

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held at Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 30 March 2011

PRESENT

Cllr A Shadbolt (Chairman)
Cllr P F Vickers (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	D Jones
	A R Bastable		H J Lockey
	R D Berry		K C Matthews
	D Bowater		Ms C Maudlin
	A D Brown		T Nicols
	D J Gale		Mrs C Turner
	Mrs R B Gammons		J N Young
	K Janes		

Apologies for Absence: Cllrs A Northwood
P Snelling

Substitutes: Cllr P Snelling (in respect of Cllr A Northwood)

Members in Attendance: Cllrs P A Blaine
J A E Clarke
Ms A M W Graham
Mrs D B Gurney
J G Jamieson
R W Johnstone
P Rawcliffe
A A J Rogers
Miss A Sparrow
J Street
P Williams,

Officers in Attendance:	Mr D Ager	–	Highways Officer
	Mrs M Clampitt	–	Committee Services Officer
	Mrs G Claxton	–	Principal Planning Officer
	Mr J Clements	–	
	Mr A Davie	–	Head of Development Management (North)
	Mrs V Davies	–	Senior Planning Officer
	Mr J Ellis	–	Development Management Team Leader (West)
	Mr A Emerton	–	Managing Solicitor Planning, Property, Highways & Transportation

Mr C Heard	– Orders & Commons Registration Officer
Mr D Lamb	– Development Management Team Leader (North)
Mr A Maciejewski	– Definitive Map Officer
Mrs A Myers	– Landscape Officer
Mrs L Newlands	– Senior Planning Officer
Ms M Rincon	– Highways

DM/10/200 **Chairman's Announcements**

- Members were asked to note that in the Ethical Handbook rule 13.5.5 states:

Do not vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officer's introduction to the matter.
- The Chairman has agreed to vary the order of items at the 10.00am session as follows:-
Item 11 – 192 High Street South, Dunstable will be considered first followed by
Item 12 – Land & Commercial units between King Street, Queen Street, Cemetery Road and fronting High Street, Houghton Regis
Item 10 – Double Arches Quarry, Eastern Way, Heath & Reach, Leighton Buzzard
- Officers had requested that agenda item 18 – 29B Hitchin Road, Upper Caldecote be deferred from the agenda to allow additional archaeological information to be provided. The request was moved and seconded and the whole Committee voted in support of the deferment.
- The Chairman has agreed to vary the order of items at the 14.00 session as follows:-
Item 13 – Skylarks, Great North Road, Stotfold will be considered after item 16.
- The Chairman informed the Members and the Public that a number of late submissions had been received and Officers had accepted as many as they could prior to the meeting. All information must be received by noon on the Friday prior to the Committee meeting. This is in accordance with Part A4 annex 3 note 2 of the procedure for public participation.

DM/10/201 **Minutes****RESOLVED**

that the Minutes of the meeting of the Development Management Committee held on the 02 March 2011 be confirmed and signed by the Chairman as a correct record.

DM/10/202 **Members' Interests****(a) Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr P N Aldis	13	Applicant known as Council Member	Present
Cllr A R Bastable	13	Applicant known as Council Member	Present
Cllr R D Berry	13	Applicant known as Council Member	Present
Cllr D Bowater	13	Applicant known as Council Member	Present
Cllr A D Brown	13	Applicant known as Council Member	Present
Cllr D J Gale	13	Applicant known as Council Member	Present
Cllr Mrs R B Gammons	13	Applicant known as Council Member	Present
Cllr K Janes	13	Applicant known as Council Member	Present
Cllr D Jones	13	Applicant known as Council Member	Present
Cllr H J Lockey	13	Applicant known as Council Member	Present
Cllr K C Matthews	13	Applicant known as Council Member	Present
Cllr Ms C Maudlin	13	Applicant known as Council Member	Present
Cllr T Nicols	13	Applicant known as Council Member	Present
Cllr Mrs C Turner	13	Applicant known as Council Member	Present
Cllr J N Young	13	Applicant known as Council Member	Present
Cllr A Shadbolt	13	Applicant known as Council Member	Present

Cllr P F Vickers	13	Applicant known as Council Member	Present
Cllr P N Aldis	17	Applicant known as Council Member	Present
Cllr A R Bastable	17	Applicant known as Council Member	Present
Cllr R D Berry	17	Applicant known as Council Member	Present
Cllr D Bowater	17	Applicant known as Council Member	Present
Cllr A D Brown	17	Applicant known as Council Member	Present
Cllr D J Gale	17	Applicant known as Council Member	Present
Cllr Mrs R B Gammons	17	Applicant known as Council Member	Present
Cllr K Janes	17	Applicant known as Council Member	Present
Cllr D Jones	17	Applicant known as Council Member	Present
Cllr H J Lockey	17	Applicant known as Council Member	Present
Cllr K C Matthews	17	Applicant known as Council Member	Present
Cllr Ms C Maudlin	17	Applicant known as Council Member	Present
Cllr T Nicols	17	Applicant known as Council Member	Present
Cllr Mrs C Turner	17	Applicant known as Council Member	Present
Cllr J N Young	17	Applicant known as Council Member	Present
Cllr A Shadbolt	17	Applicant known as Council Member	Present
Cllr P F Vickers	17	Applicant known as Council Member	Present
Cllr P N Aldis	17	Applicant known as Council Member	Present

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

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr J Jamieson	17	Applicant	Absent

(c) Prior Local Council Consideration of Applications

Member	Item	Parish/Town Council	Vote Cast
Cllr Mrs C Turner	13	Stoffold Town Council	Absent
Cllr H J Lockey	17	Mauldent Parish Council	Took no part
Cllr A Shadbolt	16	Heath & Reach Parish Council	Took no part
	10	Heath & Reach Parish Council	Took no part
Cllr P N Aldis	14	Sandy Town Council	Voted for the application
	15	Sandy Town Council	Did not vote

DM/10/203 Petitions

The Chairman advised that no petitions had been received.

DM/10/204 Planning Enforcement Cases Where Formal Action Has Been Taken**RESOLVED**

that the update on Planning Enforcement cases where formal action has been taken be noted.

DM/10/205 Late Sheet

In advance of consideration of the following Planning Applications the Committee received a Late Sheet advising it of additional consultation / publicity responses, comments and proposed additional / amended conditions. A copy of the Late Sheet is attached as an Appendix to these Minutes.

During consideration of some of the Applications the Committee received representations from members of the public in accordance with the Public Participation Procedure as set out in Annex 3 of Part A4 of the Constitution.

DM/10/206 Planning Application No. CB/10/02908/FULL**RESOLVED**

that Planning Application CB/10/02908/FULL relating to 192 High Street South, Dunstable be refused as set out in the schedule appended to these Minutes.

DM/10/207 **Planning Application No. CB/10/03110/FULL**

RESOLVED

that Planning Application No. CB/10/03110/FULL relating to Land and commercial units between King Street, Queen Street, Cemetery Road and fronting High Street, Houghton Regis be approved subject to a Section 106 agreement as set out in the schedule appended to these Minutes.

DM/10/208 **Planning Application No. CB/10/03034/FULL**

RESOLVED

that Planning Application No. CB/10/03034/FULL relating to Double Arches Quarry, Eastern Way, Heath and Reach, Leighton Buzzard be delegated to the Director of Sustainable Communities to approve subject to conditions being agreed as set out in the schedule appended to these Minutes.

The meeting adjourned at 12.40

The meeting reconvened at 14.00

DM/10/209 **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**

The Committee received and considered the report which sought approval of the making of a Definitive Map Modification Order. The Order would add three sections of footpath to the Definitive Map and Statement in the parish of Clophill as Directed by the Secretary of State for the Environment, Food and Rural Affairs.

Bedfordshire County Council had refused the application in 2006 and this decision was appealed to the Secretary of State, who overturned the Council's decision.

The Central Bedfordshire Council's Constitution does not recognise the Secretary of State for the Environment, Food and Rural Affairs as an authority for the sealing of orders. The Development Management Committee was therefore asked to ratify the Secretary of State's direction and thus become the authority for sealing the directed Definitive Map Modification Order.

Officers felt the landowners would object to the recommended order which would necessitate the orders being sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation. It was recommended that Central Bedfordshire Council take a neutral stance on the order to balance the potential network gain against the original decision.

RESOLVED

1. **that the Development Management Committee approve the making of an order under Section 53(2) of the Wildlife and Countryside Act 1981 to add three sections of public footpath to the Definitive Map and Statement in the parish of Clophill. The making of the order is consequent to a Direction by the Secretary of State for the Environment, Food and Rural Affairs under Paragraph 4(2) to Schedule 14 of the 1981 Act. This is because she considers that there has been a discovery of evidence under Section 53(3)(c)(i) of the Act which, when considered with all other relevant evidence available to the Council, shows that "...a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates...". The footpaths to be added between points C-D, D2-E-F, and E-G-H-I would have the widths described in the report.**
2. **that the Development Management Committee support the proposition that Central Bedfordshire Council takes a neutral stance to the recommended Definitive Map Modification Order on the grounds that the direction is contrary to legal Opinion and the determination of the former County Council.**

DM/10/210 **An application to register land described in the Application as The Old Village Hall Site, Pembroke Road, Houghton Conquest as a Town or Village Green**

The Committee received and considered the report of the Director of Sustainable Communities which related to an application to register land describe as "The Old Village Hall Site", Pembroke Road, Houghton Conquest as a Village Green.

The Committee were informed that the Applicant was not the landowner, who was opposed to the application. The evidence which was considered by the Committee, failed to meet the requirements set out in law to allow the application to be approved.

RESOLVED

that the applicant be notified that his application to register the land described as "The Old Village Hall Site", Pembroke Road, Houghton Conquest as a Village Green had not been accepted.

DM/10/211 Wrest House, Wrest Park, Silsoe

The Committee received and considered the report which sought agreement to make an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995 and as amended by the Town and Country Planning (General Permitted Development (Amendment)(England) Order 2010 removing permitted development rights under Schedule 2, Class B of Part 3 for the units within the Wrest Park Estate, Silsoe (identified on the attached plan). This sought to remove the permitted change (without requiring planning permission) from Use Class B1 (Business) to Use Class B8 (Storage and Distribution) in cases where it involves less than 235 square metres of floor space.

The Committee heard representations in support and against the proposed Article 4. It was noted that the Article 4 Direction does not prohibit future planning development but allows consideration by the Local Planning Authority to the site as a whole.

RESOLVED

that the Committee agree to the making of an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995, and as amended by the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2010 for land and buildings known as Wrest Park Estate, Silsoe (as identified on the plan attached to the report).

DM/10/212 Planning Application No. CB/10/04078/FULL**RESOLVED**

that Planning Application No. CB/10/04078/FULL relating to Former RKB Precision Products Ltd, New Road, Sandy be approved subject to a Section 106 as set out in the schedule appended to these Minutes.

DM/10/213 Planning Application No. CB/10/04356/OUT**RESOLVED**

that Planning Application No. CB/10/04356/OUT relating to Land to the West of, Station Road, Sandy be approved subject to a Section 106 as set out in the schedule appended to these Minutes.

DM/10/214 **Planning Application No. CB/10/04366/FULL**

RESOLVED

that Planning Application No. CB/10/04366/FULL relating to Heath and Reach Methodist Church, Heath Green, Heath and Reach, Leighton Buzzard be approved as set out in the schedule appended to these Minutes.

DM/10/215 **Planning Application No. CB/11/00087/OUT**

RESOLVED

that Planning Application No. CB/10/00087/OUT relating to Skylarks, Great North Road, Stotfold, Hitchin be refused as set out in the schedule appended to these Minutes.

DM/10/216 **Planning Application No. CB/11/00393/FULL**

RESOLVED

that Planning Application No. CB/10/00393/FULL relating to 9A Silsoe Road, Maulden, Bedford be approved as set out in the schedule appended to these Minutes.

DM/10/217 **Planning Application No. CB/11/00691/FULL**

RESOLVED

that Planning Application No. CB/10/00691/FULL relating to 29B Hitchin Road, Upper Caldecote be deferred to allow additional archaeological information to be provided.

DM/10/218 **Site Inspection Appointment(s)**

RESOLVED

that the following Members be appointed to conduct any site inspections to be undertaken in advance of the next meeting of this Committee to be held on Wednesday 27 April 2011:-

Chairman (or his nominee)

Vice-Chairman (or his nominee)

Cllrs P N Aldis

D Bowater

H J Lockey

(Note: The meeting commenced at 10.00 a.m. and concluded at 5.05 p.m.)

Chairman.....

Date.....

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.

South Bedfordshire Friends of the Earth

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 in 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 following 10 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 from 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 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) The 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 committee 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 planning 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 possibly 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 : effectiveness

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 explains in his book Sustainable Energy without the hot air, the various scenarios of renewable 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 particular 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

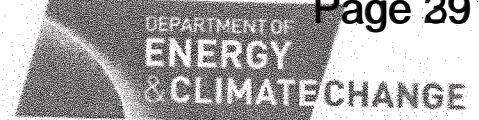
- 28) The request for further information from MAS consulting is very typical of the style of MAS. In the Den Brook Case the argument that more information was needed was rejected by the Inspector and the Inspector's decision was upheld in the High Court. Last December in the successful appeal over Coton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

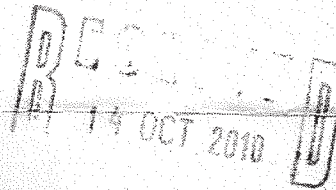


Andrew Selous Esq MP
House of Commons
London
SW1A 0AA

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

8 October 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.

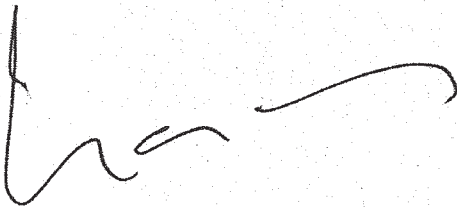
Onshore wind capacity has grown by 80% in the last two years and we have around 7GW of onshore wind currently in the planning system.

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](http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/energy_mix/renewable/ored/ored.aspx).

Yours ever,

A handwritten signature in black ink, appearing to be 'L. H.', written in a cursive style.

... (2015) ...
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[Handwritten signature]

Sainsbury's

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

Sainsbury's Supermarkets Ltd
33 Holborn
London
EC1N 2HT

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

28 March 2011

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

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.

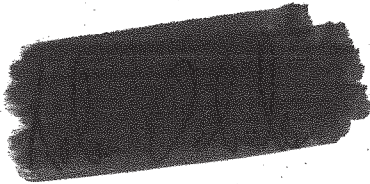
We would like to raise a number of key issues in respect of the proposals:

- 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 roads 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

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

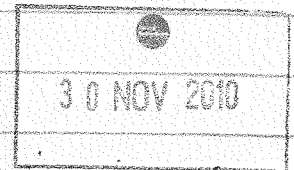
cc: Ms G Claxton, Central Bedfordshire Council
Ms J Lee, Sainsbury's Supermarkets Ltd

Dunstable

Beds

LVB3HS

26-NOV-10



To whom 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 happened 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 making noise which ~~does~~^{would} seem louder when I'm asleep in bed trying to sleep.

I am also disabled with chronic back pains; I have had a disc removed; a steel 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 chronic pain.

I also take medication for depression and seriously high blood pressure.

Due to all this medication, I have to go to bed by 6 p.m. every single night because I get very tired due to pain and medication; yet I still wake often during the late evening if there is any noise. I sleep in my back bedroom to block out traffic 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 levels will severely disturb my sleep.

My husband already suffers with insomnia.


Because of my disability, 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

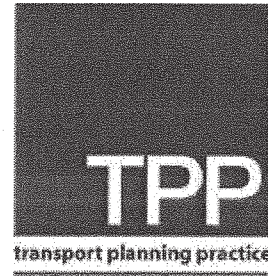
because he has to work in the kitchen cooking dinners, ect, as I cannot help myself in my kitchen, so the council are going to re-plan my kitchen to help me cope with a more independant life, so I can release my husband to do a full time job. The council are also going to re-plan my bathroom. All this 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 using - 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 disrupt 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




Victoria Davies
Central Bedfordshire Council

Our ref: ML/30027

Victoria.Davies@centralbeds.co.uk

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 Signature]
[Redacted Name]
For Transport Planning Practice Ltd

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

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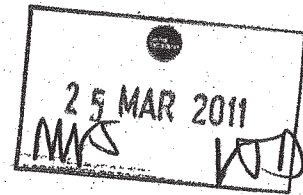
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Mr Andrew Davie
Planning Department
Central Bedfordshire Council
Central Bedfordshire Offices
Priory House
Monks Walk
Shefford
SG17 5TQ



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....



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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 undertaken 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.

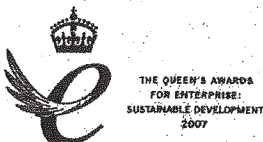
On the basis of this advice, and the fact that we have unsuccessfully attempted to meet with yourself and Victoria Davies, we would strongly urge the Council to review the officer's report and consider whether the recommendation set out therein should be put forward for endorsement by the planning committee 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


Andy Pepper
Regional Planning Manager

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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Item No. 11**SCHEDULE A**

APPLICATION NUMBER	CB/10/02908/FULL
LOCATION	192 High Street South, Dunstable, LU6 3SJ
PROPOSAL	Conversion and change of use of tyre repair shop (sui generis) to provide neighbourhood foodstore (Class A1) with external alterations including new shop front and associated parking.
PARISH	Dunstable
WARD	Watling
WARD COUNCILLORS	Cllr Peter Hollick & Cllr Ann Sparrow
CASE OFFICER	Gill Claxton
DATE REGISTERED	26 August 2010
EXPIRY DATE	21 October 2010
APPLICANT	Sainsburys Supermarket Ltd
AGENT	Indigo Planning
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Miss Sparrow, because of the potential impact on small independent shops in the locality
RECOMMENDED DECISION	Full Application - Refused

Recommendation

That Planning Permission be refused for the following reason:

- 1 The applicant has not demonstrated through the Transport Assessment and additional information that the proposed development would not, by reason of trip generation, parking demand and right turning movements, give rise to conditions prejudicial to the free and safe flow of traffic on the A5. The proposed development is thereby contrary to PPG13: Transport.

[Notes:-

1. In advance of the consideration of the application the Committee received representations made under the public participation scheme.
2. In advance of the consideration of the application, the Committee were advised of amendments to the text contained within the report as set out in the late sheet appended to these Minutes.]

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Item No. 12**SCHEDULE B**

APPLICATION NUMBER	CB/10/03110/FULL
LOCATION	Land and commercial units between King Street, Queen Street, Cemetery Road and fronting High Street, Houghton Regis
PROPOSAL	Erection of retail superstore, access and parking, highways works, landscaping and associated works
PARISH	Houghton Regis
WARD	Houghton Regis
WARD COUNCILLORS	Cllrs Egan, Goodchild, Jones & Williams
CASE OFFICER	Vicki Davies
DATE REGISTERED	26 August 2010
EXPIRY DATE	25 November 2010
APPLICANT	Dransfield Properties Ltd
AGENT	Planning Prospects Ltd
REASON FOR COMMITTEE TO DETERMINE	Major development proposal - where a number of important planning issues have been highlighted and Houghton Regis Town Council have raised concerns
RECOMMENDED DECISION	Full Application - Granted subject to Section 106

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Prior to the commencement of any construction works approved by this planning permission, the following components of a scheme to deal with risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:**

- 1) **A preliminary risk assessment which has identified:**

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

- 2) **A site investigation scheme, based on (1) to provide information for**

a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the groundwater below the site remains free from pollution.

- 3 The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the surface water drainage scheme does not pollute the groundwater below the site.

- 4 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 5 Before development begins, including any ground clearance or excavation, substantial protective fencing, the details and position of which shall first be approved in writing by the Local Planning Authority, shall be erected and the fencing shall be retained at full height and extent until the development is substantially completed. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.

(Policy BE8 S.B.L.P.R)

- 6 **Before development begins, a scheme for the parking of customer and staff cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 7 **Before the development hereby approved is commenced a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external finishes of the building hereby approved, associated structures and boundary treatments. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

- 8 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

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

- 9 **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. 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.

- 10 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 11 **Before any development commences full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, play equipment, signs, etc);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 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.

- 13 The approved landscaping scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season shall mean the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory standard of landscaping.

- 14 All plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level, or 10dBA below if there is a tonal quality, when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.

Reason: In the interests of residential amenity.
(Policy BE8 S.B.L.P.R).

- 15 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The

report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To confirm that any remediation (if required) is completed to an acceptable standard, to ensure that the groundwater below the site remains free from pollution.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on any part of the site affected by such contamination until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that any contamination that is not identified during site investigation is dealt with appropriately if encountered.

- 17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any foundation designs using penetrative methods do not pollute the groundwater below the site.

- 18 The premises shall only be open to customers between the hours of 6am to 11pm Mondays to Fridays, 6am to 11pm on Saturdays, and 9am to 5pm on Sundays and Bank Holidays.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 19 No deliveries shall be taken at or dispatched from the site outside the hours of 0600 and 2200 on Mondays to Saturdays, 0900 and 2130 on Sundays and 0700 and 2130 on Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties.

- 20 The development shall be carried out in accordance with details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the site and its surrounding area.

- 21 Details of the height, location, style and colour of the CCTV cameras, poles and any other associated plant shall be submitted to and approved in writing by the Local Planning Authority before the CCTV system is installed.

Reason: In the interests of visual amenity and to protect the privacy of nearby residents.

- 22 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

- 23 Prior to the occupation of the store hereby permitted a service yard management plan shall be submitted and approved in writing by the Local Planning Authority. The service yard management shall then be adhered to at all times.

Reason: To minimise the impact of deliveries on nearby residents.

- 24 The net sales area of the building hereby approved shall not exceed 2,354sq metres.

Reason: To restrict the traffic generated by the development and limit the introduction of additional services to minimise any adverse impact on nearby retail stores.

- 25 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.

- 26 Before the premises are occupied all on site vehicular areas shall be surfaced and marked out in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 27 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaners shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 28 Prior to commencement of the works a temporary turning space for construction vehicles shall be provided and maintained throughout the construction period in a position to be approved in writing by the Local Planning Authority

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 29 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 09-114 PL-01B, 09-114 PL-02, 09-114 PL-03W, 09-114 PL-04M, 09-114 PL-05E, 09-114 PL-06L, 09-114 PL-07D, 09-114 PL-08B, 0525-D-1, 0525-1 Rev G & 09/315/TR/021 Rev C.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would meet the needs of the local residents within Houghton Regis and would stem the significant outflow of shopping expenditure currently experienced. Furthermore, it would provide a more sustainable option by reducing the high level of car trips for main food shopping currently being undertaken to other centres, thereby reducing CO2 emissions and responding to climate change. In terms of the sequential assessment there is no other suitable site nearer to the town centre. The retail assessment and review concur that the proposal would bring trading benefits to Houghton Regis town centre and would not prejudice the vitality and viability of surrounding centres.

The proposal would create a large number of jobs and provide significant investment into Houghton Regis. It would regenerate an existing vacant site and contribute to the aims of the Houghton Regis Town Centre Masterplan.

The proposal would be accessible by all modes of transport and would not have a detrimental impact on the residential amenities of dwellings within the area, nor would it have a material impact on the character and appearance of the surrounding area.

It has been demonstrated that based on the agreed trip generation figures the additional traffic generated by the proposal would not change the existing traffic situation within Houghton Regis. It is possible that the trip generation could increase if the store is successful which could lead to unacceptable congestion and delays. There are however measures which could be put in place to mitigate against this increase.

The proposal is therefore in conformity with National Planning Guidance PPS1, PPS4, PPG13, PPS23, and PPS24 and RSS East of England Plan. It is further in conformity with policies BE8, T4, TSC1, TSC5 and T10 of the South Bedfordshire Local Plan First Review 2004 and Supplementary Planning Guidance: Design in Central Bedfordshire: A Guide for Development, Houghton Regis Town Centre Masterplan and Planning Obligations Strategy.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

East of England Plan (May 2008)

SS4 - Towns other than Key Centres and Rural Areas

SS5 - Priority Areas for Regeneration

SS6 - City and Town Centres

T8 - Local Roads

ENV7 - Quality in the Built Environment

Bedfordshire Structure Plan 2011

No relevant policies

South Bedfordshire Local Plan Review

BE8 - Design Principles

T4 - Translink

TSC1 - Town Centre Shopping

TSC5 - Houghton Regis Town Centre Enhancement

T10 - Controlling Parking in New Development

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant is advised that the development should not begin unless, or until, the public right of way which is illustrated on the current Definitive Map and which the development would otherwise affect has either been stopped up or diverted in accordance with:-
 - i) An Order made by the Secretary of State for the Environment under the provisions of Section 247 of the Town and Country Planning Act 1990; or
 - ii) An Order made by the Local Planning Authority under the provision of Section 257 of the said Act.
5. The applicant should follow the Mayor of London's Best Practice Guidance *The Control of Dust and Emissions from Construction and Demolition*. The application site is 2.65 hectares, which would place it in the "High Risk"

category and appropriate mitigation measures for such sites should be employed.

6. The applicant is advised that on the advice of the Highways Agency the Travel Plan required by the s106 should include measures to mitigate against the additional traffic generation onto the M1 Junction 11 and A5/Church Street, Dunstable.
7. The applicant is advised that in order to comply with Condition 9 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.
8. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

[Notes:-

1. In advance of the consideration of the application the Committee received representations made under the public participation scheme.
2. In advance of the consideration of the application, the Committee were advised of amendments to the text contained within the report as set out in the late sheet appended to these Minutes.]

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Item No. 10**SCHEDULE A**

APPLICATION NUMBER	CB/10/03034/FULL
LOCATION	Double Arches Quarry, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF
PROPOSAL	Erection of a 2.3 MW wind turbine (108m high to top of hub, 149m high to tip of rotor) including access and associated infrastructure.
PARISH	Heath & Reach
WARD	Plantation
WARD COUNCILLORS	Cllrs Peter Rawcliffe & Alan Shadbolt
CASE OFFICER	Lisa Newlands
DATE REGISTERED	08 September 2010
EXPIRY DATE	08 December 2010
APPLICANT	Arnold White Estates Ltd
AGENT	Hives Planning Limited
REASON FOR COMMITTEE TO DETERMINE	Major EIA Development
RECOMMENDED DECISION	Full Application - Refused

Delegated Decision – See Minute No. DM/10/208

That Planning Application No. CB/10/03034/FULL relating to Double Arches Quarry, Eastern Way, Heath and Reach, Leighton Buzzard be delegated to the Director of Sustainable Communities to approve subject to the following conditions being agreed with the applicant and in consultation with the Chairman and Vice-Chairman. However should the conditions not be agreed then the matter be brought back before Committee for further consideration.

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Item No. 14

APPLICATION NUMBER CB/10/04078/FULL
LOCATION Former R K B Precision Products Ltd, New Road, Sandy, SG19 1NY
PROPOSAL Full: Erection of Class A1 Foodstore, associated car parking, new vehicular access from New Road, upgraded existing access for service vehicles, creation of bus turning area and lay-by, realignment of drainage ditch, erection of retaining walls and other supporting infrastructure.
PARISH Sandy
WARD Sandy
WARD COUNCILLORS Cllr Nigel Aldis & Cllr Peter Blaine
CASE OFFICER Lisa Newlands
DATE REGISTERED 05 November 2010
EXPIRY DATE 04 February 2011
APPLICANT Tesco Stores Ltd
AGENT Contour Planning Services
REASON FOR COMMITTEE TO DETERMINE Departure from Local Plan Policy
Councillor Aldis has also requested determination by Committee due to enormous public interest.

RECOMMENDED DECISION Full Application - Granted

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 The area of highway land illustrated hatched blue on drawing No CBC 001 shall in perpetuity be kept free of all obstruction.

Reason: In the interest of highway safety and for the avoidance of doubt.

- 4 **Development shall not begin until details of the junction of the proposed vehicular access with the highway showing the junction perpendicular to New Road at its point of entrance incorporating a length of straight 8.0m long on the approach of the junction and a kerb radius of 6.0m on both sides of the access have been submitted and approved by the Local Planning Authority and no building shall be occupied until the junction 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.

- 5 Before the development is brought into use visibility splays at the access to the store shall be provided as shown on drawing No PL17 Rev B. The required vision splays shall in perpetuity be kept free of any obstruction.

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

- 6 Visibility splays shall be provided at the junction of the access to the service yard 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 90m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it

- 7 Visibility splays shall be provided at the junction of the bus turning area exit with New Road 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 150.0m measured from the centre line of the proposed exit along the line of the channel of the public highway towards the southern direction and 90.0 towards the northern direction. The required vision splays shall in perpetuity, be kept free of any obstruction.

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

- 8 **Before development commences details of the bus turning area exit showing the exit to be perpendicular to New Road shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.**

Reason: In order for drivers exiting the facility to be able to properly see traffic approaching from both directions in the interest of highway safety.

- 9 **Before development commences details of a speed reduction scheme including provision for an on carriageway cycle lane from Willow Rise junction to the High Street shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented in full before the Store is first open.**

Reason: In the interest of highway safety.

- 10 **Before development commences details of:**
- **A shared footway/cycleway along the west side of Station Road/New Road from its junction with Willow Rise to the store via the north east corner of the site or along the whole frontage of the site.**
 - **Resurfacing of the footway on the west side of Station Road from the Willow Rise junction to its junction with the one on the High Street**
 - **Pedestrian courtesy crossings of Woolfield, Willow Rise, and Ivel Road**
 - **On-carriageway cycle symbols on the approach to the Station Road roundabout and on Station Road itself;**
 - **Cycle crossing at Station Road near to the junction with Woolfield;**
 - **Improvements to signage of the local cycle network**

Shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is first brought into use.

Reason: In the interest of highway safety, pedestrians and cyclist movement.

- 11 **Development shall not be occupied until the bus lay-by shown on drawing No SP20 including the provision of an RTI shelter be fully implemented.**

Reason: In the interest of highway safety.

- 12 **The maximum gradient of the vehicular accesses shall be 7% (1 in 14).**

Reason: In the interests of the safety of persons using the access and users of the highway.

- 13 **Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the accesses hereby approved shall be closed in a manner to the Local Planning Authority's written approval.**

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 14 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 15 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 16 **Before development begins, a scheme for the parking of cycles for staff use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 17 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety

- 18 The Travel Plan Revision A shall be implemented as approved on January 2011

Reason: In order to ensure that car travel to the development is reduced in the interest of highway safety and to encourage the use of sustainable modes of transport.

- 19 **Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning**

authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Full details of the proposed drainage system including pipe/swale sizes, locations, dimensions and gradients; attenuation storage facilities; manhole/inspection chambers; and flow control device(s);
- Details of all appropriate pollution prevention measures;
- Full calculations of the expected surface water runoff rates for the 1, 30, and 100-year storm event post-development;
- Full calculations demonstrating the attenuation storage requirements based on a discharge rate restricted to no greater than 12.1 litres per second for the entire site;
- Details of any allowances made for future climate change in the above issues;
- Details of maintenance/adoption of the system in its entirety.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of these.

20 Development shall not begin until a full assessment of the requirements for floodplain compensatory storage for the site, including the proposed highway extension and bus-turning facility associated with the site, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme must include:

- Detailed plans, topographical surveys and cross-sections of the areas affected showing the extent of the modelled 100-year flood extent, agreed as being 24.03m above Ordnance Datum (AOD);
- Details of the existing and proposed areas affected, detailing where compensation will be gained;
- Full calculations demonstrating the storage volume gained, using bands of 200mm thickness, and demonstrating that compensation is being provided on a level-for-level basis;
- A detailed methodology stating the time and manner in which the works will be carried out, and demonstrating that all compensatory works will be carried out prior to any encroachment on to the floodplain.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

21 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following

components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the quality of controlled waters in accordance with Groundwater Protection, Policy and Practice (GP3) P9-6 and Planning Policy Statement 23 (PPS23).

- 22 **Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.**

Reason: To protect the quality of controlled waters in accordance with Groundwater Protection, Policy and Practice (GP3) P9-6 and Planning Policy Statement 23 (PPS23).

- 23 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the**

developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the quality of controlled waters in accordance with Groundwater Protection, Policy and Practice (GP3) P9-6 and Planning Policy Statement 23 (PPS23). The nature of soil and groundwater contamination is such that even where comprehensive site investigation is undertaken, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered.

- 24 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect the quality of controlled waters in accordance with Groundwater Protection, Policy and Practice (GP3) P9-6 and P4-1 to P4-12 and Planning Policy Statement (PPS23). The infiltration of surface water through land affected by contamination can result in the pollution of controlled waters. We encourage the use of Sustainable Drainage Systems, however they must be carefully considered and controlled.

- 25 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the quality of controlled waters in accordance with Groundwater Protection Policy and Practice (GP3) P10-3 and Planning Policy Statement (PPS23). Piling through contaminated ground can result in the pollution of controlled waters. Foundation options should be carefully considered and controlled.

- 26 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 27 **Before development commences a service management plan shall be submitted to, and approved by Local Planning Authority. Such a management plan shall include:**

- routing of delivery vehicles using the A1/New Road junction restricting all movements through the junction to a left in/left out manoeuvre

Reason: To ensure that the A1 trunk road continues its purpose as part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 28 Noise resulting from all fixed plant, machinery and equipment shall not exceed a level of 5dBA below existing background level (or 10dBA below if there is a tonal or distinctive quality) when measured calculated according to BS 4142:1997, at a point 1 metre external to the nearest noise sensitive premises.

Reason: To safeguard the amenities of the nearest residential properties.

- 29 **No development shall commence until a delivery management plan has been submitted to, and approved in writing by the Local Planning Authority. Such a management plan shall identify measure to control noise between the hours of 11pm and 7am and include that no vehicle reversing alarms or other audible warning will be used. Delivery management shall be implemented in accordance with the approved plan at all times.**

Reason: To protect the amenities of residential properties within the vicinity of the site.

- 30 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

Reason: To record and advance understanding of the significance of the heritage asset in accordance with Policy HE12 of PPS 5

- 31 **Details of a scheme of environmental mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall be carried out in accordance with the approved scheme.**

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 32 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- minor structures (e.g. furniture, play equipment, signs, etc);

- proposed and existing functional services above and below ground level;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 33 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 34 The development shall be carried out in accordance with details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the site and its surrounding area.

- 35 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 6593_P101 Rev D; 6593_P102 Rev B; 6593_P103 Rev B; 6593_P104 Rev B; 6593_P106 Rev A; PL17 Rev B; 4839/ASP3 Rev F; 4839/ASP5 Rev E (1 of 2); 4839/ASP5 Rev E (2 of 2); PSK_004.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would meet the needs of the local residents within Sandy and would stem the significant outflow of convenience food shopping expenditure currently experienced within Sandy. Furthermore, it would provide a more sustainable option by reducing the high level of car trips for main food shopping currently being undertaken to other centres, thereby reducing CO2 emissions and responding to climate change. In terms of the sequential assessment there is no other suitable site nearer to the town centre.

The proposal would be accessible by all modes of transport and would not have a detrimental impact on the residential amenities of existing and proposed dwellings within the area, nor would it have a material impact on the character and appearance of the surrounding area.

The additional traffic generated by the proposal can be satisfactorily accommodated within the local highway network.

The proposal is therefore in conformity with National Planning Guidance PPS1, PPS4, PPS5, PPG13, PPS23, and PPS25. It is further in conformity with Policies CS1, CS2, CS4, CS9, CS13, CS14, CS15, CS18, DM2, DM4, DM9, DM13, and DM15 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) and Supplementary Planning Guidance: Design in Central Bedfordshire - A guide for Development and Planning Obligations Strategy.

Notes to Applicant

1. Informative relating to conditions 21, 22 and 23

We recommend that developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2) Refer to our Guiding Principles for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

3) Refer to our website at www.environment-agency.gov.uk for more information

2. Informative relating to condition 24

In accordance with our Groundwater Protection, Policy and Policy (GP3) document, we offer the following information on the design and location of sustainable drainage systems:

Direct discharges into groundwater of surface water run-off are not acceptable.

All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) should be constructed to as shallow a depth as possible to simulate natural infiltration.

The base of infiltration structures should be at least 1.2 metres above the highest seasonal groundwater-table as direct discharges to groundwater are unacceptable.

No infiltration structures should be constructed in contaminated land.

Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination should be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor.

Only clean, uncontaminated water should be discharged to any soakaway/infiltration structure.

Deep bore and other deep soakaway systems are not considered by the Environment Agency to be appropriate in areas where groundwater constitutes a significant resource (i.e. where aquifer yield may support or already supports abstraction).

Drainage systems should be constructed in line with guidance provided in CIRIA C697 as well as referring to the details given in C609 referred to above. C522 replacement (prior to publication, 2006, refer to CIRIA Report 609)

3. Informative in relation to condition 25

In accordance with Policy 10-3 of our Groundwater Protection, Policy and Practice (GP3) document we recommend that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a " Foundation Works Risk Assessment Report" which should be submitted to and approved by the Local Planning Authority before development commences.

4. The applicant is advised that no works associated with the construction of the vehicular accesses should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's, Technology House, 239 Amphill Road, Bedford, MK42 9BD. quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
5. The applicant is advised that, under the provisions of the Highway Act 1980, no part of the structure, including cellars, foundations and surface water hardware shall be erected or installed in, under or overhanging the public highway. The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway.

6. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Highways Development Control group, Development Management Division, Central Bedfordshire Council, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford Bedfordshire SG17 5TQ, for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
7. The applicant is advised that in order to comply with Conditions 8, 9, 10 and 11 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Development Control Group, Development Management Division, , Central Bedfordshire Council, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford Bedfordshire SG17 5TQ.
8. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management group Highways and Transportation Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford, MK42 9BD.
9. The applicant is advised that the closure of existing access(es) shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's, Highways Help Desk P.O.Box 1395, Bedford, MK425AN. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.
10. The applicant is advised that planting on the land coloured green on Drawing No CBC 001 requires a plating licence. Further details can be obtained from the Highways Help Desk Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford, MK42 9BD.

[Notes:-

1. In advance of the consideration of the application the Committee received representations made under the public participation scheme.
2. In advance of the consideration of the application, the Committee were advised of amendments to the text contained within the report as set out in the late sheet appended to these Minutes.]

Item No. 15

APPLICATION NUMBER CB/10/04356/OUT
LOCATION Land To The West Of, Station Road, Sandy
PROPOSAL Outline: Residential development of up to 36 dwellings with access, parking, open space and associated works (all matters reserved except access and layout)
PARISH Sandy
WARD Sandy
WARD COUNCILLORS Cllr Nigel Aldis & Cllr Peter Blaine
CASE OFFICER Lisa Newlands
DATE REGISTERED 13 December 2010
EXPIRY DATE 14 March 2011
APPLICANT Bedsand Ltd
AGENT DLP Planning Ltd
REASON FOR COMMITTEE TO DETERMINE Departure from Local Plan Policy

RECOMMENDED DECISION Outline Application - Granted

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 2 Approval of the details of:-
 - (a) the scale of the building(s);
 - (b) the appearance of the building(s);
 - (c) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development

Procedure) Order 1995.

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 4 Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 5 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 6 **Details of the layout and design of the play area shown on the approved drawing, including the equipment, furniture, surfacing and boundary treatment to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented prior to any houses being first occupied.**

Reason: To ensure the provision of adequate play and children's recreation facilities.

- 7 The access to serve the development shall have a minimum carriageway width of 5.0m, a 2.0m wide footway to be located at one side of the carriageway and 1.0m grass verge on the other side. .

Reason: In the interest of road safety and for the avoidance of doubt.

- 8 Before the accesses to dwellings are first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the

proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

9

Before development commences details of:

- The widening of the footway along the frontage of the site to provide a share pedestrian/ cycleway,
- Provision of courtesy crossings of Woolfield and Willow Rise and both arms of Ivel Road,
- The resurfacing of the footway on Station Road from the north boundary of the site up to its junction with the High Street,
- Provision of measures to reduce speeds on Station Road from the site's northern boundary to its junction with The High Street,
- Provision of parking restrictions on Station Road, along the whole frontage of the site, shall be submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented in full.

Reason: To safeguard the safety of pedestrian and cycle movement in the interest of highway safety.

10

Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

11

No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

12

Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

13

Details of bin storage/collection point for units 10 – 18 and 26 – 36 shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In the interest of highway safety.

- 14 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 15 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: To protect and prevent pollution of controlled waters in accordance with Planning Policy Statement 23 and our Groundwater Protection documentation.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the quality of controlled waters in accordance with

Groundwater Protection, Policy and Practice (GP3) P9-6 and Planning Policy Statement 23 (PPS23). The nature of soil and groundwater contamination is such that even where comprehensive site investigation is undertaken, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered.

- 17 **Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. The water environment is potentially vulnerable and there is increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SUDs) such as soakaways, unsealed porous pavement systems of infiltration basins.

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the quality of controlled waters in accordance with Groundwater Protection Policy and Practice (GP3) P10-3 and Planning Policy Statement (PPS23). Piling through contaminated ground can result in the pollution of controlled waters. Foundation options should be carefully considered and controlled.

- 19 **Prior to the commencement of development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure that internal noise levels from external rail and road traffic noise sources shall not exceed 35dB LAeq, 07.00 - 23.00 in any habitable room or 30dB LAeq 23.00 - 07.00 inside any bedroom, and that the external noise levels from external road and road traffic noise sources shall not exceed 55dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Local Planning Authority.**

Reason: To protect the residential amenities of future occupiers.

- 20 Development shall not begin until a scheme for noise attenuation from any adjacent commercial land uses has been submitted to, and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any permitted dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenities of any future occupiers.

- 21 **No development shall commence until a site waste management plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure adequate assessment of site waste during the construction phase.

- 22 **Prior to the commencement of development a survey of the site shall be undertaken to ascertain as to whether there are any bats roosting on the site and whether badger sets, great crested newts, water voles and protected birds (including but not limited to owls and kingfishers) exist on the site. If any of the above species are found to exist the details of measures to be undertaken to safeguard these protected species then habitat protection measures shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.**

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BE898/1D (Feb 2011); BE898-D SK01; BE898-D SK02.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development is acceptable in principle and would not have a detrimental impact on the character and appearance of the surrounding area, the residential amenities of neighbouring properties or the local highway network; as such it is considered to be in conformity with national planning guidance PPS1, PPS3, PPS5, PPS9, PPS10, PPG13, PPS22, PPS23, PPG24, PPS25 and Policies CS1, CS2, CS4, CS5, CS6, CS7, CS13, CS14, CS18, DM3, DM4, DM10, DM13, DM15, DM16, and DM17 of the Core Strategy and Development Management Policies for Central Bedfordshire (North). Furthermore, the proposal is in conformity with supplementary planning guidance Design in Central Bedfordshire - A guide for development and Planning Obligations Strategy (2008).

Notes to Applicant

1. The applicant is advised that no works associated with the construction or widening of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's, Technology House, 239 Ampthill Road, Bedford, MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that in order to comply with conditions 7, 8 and 9 of this permission it will be necessary for the developer to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated roadway improvements. Further details can be obtained from the Highways Development Control Group, Development Management Division, , Central Bedfordshire Council, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford Bedfordshire SG17 5TQ
3. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway surface run off generated by that development. Existing highway surface water drainage systems may be improved at the developers' expense to account for extra surface water generated. Any improvements must be approved by the Highways Development Control group, Development Management Division, Central Bedfordshire Council. Further details can be obtained from the Traffic Management group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford, MK42 9BD.
4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management group Highways and Transportation Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford, MK42 9BD
5. The applicant is advised that the Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.

6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance"

[Notes:-

1. In advance of the consideration of the application the Committee received representations made under the public participation scheme.
2. In advance of the consideration of the application, the Committee were advised of amendments to the text contained within the report as set out in the late sheet appended to these Minutes.]

Item No. 16**SCHEDULE B**

APPLICATION NUMBER	CB/10/04366/FULL
LOCATION	Heath And Reach Methodist Church, Heath Green, Heath And Reach, Leighton Buzzard, LU7 0AB
PROPOSAL	Conversion of chapel to form a single dwelling with no parking provided including part demolition of rear single storey structures to provide amenity space, reinstatement of bricked-up windows, replacement of entrance doors, insertion of 2 roof lights to the main roof and construction of metal flue to rear elevation.
PARISH	Heath & Reach
WARD	Plantation
WARD COUNCILLORS	Cllrs Peter Rawcliffe & Alan Shadbolt
CASE OFFICER	James Clements
DATE REGISTERED	06 December 2010
EXPIRY DATE	31 January 2011
APPLICANT	Miss S Berchielli
AGENT	Project Design Studio Ltd
REASON FOR COMMITTEE TO DETERMINE	Called-in by Councillor Alan Shadbolt
RECOMMENDED DECISION	Full Application - Granted

Recommendation

That Planning Permission be Approved subject to no further consultation responses being received that are not covered in this report and to the signing of a S106 Legal Agreement in line with contributions required by the Central Bedfordshire Council Planning Obligations Strategy:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development/work begins and notwithstanding the details submitted with the application, details of the materials to be used for the external windows, doors, walls, roofs, pergola and rainwater goods of the proposed building/s 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.

- 3 **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.

- 4 **Before development/work begins and notwithstanding the details submitted with the application, a schedule and specification of repair works detailing all proposed works of repair and making good to the fabric of the building 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 proposed development/work is carried out in a manner which safeguards the historic character and structural integrity of the building.

- 5 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.

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

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal is in conformity with Policy BE8 of the South Bedfordshire Local Plan Review 2004, as it preserves the significance of the Heritage Assets. It is also in accordance with Planning Policy Statement 5: Planning for the Historic Environment and Adopted Technical Guidance, Design Supplement 4: The Historic Environment.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure

Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 Achieving Sustainable Development

ENV6 The Historic Environment

ENV7 Quality in the Built Environment

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 Design and Environmental Considerations

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

The proposal is situated over a principal aquifer.

Your council may wish to consider, in line with PPS23, whether the application site should be subject to a detailed scheme for the investigation and recording of contamination. A report would be submitted together with detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless of such contamination, as may be found. Environment Agency guidance is available via the following link: <http://www.environment-agency.gov.uk/research/planning/33706.aspx>

[Notes:-

1. In advance of the consideration of the application the Committee received representations made under the public participation scheme.
2. In advance of the consideration of the application, the Committee were advised of amendments to the text contained within the report as set out in the late sheet appended to these Minutes.]

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Item No. 13

APPLICATION NUMBER CB/11/00087/OUT
LOCATION Skylarks, Great North Road, Stotfold, Hitchin, SG5 4BL
PROPOSAL Outline: Erection of building and associated works to house the Saunders Collection of steam engines, fairground rides, mechanical organs and associated memorabilia (All matters reserved except access and layout)
PARISH Stotfold
WARD Stotfold & Arlesey
WARD COUNCILLORS Cllrs Dalgarno, Saunders, Street, Turner
CASE OFFICER Lisa Newlands
DATE REGISTERED 08 February 2011
EXPIRY DATE 10 May 2011
APPLICANT Mr Saunders
AGENT DLP Planning Ltd
REASON FOR COMMITTEE TO DETERMINE Application made by a Central Bedfordshire Ward Councillor

RECOMMENDED DECISION Outline Application - Refused

Recommendation

That Planning Permission be refused

- 1 The application site is in an unsustainable location, outside of any defined settlement envelope, with no access to public transport. The proposal would therefore be contrary to local and national planning policies which seek to restrict new development in the countryside; as such the proposal is contrary to national planning policies PPS1, PPS7 and PPG13. In addition to this it is contrary to Policy CS4 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).
- 2 The proposed development, by nature of its location outside any defined Settlement Envelope, would have an unacceptable impact on the character and appearance of this rural area where restrictive Planning Policies apply; as such the proposal is contrary to PPS7 and Policy DM3 and DM4 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).
- 3 No technical information has been submitted in relation to noise and fumes from the proposed development to demonstrate that the proposal would not have an unacceptable impact on the residential amenities of properties within the vicinity. Therefore the proposal fails to demonstrate that there would be no detrimental impact on the residential amenities of properties within the vicinity and is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

[Notes:-

1. In advance of the consideration of the application the Committee received representations made under the public participation scheme.
2. In advance of the consideration of the application, the Committee were advised of amendments to the text contained within the report as set out in the late sheet appended to these Minutes.]

Item No. 17

APPLICATION NUMBER	CB/11/00393/FULL
LOCATION	9A Silsoe Road, Maulden, Bedford, MK45 2AX
PROPOSAL	Pitched roof on garage and creation of room within, external staircase to rear and single storey rear extension
PARISH	Maulden
WARD	Maulden and Clophill
WARD COUNCILLORS	Cllr Angela Barker & Cllr Howard Lockey
CASE OFFICER	Annabel Gammell
DATE REGISTERED	15 February 2011
EXPIRY DATE	12 April 2011
APPLICANT	Mr & Mrs Jamieson
AGENT	Lee Butler MRICS
REASON FOR COMMITTEE TO DETERMINE	The applicant is Councillor Jamieson
RECOMMENDED DECISION	Full Application - Granted

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 291219/A, 1743/4D, 291210, CBC/001.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed first floor side extension to create room over existing garage, single storey rear extension and external staircase on this residential dwelling would not detrimentally impact upon the character or appearance of the surrounding area and there would be no significant impact upon any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DM3 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development."

Notes to Applicant

1. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Item No. 18

APPLICATION NUMBER	CB/11/00691/FULL
LOCATION	29B Hitchin Road, Upper Caldecote
PROPOSAL	Change of use of existing garage/workshop to MOT Bay and erection of workshop/garage facilities with associated car parking areas
PARISH	Northill
WARD	Northill and Blunham
WARD COUNCILLORS	Cllr C Maudlin & Cllr T Turner
CASE OFFICER	Dee Walker
DATE REGISTERED	03 March 2011
EXPIRY DATE	28 April 2011
APPLICANT	Mr Maudlin
AGENT	ICS Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Applicant related to Cllr Maudlin
RECOMMENDED DECISION	Full Application - Granted

Deferred Application: See Minute No. DM/10/217

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