

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 20 July 2011

PRESENT

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

| | | | |
|-------|--------------------|-------|-----------------|
| Cllrs | P N Aldis | Cllrs | Mrs R B Gammons |
| | R D Berry | | K Janes |
| | D Bowater | | D Jones |
| | A D Brown | | Ms C Maudlin |
| | Mrs S Clark | | I Shingler |
| | Mrs R J Drinkwater | | J N Young |

Apologies for Absence: Cllrs A R Bastable
Mrs C F Chapman MBE
I Dalgarno
T Nicols

Substitutes: Cllrs L Birt (**2.00 p.m. session only**) (In place of A R Bastable)
C C Gomm (In place of I Dalgarno)
R W Johnstone (**10.00 a.m. session only**) (In place of **Mrs C F Chapman** MBE)
B J Spurr (In place of T Nicols)

Member in Attendance: Cllr K C Matthews

| | | |
|-------------------------|---------------|--|
| Officers in Attendance: | Mr D Ager | Highways Officer |
| | Miss H Bell | Committee Services Officer |
| | Mrs G Claxton | Principal Planning Officer |
| | Mr A Davie | Head of Development Management (North) |
| | Mr J Ellis | Development Management Team Leader (West) |
| | Mr D Hale | Development Management Team Leader (South) |
| | Mr D Lamb | Development Management Team Leader (North) |
| | Mr C Murdoch | Planning Officer (South) |
| | Mr M Woolsey | Managing Solicitor |

DM/11/1 **Chairman's Announcements**

In advance of the consideration of application No CB/10/04238/FULL, Tesco Stores Ltd, Vimy Road, Linslade, Leighton Buzzard, the Chairman advised the Committee that:-

- 1) due to ill health he may not be in attendance for the afternoon session of the Development Management Committee. If the Chairman was unable to be present, Cllr Peter Vickers, Vice-Chairman would take the Chair.
- 2) The Committee were reminded that Homebase was not part of the application and should not be a consideration when determining the application.
- 3) The Chairman commended Chris Murdoch with regard to his work associated with the application.

DM/11/2 **Minutes**

RESOLVED

that the Minutes of the meeting of the Development Management Committee held on the 22 June 2011 be confirmed and signed by the Chairman as a correct record subject to the addition of Cllr Ms C Maudlin having declared a personal and prejudicial interest for item 9 and not a personal interest as indicated in the Minutes.

DM/11/3 **Members' Interests**

(a) **Personal Interests:-**

All Members present declared that they had been lobbied by both persons objecting and in support of Application No. CB/10/04238/FULL, Tesco Stores, Ltd, Vimy Road, Linslade, Leighton Buzzard.

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

There were no declarations made.

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

| Member | Item | Parish/Town Council | Vote Cast |
|-------------------|-------------|--------------------------------|------------------|
| Cllr A J Shadbolt | 7 | Leighton Linslade Town Council | Took no part |

| | | | |
|------------------|----|----------------------------------|-----------------|
| Cllr D Bowater | 7 | Leighton Linlade Town Council | Took no part |
| Cllr B Spurr | 7 | Leighton Linlade Town Council | Took no part |
| Cllr R Johnstone | 7 | Leighton Linlade Town Council | Took no part |
| Cllr P F Vikes | 9 | Biggleswade Town Council | Took no part |
| Cllr P N Aldis | 10 | Sandy Town Council | Did not vote |
| Cllr P Duckett | 11 | Amphill Town Council | Took no part |

DM/11/4 **Petitions**

The Chairman advised that no petitions had been received.

DM/11/5 **Planning Enforcement Cases Where Formal Action Has Been Taken**

RESOLVED

1. that the update on the planning enforcement cases where formal action has been taken be noted.
2. that the update on planning enforcement case MB/ENC/07/0085 be noted.

DM/11/6 **Late Sheets AM and PM sessions**

In advance of the 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/11/7 **Planning Application No.CB/10/04238/FULL**

RESOLVED

that Planning Application No. CB/10/04238/FULL relating to Tesco Stores Ltd, Vimy Road, Linlade, Leighton Buzzard be approved subject to

modifications to be made to the Section 106 agreement and condition details relating to the allocation of monies in consultation with the Chairman, Vice Chairman, Portfolio Holder for Sustainable Communities Strategic Planning & Economic Development and portfolio Holder for Sustainable Communities Services as set out in the Schedule appended to these Minutes.

The meeting adjourned at 12.31 p.m. at which time the Chairman due to ill health vacated the Chair.

The meeting re convened at 2.00 p.m. at which time the Vice- Chairman took the chair.

DM/11/8 **Planning Application No. CB/11/00664/FULL**

RESOLVED

that Planning Application CB/11/00664/FULL – The Old Church of St Vincent adjacent to the Recreation Ground, Tithe Farm Road, Houghton Regis be deferred for one cycle to allow

DM/11/9 **Planning Application No. CB/11/01920/FULL**

RESOLVED

that Planning Application No. CB/11/01920/FULL – 50 Drove Road, Biggleswade be delegated to the Head of Development Management to approve subject to the conditions as set out in the Schedule appended to these Minutes.

DM/11/10 **Planning Application No. CB/10/04390**

RESOLVED

that Planning Application No. CB/10/04390 relating to Land at Sandy Railway Station, Station Road, Sandy be approved as set out in the Schedule appended to these Minutes subject to the securing a financial contribution for the imposition of parking controls in nearby roads and the imposition of conditions requiring cycle parking and electric charging points for electric cars.

DM/11/11 **Planning Application No. CB/11/01523**

RESOVLED

that Planning Application No. CB/11/01523 relating to 55a Woburn Street, Ampthill be approved as set out in the Schedule appended to these Minutes.

DM/11/12 **Planning Application No. CB/11/01888**

RESOLVED

that Planning Application No. CB/11/01888 relating to 10 Bedford Road, Stondon be approved as set out in the Schedule appended to these Minutes.

DM/11/13 **Planning Application No. CB/11/01517/FULL**

RESOLVED

that Planning Application No. CB/11/01517/FULL relating to Keepers Cottage, Beadlow, Shefford be approved as set out in the Schedule appended to these Minutes.

DM/11/14 **Planning Application No. CB/11/01919/FULL**

RESOLVED

That Planning Application No. CB/11/01919/FULL relating to 2 Sandy Lane, Leighton Buzzard be delegated to the Head of Development Management to approved subject to the conditions as set out in the Schedule appended to these Minutes.

DM/11/15 **Planning Application No. CB/11/01605/FULL**

RESOLVED

that Planning Application No. CB/11/01605/FULL relating to 1 Churchill Way, Shefford be approved as set out in the Schedule appended to these Minutes.

DM/11/16 **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 17 August 2011:-

**Chariman (or his nominee)
Vice-Chairman (or his moninee)
Cllrs P N Aldis
K Janes
D Jones**

(Note: The meeting commenced at 10.00 a.m. and concluded at 4.20 p.m.)

Chairman

Dated

LATE SHEET**10.00 AM MEETING****DEVELOPMENT MANAGEMENT COMMITTEE – 20 JULY 2011****SCHEDULE B**

Item 7 (Page 15-214) – CB/10/04238/FULL – Tesco Stores Ltd, Vimy Road, Linslade, Leighton Buzzard.

Additional Consultation/Publicity Responses

National Market Traders Federation: Dunstable and Leighton Buzzard Branch –
Objection.

- Dating back to 909AD, market has never faced such testing times – changes in trading laws and regulations have contributed to decline and proposal is seen as major blow to market's long term survival.
- High Street, which is hub of town, could diminish as shoppers will be taken away from centre; whole community feel could be lost and never return, for example, Asda's arrival in Dunstable has crippled once thriving market – where there were 150+ stalls, there is now just handful, where there was healthy, vibrant town, there is now legacy of empty, derelict shops.
- Leighton-Linslade is still full of good shops, although it is not as busy as it once was; it still has much to offer and with careful, sympathetic planning could become better still.
- Tesco proposal will not deliver optimistic future for town; it goes against Town Council's Big Plan and Government's plans for town centre regeneration.
- Plan to develop Land South of High Street could lead to major high street names coming to town; increased footfall would be major bonus to town; this sort of forward planning keeps everything central thus giving High Street much needed boost, whereas Tesco plan would leave town 'high and dry'.
- Proposal could lead to traffic problems which could have knock on effect elsewhere.
- With loss of Homebase, public would go to other towns for their DIY goods; if public has to go out of town to find goods/services, they tend to stay away for good – shopping habit can therefore have damaging effect on all of High Street.

Letters of objection have been received from residents of following addresses

| | |
|--|---|
| Appenine Way – 36 Bideford Green – 252, 362 Brookside Walk – 13 Byford Way – 6 Camberton Road – 58, 67 Church Road – 11 Coniston Road – 30 Grange Close – 3, 62 Hartwell Grove – 5 Highfield Road – 44 Hockliffe Street – 38 King Street – 32 Kiteleys Green – 15 Ledburn Grove – 1 Leopold Road – 1 Manor Court – 8 Maree Close - 5 | Mowbray Drive – 29 New Road – 27, 29 Nicholson Drive – 51 Old Chapel Mews – 7 Orchard Drive – 5 Princes Court – 10 Redwood Glade – 30 Rock Lane – 13 St Andrews Street – 5 Southcourt Avenue – 50 Southcourt Road – 8, 13 Stanbridge Road – 132 Station Road – 3 Stoke Road – 65, Woodlands Taylors Ride – 2a Vandyke Road – 116 Weston Avenue – 75 |
| Little Orchard, Billington 14 Brownlow Lane, Cheddington 15 Birds Hill, Heath and Reach Mansheve, Reach Green, Heath and Reach 11 Leighton Road, Heath and Reach 2 Spinney Court, Heath and Reach Holly Grange, Hollingdon 90 Castle Hill Road, Totternhoe 23 Leighton Road, Wing | |

Petition against proposed extension to Tesco store

Petition (organised by I Love Leighton Buzzard and South Bedfordshire Friends of the Earth) signed by **1,893** local residents, shoppers, traders and visitors to town objecting to proposals on grounds that:

- It risks harming or stopping development of land South of High Street for bigger range of shops, especially clothing shops such as Marks and Spencers.
- It risks many small independent shops in town centre and market closing down, as has happened in other towns with large Tesco stores and thus losing unique market town feel of Leighton-Linslade.
- There will be big increase in traffic with possibly traffic lights on West Street – this could choke town through increased congestion.
- Tesco is on wrong side of town – most of population is on other side of town centre and new housing growth will be in east of town.

Petition in favour of proposed extension to Tesco store

Petition (organised by Tesco) takes form of identical letter signed by **89** individual supporters. Letter states that:

- Would like to pledge support for extension which would improve range of goods that will be available and will make store more customer friendly.
- Support also creation of more jobs for local people, more investment in Leighton Buzzard and better links for pedestrians from store to town centre.
- Strongly urge Council to approve extension plans which will save people having to travel out of town for better choice in shopping

Postcards

Under banner – *NO TESCO EXPANSION* – postcards (submission of which has been organised by I Love Leighton Buzzard and South Bedfordshire Friends of the Earth) incorporate following objections to proposed development.

- Shoppers want shopping choice in Leighton Buzzard, not bigger Tesco. Request Central Bedfordshire Council not to approve expansion of Tesco, but to pro-actively lobby for and encourage wider range of shops in Leighton Buzzard town centre.
- 94% of people surveyed by I Love Leighton Buzzard want wider range and choice of shops. Shoppers want variety of shops in town.
- Tesco has openly stated that it will only sell lower range of clothing, if it expands. Shoppers want more choice of better quality clothes shops.
- People in Leighton Buzzard should not need to travel 14 miles to Milton Keynes to have choice of shops for clothes, footwear etc. Shoppers want to shop locally.

Postcards have been received from residents of following addresses.

| | |
|--|---------------------------------|
| Albany Road – 13, 19, 25, 34 | Laburnum Court – 36 |
| Appenine Way – 46 | Lammas Walk - 4 |
| Aquila Road – 12 | Laurel Mews – 6 |
| Ascot Drive – 27 | Leedon Furlong – 9 |
| Ashwell Street – 41, 46 | Lime Grove – 21 |
| Badgers Brook – 17 | Lindler Court – 39 |
| Barleycorn Close – 2 | Linwood Grove – 54 |
| Bideford Green – 107, 148, 245, 410, 420 | Magnon Court – 19 |
| Billington Road – 7 | Manor Court – 8 |
| Bramble Close – 6 | Market Square – 25 |
| Bridge Meadow, Leighton Road - 6 | Marley Fields – 107, 145 |
| Brook Street – 26 | Meadow Way – 139, 141, 151, 175 |
| Brooklands Avenue – The Orchards | Melfort Drive – 55 |
| Brooklands Drive – 32, 114 | Mentmore Gardens – 7 |
| | Middle Green – 10 |

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| Brookside Walk – 26 | Middleton Way – 48 |
| Broomhills Road – 8 | Milebush – 2a, 9 |
| Bushell Close – 24 | Miles Avenue – 27 |
| Byford Path – 6 | Millstream Way – 6 |
| Byford Way – 11 | Monarch Way – 31, 36, 67 |
| Camberton Road – 45 | Moorhouse Path – 2 |
| Capshill Avenue – 20, 24 | Mowbray Drive – 46 |
| Carlton Grove – 10 | Nebular Court – 5 |
| Centauri Close – 2 | Nelson Road – 13, 86 |
| Cetus Crescent – 40 | Old Road – 19 |
| Chelsea Green – 29 | Orchard Drive – 42 |
| Chiltern Gardens – 14 | Orion Way – 1 |
| Church Avenue – 17 | Park Mews – 6 |
| Church Road – 17 | Pennivale Close – 31 |
| Church Street – 14, 53, 78 | Phoenix Close – 7 |
| Clarence Road – 124 | Plantation Road – 51, 92, Woodlands |
| Columba Drive – 32 | Plover Road – 18 |
| Coniston Road – 39a | Princes Court – 3, 6 |
| Copper Beech Way – 2, Shepherds Maze | Regent Street – 70 |
| Corbet Ride – 41, 64 | Riverside – 2 |
| Cormorant Way – 81, 97 | Rock Lane – 16, Dormas |
| Cotefield Drive – 107 | Roosevelt Avenue – 51 |
| Crossway – 6 | Rosebery Avenue – 4, 47, 48 |
| Danes Way – 31, 52, 57, 75 | Rothschild Road – 10 |
| Derwent Road – 60, 66, 92 | Roundel Drive – 19, 22, 72 |
| Dimmock Close – 5 | Russell Way – 11, 80 |
| Dove Tree Road – 12 | St Andrews Street – 15 |
| Draper Way – 12 | St Georges Court – 8 |
| Dudley Street – 31, 43, 52 | St Leonards Close – 30 |
| Esmonde Way – 25 | St Marys Way – 33 |
| Finch Crescent – 34 | Sandy Lane – Sussex Lodge |
| Garden Leys – 14, 16, 26 | Saxons Close – 13 |
| George Street – 8, 41, 57 | Shenley Hill Road – 22 |
| Gibson Drive – 69 | South Street – 15, 20, 25, 47, 96 |
| Grange Close – 69 | Springfield Road – Springside Hall |
| Grasmere Way – 16, 46, 280 | Stanbridge Road – 125, 132, 138, 174, 176 |
| Greenhill – 11 | Stanbridge Road Terrace – 8 |
| Grove Road – 3 | Steppingstone Place – 18 |
| Grovebury Road – 15 | Stoke Road – 29, 37 |
| Harcourt Close – 8, 23 | Taylors Ride – 35 |
| Harrow Road – 27, 113, 117, 137 | The Chilterns – 19, Hollyoaks Cottage |
| Hartwell Crescent – 24 | The Gables – 13 |
| Hartwell Grove – 2 | The Maltings – 42 |
| Heath Court – 31 | The Martins Drive – 15 |
| Highcroft – 7 | Tudor Court – 9, 26 |
| Highfield Road – 44 | Vandyke Road – 40, 59, 164 |
| Himley Green – 29, 56, 94 | Vicarage Gardens – 1 |
| Hinton Close – 15 | Victoria Terrace – 5 |
| Hockliffe Road – 29, 30, 135 | Vimy Road – 24 |
| Hockliffe Street – 3, 38, 68 | Waterdell – 87 |
| Hydrus Drive – 2 | Waterloo Road – 7 |
| Johnson Drive – 11 | Wentworth Drive – 11 |

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|-----------------------------------|----------------------------|
| Jupiter Drive – 8, 24, 53, 57, 59 | Westside – 7 |
| Ketsrel Way – 39 | Willow Bank Walk – 3, 77 |
| King Street – 9, 22 | Windsor Avenue – 42 |
| Kingfisher Drive – 4 | Wing Road – 93 |
| Kiteleys Green – 33 | Woodman Close – 15, 34, 41 |
| Knaves Hill – 72, 95, 135, 147 | York Court - 8 |

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| <p>Billington – 16 Hillview Lane Bragenham – Ludley Cottage Cheddington – 101 Church Hill, Beechwood Mentmore Road Dunstable – 107 Beecroft Way, 17 Bowland Crescent, 79 Mayfield Road East Bridgeford, Notts – 25 Kneeton Road Eaton Bray – 45 Church Lane, 32 High Street, 6 Lords Mead, 7 Summerleys, 20 The Nurseries, 22 The Orchards Edlesborough – 3 Chiltern Avenue Eggington – Lyna Lodge High Street, Selrose Gawcott, Bucks – Leyland Farm, Preston Road Glasgow – 64 Riddrie Knowes Great Brickhill – 1 Holts Green, 17 Stoke Lane Heath and Reach – 6 Abbey Walk, 15 Birds Hill, 8 Lanes End, 11 Leighton Road, 43 Linslade Road, 22 Thomas Street, 20 Woburn Road Hockliffe – 37 Manor Avenue, St Elmo Watling Street Hollington – Holly Grange Ledburn – 2 Manor Farm Lane Lichfield, Staffs – 52 St Michael Road London – 26 Cavendish Road, 50 Summerlee Avenue East Finchley Luton – 8 Rannock Close Sundon Park Mentmore – School House, The Coach House, The Old Fox 9 The Green Milton Keynes – 1 Beaufort Drive Willen, 15 Chawton Crescent Great Holm, 27 Lammas Beanhill, 17 Stoke Lane Northall – The Cottage Leighton Road Nottingham – 1 Park Mews Mapperley Park Pitstone – 179 Vardley Avenue Romford – 9 George Close Slapton – 19 Horton Road, 35 Horton Road, 40 Mill Road, 3 Rectory House Soulbury – Stapleford Cottage Annexe Stanbridge – 30 Peddars Lane Stewkley – 7 Fishweir, 9 Orkney Close Tebworth – Rowan House Tilsworth – 30 Stanbridge Road Tring – 25 Pirton Road Wing – 32 Chetserfield Crescent, 39 Moorlands Road, 4 New Zealand Drive, 26 Stewkley Road Wingrave – Tudor Barn</p> |
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Additional comments set out on postcards include:

- Please halt expansion of this dreadful company that has ruined high streets of so many towns, making them clones of each other – need diversity, not conformity.

- Leighton-Linslade is small market town – should be kept that way; it is so important to retain market town identity.
- Tesco is too big already, absolutely no need for expansion; there is enough choice of supermarkets.
- Proposal will harm local shops, local businesses will suffer – concerned about street market dwindling, shops closing, Tesco taking over.
- Large supermarket does not need to take all trade to kill town centre – taking extra 10% could kill off half of shops.
- Do not want another ghost town – needs central shopping area, not empty one; look at Dunstable, enough said.
- More competition, not less – restricting choice for people through encouraging monopolistic practices is unhealthy.
- Local small businesses are unable to compete with Tesco prices; if small businesses are not supported, town will lose them altogether.
- Tesco is not interested in town's community, only profits.
- Need to keep Homebase – will lose only outlet for decorating supplies.
- Tesco's location between Leighton Buzzard and Linslade causes constant almost gridlock; increased traffic to already congested roads; increased noise to local residents on 24-hour basis.
- Not convinced proposal will add jobs – consider it will only put pressure on jobs in High Street; if Tesco expands, only local people should be offered new jobs – certainly no foreign recruitment.
- Tesco do not use local suppliers.
- Contrary to PPS4 (*Planning for Sustainable Economic Growth*).

Leighton Buzzard Observer poll

Local newspaper, Leighton Buzzard Observer (LBO), has submitted final results of poll of its readers' opinions on proposed development.

Total number of votes submitted via LBO website and on forms printed in newspaper:
1,108

Votes in favour of proposal: 188 – **17%**

Votes against proposal: 913 – **82%**

Undecided: 7 – **1%**

These figures may be broken down as follows.

LBO website vote

Votes in favour of proposal: 153 – **24%**

Votes against proposal: 466 – **75%**

Undecided: 7 – **1%**

LBO printed forms

Votes in favour of proposal: 35 – **7%**

Votes against proposal: 447 – **93%**

Additional comments:

Tesco's fall-back position

It should be noted that Tesco does not need to construct the proposed store extension in order to sell comparison goods from the Vimy Road site. The company owns the Homebase store and the land on which it stands and could, therefore, use the Homebase store for retailing when it becomes vacant. The purpose of the current application is to enable Tesco to provide an enhanced range of both convenience and comparison goods all under the one roof.

A condition imposed on the original 1990 permission for the Homebase store restricts the range of goods that can be sold from the unit to the following.

Paint, Woodcare, Decorating accessories, Wall coverings, DIY tools, Timber, Building products, Insulation and double glazing, Electrical, Plumbing and heating, Car care, DIY hardware, Shelving and storage, Home security, Kitchens, Bathrooms, Wall tiles, Flooring, Dining and occasional furniture, Bedrooms, Garden furniture, Garden chemicals and fertilisers, Horticultural livestock, Outdoor buildings such as conservatories, Garden tools, Home textiles and furnishings, Lighting, Housewares, Confectionery, Books and magazines, Pantry.

In 1998, permission was granted to vary the subject condition to allow the occupiers of the Homebase unit to sell Building, Plumbing and Decorating materials and Power tools related to DIY activities, Garden centre products and sundries, Flat pack furniture, Floor coverings, Soft furnishings.

The principal omission from these lists of goods is clothing. To sell clothing in the re-branded Homebase unit, would require a further variation of the subject condition. It may be difficult to resist such a proposal, given that shoppers expect to be able to purchase a range of clothing from the larger supermarkets such as Tesco, Sainsbury and Asda.

It is important to note also that the sales area of the Homebase store is **3,821m²**. The existing and proposed comparison net sales area in the Tesco store would be **1,480m²**. Accordingly, the demolition of the Homebase store and the erection of the proposed extension to the Tesco store would result in a net loss of comparison sales area at the Vimy Road site of **2,341m²**.

Section 106 Agreement

Since the Main Agenda report was completed further details of the proposed Section 106 Agreement are available for consideration.

The public realm enhancement beside the Leighton Road frontage is likely to cost in the region of £200,000.

Aside from the new zebra crossing proposed for Leighton Road, the sustainable transport initiatives within the vicinity of the site should include improvements to the pedestrian environment along the southern side of Leighton Road. Here there are 8 service roads and the proposed works would involve raising the footway to afford pedestrians obvious priority at these junctions. In addition, the possibility of widening to 3m the existing link between the canal towpath and the car park should be investigated. This would involve British Waterways land.

A financial contribution of £10,000 would be made towards the installation of Real Time Passenger Information signage near the store entrance.

A financial contribution of £125,000 would be made towards the provision of a part-time or full-time Town Centre Manager.

A financial contribution of £75,000 would be made towards improvements to the appearance of shopfronts and pedestrian links within the town centre.

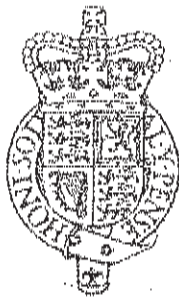
A financial contribution of £35,000 would be made towards public art.

The question of how to secure the provision of the proposed canalside café/restaurant is under consideration. The new building is likely to be occupied on a franchise basis; it would not be a Tesco business. If Tesco was required to construct the building to 'shell and core' and then failed to find an occupier, it could remain vacant for some time. If it then attracted vandalism, it would become an eyesore, thereby detracting from the public realm enhancement and the appearance of the canalside.

Appendices

Copies of the following documents are appended to the Late Sheet:

- The appeal decision dated March 2003 in respect of planning application reference SB/TP/2000/0401.
- Letter dated 15th July 2011 from Charlie Hopkins, Planning and Environmental Consultant (on behalf of South Bedfordshire Friends of the Earth).
- Comments dated 15th July 2011 from Colin Ashby (on behalf of I Love Leighton Buzzard).



Appeal Decision

Inquiry opened on 11 February 2003

Site visit made on 13 February 2003

by **John L Gray** DipArch MSc Registered Architect

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

11 MAR 2003

Appeal Ref. APP/N0220/A/02/1095401

Tesco Stores Limited, Vimy Road, Leighton Buzzard

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Limited against the decision of South Bedfordshire District Council.
- The application (ref. SB/TP/2000/0401), dated 27 April 2000, was refused by notice dated 23 January 2002.
- The development proposed is an extension to the existing store and ancillary works.

Summary of Decision: the appeal is dismissed.

The Proposal

1. The existing Tesco store has a floor area of 4,426sqm gross, 2,735sqm net. Condition 13 attached to the planning permission for the store, granted in 1989, restricted sales to 'food and drink and other convenience goods (as defined by the Unit for Retail Planning Information)' – because the Council was not satisfied that unrestricted retailing 'would not have an adverse effect on the viability of the Leighton Buzzard town centre'. Tesco has been in breach of that condition – though that is not a matter before me in this appeal. A separate planning permission enabled the use of 25sqm as a pharmacy.
2. The proposal is to extend the store by 1,357sqm gross, giving an additional 1,110sqm net. That is a 30% gross increase, 40% net. The extension is to enable an additional 486sqm convenience sales floorspace and 526sqm durable sales floorspace, plus 98sqm non-sales floorspace and 247sqm for storage and offices. Existing durable sales floorspace was given as 163sqm, which does not include the pharmacy (and, as it transpired late in the inquiry, apparently does not include healthcare and baby goods). The location for the extension means that the present 464 car parking spaces would be reduced to 412.

Planning Policy

3. The Development Plan for the area comprises the *Bedfordshire Structure Plan 1997* and the *South Bedfordshire Local Plan 1995*. In the Structure Plan, Policy 50 identifies Leighton Buzzard as a major town centre and Policy 51 sets out a number of measures by which the vitality and viability of existing centres will be maintained and strengthened. In the Local Plan, Policy SH7 sets criteria against which proposals for out-of-town and out-of-centre food and non-food retail developments will be considered.
4. The emerging First Review of the Local Plan is well advanced, Proposed Modifications being on deposit at the time of the inquiry. Policy TCS6, the proposed amalgamation of Policy SH6 (referred to in the reason for refusal) and Policy TC6, states that 'applicants for planning permission for major retail ... developments, or extensions to existing developments outside the town centres, ... must demonstrate that there are no suitable town

centre sites ... or edge of centre sites ...'; out-of-centre development will be permitted only if criteria on need, vitality and viability, character and environment, accessibility, car journeys and the transport network have all been met; where possible proposals should be combined with existing out-of-centre development.

5. The *Leighton Buzzard Town Centre Strategy*, approved in 1997, advocates (amongst other things) encouraging a range of uses in Bridge Street (at the west end of the town centre, on the route towards Tesco) and creating 'a continuous attractive route between Tesco and Bossard Centre' (now refurbished and renamed the Waterborne Centre).
6. National policy guidance is to be found in PPG6 *Town Centres and Retail Developments* and PPG13 *Transport*. PPG6 post-dates the Local Plan. PPG13 post-dates both Plans. The Local Plan review clearly attempts to translate national guidance into local policy – but it has yet to be adopted. It is this chronology, and the consequent weight attributable to the various policy statements, that influences my framing of the main issue.

Main Issue

7. I consider that the main issue in the appeal is whether the proposed introduction of durable goods sales would be consistent with planning policy guidance in PPG6, as subsequently elaborated upon by Ministerial and Governmental statements.

Reasoning

8. The Council accepts that the store is over-trading to a significant degree. It acknowledges that some additional 'elbow room' would ease congestion in the store and contribute to a better shopping environment. It accepts that additional convenience goods sales would not have an unacceptable impact – because it would fall on the other large convenience goods retailers (primarily Safeway and Waitrose), who are also over-trading.
9. There is no highways objection – not to the reduced car parking provision, which would be in line with the guidance in PPG13, nor to vehicular access, nor to the impact of additional traffic on Leighton Road east and west of the Vimy Road junction. The S106 obligation includes measures that address the County Council's concerns as highway authority – widening the exit lanes from Vimy Road and linking the Vimy Road traffic signals with those at Wing Road and those shortly to be installed at Bridge Street.
10. Nor is there any objection to the design or appearance of what is proposed – although conditions are suggested to control materials and landscaping.
11. The reason for refusal of the application refers specifically to the comparison goods impact it is believed would arise from the proposed extension. The types of goods that would be sold were described at the inquiry as healthcare products (soap to cosmetics), household goods (such as kitchen hardware, bathroom accessories and cleaning items, including brooms and buckets), books, CDs, toiletries (including first aid items), a limited range of clothing and electrical items (the latter including kettles, irons, CD players and occasionally TVs and computers in very limited ranges) and seasonal goods. Not all of these are naturally associated with the offer of a food store. On the other hand, as I saw at the Asda store in Dunstable (and have noticed elsewhere), clothing, electrical items, gardening goods, books and CDs are increasingly commonly to be found in superstores, even if in modest quantities and apparently ancillary to the main food offer. On the other hand, the Asda store looks to be at least on the edge of, if not within, Dunstable town centre – which may have influenced the terms on which planning permission was granted.

12. As I see it, therefore, the main issue comes down to whether it would be appropriate to have about 690sqm of floorspace at the Tesco store (163sqm existing plus 526sqm proposed) devoted to selling the durable goods described above. The location of the store in relation to the town centre, the need for the proposal and the sequential test are, in my opinion, matters reasonably to be addressed in assessing the likely impact.

Location and linked trips

13. At present, the store entrance is 400m from the town centre, 620m from the primary retail frontage. As proposed to be extended, the distances would be 373m and 593m respectively. In terms of the guidance in PPG6, which suggests 200-300m, the store's location is out-of-centre rather than edge-of-centre. And, quite apart from the distance the store is set back from Leighton Road, there is also a clear visual break between the edge of the town centre, in Bridge Street, and the Vimy Road junction. The route is flat – and thus easy to walk. In Bridge Street, it is pleasant. The northern side of Leighton Road offers the safer pedestrian route but involves crossing both Vimy Road and Leighton Road, busy roads when I was there. The footway on the southern side of Leighton Road is interrupted by numerous accesses to commercial properties.
14. The highway improvements proposed by Tesco and the County Council would not alter the distances, nor the general environment – but they would favour the walk along the northern side of Leighton Road by providing controlled crossing points of both Vimy Road and Leighton Road. Direct access to the Vimy Road junction from the south-eastern corner of the car park would allow car-borne shoppers a shorter walk to the town centre, consistent with the guidance in PPG6. It would not benefit shoppers arriving in the town centre by other means who might wish to walk to the Tesco store – though those people at least have the option of going to what appears to be a buoyant Waitrose store in the town centre itself.
15. There may well be a significant number of Tesco customers who make linked trips to the town centre. And there will be those who park at Tesco to visit the town centre. But evidence on the level of those trips is not conclusive.
16. The Tesco survey shows that 6% of the customers interviewed visited the town centre that day for non-food shopping, 6% for financial services, 3% for food shopping and 6% for other reasons – but the sum total of 21% could well include some double counting. And there is no indication of whether those visiting the town centre walked or drove. The sum total of 64% who had ever combined shopping at the store with a visit to the town centre is similarly open to question. The customer interview survey organised by Boreham shows that 7% (Friday) and 22% (Saturday) of those interviewed were also visiting the town centre. The pedestrian interview survey is of no further help. Because the interview point was outside the car park, the survey cannot express the numbers walking to the town centre as a percentage of total Tesco shoppers – the figures it gives do no more than identify the destinations of those walking away from the car park.
17. The appellant says that the 2000 household survey shows some 35% of Tesco shoppers undertaking a linked trip – very much higher than one might gauge (22% maximum) from the two customer surveys. The survey question was whether the shopper 'normally' visited the town centre as well – so the actual proportion of linked trips is likely to be significantly smaller. The Council says that the same household survey showed 21% linked trips. I do not know how two expert witnesses come to such different conclusions – but the Council's view at least tallies with the other survey results. Hillier Parker found in 1997 that 55% of Tesco customers made linked trips to the town centre for financial services, 21% for other
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shopping and 15% for other services – but the evidence I have is silent on whether those trips were made normally, regularly or just occasionally.

18. All told, the evidence does nothing to dissuade me from treating the store as out-of-centre rather than edge-of-centre. Hillier Parker found that 92% of those making linked trips did so by car, which tends to support that conclusion. The household survey showed 44% of people normally doing their food and grocery shopping at Tesco, more or less the same percentage as shopped at Waitrose, Sainsbury and Aldi put together. That may make Tesco the anchor store for Leighton Buzzard so far as convenience shopping is concerned – because it attracts many more customers than the other food stores – but I think there is good reason not to place too much weight on that.
19. If one assumes a 22% incidence of linked shopping trips from the Tesco store to the town centre (consistent with the maxima in the Tesco and Boreham surveys) and equates that with 22% of the store's estimated turnover of £30.68m in 2005), then the Somerfield survey suggests that linked trip expenditure could amount to £0.67-£1.42m, depending on whether one sees the store as out-of-centre or edge-of-centre. The total turnover of the town centre is estimated at £47.59m in 2005 (Mr Arnold's Appendix 11 – £29.88m comparison goods expenditure from Table 14 and £17.71m convenience goods expenditure from Table 5, adding together the turnovers from Waitrose, Iceland, the market and local shops). At best, linked trip expenditure from the Tesco store amounts to about 3% of that, which I do not consider justifies the description of anchor store for the town centre. In my opinion, the Waitrose store, in the town centre, with turnover estimated at £15.18m in 2005, and with likely linked trip expenditure of about £3.21m (derived from the figures in the Somerfield study) is, in monetary terms, very much more deserving of the term.
20. It may be incorrect to apply the findings of the Somerfield study as I have done above. Firstly, the study says that the overall incidence of linked trips was 46% and it does not differentiate according to store location. I find that strange – because I am sure that town centre stores must generate a higher proportion of linked trips than out-of-centre stores. Perhaps the study accounts for that in the different rates of expenditure generated from town centre, edge-of-centre and out-of-centre stores. Secondly, the 46% linkage is the percentage of shoppers, not turnover – although there is no indication of how one might relate one to the other. Thus, one can perhaps do best by taking 46% of turnover and then, for the out-of-centre location, 10p/£ of that. That gives linked trip expenditure of about £1.41m, virtually the same as my calculation for surveyed linked trips at Somerfield's edge-of-centre rates.
21. Of course, the Tesco store may have the merit, albeit unquantifiable, of attracting those who "shop in it to shop in Leighton Buzzard for other purposes as well, even if at other times.
22. Also, irrespective of just how many linked trips are presently being made, the proposed highway improvements would likely encourage more people to walk between the Tesco store and the town centre. A proposal that would bring enhancement of the existing links may be welcomed at least on that basis.

Need

23. Qualitative and quantitative need are not disputed in convenience terms – and can clearly only be met by extension of the existing store. The site-specific convenience need cannot, however, be widened to justify an extension to be used for the sale of comparison goods.
24. Nor do I consider that a convenience business analysis can best estimate the impact of the proposal on Leighton Buzzard town centre. Convenience businesses tend to compete with

- convenience businesses and capacity is relatively easily calculated in those terms. But the point here, it seems to me, is that comparison sales would be introduced where they do not presently exist (at least lawfully) and could thus have an adverse impact on a town centre that might not otherwise be thought to be affected.
25. The comparison goods expenditure available within the study area is agreed as £143.51m in 2005. What is not agreed is the proportion of it that is spent within the area. The Council thinks 25% (£35.88m), the appellant 32.7% (£47.00m). The appellant's figure derives from household survey results that also give Homebase a turnover of £15.45m in 2005, which was agreed to be an anomaly. A more reasonable figure was thought to be in the region of £5.4m. The difference between 25% and 32.7% retention is of the same order as the difference between that and £15.45m. Also, the appellant and the Council were apparently agreed that the retention rate was about 25% before the household survey results were analysed. Thus, in the absence of further explanation or evidence regarding Homebase's turnover, I am content to assume 25% retention for the purposes of estimating need.
 26. On that basis, comparison goods expenditure available to Leighton Buzzard would amount to £35.88m in 2005. Using the long term comparison goods expenditure growth rate of 4.2%, that would rise to £40.75m by 2008. Estimates of the comparison goods turnover of the Tesco store are £0.63m existing and £2.0m proposed. I am not sure how reliable these figures can be since they are based on existing and proposed comparison goods sales areas that both differ from those in the Statement of Common Ground. Also, I think it right to use the total estimate, rather than the proposed increase, since the existing turnover is in breach of condition 13 of the original planning permission. Even so, the estimated £2.00m turnover would be absorbed by something like sixteen months' growth in comparison goods expenditure, which suggests ample quantitative capacity for the estimated comparison goods turnover of the proposed extension.
 27. Turning to qualitative need, I think it too easy to blur the dividing line between, on the one hand, the needs of a convenience store that is over-trading and thus struggling to provide the appropriate quality of service in its core food offer and, on the other hand, the need to expand the non-food offer. Tesco's Mr Potts writes, 'The store will remain essentially and predominantly a convenience outlet, serving the main food shopping requirements of the catchment area, and in order to assist the store to fulfil that role, the proposed extension will serve also to improve the store's ancillary durable goods facility'. The question to be answered is how that durable goods facility can assist.
 28. Tesco's own survey found that 65% and 64% of respondents thought, respectively, that a larger range of non-food items and adult clothing ought to be provided. To my mind, however, a positive answer was highly likely when asked to what extent those things would 'improve your shopping experience'.
 29. It is said that durable goods within the store would be more likely to attract 'one-off impulse purchases in association with a main food shop'. If that is so, there can really be no threat of customers abandoning the store in Leighton Buzzard simply because other stores elsewhere have a greater range of durable goods. Moreover, the existing over-trading in no way suggests that potential customers are already going elsewhere because of a limited durable goods offer. They may be going elsewhere because the store is crowded and does not always have the convenience items they want – but that is wholly different.
 30. It is also said that 'the non-food items to be sold from the store do not allow the public to compare both quality and price with other retailers selling similar goods'. This comment

appears to relate to the comparative isolation of the out-of-centre location – in which case the opportunistic selling of durable goods is much more likely to capture trade that would otherwise have gone to town centre retailers, not to convenience stores elsewhere.

31. Accordingly, I see no qualitative need to retail durable goods. I can understand the desire to do so – if only to match the durable offer of convenience stores in other towns – but that, in my opinion, represents commercial policy, not qualitative need. Indeed, Tesco's Interim Report 2002 states that non-food sales is one of the four key elements of its strategy and that, in the first half of the year, non-food sales increased strongly. It may well be that the strategy has evolved since the Leighton Buzzard store was built – but that is not something that necessarily affects the assessment of qualitative need in the particular case.

Sequential Analysis

32. The Secretary of State has endorsed the class of goods approach rather than a format-driven approach to sequential assessment. The Tesco store is out-of-centre but the durable goods proposed to be sold could be sold within the town centre. It is necessary to look at what opportunities there may be for that to occur in practice.
33. There are no sites allocated for retail development in the Local Plan. The Town Centre Strategy recognises the former cattle market, to the rear of the southern frontage of High Street, as 'the last significant development opportunity in Leighton Buzzard' – but the emerging Local Plan identifies various difficulties to be resolved and suggests that the main land use should be residential. The appellant says that the site is too small for even a small supermarket. But that misses the point of the class of goods approach – it is not a site for a supermarket that is to be investigated, it is a sequentially preferable site (or sites) from which the proposed ranges of durable goods might be sold. That said, even if the cattle market site were thought able to accommodate an element of durable goods retailing, it seems to me highly unlikely to become available within a reasonable period of time.
34. The only other site drawn to my attention is in the Waterborne Centre. Planning permission was apparently granted in 1997 for a shop of some 390sqm as part of the refurbishment of the then Bossard Centre. It has not been implemented but a new application for 450sqm gross area has been submitted to the Council. I do not think it matters that the site lacks rear servicing and is in a secondary location; it seems to me that some of the goods proposed to be sold in the Tesco store – clothing or electrical goods, for example – could readily be sold from this location. Another application recently submitted to the Council involves the existing public house in Waterborne Walk; it would provide three units with 1,000sqm gross floor area (though I suspect the net sales area would be less than half of that). Again, some of what is proposed to be sold at Tesco could be readily sold here.
35. The vacancy rate in Leighton Buzzard is very low – just 6.5%. This means there is very little further scope for additional comparison retailing within the town centre as it stands. However, even if the overall potential is very limited, there are nevertheless two reasonable opportunities, amounting to at least the same floor area, to sell in Leighton Buzzard town centre the types of durable goods proposed to be sold at the Tesco store.

Impact

36. It is difficult to be at all precise about impact on the town centre – not least because of the substantial difference between appellant and Council on what proportion of comparison expenditure is retained within the catchment area. However, as I said above, I am content to assume 25% retention for the purposes of estimating impact.

37. The appellant's and the Council's figures are not very far apart on actual expenditure within the catchment area - £35.29m compared with £39.21m. From the information provided on sales densities, I am sure that the true figure lies somewhere between the two. Assuming 25% retention, or £35.88m available expenditure, the appellant's figures give a surplus capacity of £0.59m, the Council's a deficit of £3.33m. With £0.63m for Tesco's existing durable goods turnover already included, the £1.37m estimated turnover from the extension would lead to a deficit somewhere between £0.78m and £4.70m in 2005. The latter figure would reduce to £1.18m by 2008.
38. The appellant makes three estimates. Firstly, impact on town centre shops would be £0.53m, or just 1.8%. Secondly, comparison goods expenditure from the catchment area is expected to increase by £6.0m annually. Given my assumption of 25% retention, that would mean roughly a £1.5m annual increase in available expenditure. The impact would thus be absorbed in three or four months. Thirdly, the extension is expected to bring a reduction in comparison goods expenditure outflow of £0.82m. I have to doubt this last figure. In theory, if comparison purchases at this or any other Tesco store are likely to be 'one-off impulse purchases', then providing additional floorspace at the Leighton Buzzard store should not claw trade back from elsewhere - because, by that very definition, customers cannot be going to other stores expressly for their durable goods offer.
39. The Council estimates the comparison goods impact on the town centre shops at £1.13m, or 4%. It also sees an indirect impact because convenience trade diverted from Waitrose to Tesco would mean a reduction in linked trip spending in the town centre. I think this is theoretically correct, when one is looking purely at comparison goods impact, but the sums involved would hardly be substantial. The Council estimates a £1.10m convenience impact on Waitrose, which, using the Somerfield study, leads to a net loss of £0.18m in linked trip expenditure. Adding that in would give an overall comparison impact of about 4.6%, which does not seem particularly high.

Conclusion on the Main Issue

40. My conclusions on the various aspects of the main issue are that the existing Tesco store is in an out-of-centre location, that the generation of linked trips is limited (probably no more than 22% of customers), that there appears to be quantitative capacity for comparison goods expenditure (based primarily on the relationship between what is proposed and the annual expenditure growth rate), that there is no qualitative need, that the sequentially preferable options are very limited but at least include two town centre opportunities of amounting to the same area as is proposed for comparison sales and that the impact of the proposed extension in comparison terms would be a modest 4.6% at most.
41. The appellant is correct to say that turnover in town centre shops would quickly return to, and rise above, pre-extension levels. The Council says that this misses the point - that policy looks, first and foremost, to locate new retail floorspace in town centres. I agree with the Council. The first objective of PPG6 is 'to sustain and enhance the vitality and viability of town centres'. The sequential approach 'means that first preference should be for town centre sites'. Mr Caborn's statement, in my understanding, says that showing capacity is not necessarily sufficient to demonstrate need (though it might be in some circumstances). Here, there is that capacity - but in the context of an out-of-centre store limited by condition to selling convenience goods in order not to undermine the town centre. I have found no qualitative need that could justify, itself or in tandem with quantitative need, new out-of-centre comparison goods sales space that would go against that original objective, which is

on all fours with the guidance in PPG6. Government policy takes a 'class of goods' approach to sequential analysis. There is no reason in principle why the comparison goods proposed to be sold at the Tesco store could not be sold in the town centre. It does not need to be Tesco that sells them. And there are two possible town centre sites, which the evidence suggests are both suitable and available, from which those goods could be sold.

42. Accordingly, the proposal fails the test of national retail policy before the trading impact on the town centre comes to be assessed. That the impact would be modest cannot, in my opinion, outweigh the fact that the proposal runs directly contrary to firmly established policy. Quite simply, comparison expenditure potential would go to an out-of-centre location at the expense of the town centre. I consider it insufficient to argue that anticipated expenditure growth would subsequently disguise that loss. I realise that there is scope for argument as to whether some of the durable goods that would be sold (and are presently being sold) should properly be considered comparison goods. But some clearly are (clothing, electrical goods and some household goods for instance). To sell them at an out-of-centre location would fail to sustain or enhance the vitality and viability of Leighton Buzzard town centre – irrespective of whether or not it is a healthy town centre.

Other Matters

43. Two specific decisions on store extensions were referred to in evidence – the Secretary of State's decision on an application in Oldham and an Inspector's decision on an application in Aldershot. Tesco has challenged the Oldham decision in the High Court, which means it would be inappropriate, irrespective of any similarity in the circumstances, to give it weight in coming to my conclusions in this case. In the Aldershot case, the circumstances appear significantly different – not least because the original planning permission did not restrict the range or type of goods that could be sold from the store and it was thus an important consideration that the net sales area for comparison goods could be restricted.
44. It was said that the proposed development would bring several benefits – serving properly the catchment area population, securing sustainable patterns of shopping, improvements to the local highway network, improved accessibility by public transport, a reduction in car parking spaces, a travel plan and job creation. Some would flow from an extension for purely convenience sales, some might be secured by such an extension and jobs would be created whether durable goods sales were in the town centre or at an extended store. None of these benefits is so crucial or unique as to outweigh my conclusion on the main issue.

Conclusion

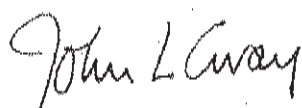
45. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

46. In exercise of the powers transferred to me, I dismiss the appeal.

Information

47. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

 Inspector

APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY**

| | |
|-------------------------------------|---|
| Mr M Humphries of Counsel | Instructed by the Solicitor to South Bedfordshire District Council. |
| He called | |
| Mr C L Tookey BA(Hons) BTP MRTPI | Principal Planner, Hephher Dixon, Town Planning Consultants, Milton Keynes. |

FOR THE APPELLANT

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|--|---|
| Mr K Lindblom QC | Instructed by Berwin Leighton Paisner, Solicitors, 20-22 Tudor Street, London, EC4Y 0AY. |
| He called | |
| Mr G C Corrance BSc DMS CEng MICE MIHT | Associate Director, Boreham Consulting Engineers, Brentwood, Essex. |
| Mr S C T Arnold MA(Cantab) MA(TP) MRTPI MRICS | Managing Partner, Development Planning Partnership, Bedford. |

INTERESTED PERSONS

| | |
|---------------|--|
| Ms V Harvey | South Bedfordshire Friends of the Earth, 41 Corbet Ride, Leighton Buzzard, Bedfordshire, LU7 2SJ. |
| Mrs C Parnell | 6 Lincombe Slade, Linslade, Bedfordshire, LU7 2SG. |

DOCUMENTS

- Document 1 Lists of persons present at the inquiry.
- Document 2 Press notice, notification of inquiry and distribution list.
- Document 3 Eight representations from third parties received before/during the inquiry.
- Document 4 The application plans – drawings nos. 319099/05; 2825.99.02/C, 04/A, 11, 12, 13/B, 14/B and 15/B; 2825.00.50/B and 51/B; 2591/02 (two copies – existing and proposed), and F/EXT/782/SK07/A.
- Document 5 Statement of Common Ground.
- Document 6 Appendices to Mr Tookey's evidence (entitled as those of Mr Potts).
- Document 7 Appendices to Mr Corrance's evidence.
- Document 8 Appendices to Mr Arnold's evidence.
- Document 9 S106 planning obligation.
- Document 10 Addendum to Statement of Common Ground.
- Document 11 Extract from Tesco plc Interim Report 2002.
- Document 12 Suggested conditions should the appeal be allowed.
- Document 13 Leighton Buzzard Town Centre Strategy, November 1997.
- Document 14 Supporting Planning Statement for a proposed extension to the Asda store at Lammascote Road, Stafford.
- Document 15 Tables 4.10 and 5A from Volume 2 of the Leighton Buzzard Retail Study 1997 (Volume 1 is at Document 8, Appendix 7).
- Document 16 Estimate of Leighton Buzzard's market share of comparison goods expenditure.
- Document 17 Extract from Proposed Modifications, January 2003, to the emerging South Bedfordshire Local Plan.
- Document 18 Petition submitted by South Bedfordshire Friends of the Earth.
- Document 19 Extract from Consumer Retail Expenditure Estimates for Small Areas (1995).
- Document 20 Papers relating to the High Court challenge to the Secretary of State's decision on an application to extend the existing Tesco store in Oldham.
- Document 21 Sample questionnaire for the survey at Document 7, Appendix 20.
- Document 22 R v Hambleton District Council *ex parte* Somerfield Stores Ltd, CO/824/97.
- Document 23 Chichester District Council v the Secretary of State for the Environment and Chartwell Land Properties Limited, CO/606/98.
- Document 24 Plan SA1 – Isochrone, Shopping Provision and Survey Zone Plan.
- Document 25 Plan SA2 – Land Use and Planning Context Plan.

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15 July 2011

Our Ref:CVH/HAR

Dear Sirs,

RE: Planning Application Ref. CB/10/04238/FULL – Tesco, Linslade.

We act for South Bedfordshire Friends of the Earth, and are instructed to comment on the Officer's Report (OR) produced for the Development Management Committee (DMC) of Central Bedfordshire Council (CBC) which will meet to determine the above-mentioned planning application on 20 July 2011. This letter should be read in conjunction with the objection previously lodged by S Beds FoE. We set out our comments below.

Planning in favour of sustainable development.

The OR places significant weight on the draft wording of a presumption in favour of sustainable development which, it is proposed by the Government, will be incorporated in a new National Planning Policy Framework (NPPF). It is intended that the NPPF will replace both Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs). At the present time a draft NPPF is not yet available, and has yet to be released for public consultation.

The OR (p48) cites 3 bullet points from the draft presumption, and states that all of the

“policies should apply to the determination of this application unless the adverse impacts of allowing the development would significantly and demonstrably outweigh benefits when assessed against the policy objectives in the NPPF taken as a whole.”

There is a particular and significant problem with adopting this approach advocated by the OR. Absent the publication and adoption of the NPPF, it is impossible to assess what the specific policy objectives referred to in the OR actually are, and therefore impossible to judge whether any application, on balance, is compliant with those policy objectives.

Whilst it may well be Government's intention to introduce such a system of assessment in the future, and to introduce a presumption in favour of sustainable development, until the

NPPF is adopted as policy, planning applications must continue to be assessed and determined in accordance with the adopted Development Plan.

This situation has parallels with Government's stated intention to abolish Regional Spatial Strategies (RSSs). Recent case law has reiterated that despite the stated intention of Government, until such time as RSSs are actually abolished they remain an integral part of the Development Plan, and as such, are a material consideration in the determination of planning applications. This judicial view was confirmed as recently as 5 July 2011 in a judgement given by Mrs J Davies in *Resource Recovery Solutions v Secretary of State for Communities and Local Government* [2011] EWHC 1726, which considered, and followed, the leading case on this matter, *Cala Homes v Secretary of State for Communities and Local Government* [2011] EWCA Civ 639.

In addition, the Minister Greg Clarke's letter of 30th June 2011 sent to the MP Andrew Selous reaffirmed that;

"The 'town centre first' policy will continue to be strongly expressed through the forthcoming National Planning Policy Framework."

In any event, it is clear when the policies of the draft presumption are applied to this specific application, the criteria set out in the policies referred to in the OR are not of direct relevance to this current planning application.

The first bullet point, to

"Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes."

refers to the preparation of local plans, which has relevance to issues relating to the emerging Core Strategy (CS) for the Council, which is discussed in more detail below, but is of no direct relevance to the current application, whilst the second bullet point refers to the approval of proposals that accord with statutory plans (i.e. the Development Plan). This is simply a restatement of the current policy approach to the determination of planning applications and is nothing new.

The third bullet point referred to in the OR, is to

"Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date".

However, despite citing this policy, the OR is silent as to whether it applies to the policies that make up the Development Plan. The RSS, the East of England Plan (EEP) was adopted in 2008, the South Bedfordshire Structure Plan (SBSP) in 2011, and the Core Strategy is well advanced and due for adoption in May 2012. Luton has just withdrawn from the CS, but the policies on the town centre have been largely unchanged for several years.

The most relevant national planning policy statement, PPS4, Planning for Sustainable Economic Growth was published in 2009. Given this, it is difficult to see the immediate relevance of the third bullet point to the determination of this current application.

In summary, the conclusion drawn in the OR that;

“...the draft wording of the presumption in favour of sustainable development lends a degree of support to the proposal.”

is hard to reconcile with the specific policy issues that are of direct relevance to this application. In planning terms, any weight that may be given to these policies is very limited, and should not be interpreted as determinative.

PPS4 – Planning for Sustainable Economic Growth.

The starting point for the assessment of this application should be the policy considerations and objectives set out in PPS4, because, as the Statement advises, the policies in PPS4;

“...are a material consideration which must be taken into account in development management decisions, where relevant.” (PPS4 para. 3)

Paragraph 9 states that the Government's overarching objective is sustainable economic growth, which is defined as;

“Growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare...” (footnote to para. 9)

Paragraph 10 of the Statement sets out the objectives of the guidance, which include, reducing the need to travel, especially by car, and the promotion of the vitality and viability of town centres.

This latter objective will be achieved, inter alia, by focusing new economic growth and the development of main town centre uses in existing centres and the promotion of competition between retailers through the provision of shopping and leisure in town centres, which allows genuine choice to meet the needs of the entire community.

It is against this overall policy framework that the specific policies of PPS4 have to be interpreted and against which the current application should be assessed. As paragraph 3 of the Statement makes clear;

“The development management policies in the PPS can be applied directly by the decision maker when determining planning applications.”

Policy EC14 of PPS4 requires a sequential assessment to be undertaken for applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan, and Policy EC16 additionally requires an impact assessment in such circumstances.

Policy EC17 states that such proposals (for main town centre uses not in a centre and not in accordance with an up to date development plan) should be refused planning permission where either compliance with the requirements of the sequential approach is not met or where there is clear evidence of significant adverse impacts as set out in policies EC10.2 and EC16.1.

The OR makes reference to such an impact assessment prepared by consultants acting

on behalf of the applicants, submitted “in response to this requirement”, which would appear to be the requirement pursuant to Policy EC16.

There thus seems to be an acceptance on the part of the applicant and/or the Council that the development proposal is both for a main town centre use not in a town centre (which appears to be unarguable), and, more significantly, that the development proposal is not in accordance with an up to date development plan.

Given this apparent acknowledgement, there is a clear inconsistency between this and the view expressed in the OR that;

“... the new development would accord with policies in the development plan...” (OR p49)

East of England Plan 2008 (EEP)

The only policy from the EEP referred to in the OR is Policy E1, which sets a target for the creation of 23,000 jobs in the Luton S Beds area over the Plan period 2001-2021. The OR states that the proposed scheme will create a total of 84 additional full and part time jobs, which it accepts is “modest”. (This figure is the Tesco jobs, 140, minus the loss of the Homebase jobs).

No indication is provided as to the breakdown of the 84 posts into full-time equivalents, and in any event, these posts would be created irrespective of location. That is, an outlet of a similar size would produce the same number of jobs whether located out of town or in the town centre. Tesco is announcing 140 new jobs of which 75% are part time and 25% full time.

(A study by the National Retail Planning Forum in 1998 of 93 new superstores found that each one resulted in a net loss of 270 jobs. In Accrington, Tesco promised 450 jobs during the planning process yet once the new store was opened it only advertised for 191 staff. http://www.lancashiretelegraph.co.uk/news/8489610.Fewer_jobs_on_offer_at_Accrington_s_new_Tesco_store/?ref=rss).

Impact on the town

The loss of Homebase will harm the DIY offer to the town which is currently good and so result in more people travelling outside the town. –“Savills consider that the combined implications would have no significant impact on the town centre, but would be likely to slightly prejudice its vitality and viability.” We understand that Homebase opposed to the Tesco application.

In addition, we question the assertion that: "The range of shopping and service facilities is good". There is a real shortage of shortage of clothing shops in the town centre – only 9% of money spent on clothes and footwear is spent in the town(Borough Retail Study 2005). An ILLB survey of 850 people in 2008 found that 94% wanted a larger range of clothing and footwear. Tesco states that it will only sell the lower end of the range

The ILLB group in its submission state: “For one store to have as large a percentage of comparison good sales is unrealistic for the viability of the town centre shops. There is not the evidence that the offer that Tesco wants to have (depending on the size) will come from Milton Keynes. It is more than likely to come at the expense of the town centre shops as seems to be the case in most other towns.

Being located at an out of town centre site does not provide the customer the choice of comparison with other stores as is possible in a town centre with a wider range of goods.

On the subject of linked trips, the OR refers to a figure of 42 % linked trips – this survey has not been made available for public scrutiny as part of the planning application, but is quoted in the Savills Report at para 5.8.

“A compensating factor is that new customers drawn into the centre will almost certainly engage in associated shopping trips into the central area. Survey information collected at the Tesco store in June 2010 showed that some 42% of customers visiting the store undertook linked trips and that it would be reasonable to assume that most if not all such trips were into Leighton Buzzard Town Centre. Further research material supplied to us by Tesco’s consultant in relation to another proposal at Sandy confirms that a store located some 400 metres from the primary shopping area in a nearby centre would give rise to a significant number of linked trips and confirms the above survey results. One has to be careful not to over-state this phenomenon in the current circumstances. The Tesco store is already substantially over trading and insofar as the proposed extension is merely mopping up this expenditure the proposed extension would not give rise to additional linked trips. There is no information in the Assessment to permit a calculation of the retail sales value of such trips.”

The Tesco linked trips survey has not been subject to independent scrutiny or review, and the percentage reported (42%) is almost double that of a figure (22%) accepted by an Inspector at an appeal inquiry in 2003 for a similar application at the same site.

Disaggregation –

There is an element of uncertainty on this point in the OR (p59), which states;

“However, Savills add a note of caution. The exercise conducted by MRPP assumes a continuing sales capacity of £3.16M per annum for the extension when the tendency would be for the turnover ratio to climb towards the company average with the effect of substantially reducing expenditure capacity. Savills argue that the above table (combining the Tesco and town centre schemes) assumes that change has taken place by 2016 and is, therefore, a robust illustration of capacity at that date, namely a difference of 330m² between the convenience floorspace to be provided in the combined schemes (1,807m²) and the convenience floorspace requirement at 2016 (1,477m²). Insofar as the extension turnover would not have reached the company average, the difference between the two figures would be correspondingly less. The implications of these circumstances would be two-fold - firstly, reduced sales in the other main supermarket outlets and secondly, less than sufficient retail need to support the convenience element of the anchor store at 2016. Notwithstanding their note of caution, it is Savills’ view that the scale of the overall difference between the two figures and its spread suggests very limited trading implications for the vitality and viability of the town centre.”

Furthermore, the Savills Report fails to take into consideration a planning application for East Leighton-Linslade for 2,500 houses with a 2,000m² supermarket. The likely impact of this development on capacity for convenience and comparison has not been taken into account in either Retail Assessments.

South Bedfordshire Local Plan Review 2004

The OR makes specific reference to Policy SD1 and states that the proposal clearly accords with the policies of SD1.

As the Review was undertaken in 2004, its policies have now been superceded by those set out in PPS4 released in 2009. As such, very limited weight, if any, can be afforded to Policy SD.1

Emerging Core Strategy (CS)

It is surprising that the OR makes no specific reference to the emerging CS, which is timetabled for adoption by May 2012. The draft CS has already been out for public consultation and been subject to a preliminary assessment by an Inspector responsible for assessing its soundness. As such the emerging CS is clearly a material consideration to be taken into account in the determination of this application, and should be afforded due weight.

Draft Policy CS21 considers the planned development of Leighton-Linslade Town Centre and states that Development Briefs will be prepared to guide, enable and facilitate the delivery of mixed-use development on 2 sites, one within and one adjoining the town centre. Part of the proposed mixed-use development consists of the provision of up to 6,889m² of retail floor space.

The draft policy further states that development proposals must have regard to these objectives and that any development proposals submitted in advance of the production of Development Briefs will need to demonstrate that they would not prejudice the provision of such uses. One of the preferred options, the development of land South of the High Street, subject to recent public consultation, identifies the provision of an anchor store of some 2,400m² and other retail outlets of up to 2,850m².

Whilst the OR places significant weight on 2 Retail Assessments (one undertaken by the Applicant and another by the Council itself), both of which conclude that the development of the current scheme would not prejudice town centre development plans, such conclusions should be approached with a high degree of caution.

It is unclear from the OR as to how up to date the data upon which growth projections are based actually are. At the time of writing, retail sales figures and projections for retail growth are subject to a high degree of uncertainty and flux. Data released by the British Retail Consortium (BRC) on 11 July 2011 record retail sales growth of 1.5% for the period June 2010-June 2011. The Director General of the BRC in commenting on the figures referred to a "spate of shop closures" and "weak company figures" over the period in question. He also pointed out that the higher VAT rate was responsible for making the year on year comparison "better than it really is". Figures for inflation released by the Office for National Statistics (ONS) on 12 July 2011 show a slight fall to 4.2% from 4.5%.

The OR accepts that the current proposed scheme clearly overlaps with the retail development proposals for the Land South of the High Street, and the Council's own consultants, Savills, suggest "very limited trading implications for the vitality and viability of the town centre". However, this conclusion should be tested against the most up to date figures available, not those which may already have been overtaken by recent developments.

The OR advises that;

“Allowing the new extension would not materially impact on the redevelopment proposals at Land South of High Street. There is no substantive evidence to suggest that the scheme would fail to proceed if permission were to be granted.” (OR p61)

In the current retail climate there can be no such certainty, and a more precautionary approach should be adopted, particularly when a proposed scheme risks prejudicing an emerging plan which is based on a high degree of public participation.

Conclusion

In conclusion, the application is not in accordance with the Development Plan. As such the application can only be approved in circumstances where the benefits of the proposal clearly outweigh the disbenefits of the scheme. This remains the correct policy position irrespective of the draft presumption in favour of sustainable growth published by DCLG in June. Whilst the presumption may come into effect in the future, at the present time planning applications must be determined in accordance with adopted policies and guidance.

The benefits of the proposal will largely accrue to the applicant company, in that it will improve its overtrading situation, which is the stated purpose of the planning application.

Set against this is are the likely adverse impacts of the development on the emerging plan for the town centre and likely adverse impacts on the viability and vitality of the town centre at a time of great uncertainty as to growth of the retail sector. At a time of low consumer confidence, falling disposable incomes, restrictions on consumer credit and stagnant retail growth, there is a very real risk that were this application to be approved adverse impacts on the town centre would be of a far greater magnitude than those projected in the retail assessments.

For these reasons and those set out above, this application should be refused.

Yours sincerely,

Charlie Hopkins MA (Oxon) Dip Law Solicitor (Non-Practicing)

Planning & Environmental Consultant

Submitted on behalf of South Bedfordshire Friends of the Earth

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1. Presumption in favour of sustainable development. (Planning Officers Report)

Plan for Growth “to achieve strong, sustainable and balanced growth that is more evenly shared across the country and between industries”

Leighton-Linslade has half of its disposable income spent on comparison goods spent in Milton Keynes – that is £70 million. 40% is spent in the town. That is not balanced. And the retail industry balance is skewed as the town has not the range of clothing stores it needs as over half of this income £35 million is the main reason that MK is used.

The Government proposes “radical changes to the planning system to support job creation by introducing a powerful presumption in favour of sustainable development, opening up more land for development, while retaining existing controls on greenbelt land.”

The sequential test is that land in the town centre is priority with land on the edge of the town centre with good links next. Out of town centre sites and out of town sites are not favoured. Tesco is an out of town site – PPS 4, Planning Inspectorate, ILLB, GRPS, Homebase agree that it is. Leighton-Linslade has two preferable sites and has done since the mid seventies. Between the two is 750,000 square feet of land both have good links and are central to the community.

LPA’s should “Prepare local plans on the basis that objectively assessed development needs should be met and with sufficient flexibility to respond to rapid shifts in demand or other economic changes.”

To assume that the Tesco application would be the best in the short term – simply because it is there, Tesco can pay for it and it causes less work for the Council seems to be the basis for the recommendation. This is not objective, certainly not for the people who live here. The problem for the town is much greater and the demand of the population is for more choice in shops which they have indicated in two surveys one official and one conduct by ILLB. This restricts choice. The town’s population would rather have a choice of shops here first than travel to Milton Keynes which is getting more expensive and would save them money. The Tesco bid does not meet this need the South Side does.

“Approve development proposals that accord with statutory plans without delay”

The South Side of the High Street potentially can be developed quite quickly. This is the preferred choice in the Government Policy and therefore the Council are obliged to do something about it. The rest of the land assembly should be possible. The Planners argue it would take time. South Bedfordshire had 20 years to do something about it but seemed to have had no political will to do so. With the potential of up to £70 million there should be little problem to get developers interested especially when the likes of Waitrose and M&S Simply Food have expressed interest. These two and a number of other retailers Tesco cannot compete against as their offer is lower quality and certainly does not have the kudos of these two brands. And if, as stated by the Planners, there is a higher number of ABC1 people in the town then they certainly will not go to Tesco when there are better offerings in the town centre. However, one must not forget the other social groups who are equally as important. The town centre as the hub of the local community is an essential part of the main Government and Central Bedfordshire plans, that means all and most people statistically are against the Tesco extension and the reverse is true for support for the South Side being developed most if not all people want it.

“Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

The local plans before were silent on the Tesco site for the simple reason- there are preferred sites, therefore there is no reason to grant permission for this extension. The evidence against it is too strong, the two sites of South Side and Bridge Meadow are the best candidates and the Council has spent time and money to look at these two sites.

“The Tesco site is one of the most sustainable locations in the urban area and the proposal clearly accords with the policy of SD1”

The Tesco site is clearly not one of the most sustainable in the urban area. The LPA has clearly of the mind that this is a site that be done quickly without too much cost to Central Bedfordshire and that the better preferable sites would take longer whilst admitting that the apart from the time factor the Planning Officers have concluded that apart from the time and land issues “the site is clearly suitable” and totally disregarded the Planning Policy Schedules which are still the statutory regulations. Tesco is across the river from the bulk of the town; there are huge problems with reaching Tesco without use of a car and **20% of households do not have a car and two thirds of the population live across the**

river from Tesco. The town centre site for retail is much better and sustainable – everybody can reach it.

Job Growth. The Tesco proposal if it goes ahead would mean the demolition of Homebase and the loss of 56 jobs at the very least (Homebase also state that cleaning and contractual jobs will also be lost) and there would be a net gain of 84 jobs full and part-time. In other towns where supermarket development has been unchecked there is a loss of jobs in the immediate area, shops staff, accountants, window cleaners. And Tesco make job promises and rarely keep them. In one town – Accrington- they promised over 400 jobs and took on 191, most of the store staff from the branch they closed. There has been too much assumption that Tesco are right.

However, if the South Side was developed then the jobs created would be positive with a number of retailers brought in and more and better job opportunities for the local people with the knock on effect that the existing town centre shops will take on extra staff and the few empty units would be rented out.

LPA's should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

A lot of the land on the South Side is Council owned land. There is little reason why this should not be put forward as the preferred option as there will be much better opportunities for the town here than Tesco.

Sustainable development for Leighton Linlade is long term thinking. Sustainable is making sure that the population of here and the local villages in our catchment area has the fullest range of shops and services to make sure the town is self sufficient for day to day needs for everybody. With fuel prices going up and the costs of just surviving going up then it is the duty of Central Bedfordshire to find, with consultation with the public, the best solution in the long term.

The people of Leighton Linlade want a greater range of shops to cover the mix from lower cost and quality to the higher end where they can get to easy and cheaply and to use Milton Keynes as the second choice. This means a greater range of shops to improve what we have already which the South Side will deliver. The Tesco extension will not fulfil this – we have to get the people and their money back into the local economy not going off to Milton Keynes which is another area altogether. The Tesco extension is not the right way for the town and using the argument that it can be done quickly and only fulfils part of the needs of the town is frankly wrong. Please read the Planning Inspectors Report.

“In all other matters raised by consultantees’ and other interested parties have been taken into account in consideration of this recommendation but have not been material enough as to lead to an alternative recommendation for refusal” Planning Officers Report page 64.

A major rebuttal of the Tesco Planning and Retail Assessment written by Martin Robeson on behalf of Tesco, prepared by ILLB Group using evidence from Retail Study by WYG for South Bedfordshire, Retail studies for Milton Keynes Borough and Aylesbury Vale, site visits and other extensive research, actually going through each paragraph of the Robeson report to challenge the evidence. Handed in to Central Bedfordshire Planning in January 2011. Not included in the evidence for the Development Planning Committee.

Planning for a Vibrant Leighton Buzzard an extensive document outlining the various PPS 4 sections, reasons, based on PPS4 and other planning criteria, of refusals of other supermarkets in other parts of the country and demonstrating the errors and omissions of Tesco in their application and the reasons behind the Planning Inspectors report on the dismissal of Tesco’s appeal for a similar attempt in 2003, another document (Planning Inspectors) not included in evidence.. A document, professionally printed by a local firm, given to all members of the Development Planning Committee, Leighton Linslade Town Council, Central Bedfordshire Planning (2), Andrew Selous MP and the Leighton Buzzard Observer and copies sent to Tescopoly and interested groups who are also resisting Tesco and other supermarkets.

Numerous objection letters from around the town which only a portion of these were listed and no indication of the actual numbers published in the report which must run to over 100.

Objection letters from the Leighton Buzzard Society a well established group in the town dedicated to making Leighton-Linslade a better place. National Federation of Market Traders who represents the twice weekly market in Leighton Buzzard which has existed for over 1000 years

A petition of over 2,000 signatories against the Tesco proposal

A postcard created by Friends of the Earth asking interested people to fill in name address and their stated objection on planning grounds. 400 completed in less than two hours

A postcard to ask Central Bedfordshire to put the South Side proposal as the major development just under 200 completed in less than a few hours. Similar number to Leighton Linslade Town Council

A simple poll in the Leighton Buzzard Observer which ran for several weeks with nearly 1,000 replies on-line and by special post box in a Leighton Buzzard shop which came out at around 80% against the extension with numerous comments.

A report from GR Planning Services for Homebase backing up the claims of the ILLB Group and very critical of the Martin Robeson report.

The major pieces of work are extensive researched documents sourced and presented in an even-handed approach. These are robust documents. The views of the people of Leighton Buzzard are dismissed even though they are on sound planning grounds, not technically backed up but are their own observations – these people are not stupid and they are the people that the council work for. They want choice and most want Homebase to stay. And they expect the council to do the right thing and robustly back up their concerns.

In a poll conducted in Tesco’s own store over a few days with thousands of customers there only 142 people bothered to fill out the form and of the legitimate forms 60% were against the Tesco extension.

Lastly. Gallup Polls conduct surveys in the USA, scientifically worked out admittedly, using between 1,000 and 1,500 people to represent the views of over 200 million adults in that country and are usually right. We have over 1,000 people who have expressed a view and over 75% are against the Tesco extension, and is statistically correct in assuming 75%+ of the adult population, 27,000 total at last estimate, the majority do not want the Tesco extension which correlates to the national picture that 30% of people use Tesco in the UK – 70% do not.

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Noise and Disturbance

The residents of Vimy Road have complained about the noise coming from the Tesco yard, especially at night. Homebase do not have lorries after store hours therefore Tesco is the culprit.

The noise levels are above legal limits and that if Homebase goes there will be more.

Tesco would have to be very diligent to reduce the noise coming from their yard at all hours. There would be a greater number of deliveries to the enlarged Tesco if they get the go ahead.

Traffic generation and Sustainable Transport

The loss of Homebase will not reduce the traffic to Tesco.

There will not be more linked trips to the town centre. The figure of 42% from a Tesco survey actually too high and there is no way to check the verification of this survey as it is not available for public consultation. The Planning Inspector stated that he was satisfied with about 22% of linked trips, which in our mind is still too high. Tesco in 2000 stated 35% linked trips so how the percentage has increased is baffling.

The Tesco proposals and the assessments that they have made are not robust enough. To do a traffic survey and use two hours is ludicrous. A colleague who actually works for contractors for the Department of Transport states that it is totally inadequate and is not correct.

Also the Transport Officers stating that the entrances and exits of Tesco are adequate can be seen to be utterly wrong.

We submit some photographs of the various exits and entrances.

Main Entrance



Petrol Station entrance



Petrol station exit looking north



Petrol Station looking south



Looking south to petrol station entrance/exit



Middle exit



Middle Exit looking south



Middle Exit Looking North



Top Exit



Top Exit looking south



Top Exit looking north



Looking at these pictures from a height of about 66 inches slightly higher than a car driver the Transport Officers remarks seem very strange. The above photograph leads up to Vimy Road and the estate behind. The fence belongs to the building on the right. The middle exit gives a very good range of vision to get out. The petrol station entrance and exit is very difficult to get out of and is by far the busiest as a lot of cars use the petrol station but do not use the supermarket car park.

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Homebase's critique of the Tesco Planning and Retail Assessment

Homebase do not want to move.

Reasons

1. The store is profitable
2. It would be very expensive and quite difficult to find a suitable site to accommodate the store seeing as it is 4,900 square metres of selling space and 900 sq metres back area and would need considerable car parking.
3. That as the dominant DIY outlet in town it retains the consumers spend pretty much in the area.
4. The loss of Homebase would be a loss to the town and reduce choice
5. That people would be forced to go elsewhere for their DIY needs and goes against Government policy to reduce the use of cars
6. It would harm the retail profile of the town and reduce the qualitative non-food offer
7. Most of the £14 million spend which around half is Homebase (ILLB calculations, certainly not less than £4 million) on Home Improvement will go out of town.
8. Loss of 56 full and part time positions in actual floor staff and additional service personnel such as cleaners and contractors
9. And the impact will also be felt on the town centre shops and reduce employment there as well.

Retail implications

That the Planning and Retail Assessment by Martin Robeson is "full of contradictions as well as assumptions that are not fully justified, with parts of the analysis either incomplete or flawed"

1. That the overtrading is only mitigated by a third of the planned expansion space to convenience even though they are arguing for a larger area to compensate
2. That this could be disaggregated by either a new 1000 square metre store in the town centre either through Tesco or another store fascia
3. Tesco have not offered any "flexibility" in the proposal as required in PPS4
4. That the requirement that Tesco disaggregates the comparison into another site is not taken into consideration
5. The sequential test as set out by Tesco is incomplete and does not satisfy any of the criteria therefore is not compliant
6. GRP, through their own experience in preparing these documents cannot agree at all with Martin Robeson's assertion that no turnover will be taken from the town centre and is not credible and realistic and that the evidence to support this theory is not there.
7. That to offset some of the Homebase loss that some of it will be taken up by Tesco through comparable lines is not true. Only about 20% will. Therefore the figures that MR comes up with are not true and the assumption is not right.
8. Also the choice and quality and the price range of Homebase goods is far greater than Tesco.
9. GRP conclude that most of not all this trade will go out of town.

False information from Tesco

Tesco were spreading rumours that Homebase were looking for a new home in the town and with this information would they sign a petition supporting the Tesco expansion.

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LATE SHEET**2.00 PM MEETING****DEVELOPMENT MANAGEMENT COMMITTEE – 20 JULY 2011****SCHEDULE A**

Item 8 (Page 215-226) – CB/11/00664/FULL – The Old Church of St Vincent adjacent to the Recreation Ground, Tithe Farm Road, Houghton Regis.

Additional submissions from the applicant

Since the report on the main agenda was prepared the applicant has submitted a 'Tree Survey Report – Pre-development arboricultural survey and implications assessment', a Tree Constraints Plan, revised plans and additional information.

Tree Survey Report

The Tree Survey Report concludes that the primary arboricultural constraint to the development of this site is the group of three mature Ash trees located along the western site boundary that are the subject of the Tree Preservation Order - Central Bedfordshire Council, Land at former Church of St Vincent and adjacent to Tithe Farm Recreation Ground, Tithe Farm Road, Houghton Regis Tree Preservation Order No. 8/2011. The Tree Survey report identifies these trees as an important landscape feature in an otherwise urban setting. The trees are between 18m and 20m high and have crown spreads of up to 9m to the east toward the proposed development area.

There are two main implications for this group of trees when considering the proposed development which is to be located approximately 8m to the east of the trees. First, the building line encroaches into the root protection area (RPA) and the crown spreads of all three trees. This would have a significant impact on the root systems and would require significant pruning of the crowns in order to provide sufficient clearance for construction works to take place. Secondly the trees would cast significant shadow over the proposed nursing home, in particular the west elevation which would be affected for the greater part of the day and this factor could result in pressure to further prune the trees.

In order to mitigate the implications outlined above there are few options available. The proposed building could be resized and reconfigured to better accommodate the trees (the building line would need to be at least 10m from the centre of each tree) whilst some minor pruning, crown lifting and reduction of any particularly extended east facing lateral branches would alleviate some of the shading effects whilst also providing an additional area during the construction phase. In addition, some thought should be given to the design of the building whereby the size of the windows in the west elevation is maximised to admit as much natural light as possible.

Revised plans

The applicant acknowledges that introducing a tree protection area to meet the recommendations of the Tree Survey would mean reducing the footprint of the building. However a reduction in the number of bedrooms would jeopardise the viability of the scheme. Accordingly the revised plans propose a basement area under part of the footprint that would accommodate plant and other infrastructure. As a result of the additional cost involved in providing a basement, a further room has been included which makes a total of 41 bedrooms being proposed.

The development would still be two storeys in height. Parking for 17 vehicles would be provided.

Additional information

The applicant has confirmed that the application is for a convalescent/nursing home with an emphasis on treating those with dementia.

With regard to the selection of this site, the applicant's intention was to provide a nursing home that was accessible to the local community in Houghton Regis. The only other possible site in Houghton Regis where such a proposal could be accommodated are either earmarked for residential development (the site opposite the Chequers PH, commercial development and community facility (The Co-Operative site opposite Bedford Square) or on Houghton Road which has permission for a supermarket. The applicant does not believe that there are any suitable sites available within Dunstable.

Additional Consultation/Publicity Responses

Tree and Landscape Officer – additional comments are awaited and will be reported at the meeting

Additional Comments

The comments of the Tree and Landscape Officer are still awaited and will be reported at the meeting.

The amendments to the layout of the building and the associated visual change to the external appearance of the building along with the creation of an additional bedroom unit would normally be the subject of further publicity, re-notification of neighbours and re-consultation. However, as the revised plans were not received until Monday, 18th July 2011 it has not been possible to undertake this.

Additional/Amended Conditions

None.

Item 9 (Page 227-234) – CB/11/01920/FULL – 50 Drove Road, Biggleswade.

The applicants name has been miss-spelt and should be HILLYARD.

Additional Consultation/Publicity Responses

1. The Town Council raise no objection to the proposal.
2. A consultation response has been received from the neighbouring property (no. 52 Drove Road) in support of the application.

Additional Comments

Please see attached Appeal decision from a previous application reference CB/10/01722/FULL.

Additional/Amended Conditions

None.

SCHEDULE B

Item 10 (Page 235-246) – CB/10/04390/FULL – Land at Sandy Railway Station, Station Road, Sandy.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 11 (Page 247-254) – CB/11/01523/FULL – Woodlands, 55a Woburn Street, Ampthill, Bedford.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 12 (Page 255-262) – CB/11/01888/FULL – 10 Bedford Road, Lower Stondon, Henlow.

Additional Consultation/Publicity Responses

None.

Additional Comments

See attached letter received from Applicant.

Additional/Amended Conditions

None.

SCHEDULE C

Item 13 (Page 263-268) – CB/11/01517/FULL – Keepers Cottage, Beadlow, Shefford.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 14 (Page 269-276) – CB/11/01919/FULL – 2 Sandy Lane, Leighton Buzzard.

Additional Consultation/Publicity Responses

17 Sandy Lane (05/07/11):

- values local amenity land;
- fence not in-keeping with the character of the area; and

- enclosure would be detrimental to highway safety in terms of vehicle visibility and pedestrian safety.

Leighton-Linslade Town Council (11/07/11):

- RESOLVED that no objection to made to Application Ref CB/11/1919 2 Sandy Lane, but that Central Bedfordshire Council be asked to consider adding a condition to any planning consent granted, to ensure that if a hedge were to be planted behind the proposed fence, its height would be restricted.

E-mail received from the occupier of 9 Chiltern Gardens. (18/07/11):

- I will not be able to attend the Development Management Committee meeting being held tomorrow (20 July 2011) concerning the application. Nevertheless I still wish to register my continued **objection** to the planning application proposal to 'change the amenity land to residential garden by the erection of a 900mm fence'

Additional Comments

The applicant submitted additional documents on Friday 15th July which will be placed on desks for the members of the committee to view on the day of committee.

Additional/Amended Conditions

None.

Item 15 (Page 277-282) – CB/11/01605/FULL – 1 Churchill Way, Shefford.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

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Appeal Decision

Site visit made on 15 September 2010

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gov.uk

Decision date:
30 September 2010

Appeal Ref: APP/P0240/D/10/2133891

50 Drove Road, Biggleswade, Bedfordshire SG18 8HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr David Hillyard against the decision of Central Bedfordshire Council.
- The application Ref CB/10/01722/FULL, dated 30 April 2010, was refused by notice dated 24 June 2010.
- The development proposed is to convert the existing single storey building roof to a mono-pitch roof, and also to accommodate a new hardwood conservatory on a brick base with a glass and slate roof at the rear of the property.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue with this case is whether the proposed conservatory would adversely affect the living conditions of the residents at 52 Drove Road.

Reasons

3. This dwelling and the adjoining house, No 52, each have a part single storey, part 2-storey wing projecting off the rear elevation. The proposed conservatory would occupy the gap that exists between the wing on the Appellant's property and the boundary with No 52. It would be some 6.27m in length, and its eaves would be higher than the fence that currently separates the 2 dwellings.
4. The proposal would not have any appreciable effect on sunlight or daylight in the adjoining property due to its size and the aspect of the houses. However, given the length and height of the conservatory, in my opinion it would be unduly dominant when seen from the yard area at No 52 that lies between the boundary and the wing of that dwelling. It would also appear as a striking, dominant structure when looking from the ground floor rooms of No 52 that have windows onto the yard. As a result, I consider it would enclose the rear of this neighbouring house to an unacceptable extent and so it would unreasonably harm the living conditions of those residents.
5. In coming to this view I appreciate that the boundary fence and the wing on the Appellant's house already enclose the rear of the neighbours' property to some degree. However, I consider that any current sense of enclosure is not as great as would be created by the proposal, because the fence is lower than the eaves of the conservatory while the wing is set further back and is not as long. Therefore, when compared to the effect of the existing arrangement the

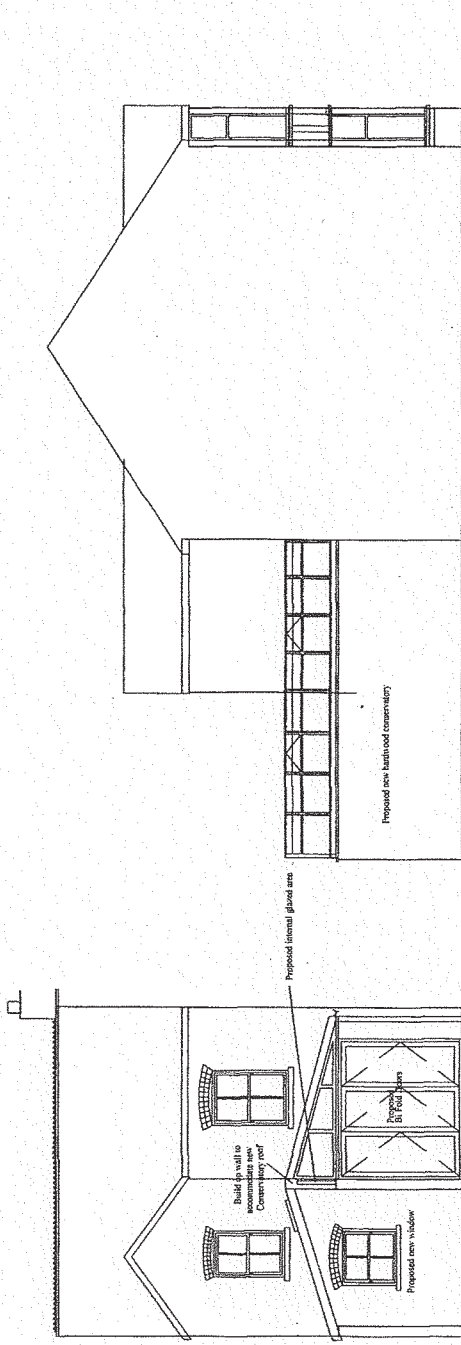
Appeal Decision APP/P0240/D/10/2133891

additional impact of the scheme before me would be sufficient to render it unacceptable. It is likely that this proposal would remain at the site after the existing occupiers of No 52 had ceased to live next door, and while they have no objections to the work this does not justify allowing the appeal. I have noted the conservatory at a property to the north, but I am unaware of the background to that scheme and the weight I can afford it is limited. Finally, I do not question that the design of the development would be well related to that of the existing house, but any benefit this offers would not be sufficient to overcome my concerns.

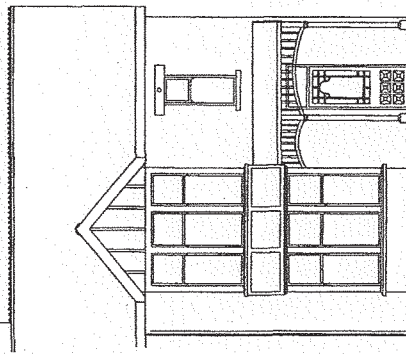
6. Accordingly, I conclude that the proposal would detract unacceptably from the living conditions of the residents at No 52, and so would conflict with Policy DM3 in the Council's *Core Strategy and Development Management Policies DPD*. Therefore the appeal should be dismissed.

J P Sargent

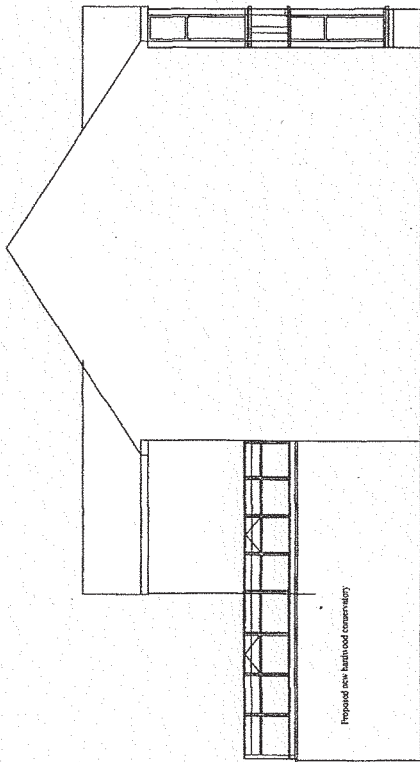
INSPECTOR



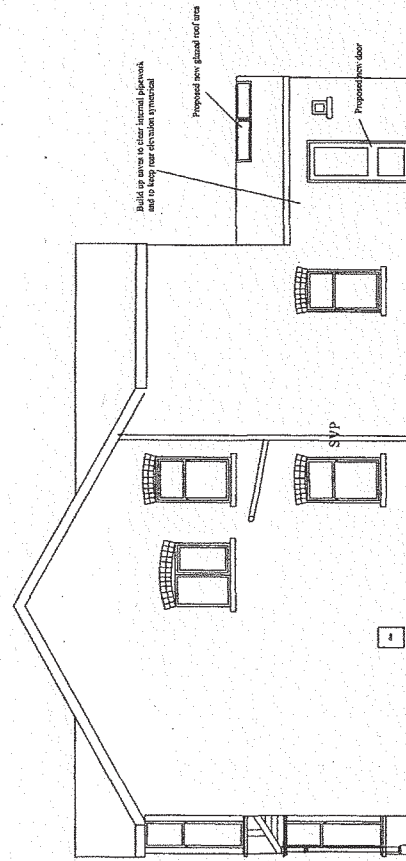
Rear elevation



Front Elevation



Left elevation



Right elevation

10/01722

| |
|--|
| Drwg 0002b |
| Proposed Elevations |
| 50 Drove Road Biggleswade SG18 8HD |
| Scale 1:100 |

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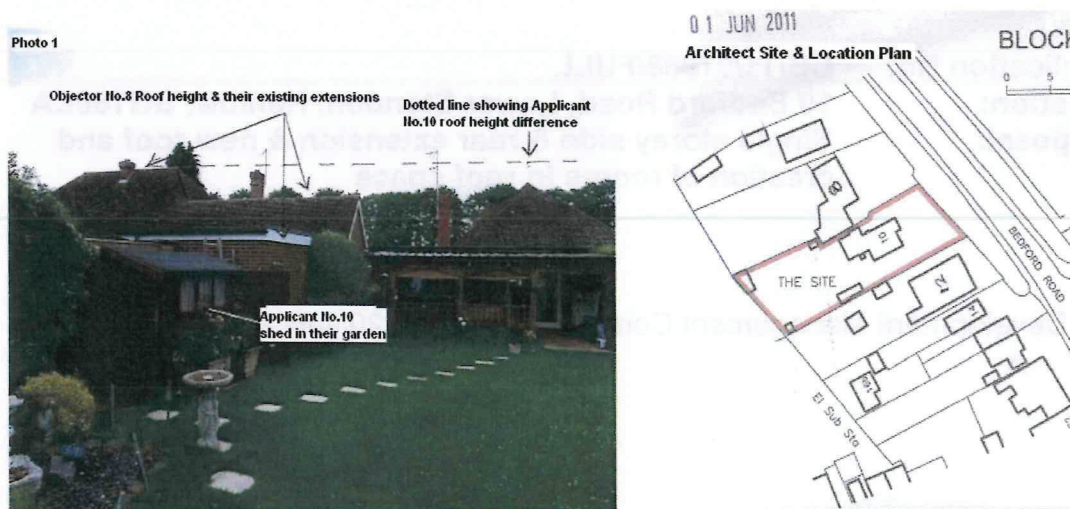
Application No: CB/11/01888/FULL
Location: 10 Bedford Road, Lower Stondon, Henlow, SG166EA
Proposal: Single storey side & rear extension & new roof and creation of rooms in roof space

For Development Management Committee Meeting 20 July 2011.

As an active part of the community by sponsoring Langford FC and our son playing for them for over 4 years, we moved to No.10, Bedford Road, Lower Stondon just over a year ago.

I am registered disabled with Bedfordshire Council; due to osteoporosis I have been advised that I will require wheelchair assistance in the near future. Also due to the current economic climate our son now lives with us and will soon be joined by his partner who is expecting our 1st grandchild.

Our home is currently overshadowed by our neighbours at No.8 and No.12, we are the, lowest roofed and least developed bungalow of the 5 bungalows in our road, clearly shown in **Photo 1** below and we are **not** increasing our existing roof height just the angle of the current pitch slightly. As our neighbours have similar developments to our proposal we feel that our home is also a suitable site for this particular development.



In March this year we submitted our original planning application for an extension to our home to accommodate our change of circumstances. We worked hard to ensure the design; appearance and layout of the plans were in-keeping with the neighbouring properties.

After individual consultations with both sets of neighbours, **only** Larry & Sybil at No.8 raised concerns specifically regarding:

- Potential invasion of privacy into their back garden;
- Potential overbearing

Eddie & Row at No.12 support our application (see enclosed letter).

In April, Larry & Sybil gained support from Stondon Parish Council; unfortunately I was unaware of this meeting so I was not represented.

Sarah Fortune, Planning Officer, advised us that our planning application was to be refused on the grounds of the **only** valid objection of potential of overshadowing to No.8.

When Sarah and the Assistant Director of Planning site visited we asked advice on how to best resolve Larry & Sybil's objection. With more than

adequate space between our external lounge wall and No.8's home, they advised that we could still extend our lounge by 1.5 metres without overshadowing No.8. We decided **NOT** to extend towards Larry & Sybil's home as shown clearly on our revised plans in front of you.

To keep good relations with Larry & Sybil, we withdrew our original application we have ensured our revised planning application resolves their objections raised by closely with the Planning Office. The Planning Office is satisfied that the **only** valid previous objection has been extinguished; therefore we did not consult with Larry & Sybil further.

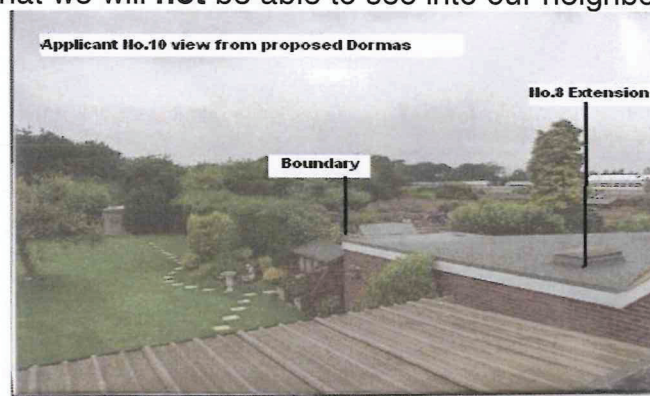
The Planning Office Ok'd sketches of our revised intentions and we instructed our Architect to submit our revised plans on 01 June that we are now asking you to approve.

Samantha Boyd, 2nd Planning Officer, site visited on 13 June advising that as Eddie & Row, at No.12, already have dorma windows a strong precedence has already been set, shown in **Photo 2**.



Unfortunately, Larry & Sybil have once again submitted their **same** objections. On 22 June, the Parish Council reviewed statements by Larry & I but abstained from decision, neither supporting Larry nor I.

Regarding the potential loss of privacy, **Photo** below taken from our roof shows clearly that we will **not** be able to see into our neighbour's garden



There has been brief mention of our revised plans not being in keeping with the area but all neighbouring properties are all very different & individual. We would be grateful if you approve our plans.

Thank you
Mr & Mrs P. Donald.
10 Bedford Road, Lower Stondon, Henlow, Beds.

12 Bedford Road,
Lower Stondon,
Henlow,
Bedfordshire
SG166EA

Applicant No: CB/11/01888/FULL

Location: 10 Bedford Road, Lower Stondon, Henlow, SG166EA

Proposal: Single storey side & rear extension & new roof and creation of rooms
in roof space

We feel that Kathy & Paul's home is suitable for this particular development as they have carefully ensured that the design, appearance and layout of the proposed plan is in-keeping with the rest of the neighbouring detached bungalows as much as possible. This could not have been an easy task as all immediately neighbouring bungalows are very different in looks and layouts.

With regards to the proposed new roof and creation of rooms in roof space, there will not be any overshadowing or loss of privacy issues caused by the proposed application, due to our bungalow (No.12) and the neighbours, bungalow (No.8) already having much higher roof lines to Kathy & Paul's (Applicant No.10). If anything we both overshadow No.10.

Kathy & Paul have confirmed that the height of their roof will not be increased.

We already have a chalet bungalow with dormer windows to the side and rear of our property which have been in place for over 12 years. We do not have any objections to Kathy & Paul's proposed plans.

With regards to the single storey side extension, this is to be built towards our home **only** now since the original plans were revised. As Kathy & Paul have enough spare land and we have a wide driveway between our properties, we are in favour of the proposed plans.

Kathy & Paul became our neighbours over a year ago although they have been contributors to the local community for over 4 years. They are a welcomed part of our village.

Yours sincerely,

Mrs R Bentley
12 Bedford Road
Lower Stondon,
Henlow
Beds
SG166EA

Item No. 7**SCHEDULE B**

| | |
|--|---|
| APPLICATION NUMBER | CB/10/04238/FULL |
| LOCATION | Tesco Stores Ltd, Vimy Road, Linslade, Leighton Buzzard, LU7 1ER |
| PROPOSAL | Demolition of existing Class A1 retail warehouse (Homebase) and construction of extension (2,850 sqm) to existing Class A1 foodstore (Tesco) with additional car parking and landscaping. Construction of freestanding canalside Class A3 restaurant/cafe unit with public realm enhancements on Leighton Road frontage. |
| PARISH | Leighton-Linslade |
| WARD | Linslade |
| WARD COUNCILLORS | |
| CASE OFFICER | Mr C Murdoch |
| DATE REGISTERED | 01 December 2010 |
| EXPIRY DATE | 02 March 2011 |
| APPLICANT | Tesco Stores Ltd |
| AGENT | Martin Robeson Planning Practice |
| REASON FOR COMMITTEE TO DETERMINE | Major application with considerable public interest and objection. |
| RECOMMENDED DECISION | Full Application - Granted |

That the application be approved

Recommendation

That Planning Permission be granted subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure:

- Provision of an on-site public realm enhancement.
- Promotion of sustainable transport initiatives within the vicinity of the site, to include provision of a zebra crossing;
- Provision of Real Time Passenger Information;
- Financial contribution for the provision of a part time Town Centre Manager;
- Financial contribution towards improvements to the appearance of shopfronts and pedestrian links within the town centre;
- Financial contribution towards public art;
- Implementation of a travel plan;

and subject to the following conditions:

- 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 Tree protection shall conform to the specification outlined in the Tree Protection Plan produced by Aspect Landscape Planning as per their Drawing No. AA TPP 02, which forms part of the Landscape Supporting Statement, which clearly shows the position and build specification of tree protection relating to the Root Protection Area for each retained tree, calculated under Table 2 of BS 5837 : 2005 "Tree in Relation to Construction", or any amendments or subsequent editions to this Standard. This will be for the purpose of enclosing an area around the trees marked to be retained within the development, as indicated on the "Proposed Site Plan" prepared by Saunders Partnerships Architects on their Drawing No. 6676_P101.0, dated 20/10/10. The fencing shall form a "Construction Exclusion Zone" (as specified in Section 9 of BS 5837 : 2005) which shall be demarcated by Protective Barriers (as specified by Figure 2 of the BS 5837: 2005). These measures will be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by vehicles, plant and machinery.

Reason: To safeguard the rooting medium, as defined by the calculated Root Protection Areas, and the natural canopy spread and health of retained trees within the development.

- 3 Consent is being granted in recognition that no underground services are scheduled to be routed through Root Protection Areas of retained trees. If any services are subsequently required to be routed through Root Protection Areas then this work should be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees".

Reason: To safeguard the integrity of the rooting medium within the Root Protection Area of retained trees within the development.

- 4 **Development shall not commence until a landscape scheme has been submitted for approval to the Local Planning Authority to indicate the size and species of trees, shrubs and hedging to be planted in the areas indicated for proposed new planting as per the "Proposed Site Plan" prepared by Saunders Partnerships Architects on their Drawing No. 6676_P101.0, dated 20/10/10. The planting scheme shall also include a detailed planting specification showing clearly the design and build construction specification of tree planting pits, including provision for adequate drainage and backfill requirements and means of protecting each tree from vehicle compaction and damage from vehicle manoeuvring through the provision of cast iron tree grids and guards. All landscape planting shall be maintained for a period of 5**

years thereafter, replacing any specimens lost during the first planting season following failure.

Reason: To ensure satisfactory landscape planting and establishment in order to mitigate against the high loss of trees felled to accommodate the new development in order to maintain visual amenity.

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

- 5 **Development shall not commence until a scheme for the parking of vehicles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose. Furthermore, the parking layout shall incorporate marked segregated pedestrian footways in order to provide safe access for pedestrians between the parking areas and the store entrance.**

Reason: To ensure provision for car parking clear of the highway.

(Policy T10, S.B.L.P.R.).

- 6 **Development shall not commence until samples of the materials to be used for the external walls and roofs of all new buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the buildings.

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

- 7 **Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access 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.

- 8 **Development shall not commence until a scheme for the parking and storage of cycles on the site has been 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 customers and employees of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 9 **Development shall not commence until wheel-cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer(s) shall ensure that**

all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).

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

- 10 The Tesco foodstore as extended shall only be used for Class A1 retail purposes and for no other purpose in Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification). The proposed freestanding café/restaurant adjacent the Leighton Road site frontage and the Grand Union Canal shall only be used for Class A3 purposes and for no other purpose in Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason: To control the development in the interests of amenity. (Policy BE8, S.B.L.P.R.).

- 11 The gross external floor area of the Tesco foodstore as extended shall not exceed 8,595m² and the net sales floor area shall not exceed 4,630m². The net sales floor area dedicated to the display and sale of convenience goods shall not exceed 3,150m² and the net sales floor area dedicated to the display and sale of comparison goods shall not exceed 1,480m² or 32% of the total net sales floor area.

Reason: To define the maximum gross external and net sales floor areas permitted and to control the mix of convenience and comparison net sales floor areas in accordance with national guidance in Policy EC19 of Planning Policy Statement 4 *Planning for Sustainable Economic Growth*.

- 12 **Development shall not commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The Tesco foodstore as extended shall not be brought into beneficial use until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding.

- 13 **Development shall not commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. The Tesco foodstore as extended shall not be brought into beneficial use until the works have been carried out in accordance with the surface water strategy/flood risk assessment so approved unless otherwise approved by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from

flooding.

- 14 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 16 November 2010, reference 091124 revision A, prepared by Pinnacle Consulting Engineers Limited, and the following mitigation measures detailed within the FRA:

1. Submission of a surface water drainage strategy to demonstrate that the surface water run-off generated by events up to and including the 1 in 100-year critical storm (with an allowance for climate change) will not exceed 211.7 liters per second, and not increase the risk of flooding off-site.
2. Finished floor levels are set no lower than 82.96m above Ordnance Datum (AOD).

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

- 15 **Prior to the commencement of development approved by this planning permission, 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: The site overlies a principal aquifer – Woburn Sands Formation. Principal aquifers are geological strata that exhibit high

permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The regional use of groundwater in the area makes the site vulnerable to pollution. The overlying Secondary aquifer and nearby River Ouzel are also at risk of pollution from this site. The previous uses of the land which include a petrol filling station, engineering works, factories and warehouses suggest that land contamination should be expected until a phased investigation (covering the whole area within the red line boundary of the planning application) concludes otherwise.

- 16 Prior to construction, 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: Should the proposed intrusive investigation identify any soil or groundwater contamination onsite, a validation report demonstrating satisfactory remediation of the site is required prior to commencement of the proposed development.

- 17 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 ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 18 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.

Reason: To prevent the pollution of controlled waters. In accordance with the Environment Agency Groundwater Protection Policy, direct discharges into groundwater of surface water run-off are not acceptable and only clean uncontaminated water should be discharged into any infiltration structures. We do not allow construction of infiltration structures in potentially contaminated land. All surface water drainage from areas susceptible to oil contamination must be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained.

- 19 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.

Reason: The site overlies principal aquifer. It is recommended that piling on 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.

- 20 No deliveries shall be taken at or dispatched from the site outside the hours of 07.00 and 23.00.

Reason: To prevent nuisance from noise and to protect the amenities of the area.

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

- 21 All plant, machinery and equipment installed and operated in connection with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant, either measured or calculated, are to apply at a position 1m from the closest affected window of the relevant noise sensitive property.

The applicants/developers/occupants of the site shall clearly demonstrate that noise from the installed fixed operational plant achieves the required noise standard prior to the use of the plant.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the operation of the Tesco store as extended.

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

- 22 Normal working hours for demolition and construction works shall be 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no working on Sundays, Bank or Public Holidays.

Reason: To minimise disturbance to the occupants of neighbouring properties during the demolition and construction phases of the development.

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

- 23 Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation both within the Tesco foodstore as extended and within the proposed freestanding canalside café/restaurant hereby permitted. Such equipment shall be operated and maintained in accordance with the manufacturer's instructions for so long as the development's commercial food preparation and food service uses continue. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment, shall be submitted to and approved in writing by the Local

Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.

REASON: In order to prevent any adverse impact of odours arising from cooking and food preparation within the site on the amenity of nearby residents.

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

- 24 No external loudspeaker systems shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect of the amenity of nearby residents.

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

- 25 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties and/or highway safety.

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

- 26 **Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:**

(a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

(b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

(c) Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

(d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

**Reason: To protect human health and the environment.
(Policy BE8, S.B.L.P.R.).**

- 27 **Development shall not commence until details of an acoustic barrier fence to be erected along the northern and eastern boundary of the service yard shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier fence as approved shall be erected before the Tesco foodstore as extended is first brought into beneficial use and thereafter retained in its entirety.**

**Reason: To protect neighbouring residents from any adverse impact from noise arising from the use of the service yard
(Policy BE8, S.B.L.P.R.).**

- 28 **Development shall not commence 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 proposed 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 Planning Policy Statement 5 *Planning for the Historic Environment*.

- 29 **Development shall not commence until the applicant or developer has secured the implementation of a scheme of heritage interpretation and enhancement which has been submitted to and approved in writing by the Local Planning Authority. The proposed development shall only be implemented in accordance with the approved scheme.**

Reason: To ensure that the development makes a positive contribution to the character and local distinctiveness of the historic environment and sustains and enhances the significance of the heritage asset in accordance with Policies HE7.4 and HE7.5 of Planning Policy Statement 5 *Planning for the Historic Environment*.

- 30 **Development shall not commence until a Site Waste Management Plan, indicating how opportunities for the reduction, recycling and re-use of waste during the construction and occupation of the Tesco foodstore as extended will be taken account of, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out and completed in accordance with the approved Site Waste Management Plan.**

**Reason: In the interests of sustainable waste management.
(Policies W5 and W6, Bedfordshire and Luton Waste Local Plan).**

NOTES

- (1) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme. The Chairman varied the scheme of Public Participation to allow groups of both supporters and objectors 10 minutes to speak.

- (2) In advance of the consideration of the application the Committee were advised of detailed updates contained within the Late Sheet as attached to the Minutes.

Item No. 8**SCHEDULE A**

| | |
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| APPLICATION NUMBER | CB/11/00664/FULL |
| LOCATION | The Old Church of St Vincent adjacent to the Recreation Ground, Tithe Farm Road, Houghton Regis |
| PROPOSAL | Erection of two storey building to provide a 40 Bed Nursing Home (C2 use) and associated parking. |
| PARISH | Houghton Regis |
| WARD | Houghton Hall |
| WARD COUNCILLORS | Cllrs Mrs Goodchild & Jones |
| CASE OFFICER | Gill Claxton |
| DATE REGISTERED | 28 February 2011 |
| EXPIRY DATE | 30 May 2011 |
| APPLICANT | Innoventions Consultancy |
| AGENT | Knight Architecture & Design |
| REASON FOR COMMITTEE TO DETERMINE | Called in by Ward Councillor Jones as the issues of Green Belt, conflict with Policy R3 and departure from the Local Plan are finely balanced and there is considerable local interest. |
| RECOMMENDED DECISION | Full Application - Refused |

Recommendation

Deferred – that the application be deferred until the next meeting to enable consideration to be undertaken on information received subsequent to the despatch of the agenda.

That Planning Permission be refused for the following reasons:

- 1 The site lies within the South Bedfordshire Green Belt, wherein permission will not be granted except in very special circumstances for development for purposes other than agriculture and forestry, mineral working, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area which preserve the openness of the Green Belt. Very special circumstances have not been established in this case. The proposal is therefore contrary to national guidance within Planning Policy Guidance Note 2 - 'Green Belts'.
- 2 The proposed development is contrary to Policy R3 of the South Bedfordshire Local Plan Review which seeks to improve the existing urban open space at Tithe Farm Recreation Ground with the provision of additional pitches, changing facilities, toilets and showers.
- 3 The proposal would by virtue of the size, siting and scale of the building serve to urbanise this site, erode the open character and appearance of the locality and reduce the openness of the South Bedfordshire Green Belt at

this particular location. The proposal is therefore contrary to national advice in Planning Policy Statement 1 - 'Delivering Sustainable Development', Planning Policy Guidance Note 2 - 'Green Belts' and Planning Policy Statement 7 - 'Planning and the Rural Economy' and to Policy BE8 of the South Bedfordshire Local Plan.

Notes to Applicant

1. Please note that the unnumbered drawing (Topographical Survey) submitted in connection with this application has been given a unique number (CBC/001) 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.

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|-------------------|
| Item No. 9 |
|-------------------|

| | |
|--|---|
| APPLICATION NUMBER | CB/11/01920/FULL |
| LOCATION | 50 Drove Road, Biggleswade, SG18 8HD |
| PROPOSAL | Change existing single story rear roof to pitch roof & erect a single storey rear extension |
| PARISH | Biggleswade |
| WARD | Biggleswade South |
| WARD COUNCILLORS | Lawrence & Vickers |
| CASE OFFICER | Judy Self |
| DATE REGISTERED | 13 May 2011 |
| EXPIRY DATE | 08 July 2011 |
| APPLICANT | Mr D Hilliard |
| AGENT | Lantern Developments |
| REASON FOR COMMITTEE TO DETERMINE | Ward Councillor request Cllr D Lawrence A planning request based on precedent was turned down even when there was no objection. This was endorsed at appeal. |
| RECOMMENDED DECISION | Full Application - Refused |

Recommendation

Delegated Application – That the Head of Development Management be delegated authority to approve the application subject to the following conditions.

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 CBC/001; CBC/002; CBC/003; CBC/004, CBC/005;CBC/006.

Notes to applicant

Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.

The application form for approval of details reserved by a condition, guidance notes and fees (ie: £25.00 for householder applications and £85.00 for all other applications, per submission) can be found on our website www.centralbedfordshire.gov.uk or alternatively call Customer Services on 0300 300 8000 for hard copy forms.

NOTES

- (1) In advance of the consideration of the application the Committee were advised that the Applicants name had been miss spelt and should read Hillyard. In addition the Committee were advised of additional consultation received.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

Item No. 10

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| APPLICATION NUMBER | CB/10/04390/FULL |
| LOCATION | Land at Sandy Railway Station, Station Road, Sandy |
| PROPOSAL | Full: Provision of a surface level car park comprising 228 spaces. |
| PARISH | Sandy |
| WARD | Sandy |
| WARD COUNCILLORS | Cllrs Aldis, Maudlin & Sheppard |
| CASE OFFICER | Dee Walker |
| DATE REGISTERED | 17 January 2011 |
| EXPIRY DATE | 14 March 2011 |
| APPLICANT | Network Rail |
| AGENT | WYG Planning & Design |
| REASON FOR COMMITTEE TO DETERMINE | Cllr Aldis requested on grounds increased traffic generation onto a busy road, provision of a temporary toilet on a permanent site and parking concerns |
| RECOMMENDED DECISION | Full Application - Granted |

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 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 development details of materials to be used for the external finishes of the Attendants cabin and portaloo 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 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**
 - a) A Phase 2 Site Investigation report further documenting the ground

conditions of the site with regard to potential contamination, incorporating appropriate sampling, as shown to be necessary by the WYG Phase 1 Desk Study of February 2010 which identified Low to Moderate risks to site workers, end users and groundwater.

b) Where shown necessary by this Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and validation sampling.

Any remediation scheme and any variations shall be agreed in writing by the local planning authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency at Brampton should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment

- 4 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been submitted to and approved by the Local Planning Authority. 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 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 roadwork's 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.

- 6 Prior to commencement of development details of a 2.0m wide new

foot way to be provided on the east side of Station Road from the new access to join to the existing foot way at the railway stations northern access and from the new access towards the south for a distance of 69.0m measured from the centre point of the new access as shown on drawing No COTH055402-P-003, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the new access is brought into use.

Reason: In the interest of highway safety and pedestrian movement.

- 7 **Prior to commencement of development a scheme detailing provision for on site parking for construction workers for the duration of the construction period shall be 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

- 8 If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reasons: To protect and prevent pollution of controlled waters in accordance with Planning Policy Statement 23 (PPS23) and the Environment Agency's Groundwater Protection (GP3) documentation.

- 9 If within a period of 12 months following the first use of the lighting columns the Local Planning Authority requires the alignment of the lights to be adjusted and/or hoods or shields to be fitted, this shall be carried out in accordance with an agreed scheme within 28 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

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

- 10 Prior to the first use of the site, the existing southern car park access along New Road shall be closed as set out within the supporting documentation of the application.

Reason: In the interest of road safety and traffic movement.

- 11 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 90.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, for the duration of the development , 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.

- 12 Before the new access is first brought into use the proposed vehicular access shall be constructed and surfaced in a durable material to be approved in writing by the Local Planning Authority for a distance of 10.0m into the site, measured from the highway boundary.. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety and reduce the risk of flooding

- 13 Before the new access is first brought into use, the existing southernmost access situated almost opposite to the Willow Rise/Station Road junction 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 new access is first brought into use 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 The proposed means of illumination shall be shielded so that no glare or dazzle occurs to drivers of vehicles using the public highway.

Reason: In the interest of road safety.

- 16 Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved 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 users and to encourage the use of sustainable modes of transport.

- 17 No development shall commence until details of the provision of electric car charging points on the site have been submitted to and approved by the local planning authority. The approved details shall be implemented prior to the first use of the car park and thereafter retained and approved.

Reason: In order to encourage the use of sustainable modes of transport.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SK 015 P1, SK 016 P1, A0555402-P-001 A, A0555402-P-02 A, COTH055402-E-001 0, COTH055402-P-003 A, FPL/AMEY 001 REV01, FPL/AMEY 002 REV02, Planning Statement, Design & Access Statement, Electrical Proposals, Geo-environmental Desk Study, Transport Assessment, Extended Phase One Habitat Survey & Bat Assessment.

Reason: For the avoidance of doubt.

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location would not harm the character and appearance of the area, have an adverse impact on the residential amenity of neighbouring properties or have an adverse impact on highway safety. As such the proposal is in conformity with Policies CS4 and DM3 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Guidance 13 (2001). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

Notes to Applicant

1. The applicant is advised that any rough grassland and scrub areas should not be driven over nor have materials stored there, over and above what is already present and clearance of these areas should not take place between October and March so as to prevent the disturbance of hibernating reptiles.

With regard to bats, when demolishing the main building as a precautionary measure, the roof should be removed by hand during the winter months to minimise the chance of disturbance to bats. This will also compliment the recommendation that buildings should be removed outside the bird nesting season of March to September (inclusive).

2. You are advised to note the comments of the Environment Agency as set out in the enclosed letter.
3. The applicant is advised that no works associated with the construction 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 Councils, 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.

4. The applicant is advised that in order to comply with Conditions 4, 6 and 13 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

Item No. 11

APPLICATION NUMBER CB/11/01523/FULL
LOCATION Woodlands, 55A Woburn Street, Ampthill, Bedford, MK45 2HX
PROPOSAL Remodelling of dwelling comprising two storey front extension, two storey rear extension and new windows and doors. Increase in roof height. Single storey side and rear extension. Replacement garage.
PARISH Ampthill
WARD Ampthill
WARD COUNCILLORS Cllrs Duckett, Blair & Smith
CASE OFFICER Annabel Gammell
DATE REGISTERED 22 April 2011
EXPIRY DATE 17 June 2011
APPLICANT Mr & Mrs Bryant
AGENT Aragon Land & Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE Councillor Smith requested the application be determined by Development Management Committee, due to impact upon street scene.

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 Prior to commencement 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 walls, windows, doors and roof, samples should be provided. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the visual amenities of the adjacent Listed buildings and of the Ampthill Conservation Area.

- 3 Prior to the first occupation of the building the 1st and 2nd floor windows in the east and west facing elevations of the development hereby permitted shall be fitted with obscured glass of a type to substantially restrict vision through it at all times. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 4 Before development commences a scheme for the provision of 4 on site usable car parking spaces shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented before the development (front and rear extension) is brought into use.

Reason: To minimise the potential for on street parking and thereby safeguard the interest of the safety and convenience of road users.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1464/10/1, 1464/10/2, 1464/10/3, 1464/10/4, 1464/10/5B, 1464/10/6B, 1464/10/7.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed extensions and alterations to this residential property would, preserve the Amphill Conservation Area, and the adjacent Listed Buildings, it would not have a negative impact upon the general character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies, DM13, CS15 and DM3 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 1 (2005), Planning Policy Statement 5 (2010), Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005). It is in further conformity with technical guidance, Design in Central Bedfordshire, a Guide for Development.

NOTES

(1) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

Item No. 12

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| APPLICATION NUMBER | CB/11/01888/FULL |
| LOCATION | 10 Bedford Road, Lower Stondon, Henlow, SG16 6EA |
| PROPOSAL | Single storey side & rear extension & new roof and creation of rooms in roof space |
| PARISH | Stondon |
| WARD | Arleseey |
| WARD COUNCILLORS | Cllr Dalgarno, Cllr Wenham, Cllr Drinkwater |
| CASE OFFICER | Samantha Boyd |
| DATE REGISTERED | 01 June 2011 |
| EXPIRY DATE | 27 July 2011 |
| APPLICANT | Mrs Donald |
| AGENT | The Victor Farrar Partnership |
| REASON FOR COMMITTEE TO DETERMINE | Ward Member Call in by Cllr Drinkwater - Reasons: Overbearing impact and loss of privacy. |
| 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 1103.03 rev A, 1103.01, 1103.02 rev D.

Reason: For the avoidance of doubt.

NOTES

(1) In advance of the consideration of the application the Committee were advised of an additional letter received from the Applicant.

(2) In Advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

Item No. 13

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| APPLICATION NUMBER | CB/11/01517/FULL |
| LOCATION | Keepers Cottage, Beadlow, Shefford, SG17 5PH |
| PROPOSAL | Removal of existing extensions. New two storey side extension and replacement single storey extension to north elevation |
| PARISH | Campton/Chicksands |
| WARD | Shefford |
| WARD COUNCILLORS | Cllrs Birt & Brown |
| CASE OFFICER | Dee Walker |
| DATE REGISTERED | 26 April 2011 |
| EXPIRY DATE | 21 June 2011 |
| APPLICANT | Mr & Mrs Garner |
| AGENT | Louise Bastable Architects |
| REASON FOR COMMITTEE TO DETERMINE | Agent is related to Cllr Bastable |
| RECOMMENDED DECISION | Full Application - Granted |

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 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 The materials to be used for the external walls and roof shall accord with the details set out on the approved plan PL-1005-07 unless otherwise agreed in writing by the Local Planning Authority.

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 PL-1005-01, PL-1005-02, PL-1005-03, PL-1005-04, PL-1005-05,

Reason: For the avoidance of doubt.

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location would not harm the character and appearance of the area or have an adverse impact on the residential amenity of neighbouring properties. As such the proposal is in conformity with Policy DM3 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2010) and Planning Policy Statement 7 (2007). It is further in conformity with the Design in Central Bedfordshire: A Guide for Development - *Design Supplement 4: Residential Alterations and Extensions* (2009). It is therefore considered **acceptable** and that planning permission should be granted subject to conditions.

Item No. 14**SCHEDULE C**

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| APPLICATION NUMBER | CB/11/01919/FULL |
| LOCATION | 2 Sandy Lane, Leighton Buzzard, LU7 3BE |
| PROPOSAL | Change of use: From amenity land to residential garden by erection of a 900mm fence. |
| PARISH | Leighton-Linslade |
| WARD | Leighton Buzzard North |
| WARD COUNCILLORS | Cllrs Johnstone, Shadbolt & Spurr |
| CASE OFFICER | Nicola McPhee |
| DATE REGISTERED | 13 May 2011 |
| EXPIRY DATE | 08 July 2011 |
| APPLICANT | Mr Mario Ciancio |
| REASON FOR COMMITTEE TO DETERMINE | The Applicants partner is an employee of the Council |
| RECOMMENDED DECISION | Full Application - Refused |

Recommendation

Delegated Application – That the Head of Development Management be delegated authority to approve the application subject to conditions as follows

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 Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, CBC/002, CBC/003 & "Fence Specification" details received 13/05/11.

Reason: For the avoidance of doubt.

NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. 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.

NOTES

(1) In advance of the consideration of the application the Committee were advised of consultation received subsequent to the despatch of the agenda.

(2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

Item No. 15

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| APPLICATION NUMBER | CB/11/01605/FULL |
| LOCATION | 1 Churchill Way, Shefford, SG17 5UB |
| PROPOSAL | Alterations to existing boundary wall |
| PARISH | Shefford |
| WARD | Shefford |
| WARD COUNCILLORS | Cllrs Bert & Brown |
| CASE OFFICER | Judy Self |
| DATE REGISTERED | 16 May 2011 |
| EXPIRY DATE | 11 July 2011 |
| APPLICANT | Mr C Bugden |
| AGENT | Mr S Coates |
| REASON FOR COMMITTEE TO DETERMINE | The applicant is an employee of CBC |

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| RECOMMENDED DECISION | Full Application - Granted |
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Recommendation

That Planning Permission be granted subject to the following:

- 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.
- 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.
- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SC/2005245/05; CBC/001.

Reason: For the avoidance of doubt.

Reasons for Granting

It is considered that the proposal would not have a material impact on the character and appearance of the surrounding area, nor would it have a material impact on the residential amenities of the neighbouring properties; as such the proposal is in conformity with Policies DM3 of the Adopted Core Strategy and Development Management Policies (2009); Planning Policy Statement 1 (2005); Planning Statement 3 Housing (2006) and the adopted Central Bedfordshire Design Guide (2010).