard the introduction of so many more houses into this area.

However a particular concern of Clifton Parish Council with regard this site/ application is that it fails to link access with the adjoining proposed site of 64 dwellings and address safety issues.

At present Clifton and Shefford suffer from over 20 buses arriving and departing through the centre of our respective village / town taking children to and from SWCC. This presents a physical risk to other road users and pedestrians, as well as negatively impacting our quality of life as these aging vehicles emit high levels of noxious fumes.

An earlier proposal was for these vehicles to use the 64 house /SWCC development access road to enter / leave the school thus gaining close access to the bypass etc. This proposal was rejected by CBC due to the nature of the T junction onto Hitchin Road.

This latest application however shows no sign of the demolition of 99 Hitchin Lane and the proposed road to replace it, despite clearly showing the proposed properties. The new proposal access is via a large roundabout.

Clearly the issue of two separate access roads in such close proximity needs to be addressed whilst at this early planning stage, and the safest practical solution found that meets the needs of Transport to and from SWCC and the 64 homes as well as the needs of these 80 or so homes.

We believe that no further permissions should be given on either application until this Safety issue is addressed by CBC and the developers. I understand that there is a lack of cooperation between these developers but this should be overcome in the interests of all concerned, not least the Parishioners of Clifton, Shefford, SWCC pupils and of course the new residents.

Additional Comments

The comments from Clifton Parish Council relate to this site but also a site immediately south of this one which is currently subject to an outline application to be developed to provide 80 dwellings. In respect of the merits of this application the access from Hitchin Road is not considered to be technically safe for busses to manoeuvre into and out of the site. In respect of the adjacent site this will be considered separately under that application.

Additional Conditions

None

Item 11 (Pages 369 - 396) - CB/17/00358/RM - Land east of Hitchin Road and south of the Former Pig Testing Unit, Hitchin Road, Stotfold

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional Conditions

None

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Item 12 (Pages 397 - 410) - CB/17/02023/OUT - Land adj. to Haynes Turn, South of High Road, Haynes, MK45 3PA

Additional Consultation/Publicity Responses

Additional comments from Haynes Parish Council – comments repeated verbatim

Dear Colleagues on the Parish Council,

1.0 I have read the *Highway Network Impact Assessment* statement completed by Open Road Associates (ORA) in regards to the proposed development of Haynes Turn on behalf of the developer LSF Properties.

1.1 I make these initial observations.

1.2 NB: There are currently 4 large detached houses at the site, and this new application proposes to add a further 5 detached houses, consisting of 2 bungalows and 3 detached dwelling houses.

1.3 At paragraph 1.5 of the ORA statement, it is intended that '*no proposed alterations to the existing access, which connects Haynes Turn to the A600*' is needed. The rationale provided is '*vehicular movements in and out of the site are currently low (estimated average of 7 vehicular movements per 'average' dwelling per day) and it is not foreseen that the addition of five new dwellings would result in an unacceptable increase to the number of vehicles looking to access and egress the site*'. I would like to know the source of the figure given by ORA in regards to the average number of vehicular movements per average house. Is this an accepted and verifiable figure within Highway legislation? As I say it is not sourced so I cannot accept this on face value. I have conducted some crude research and found in England there is one car for every two persons – *source Ministry of Transport 2015* – and so it is reason to believe the number of vehicular movements at this proposed site will be considerably higher than led to believe. For example, if each household had 2 cars with 4 cars movements each day, then for 9 houses there would be 72 vehicular movements. On the other hand, if each household had 5 cars with 4 cars movements each day, then for 9 houses there would be 180 vehicular movements. These numbers can be moved around, but the purpose of these theoretical calculations is to highlight the high number of vehicle movements, which will undoubtedly occur.

1.4 At paragraph 1.6 of the ORA statement, it is suggested '*any increase in vehicle movements to and from the site will be accommodated without detriment to highway safety*'. Of course, this opinion is based on the number of vehicular movements ORA have proposed, which others might believe to be conservative. I would add to this that ORA have not made any reference to amount of vehicles which will visit the site

e.g. friends/family, postal and Internet deliveries. In regards to Internet purchases, which are a preferred option for a considerable amount of people, large vans, and heavy goods vehicles of course complete such deliveries. Such large numbers of vehicular movements and size of such vehicles, which require large turning arcs, bring into question road safety at this site.

1.5 At paragraph 1.7 of the ORA statement, it is suggested *'the existing access is a suitable width to accommodate two-way vehicle flow'*. As I understand it, it is LSF's intent to continue to have the site and associated roads, un-adopted by the Local Authority. The existing site is a small cul-de-sac serving 4 detached dwellings, this new application proposes to extend this to 9 dwellings and as such I have significant concerns there will be a build up of traffic on an unregulated private road, which will affect vehicles on the A600 trunk road. Consequently, I believe such congestion without regulation will cause an accident involving residents as well as road users from the wider community.

1.6 At paragraph 2.2, it is clear from the ORA statement, that the visibility splays for this site **does not** confirm to the legal/advisory requirements as spelt out in the *Specification for Highways Works Volume 6, Section 2, Part 7 TD 41/95*. On this point, ORA are proposing for others to merely accept their assertion such speeds of 60mph cannot be achieved, and so everything will be all right. No survey, and no evidence have been provided by ORA as to the volume and/or speed of vehicular movements, and so I do believe their declaration can be accepted. NB: It is my intention to conduct my own survey and provide my findings to the Parish Council and Local Authority Highways.

1.7 At paragraph 3.2 and 3.4, the ORA statement indicates the visibility splays are controlled by the developer and the Local Authority, then explains this could be improved by *'clearing back some of the existing vegetation'*. Is the developer making arrangements for this to be agreed upon, not only for the proposed development but continued management of the site for proceeding years?

1.8 On the 6th of July 2017, between 7am and 8am Parish Councillor James and myself conducted a traffic survey at the T-junction of Silver End Road/Haynes Turn/A600 High Road. At the junction, the A600 is subject to a 60mph speed limit; whilst Silver End Road is restricted to 30mph. Currently, the cul-de-sac known, as Haynes Turn is unregulated and so consequently it has no street furniture, no street lighting or road markings relevant to the highway. The A600 is a single carriageway with one lane in each direction – the northbound carriageway conveys traffic to Bedford and the southbound carriageway to Shefford. The A600 is subject to a 'no stopping' regulation and there is a bus layby on the east and west side of the carriageway on top of the junction. The road surface particularly on the A600 is in a poor state of repair, and the road markings are barely visible, presenting a danger to all road users. The street furniture is adequate for the junction in its current form. The junction is liable to flood in times of heavy downpours due to poor drainage in the village. Anglian Water, who often manages this hazard, will confirm this point. The visibility splays at Silver End Road and the Haynes Turn cul-de-sac contradict each other due to their close proximity. They both lay on the west side of the main

road meaning drivers using the A600 are confused as to which exit other drivers are to take when indicating to leave the carriageway. Also, as the splays are so close, there is often a 'stand-off' between drivers who wish to enter the A600 at the same time. This creates confusion and a danger to all road users.

1.9 During the hour survey, a total of 1,133 motor vehicles passed though the junction. Of these, 115 motor vehicles either exited or entered Silver End Road onto or from the A600 trunk road. The types of vehicle were predominantly cars but a total of 112 vans, 13 buses, and 19 heavy goods vehicles were recorded. Frequently, drivers entering the A600 from the give-way markings in Silver End Road caused other road users to brake. This was partly caused by the volume of traffic on the A600, which caused a build up of vehicles on the side road. Drivers wishing to enter the main carriageway would become impatient opting **not** to 'give way' but instead take the best opportunity to enter the A600 when clearly it was unsafe to do so. With the advent of more housing on the main highway this situation would become quite complex and dangerous for all road users.

2.0 Lastly, this parish council commissioned a traffic survey in 2011 in regards to speeding at Deadman's Cross/A600. It should be noted Deadman's Cross is less than half a mile from Haynes Turn, and on the same section of the A600. I have included the data provided by the commissioned authority for your perusal. If I can direct your attention to the 'cumulative' data: on an average week day approximately 9,500 motor vehicles used this section of the A600 of which 1100 exceeded the speed limit at a recorded speed of 46mph or more. This of course prompted the introduction of a permanent speed camera at Deadman's Cross to enforce the 40mph speed limit, which exists there. This is a very clear indication that this application has not properly considered the dangers of introducing an unregulated road directly onto an exceedingly busy trunk road and T-junction, which connects our county town to Mid-Bedfordshire, and the A1 Motorway.

2.1 I submit this report for your consideration.

Steve Collin, Parish Councillor for Haynes dated the 6th of July 2017.

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Item 13 (Pages 411 - 438) - CB/17/03294/FULL – Henlow Middle School, Church Road, Henlow, SG16 6AN

Additional Consultation/Publicity Responses

2 neighbours letters received from Nos 25 and 67 Groveside – concerned about highway and pedestrian safety impact, suggest road improvements.

Comments from CBC Senior Engineer - No objection or comment on this application and are happy for Building Control to manage the surface water drainage details through their application and inspection process.

Additional Comments

Applicant has submitted a response to the Council's Overview & Scrutiny Committee (list of 16 recommendations) – see attached.

Additional comments from agent regarding condition 7 below -

Additional comments from Highways Officer below –

Additional/Amended Conditions/Reasons

Agent comments: Unfortunately, this would actually make the scheme untenable, as the modular unit needs to be used as classroom space by the Academy right up until the point that the new sports hall and classroom block is completed and ready for occupation. Ideally, Condition no 7 would be omitted from any resulting planning permission.

To allow a transition period for the school to move over to the proposed new classrooms it is suggested condition 7 be amended as follows:

The existing modular unit shown omitted on drg no 453.101 Rev A (proposed block plan) shall be demolished and all resultant detritus completely removed from the site within 6 months of the first occupation of the development hereby approved.

Reason: In the interests of the visual amenities of the area and for the avoidance of doubt in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 7, NPPF.

Highway Officer:

Suggest delete Conditions 9 and 10 and replace with the following:

Prior to the development being brought into use measures to improve pedestrian safety will be implemented in the vicinity of the school, these measures to include but not limited to:

- A footway on the south side of Groveside and adjacent to the bowling green, from the Henlow Pavillion car park, to a drop kerb crossing point linking to the existing footway.
- Improved pedestrian facilities linking the Boyd Activity centre to the footway on the south side of Church Road. Pedestrian facilities to include but not limited to additional footways and enhanced crossing facilities.
- Enhanced crossing point at the junction of Groveside and Church Road.

Reason: In the interests of road safety and pedestrian movement.
(Policy DM3 of the Core Strategy and Development Management Policies (2009))

Also please remove the informative relating to the s278 works and Streetworks – first 2 bullet points at no.8

Committee report error

There is an error in the report relating to 'Reason for committee to determine'. This should read as follows:

REASON FOR COMMITTEE TO DETERMINE

Called in by Cllr Wenham

Highways safety grounds - Transport assessment and travel plan inadequate. No consideration of Executive adopted policy from OSC on travel improvements when schools are extended including 20mph zones, completion of safer route to school along Church Rd.

Parking - Transport assessment and travel plan inadequate. Parking considers only incremental impact and should be rebased on current policy (for all staff)

Other - High concern by residents in Groveside about parking and safety at school arrival and pick-up times. 60 signature petition presented to Henlow PC in June 2017.

HENLOW ACADEMY: Proposed New Sports Hall and Classroom Block

Planning Reference: CB/17/03294/FULL

OCS (Overview & Scrutiny Committee) Points:

	Recommendation:	How it has been addressed:
1	RECOMMENDED that officers work closely and proactively with schools, taking into account current resources and staffing levels to regularly promote school travel plans and existing health programmes that encourage active and sustainable travel for children within catchment.	The Academy is happy for this regular communication to be established with the appropriate Council officers.
2	RECOMMENDED that every school be encouraged to produce an active and regularly updated travel plan, maintaining the relationship with Council officers when providing travel data.	<p>The Academy is pro-active in the management of pupil and teacher traffic. In addition, a new Travel Plan and Transport Statement have been produced as part of this planning application.</p> <ul style="list-style-type: none"> ▲ If it is expected that the school must be working towards instigating a 20MPH zone on the approach roads (in particular Groveside & Church Road) then they are willing to work with CBC Highways team in order to achieve this, and can add this to the Travel Plan and Transport Statement. <p>When approved, the Academy will adopt the Travel Plan and follow the actions required, reviewing at regular intervals.</p> <ul style="list-style-type: none"> ▲ It could be conditioned for the Academy to review the Travel Plan annually (for example).
3	RECOMMENDED Information sharing: the production of a school's parking leaflet (similar to that of a neighbouring authority) with distribution electronically where possible to schools, parents and via the Council's website and social media outlets.	The Academy has prepared a leaflet 'Dropping off Pupils at Henlow Academy', and will distribute this information to new parents and children upon enrolment at the school, and also to existing pupils, from Autumn term 2017. Some recommended information for parents and

		<p>children is provided in the appendices to the Henlow Academy Travel Plan:</p> <ul style="list-style-type: none"> ▲ Appendix B: A sample 'Travel Guide' leaflet, which Henlow Academy can use as a template to produce their own site Travel Guide ▲ Appendix C: Travel Plan - Action Plan which lists specific measures to be undertaken by the Academy over the forthcoming school year to promote sustainable travel
4	RECOMMENDED regular (termly) communication between Council Officers and Head Teachers, reinforcing the promotion of school travel plans and sustainable travel solutions.	The Academy is happy for this regular communication to be established with the appropriate Council officers.
5	RECOMMENDED that the Council fully enforce inappropriate parking on yellow 'zig zags' which are placed along the entire frontage of all schools, ensuring they are always positioned to the maximum enforceable length.	The Academy is happy for the Council to provide parking enforcement officers to police this.
6	RECOMMENDED that where parking restrictions exist, current measures are robustly deployed and enforced, taking into account existing resources.	The Academy has drawn up a duty rota of senior staff to supervise the front entrance to the site at the beginning and end of the school day. In addition, the Academy is happy for the Council to provide parking enforcement officers to police parking restrictions.
7	RECOMMENDED that visible signage be displayed outside all schools where deemed necessary, prohibiting parking and waiting between the hours of approximately 8-9am and 3-4pm, acknowledging that individual schools may have differing opening times, taking into account the impact of any restrictions upon residents within the area and existing budget constraints.	Academy staff are currently reviewing signage around and close to the site, and will take steps to improve it. The Academy is content for the requirement to provide new signage to be conditioned as part of any planning permission granted for the scheme
8	RECOMMENDED the introduction of 20mph zones outside of new schools and existing schools, assessing the most appropriate radius to place them in.	The Academy is content for CBC to put in place 20 MPH zones in the roads close to the site.

9	RECOMMENDED that planning conditions already within the Council's remit be applied when considering school expansions and new builds, without the need to amend current policy.	The Academy is content for the local authority to impose conditions as it deems appropriate regarding parking and travel to school
10	RECOMMENDED that lower and primary schools be encouraged to allocate a designated member of staff to manage collection and drop off of children at the start and end of the school day.	N/A
11	RECOMMENDED that new schools and expansions include provision for school buses, access and turning wherever possible.	This has been addressed at design stage, and the drawings submitted for planning show the following improvements to the site: <ul style="list-style-type: none"> ▲ Car park extension to create 14 additional spaces, allocated as follows: <ul style="list-style-type: none"> ○ Visitor Parking – 4 spaces (marked numbers 11-14 on drawing 453-110B) which will double as a bus / coach waiting area (within restricted times) ○ DDA Parking – 1 space ○ Staff Parking – 9 spaces ▲ A new turning circle will be created for coaches/buses/other vehicles. Pedestrians will be protected by bollards. ▲ Emergency vehicle access to the new building has been considered. A 'Grasscrete' track will be created from the far end of the new car park towards the proposed block.
12	RECOMMENDED that schools promote a staggered start and finish time where a number of schools are in close proximity to one another in order to alleviate the pressure on parents needing to drop off children of differing ages to different schools.	This is something which could be explored with other nearby schools (Raynsford CofE Academy, the lower school which is located on Park Lane, for example).
13	RECOMMENDED that schools promote walking buses where practical, further strengthening schemes to encourage walking, cycling, scooting and other means of sustainable travel.	Walking buses are encouraged by means of existing 'travel to school' publicity distributed and promoted by the school.

14	RECOMMENDED that middle and upper schools be encouraged to work with local transport providers to facilitate subsidised travel for out of catchment children, where practical.	A new bus route is being created from Stotfold for the group of children who will be outside of school catchment area.
15	RECOMMENDED that schools work closely with catchment area children and parents to minimise as much as possible any unnecessary short distance car journeys, taking into account the time constraints faced by working parents.	Induction meetings and literature distributed at regular intervals already stresses the importance of travelling to and from school by means other than the private car, wherever practicable.
16	RECOMMENDED that schools be encouraged to work closely with the local community in order to maximise shared resources including utilising village hall car parks, local supermarkets, park and stride solutions and liaison with parish councils in order to support improvements and closer partnership working.	<p>Local community arrangements are already in place for parent drop off and pick up parking with:</p> <ul style="list-style-type: none"> ▲ Boyd Field (Scouts car park) on Church Road ▲ Henlow Park Pavilion on Groveside ▲ The Five Bells on High Street ▲ The Millenium Field at the end of Gardiners Lane <p>Parents are allowed to use the car parks at each of these locations.</p>