

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 9 November 2011

### PRESENT

Cllr A Shadbolt (Chairman)

Cllrs	P N Aldis	Cllrs	I Dalgarno
	A R Bastable		Mrs R J Drinkwater
	R D Berry		K Janes
	D Bowater		D Jones
	A D Brown		T Nicols
	Mrs C F Chapman MBE		I Shingler
	Mrs S Clark		J N Young

Apologies for Absence: Cllrs Mrs R B Gammons  
Ms C Maudlin  
P F Vickers  
Mrs C F Chapman (a.m only)

Substitutes: Cllrs R W Johnstone (In place of Mrs R B Gammons)  
K C Matthews (In place of Ms C Maudlin)  
N Warren (In place of P F Vickers)

Members in Attendance: Cllrs Mrs D B Green (a,m only)  
J Murray (a.m only)  
Mrs P E Turner MBE (p.m only)

Officers in Attendance:	Mr D Ager	Highways Officer
	Miss H Bell	Committee Services Officer
	Mr A Davie	Head of Development Management
	Mrs V Davies	Principal Planning Officer
	Mr A Emerton	Managing Solicitor Planning, Property, Highways & Transportation
	Mr R Fox	Head of Development Planning and Housing Strategy
	Mr D Hale	Development Management Team Leader (South)
	Mr S Harrison	Senior Projects and Planning Officer
	Ms L Kitson	Beds & Luton Green Infrastructure Officer
	Ms C Leach	Senior Education Officer
	Mr M Oake	Archaeologist
	Ms J Scott	Landscape Officer
	Mr J Spurgeon	Principal Planning Officer

DM/11/66 **Chairman's Announcements**

- (1) The Chairman asked the Committee to silence their mobile phones for the duration of the meeting.
- (2) The Chairman advised that following the Planning Inquiry in respect of Biggleswade Medical Centre, the Planning Inspectorate had agreed with the decision taken by this Committee.
- (3) The Chairman advised that a request had been made to the Secretary of State to call in the decision relating to CB/10/04238/FULL relating to Tesco Stores Ltd, Vimy Road, Linslade, Leighton Buzard. The National Planning Casework Unit had advised in writing that the case would not be called in and the Council were free to determine the application as they saw fit.
- (4) Councillor Bowater apologised and retracted comments made to a member of the public who represented Friends Of The Earth in relation to the above planning application made at the meeting held on 20 July 2011.
- (5) The Chairman advised that it was his intention to vary the Scheme of Public Participation as set out in Annex 3, Part A4, Paragraph 4. A time limit of 15 minutes would be permitted for each group of speakers.

DM/11/67 **Minutes**

**RESOLVED**

***that the Minutes of the meeting of the Joint Management Committee held on the 12 October 2011 be confirmed and signed by the Chairman as a correct record subject to the recording of Councillor Warren declaring an interest in respect of attending Dunstable Town Council and not Leighton Linslade Town Council (Minute No DM/11/55 refers)***

DM/11/68 **Members' Interests**

(a) **Personal Interests:-**

<b>Member</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr N Young	7 & 8	Chairman of the Luton & South Beds Joint Planning Committee	Present
Cllr A Shadbolt	7 & 8	Member of Luton & South Beds Joint Planning Committee	Present

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

There were none.

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

Cllr D Jones requested that the following be recorded in respect of Item 7:

Together with my fellow Ward Member, Cllr Mrs Goodchild, had the benefit of a briefing from the developers in July 2009.

I also paid a visit to the developer's public consultation, also in July 2009.

I attended the meeting of the Houghton Regis Town Council's Planning and Licensing Committee in December 2009 at which this matter was discussed, but did not speak or vote.

In all of the above, I have been careful not to express any opinion on this matter prior to its consideration by this meeting.

**DM/11/69 Petitions**

The Chairman advised that no petitions had been received.

**DM/11/70 Planning Enforcement Cases Where Formal Action Has Been Taken**

**RESOLVED**

**That the update on planning Enforcement cases where formal action has been undertaken be noted.**

**DM/11/71 Late Sheet**

In advance of the consideration of the following Planning Applications the Committee received a Late Sheet advising 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/11/72 Planning Application No. CB/09/06431/OUT**

**RESOLVED**

**that Planning Application No CB/09/06431/OUT relating to Land at Frenchs Avenue and Hillcroft/Weatherby, Dunstable and land to the West of Hillcroft including Maidenbower (Houghton Regis Ward) Bedfordshire be refused on the grounds as set out in the schedule appended to these Minutes.**

**DM/11/73 Planning Application No. CB/11/03025/FULL**

**RESOLVED**

**That Planning Application No CB/11/03025/FULL relating to Formerly The Priory PH, High Street North, Dunstable be refused as set out in the schedule appended to these Minutes.**

**DM/11/74 Adjournment of meeting**

The Committee adjourned at 12.40 p.m.

The Committee re convened at 2.00 p.m.

DM/11/75 **Planning Application No. CB/10/02161/FULL**

**RESOLVED**

**That Planning Application No CB/10/02161/FULL relating to Old Park Farm Way, Toddington be approved as set out in the schedule appended to these Minutes.**

DM/11/76 **Planning Application No. CB/11/03370/FULL**

**RESOLVED**

**That Planning Application No CB/11/03370/FULL relating to Land to the rear of 197 , Hitchin Road, Arlesey be deferred for one cycle to enable clarification to be sought with regard to site measurements.**

DM/11/77 **Planning Application No. CB/11/03169/OUT**

**RESOLVED**

**That Planning Application No CB/11/03169/OUT relating to Former Meller Beauty Premises, Sunderland Road, Sandy be approved subject to a section 106 agreement as set out in the schedule appended to these Minutes.**

DM/11/78 **Planning Application No. CB/11/02984/VOC**

**RESOLVED**

**That Planning Application No CB/11/02984/VOC relating to Northhill Lower School, Bedford Road, Northill be approved as set out in the schedule appended to these Minutes.**

DM/11/79 **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 Monday 5 December 2011:**

**Chairman (or his nominee)  
Vice-Chairman (or his nominee)  
Cllrs PN Aldis  
A Bastable  
D Bowater  
Mrs S Clarke  
R Johnstone (to act as a substitute if necessary)**

(Note: The meeting commenced at 10.00 a.m. and concluded at 5.00 p.m.)

Chairman .....

Dated .....

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 09 NOVEMBER 2011

#### SCHEDULE A

***Item 7 (Page 13-64) – CB/09/06431/OUT – Land at Frenchs Avenue and Hillcroft/Weatherby, Dunstable and land to the west of Hillcroft including Maidenbower (Houghton Regis Ward), Bedfordshire.***

#### **Additional Consultation/Publicity Responses**

We have received 167 additional signatures to the petition referred to on page 22, making a total of 2866 signatures.

Being unable to attend this meeting the CPRE (response on page 41) has sent a further letter which is attached hereto.

#### **Additional Comments**

Since the report was written an appeal decision has been issued of considerable importance to this application (*Appeal by Wainhomes (South West) Holdings Ltd on land at Treverbyn Road, St Austell, Cornwall*). The Secretary of State's letter of 31st October 2011 appears below and paragraphs 18 and 19 are instructive. We have therefore reviewed matters relating to timing of this decision in relation to the state of the Central Bedfordshire Development Strategy process.

*“The Planning System: General Principles” (2005, ODPM) states that “In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or under review but it has not yet been adopted. This may be appropriate where a proposed development is so substantial...that granting permission could prejudice the DPD by predetermining decisions about the scale, location, or phasing of new development which are being addressed in the policy in the DPD. “*

Planning legislation advocates a plan-led approach, particularly in relation to possible changes to the Green Belt (see PPG2), and this was the approach being followed by the Joint Committee with the joint Core Strategy.

With the recent withdrawal of the Core Strategy officers were unsure as to whether a prematurity argument could be sustained in respect of the prejudicial impact of this site on the Central Bedfordshire Development Strategy process. However, the recent decision by the Secretary of State in relation to a large mixed-use development at St Austell in Cornwall suggests that the Localism agenda has placed increased emphasis on the plan-led system and the opportunity for community engagement it brings. The Cornwall Core Strategy was at a very early stage and at the time of the Public Inquiry in November 2010 options had just recently been agreed by Members for consultation in early 2011. However, despite this early stage the Inspector and the Secretary of State considered that the scale of the proposal was such as to prejudice the proper consideration of sites through the Core Strategy process.

The Central Bedfordshire Development Strategy is also at a very early stage. The Plan-making Programme agreed by Executive on 4 October 2011 made provision for public consultation on a draft strategy in May 2012. However, it is highly likely that, should this application proceed to appeal, the Central Bedfordshire Development Strategy would be further advanced by the time of any Public Inquiry than the Cornwall Core Strategy. On this basis, the early stage of the Development Strategy need not prevent a prematurity argument being sustained.

With a search area across the whole of Central Bedfordshire, there are numerous alternative sites that would potentially compete with this site and that should be properly assessed and consulted upon. The size of the site at North West Dunstable is not as large as that at St Austell but the principle remains that strategic decisions on the location of large-scale new development should be made in the context of the planning policy process rather than on an ad hoc basis through Development Management decisions. It is suggested that this be added as a further reason for refusal.

### **Additional Reason for Refusal**

(to be no.2, other reasons been moved down)

The proposed development, by reason of its scale, would be prejudicial to the proper consideration of strategic sites and growth options through the Central Bedfordshire Development Strategy, contrary to the principles contained in national guidance in *Planning System: General Principles*.

### ***Item 8 (Page 65-76) – CB/11/03025/FULL – Formerly The Priory PH, High Street North, Dunstable, LU6 1EP.***

A previous planning application on this site for a similar scheme was refused under delegated powers on 2<sup>nd</sup> August 2011. An appeal has been made against this application and is due to be heard at a hearing on 14<sup>th</sup> February 2012.

### **Additional Consultation/Publicity Responses**

6 additional letters of support have been received since the report was completed.

The letters raise many of the points included in the report plus those listed below.

- the site is convenient for buses and shops
- the building has been set on fire a number of times in the last few months
- the site is overgrown and the building has fallen into disrepair
- Dunstable doesn't need another pub or restaurant

A further response from the Environment Agency has been received. The text of the report was amended to reflect the content of the letter however the comments of the Environment Agency were not included.



The Environment Agency is able to remove their objection but consider that permission should only be granted subject to a condition dealing with contamination.

Further comments have also been received from the Housing Strategy Officer who, following additional information, advise that indicative figures show that the scheme may be unviable and that a commuted sum towards off-site affordable housing could be accepted. The level of commuted sum has been agreed.

### **Amended Reason for Refusal**

3. The proposed development would result in an additional demand on local infrastructure. The proposal does not provide the required contributions towards infrastructure in the form of a satisfactory legal agreement. The proposal is therefore contrary to Supplementary Planning Document – Planning Obligations Strategy.

## **SCHEDULE B**

### ***Item 9 (Page 77-86) – CB/10/02161/FULL – Old Park Farm, Bridle Way, Toddington, Dunstable.***

#### **Additional Consultation/Publicity Responses**

##### Environmental Health Officer

- No complaints have been received when events are taking place
- The operators should follow the Code of Practice on Noise from Organised Off Road Motor Cycle Sport 1994.
- The Public Protection section should be notified 56 days prior to an event taking place or the operators should notify the Council of the year's events 56 days prior to beginning the season.

##### Harlington Parish council

- Application should be rejected
- Temporary permissions are self-enforcing as the cost is borne by the applicants. A permanent permission is costly to enforce.
- Use of land for motor cross events is not a special circumstance in this Green Belt location.
- The draft National Planning Policy Framework requires Local Planning Authorities to make sustainability a major focus. Motor events based on fossil fuels is not sustainable. Farming only represents a sustainable use of farmland.
- Permanent change of use represents loss of farmland and loss of Green Belt land contrary to national policies contained within PPS1 and PPS7.
- A change of use would make it easier to permit future applications for an increase in the number of events, their size and content.
- This would also result in alternative uses being considered for the site.
- Noise pollution cannot be adequately mitigated. Any high fences would be harmful to the openness of the Green Belt.

## **Additional Comments**

### Response to the objections raised by Harlington Parish Council

- There is no evidence that the costs of enforcing a temporary planning permission are less than those for a permanent permission. A breach of conditions can equally occur with a temporary permission and the same measures have to be taken to rectify the breach as with a permanent permission.
- The principle of running motor cross events on the site has already been accepted with the grant of the previous temporary permissions. Furthermore, such events are normally carried out as permitted development anyway.
- Any future development proposals on the site would be treated on their own merits and there would be no automatic presumption in favour of development simply on the basis of the existence of a permanent permission for motor cross circuit events.
- The other objections relate to the principle of the development which have been addressed in the officers' report.

## **Amended Informative**

Amended informative No. 4 as follows:

The applicant and operator of this permission is advised that the organisation and operation of any moto cross event held on the site shall be in accordance with the Code of Practice on Noise from Organised Off-Road Motor Cycle Sport. The Council's Public Protection section shall be notified 56 days prior to an event taking place or the operators shall notify the Council of the year's events 56 days prior to beginning the season.

### ***Item 10 (Page 87-106) – CB/11/03370/FULL – Land to the rear of 197 Hitchin Road, Arlesey.***

## **Additional Consultation/Publicity Responses**

Highways Development Control – no objection to the proposal as submitted.

An additional 5 letters of objection have been received. The letters raise objections which are included in the report and additional objections as set out below.

- there is a "bungalow" on the site which is used as a day room;
- the "bungalow" did not have any planning permission or building regs, planning permission was granted retrospectively;
- the applicant lives in the house and there is no need for all of the pitches;
- lorries and equipment are parked on the site;
- hardcore is sorted on the site;
- materials are burnt on the site and other materials dumped on the site;
- the applicant has workers living on the site;
- cars and vans come and go during the day and night and not all residents have a control for the gates and so sound the horn on their vehicle to gain access;
- gypsy sites should be owned and managed by the Council;

- it is claimed that the applicant is advertising accommodation in mobile homes to the settled community;
- the fear of crime is increased by having people who cannot get references or afford deposits on houses living on the site;
- it is claimed that the address of the “bungalow” is being used as a trading address of a company;
- questions are raised regarding who owns the land, whether there are plans to improve the access, what the plans actually show, how many pitches the application is for and the capacity of the sewage system;
- the travellers do not travel;
- the access is inadequate;
- the site has inadequate sanitation;
- the electricity and water supply is inadequate;
- erosion of the Green Belt;
- gypsy and traveller sites are not fairly distributed throughout the area;
- the Localism Bill gives power to local residents and the level of local objection should mean the application is refused;
- no decision should be made on the application until the new DPD is produced
- the site is prone to flooding.

Other issues have also been raised by objectors which are not planning considerations and have therefore not been reported.

### **Amended Condition**

6. 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 & PBA1

Reason: For the avoidance of doubt.

### **Additional Informatives**

None required.

## ***Item 11 (Page 107-124) – CB/11/03169/OUT – Former Meller Beauty Premises, Sunderland Road, Sandy.***

### **Additional Consultation/Publicity Responses**

#### Mono Marshalls Objection

A letter of objection has been received on behalf of Mono Marshalls. The fundamental concern relates to the close juxtaposition of conflicting land uses namely a general industrial activity without planning restriction, and a proposed new housing site.

The Marshalls site enjoys 24 hour working and this obviously includes the night-time period, therefore leading to conflict with residential uses.

Mono Marshalls is currently working at a lower level than would be liked and the company hopes this will not continue and would look to increase levels of activity at the site in time to come. PPG24 Planning and Noise makes it clear from the outset that new noise sensitive development should not be permitted in areas which are, or are expected to become subject to unacceptably high levels of noise.

A copy of the letter has been appended to the late sheet for reference.

#### Agent Comments

The agent for the application has raised a number of matters in relation to the Officers report to committee. In summary the agent refers to the demolition now being complete, in addition he raises a number of concerns in terms of the layout comments in relation to the car parking being dominant and the criticism of the travel plan.

#### **Additional Comments**

The objection on behalf of Mono Marshalls refers to the site being a Safeguarded Employment Site and the emerging Site Allocations Development Plan Document allocating the site for housing. The Development Plan situation of the site is addressed in the Officer's Report. However, the Site Allocations Development Plan Document has been adopted and therefore the application site has now been allocated for housing and is no longer a Safeguarded Employment Site.

Public Protection have raised no objection to the application and worked with both the agent for the application and Mono Marshalls in ensuring that an appropriate level of assessment was undertaken in terms of the noise measurements.

In terms of the Agents comments the demolition is complete. In terms of the comments regarding the layout, the layout shown is indicative and this will be considered in more detail at the Reserved Matters stage and this is referred to in the report. The agents comments are noted in terms of the travel plan, the document is not adequate at this stage and therefore condition 14 is considered necessary to ensure that an adequate travel plan is submitted.

#### **Additional/Amended Conditions**

None.

#### **SCHEDULE C**

***Item 12 (Page 125-132) – CB/11/02984/VOC – Northhill Lower School, Bedford Road, Northhill, Biggleswade.***

#### **Additional Consultation/Publicity Responses**

One additional letter of objection has been received – issues raised in the letter which are in addition to those already included in the report are set out below.

- granting planning permission would result in a public playing court next to a Conservation Area, within metres of the cemetery and within 100m of the church;
- the objector has over 640 balls land in their garden;
- it is not considered that a booking system as suggested in the application would be an adequate way to control the use of the MUGA.

Three additional letters of support have been received – issues raised in the letters which are in addition to those already included in the report are set out below.

- granting the application would allow the use of the MUGA during the school holidays;
- other nearby facilities are on a “for hire” basis making tennis expensive;
- playing tennis would not be detrimental to neighbouring residents.

Further information has also been received from the agent (a full copy of which is attached). The information specifically seeks to address the matter raised by objectors that there is no need for the facility. The agent states *“I draw your attention in particular to Paragraph 4.2 of Northill Community Plan which confirms that a survey was delivered and collected from all residents in the Parish. In fact this consultation was a Parish-wide and thorough exercise which investigated a whole range of topics, including in Paragraph 16 (Ref R1.0) that specifically states an action point is to create facilities in Northill (plus Ickwell) for children within a 1 to 5 year time frame. Secondly, in Section 33 you will note that three times as many people in Northill requested additional sports facilities than those that did not. In addition, in Section 30 you will note that youth specifically have a problem with transport for after school activities (in Northill greater than 50% of respondents made this point). Thus, a local facility would be a major asset particularly to youth.*

*In essence, the Northill Community Plan not only identifies the fact that the MUGA at Northill School is restricted, but that there is latent demand from the residents of Northill village and the wider Parish for additional sporting facilities; there is also a problem with transport such that the youth of the Parish are not able to access facilities away from the village. These two points in particular demonstrate that there is a demand for sports facilities in the village.*

*The School has also conducted surveys amongst the parents, staff and children at Northill School as well as the FPTA who have all stated a desire to use the facilities after school in order for parents and children to practice. It is misleading for respondents to claim that there has been no survey or that there is no demand simply because they themselves do not want to play tennis.”*

*The agent also confirms that “this application is made in order to use the site for tennis ONLY. We have suggested that your Authority might consider the use of the court for other activities; however, we are prepared to have the use of the site restricted to tennis only as part of this application.”*

The additional correspondence also provides further details regarding other facilities in the Parish and wider area and concludes that there are no “free to play” facilities in Northill parish or any of the adjoining parishes. Reaction to objector’s comments regarding disturbance, secure fencing, fear of crime and planning policy are also included.

The letter also suggests conditions which the applicant would be prepared to accept in order to overcome objections. The agent suggests that the use of the MUGA be limited to tennis only and that only residents of Northill Parish and users of Northill School (pupils, parents, staff etc) be permitted to use the facility. They would also be willing to accept reduced hours to those set out in the application and advise that use until 6pm would be acceptable during term time and outside of term time 9am-5pm Monday to Saturday. The agent also suggests that as a last resort the applicant would be willing to accept a temporary consent for a period of 2 years in order that the activity on the site and its impact could be fully assessed.

The above changes to the hours of operation of the MUGA are considered to be material and it is the opinion of officers that these changes should be subject to consultation. It is therefore recommended that if Members consider the reduced hours more acceptable they should either defer making a decision to enable consultation to take place or refuse the application as it stands and invite the applicant to make a further application on the basis of the reduced hours.

**Additional/Amended Reasons**

None.

**Gill Claxton**

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**From:** John Spurgeon  
**Sent:** 07 November 2011 12:28  
**To:** Gill Claxton  
**Subject:** FW: DMC Meeting 9th Nov. 2011

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**From:** Thurstan [mailto:thurstan.adburgham@btopenworld.com]  
**Sent:** 07 November 2011 10:25  
**To:** John Spurgeon  
**Cc:** Celina Jagusz  
**Subject:** DMC Meeting 9th Nov. 2011

Dear Mr Spurgeon,

**Application CB/09/06431/OUT, Land at French's Avenue, Dunstable –  
CPRE Comments**

I would have wished to speak at Wednesday's D.M.C. meeting in connection with this application, but unfortunately I have a prior commitment which has proved impossible to rearrange. I would be grateful, therefore, if this email could be brought to the Committee's notice under the 'Late Sheet' procedure.

We strongly maintain all the objections to this scheme that were set out in our letter of December 3<sup>rd</sup> 2009. We have studied the responses made by the applicants in their memorandum of March 2010, and none of them deal either credibly or acceptably with the issues we have raised.

The fact remains that this scheme is one imposing unsustainable impacts on Dunstable, and involves a major incursion into a highly sensitive area of Green Belt landscape, for which no sufficient case of very special circumstances has been established to justify the level of harm caused to it, in particular to the setting of Maiden Bower. The mitigation measures proposed do not deal effectively with these adverse impacts, and, in the case of Maiden Bower, it is not possible to envisage any that would do so.

We are glad to note the Officer recommendation to refuse this application, and most strongly trust that the Committee will support this recommendation.

Yours sincerely,

Thurstan Adburgham,  
Area Representative, CPRE Bedfordshire

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07/11/2011



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31 October 2011

Mr Stephen Harris  
Emery Planning Partnership Ltd  
4 South Park Court  
Hobson Street  
Cheshire  
SK11 8BS

Our Ref: APP/D0840/A/10/2130022  
Your Ref: 09/01525

Dear Mr Harris,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY WAINHOMES (SOUTH WEST) HOLDINGS LTD  
AT LAND AT TREVERBYN ROAD, ST AUSTELL, CORNWALL PL25 5RX  
APPLICATION: REF 09/01525**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Martin Pike, BA MA MRTPI, who held a public local inquiry between 30 November and 17 December 2010 into your client's appeal against a decision of Cornwall Council to refuse planning permission for residential development of up to 1,300 dwellings; up to 9,000 sq m of classes B1, B2 and B8 floorspace; ancillary retail floorspace (classes A1, A2 and A5) and leisure (classes A3 and A4); 60 bed care home (class C2); primary school (class D1); strategic landscaping and public open space; community transport hub of up to 100 spaces and access connections; and associated engineering works, infrastructure, drainage and car parking on land at Treverbyn Road, St Austell, Cornwall PL25 5RX, Ref 09/05125 dated 11 November 2009.
2. On 16 August 2010, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. The reason the appeal was recovered is that it involves proposals for residential development of over 150 units which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Department for Communities and Local Government  
Richard Watson, Decision Officer  
Planning Central Casework Division,  
1/H1, Eland House  
Bressenden Place  
London  
SW1E 5DU

Tel: 0303 444 1633  
Email: PCC@communities.gsi.gov.uk



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### Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### Matters arising after the close of the inquiry

4. On 30 June 2011, the Secretary of State wrote to the parties to invite the Council and the appellants to provide up to date information on housing need and housing land supply in Cornwall and, particularly, in St Austell and to invite all other parties to comment on these issues. This was because he considered that he required this further information in order to assist him in determining the appeal. The representations received were then circulated to all interested parties for further comment under cover of his letter of 3 August. All representations received by the Secretary of State after his letter of 30 June are listed at Annex A to this letter. He has taken account of these responses in his consideration of the appeal before him, but as the responses were circulated to all parties who appeared at the inquiry, he does not consider it necessary to summarise the responses here or attach them to this letter. Copies of the correspondence can be made available upon request to the above address.
5. The Secretary of State has also taken account of the representation received from Emery Planning Partnership dated 28 March 2011 and those from Mr Hayes, dated 10 May, and M Tregunna, dated 2 June. As these did not raise any new matters that would affect his decision, he has not considered it necessary to circulate them to all parties. Copies of these representations can be made available upon written request.

### Procedural Matters

6. The Secretary of State has taken account of the revisions, referred to by the Inspector at IR1.1, that were made to the original application. He has determined this appeal on the basis of the revised application (IR1.2).
7. In reaching his decision, the Secretary of State has taken into account the Environmental Statement (IR1.4) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

### Policy considerations

8. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be
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determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case, the development plan comprises the Regional Planning Guidance for the South West (RPG10), the saved policies of the Cornwall Structure Plan 2004 (CSP) and the saved policies of the Restormel Local Plan (RLP). The Secretary of State considers that the development plan policies most relevant to the appeal are those referred to by the Inspector at IR3.2 - 3.5.
10. The Secretary of State has made it clear, following the judgment of the Court on 10 November 2010 in *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government and Winchester City Council* [2010] EWHC 2886 (Admin), that it is the Government's intention to revoke RSSs, and the provisions of the Localism Bill which is now before Parliament reflect this intention. This gave rise to a subsequent decision of the Court on 7 February 2011 in *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government* [2011] EWHC 97 (Admin) which held that the Government's intention to legislate to revoke regional spatial strategies was capable of being a material consideration. However, while the Secretary of State has taken this matter into account in determining this case, he gives it limited weight at this stage of the parliamentary process.
11. The Secretary of State has taken account of the emerging development plan documents referred to by the Inspector at IR3.6 – 3.7. He has had regard to the Draft RSS reaching the Proposed Changes stage in its development but, given that it is unlikely to progress to publication, he has accorded its policies little weight. Given that the draft Cornwall Core Strategy is at a very early stage of development, he has accorded its policies little weight.
12. Other material considerations which the Secretary of State has taken into account include the national planning policy documents listed at IR3.8, Circular 05/05: *Planning Obligations*; Circular 11/95: *The Use of Conditions in Planning Permission*; and the *Community Infrastructure Levy (CIL) Regulations*, and the other planning documents listed under CD5, CD6, CD7, CD8 and CD9 on pages 63 and 64 of the IR. He has also taken into account the St Austell, St Blazey and China Clay Area Regeneration Plan which was adopted in July 2011.

### Main Issues

13. The Secretary of State considers that the main issues in this case are those listed by the Inspector at IR10.1

### Housing Need

14. Having taken account of the further representations made by the parties and with particular reference to the Additional Housing Supply Statement of Common Ground (AHSSCG), the Secretary of State agrees, except where stated below, with the Inspector's reasoning and conclusions, at IR10.2 – 10.26, on whether there is a need for the proposed housing, having regard to the provisions of the development plan and PPS3. He agrees that the proposal is contrary to RLP policy 3, but considers that the relevance of the RLP is limited, given that it is somewhat dated with an end date of 2011 (IR10.2). Interpreting the development plan as a whole, he agrees that it is reasonable to conclude that if the CSP housing need to 2016 cannot

be met from land within the St Austell urban area, urban extensions such as the appeal site are not necessarily in conflict, subject to the sustainability and other criteria being satisfied (IR10.4).

15. The Secretary of State has taken account of the Inspector's assessment of housing supply at IR10.5 – 10.10 and agrees with him that, at the time of the Inquiry, the Council's five year supply figure of 2,356 dwellings for the Mid 2 area (IR10.7) was to be preferred. However, having considered all the further evidence submitted by the parties he considers that the deliverable housing supply figures set out in Tables 4, 9 and 13 of the AHSSCG most accurately represent housing supply in Cornwall, the former Restormel district and St Austell as at 1 April 2011.
16. The Secretary of State has had regard to the Inspector's assessment of five year supply as set out at IR10.11 – 10.24 and considers, in the light of the new evidence available to him, that the Inspector's method of assessing five year supply using a range of housing requirement figures is sound. However, he considers that the assessment of five year supply of housing land for Cornwall, former Restormel district and St Austell, as set out in tables 5, 10, and 14 of the AHSSCG most accurately represents the position as at 1 April 2011. Of these, he considers that, while the figures for former Restormel and St Austell are indicative of the position in local housing markets, it is the figures for Cornwall that are relevant in assessing whether the Local Planning Authority, Cornwall Council, is able to demonstrate a five year supply in accordance with the advice in PPS3.
17. The Secretary of State agrees with the Inspector that the most up-to-date indicators of need are the PCRSS and its evidence base and the emerging CCS (IR10.25). Having had regard to the evidence submitted by the parties, he further agrees that the PCRSS evidence base, together with certain other indicators leads to a finding that the land supply is appreciably less than five years (IR10.25). Like the Inspector, he considers that the Council's decision to produce locally-based growth strategies lessens the weight that should be accorded to the higher housing growth projections based on the PCRSS evidence base (IR10.26). Having taken account of the representations made by the parties on this issue, the Secretary of State agrees with the Inspector that reliance on the highest of the housing growth projections does not reflect the most likely outcome and that a stronger case can be made for using the middle growth option proposed in the draft CCS, for despite the lack of testing, it is broadly congruent with the Option 1 figure which the Government has indicated might be an appropriate yardstick (IR10.27). On this basis, and having regard to the figures in Table 5 of the AHSSCG, he considers that there is considerable uncertainty as to whether a five year supply of housing land exists in Cornwall and that, on this basis, the PPS3 paragraph 71 presumption in favour of the grant of planning permission where there is not an up-to-date five year supply of deliverable sites would apply in this case. In accordance with the advice in PPS3, the Secretary of State has gone on to consider to what extent the appeal proposal would accord with the considerations set out in paragraph 69 of PPS3, particularly the need to ensure that development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

Prematurity

18. The Secretary of State agrees with the Inspector's reasoning and conclusions as set out at IR10.28 – 10.36 on whether the release of this large site would be premature in advance of the Council's Core Strategy. He agrees that all that can be reasonably be said at this stage is that the appeal site is one of a number of potential candidates which may be required to deliver the housing needs of the town (IR10.30). He agrees that, consequently, the grant of planning permission now would inevitably reduce the choices otherwise available to the forthcoming LDF site selection process and could prejudice future decisions (IR10.31). He further agrees that the grant of planning permission now would deny the local community the opportunity of determining its preferred choice of housing sites for St Austell and that, without full public consultation on all potential options, a complete representation of local opinion would not emerge (IR10.36).
19. The Government has made it clear that its intention is to return decision making powers in housing and planning to local authorities. This is a key planning priority for the Government and the Secretary of State considers that in this particular case it is important to give Cornwall the opportunity to complete its Core Strategy process. Taking all the factors referred to by the Inspector into account, the Secretary of State agrees that there is a strong argument that the appeal proposal is of such a scale that to permit it now would prejudice decisions that ought properly to be taken as part of the LDF process (IR10.37). For these reasons, and with respect to the considerations set out in paragraph 69 of PPS3, the Secretary of State considers that granting permission for the appeal scheme now would undermine wider policy objectives in Cornwall and that the appeal scheme would not accord with PPS3.

Ecological Information

20. The Secretary of State agrees with the Inspector's reasoning and conclusions, at IR10.38 – 10.50, on whether the ecological information is sufficient to enable a determination which complies with the Environmental Impact Assessment Regulations 1999 and the Conservation of Habitats and Species Regulations 2010. He has taken account of there being no dispute that an appropriate level of survey work and assessment has been undertaken to establish the likely presence of, and therefore the potentially significant impacts upon, most habitats and species (IR10.39). He agrees that there is sufficient evidence to be confident that the development would not cause significant harm to the favourable conservation status of any bat species, having regard to the commuting and foraging habits available off-site (IR10.45). The Secretary of State considers, like the Inspector, that the proposed mitigation strategy to ensure that birds are properly protected during the breeding season is sufficient to ensure compliance with the Wildlife and Countryside Act 1981 (IR10.48).
21. The Secretary of State agrees, from the evidence available, that it is reasonable to conclude that all species likely to be present have been surveyed and the impacts of the development on them have been appropriately assessed (IR10.49). He agrees that the proposed conditions and s106 obligations would be appropriate mechanisms to ensure that there would be no threat to the maintenance of populations of

protected species at a favourable conservation status in their natural range (IR10.50).

#### Other matters

22. The Secretary of State agrees with the Inspector's assessment of other planning matters, as set out at IR10.51 – 10.61. He agrees that the loss of part of the countryside setting to St Austell and the loss of good quality agricultural land are matters that weigh against the proposal and that it is not possible to reach a considered view on whether, in terms of landscape impact and agricultural land quality, the appeal scheme might be better or worse than other potential sites for large scale housing development (IR10.53). With regard to flooding, he agrees that the weight of evidence does not support the view that the development would result in greater surface water run-off and exacerbate downstream flooding (IR10.56). In the absence of compelling evidence that the solutions identified would not work, he agrees that an objection on traffic and highways grounds cannot be sustained (IR10.58). On the issue of employment, the Secretary of State agrees that the provision of serviced employment land as part of a mixed use development is unquestionably a significant benefit of the proposal (IR10.59).

#### Obligation and Conditions

23. The Secretary of State has considered the executed planning obligations as submitted by the appellants, the CIL Regulations 2010, and Circular 05/2005. He agrees with the Inspector's assessment of the obligations as set out at IR9.3 – 9.5 and 10.62 – 10.64 and is satisfied that the provisions in the obligations are relevant and necessary to the proposed development and comply with the policy tests in Circular 05/2005 and with the CIL Regulations. Given that he is not minded to grant planning permission for this development, he has not found it necessary to reach a view on the appropriateness of clause 3.15 (IR10.64).
24. The Secretary of State does not consider that the provisions in the obligations or the proposed conditions, either individually or in combination, would overcome his reasons for dismissing the appeal.

#### Overall Conclusions

25. The Secretary of State agrees with the Inspector's reasoning and conclusions on the balance of considerations, as set out at IR10.65 and IR10.68 – 10.70. For the reasons given at paragraph 14 above and at IR10.65, he concludes that the proposal is contrary to the development plan.
26. The Secretary of State concludes that it is probable that a five year supply of housing land does not exist in Cornwall and that, on this basis, the PPS3 paragraph 71 presumption in favour of the grant of planning permission applies, subject to the considerations set out in paragraph 69 of PPS3. However, he also concludes that the appeal proposal is of such a scale that to permit it now would prejudice decisions that ought properly to be taken locally as part of the LDF process and that the appeal scheme would not accord with PPS3 on account of it undermining wider policy objectives in Cornwall. The Secretary of State considers that allowing the appeal in

advance of establishing the appropriate level of future housing provision across Cornwall would pre-empt decisions that should properly be taken locally.

27. The Secretary of State is satisfied that all species likely to be present on the appeal site have been surveyed and the impacts of the development on them have been appropriately assessed. He concludes that the loss of part of the countryside setting to St Austell and the loss of good quality agricultural land are matters that weigh against the proposal.
28. The Secretary of State considers that benefits of the proposal include the provision of a sizeable number of new homes so as to meet a probable shortfall in the five year supply of housing land in Cornwall. He also considers that increased choices in the supply of both market housing and serviced employment land, and a range of improvements to local infrastructure are further benefits of the scheme. Overall, he concludes that these and other benefits are not sufficient to outweigh the conflict with the development plan and the Government's strong desire that decisions about the future strategy for an area should be taken by the local community through the LDF process.

#### **Formal Decision**

29. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for residential development of up to 1,300 dwellings; up to 9,000 sq m of classes B1, B2 and B8 floorspace; ancillary retail floorspace (classes A1, A2 and A5) and leisure (classes A3 and A4); 60 bed care home (class C2); primary school (class D1); strategic landscaping and public open space; community transport hub of up to 100 spaces and access connections; and associated engineering works, infrastructure, drainage and car parking on land at Treverbyn Road, St Austell, Cornwall PL25 5RX, Ref 09/0125 dated 11 November 2009.

#### **Right to challenge the decision**

30. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
31. A copy of this letter has been sent to Cornwall Council and other parties who were represented at the Inquiry. A notification letter has been sent to all other parties

Yours sincerely

**Richard Watson**

Authorised by the Secretary of State to sign in that behalf

Meredith Marshall  
64 Sunderland Rd

Our ref: RAR/gw/M115/29.09.11

29<sup>th</sup> September, 2011

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

Dear Ms Newlands,

**Application Ref: CB/11/03169/OUT**

**(Outline) Residential development of up to 75 dwellings with access road and open space (all matters reserved except access) at Former Meller Beauty Premises, Sunderland Road, Sandy, SG19 1QY**

We act as planning consultants to Marshalls Plc and are replying to your letter sent to the works manager of the Sandy site, Ms Jo Robinson,. We wish to object to the proposed housing development on land on the opposite side of Sunderland Road to the company's site. Our fundamental concern relates to the close juxtaposition of conflicting land uses namely a general industrial activity without planning restriction, and a proposed new housing site. We are in no doubt whatsoever that there will be environmental problems of noise breakout if this scheme is to go ahead.

As you know, under the current core strategy of the Local Development Framework and also the statutory development plan, being the Local Plan 2005, the former Meller Beauty Premises site is zoned as a Safeguarded Employment site. We believe this is wholly right given the undoubted industrial nature of the locality. However, we understand that the site is zoned for residential use in the emerging Site Allocations Development Plan Document. We are concerned about this proposed allocation. We do note however that there is a policy expectation both on the part of this Council and National Government to observe principles of sustainability. We believe it is entirely *unsustainable* to allow such obviously competing uses in close proximity.

We at once acknowledge that this application is an improvement on the previous outline application (Ref: CB/10/03815/OUT) which was refused on the grounds that noise mitigation measures had not been forthcoming. This

latest application is accompanied by a detailed noise assessment. We also note the provision of acoustic fencing and that the houses will have no windows to noise sensitive rooms facing towards the Marshalls site. We are nevertheless concerned that the two sites are so close that environmental noise breakout will undoubtedly occur. Windowless facades are one thing but the quiet enjoyment of garden areas is quite another.

The applicants report then attempts to put forward a series of conditions which could be imposed. Many of these conditions simply will not work, precisely because no planning controls regarding usage of the Marshalls site exist. The Marshalls site enjoys 24 hour working and this obviously includes the night-time period. Importantly, the shot blast area, which is the closest production area to the application site, also works days and nights. This is one of the noisiest activities on the site. As regards HGV movements, the northern main access to the Marshalls site is located immediately opposite the southern quarter of the proposed housing development. Night trunking is a feature of the business with wagons arriving up to midnight and then they are loaded between midnight and 0400hours before exiting the site. One of the main loading areas is at the top of the shot blast building, near to Gate 1, opposite the residential site.

We are unclear as to the locations chosen for noise monitoring in respect of the Marshalls site. Certainly Gate 1 and the shot blast building and the HGV loading area nearby, should all feature, if they have not already done so.

Presently, Marshalls in common with most manufacturing activities, is suffering from the recession and activity is therefore at a lower level than would be liked. The company naturally hopes this will not continue to be the case and will certainly look to increase levels of activity at the site in time to come. Here, we are reminded of national planning policy advice on Noise whereby PPG24 Planning and Noise (paragraph 12) makes it quite clear from the outset that new noise sensitive development should not be permitted in areas which are, or are expected to become subject to unacceptably high levels of noise. Paragraph 12 (excerpt) of PPG24 reads as follows:-

**Local planning authorities should consider carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are - or are expected to become - subject to unacceptably high levels of noise. When determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future, for example at an airport. Annex 3 gives guidance on the assessment of noise from different sources. Authorities will also wish to bear in mind that, while there will be sites where noise is significantly lower at night than during the day, other sites may be subjected to night-time noise, for example from traffic, at a level which is little below the daytime level. These sites warrant particular protection: noise-sensitive development should not normally be permitted where high levels of noise will**



continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00).

Marshalls are rightly proud of their good working practices. However, the Marshalls site and working practices do not form part of this application, nor can they. The Marshalls site operates on a 24 hour basis without restriction in land-use planning terms. The company is desirous of expansion and the site activity will hopefully increase, not decrease. PPS4 'Planning for Sustainable Economic Growth' is highly supportive of industry and employment development. Marshalls is a major local employer with over 100 staff at their Sandy site, not to mention the suppliers and spin off trade created. Most of the workforce lives within 5 miles of Sandy. Policy EC10 of PPS4 stresses the need to consider the impact on local employment. We maintain that should this housing scheme go ahead it will create a conflict of uses and activities, to the detriment of the Marshalls operation (quite apart from environmental harm caused to the residential area). We are therefore greatly concerned about the future expansion prospects and indeed the future generally, of the Marshalls site.

To conclude, if this residential outline consent is granted there will be harm caused not only to the environmental conditions of the future residents but also to the existing and future operation of a major local employer. *The two uses are simply too close for comfort.* We therefore urge that despite the technical noise and traffic reports submitted by the applicants, that this is an unsustainable plan proposal and as such should be rejected.

Yours sincerely,

**RICHARD RAPER**

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**Victoria Davies**

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**From:** Sam Franklin [sfranklin@landscape.co.uk]  
**Sent:** 07 November 2011 10:18  
**To:** Victoria Davies  
**Subject:** FW: Northill Lower School - Variation of condition 4 etc  
**Attachments:** northill\_plan.pdf

Dear Vicki

As per our discussion this morning.

Best wishes

Sam

Samuel J Franklin BSc (Hons) MSc MRICS FAAV MBIAC AIEMA  
Landscape, The Clock House, 2 Bedford Street, Ampthill, Bedford, MK45 2NB  
Tel: 01525 630113. Fax: 01525 633100  
Email: sfranklin@landscape.co.uk  
www.landscape.co.uk

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**From:** Sam Franklin [mailto:sfranklin@landscape.co.uk]  
**Sent:** Thursday, November 03, 2011 4:10 PM  
**To:** 'Clare Golden'; 'planning@centralbedfordshire.gov.uk'  
**Cc:** 'Clr Tricia Turner MBE'; 'Northill Lower School'  
**Subject:** RE: Northill Lower School - Variation of condition 4 etc

2 November 2011

**To:** Claire Golden, Central Beds Council  
**Re:** The Proposed Use of the MUGA (Multi Use Games Area) at Northill School (CB/11/02984/VOC)

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Dear Claire

As I am sure you are aware, I visited your Council offices last week to study the file on the amendment of Condition 5 and removal of Condition 4 of the MUGA at Northill School following our telephone discussion. I have now to read your Officers Report, on the website.

You are quite right that thirteen letters of objection have been received and I have had an opportunity to study those letters and I am writing to you with some points of clarification following some of the more speculative remarks.

**1. Parking and Traffic**

No doubt you have noticed that there is significant reference to parking and traffic in Bedford Road. Not only has your Highways Department stated that they do not consider this to be a problem or an issue, you will note that we have an off-road car park facility at Northill School for up to ten cars. Even if all four people playing on the tennis court were to come by car, this would only be a total of four vehicles. In reality, we consider that the majority of tennis users would attend this site on foot or by bicycle, mostly living locally.

**2. Demand for the Facility**

I am attaching to this email a copy of Northill Community Plan, which was prepared on behalf of

08/11/2011

Northhill Parish Council, in 2008.

No doubt you will not have time to read the documentation in full, but I draw your attention in particular to Paragraph 4.2 which confirms that a survey was delivered and collected from all residents in the Parish. In fact this consultation was a Parish-wide and thorough exercise which investigated a whole range of topics, including in Paragraph 16 (Ref R1.0) that specifically states *an action point is to create facilities in Northhill (plus Ickwell) for children within a 1 to 5 year time frame.* Secondly, in Section 33 you will note that three times as many people in Northhill requested additional sports facilities than those that did not. In addition, in Section 30 you will note that *youth specifically have a problem with transport for after school activities* (in Northhill greater than 50% of respondents made this point). Thus, a local facility would be a major asset particularly to youth.

In essence, the Northhill Community Plan not only identifies the fact that the MUGA at Northhill School is restricted, but that there is latent demand from the residents of Northhill village and the wider Parish for additional sporting facilities; there is also a problem with transport such that the youth of the Parish are not able to access facilities away from the village. These two points in particular demonstrate that there is a demand for sports facilities in the village.

The School has also conducted surveys amongst the parents, staff and children at Northhill School as well as the FPTA who have all stated a desire to use the facilities after school in order for parents and children to practice. It is misleading for respondents to claim that there has been no survey or that there is no demand simply because they themselves do not want to play tennis.

### **3. Floodlighting**

You will no doubt be able to confirm to council members that floodlighting is not part of this application. The raising of it by respondents may be designed to create confusion.

### **4. Other Activities on the MUGA**

This application is made in order to use the site for tennis ONLY. We have suggested that your Authority might consider the use of the court for other activities; however, we are prepared to have the use of the site restricted to tennis only as part of this application. The idea that volleyball, football, basketball and other sports might be played on the site is, merely speculative.

### **5. Latent Demand for the Site and Traffic**

It is interesting to note that a number of respondents state that there is **no demand** for the facilities whilst at the same time their letters refer to the problems of traffic in Bedford Road that use of the site would create. These are entirely contradictory and mutually exclusive. If there is no demand, and therefore no use is made of the site, there would be no traffic generated at the school. In reality in addition to parents/pupils after school, we envisage a low level of irregular use by residents of Northhill who would mainly walk or cycle to the facility.

### **6. Parents Offering Training to their Children Post-School**

A careful reading of Condition 4 of the original planning Consent confirms that only pupils and staff of the school may use the court between 08:00 and 17:00 Monday to Friday. Even though the school closes normally at 15:15 parents are not allowed to utilise the hour and 45 minutes between the school closing and 17:00 hours as they are specifically prohibited. This is why we are asking for the removal of this Condition, so that people other than staff may use the MUGA to train children. Strictly speaking, we cannot even bring a tennis coach to the school, as Condition 4 is so restrictive. I don't think this was the thrust of the original thinking behind Condition 4.

### **7. Other Facilities in the Parish and the Wider Area**

Many respondents have referred to the fact that there are perfectly serviceable tennis courts at Sandy, Biggleswade, Shuttleworth College, etc, and there is also a MUGA in Upper Caldecote. The argument being raised by the respondents is that because these facilities exist, there is no need for, or reason why the Northhill School MUGA should be made available.

There are several counter arguments against this so-called logic.

- The first being, there is a problem recognised in the Northhill Parish Community Plan with lack

of transport, particularly for young people, to get to those sports facilities, otherwise I am sure they would already be making use of them.

- Secondly, there is an issue of sustainability in that if people have to drive to facilities further away from where they live, then this creates an unnecessary amount of car based transport, which is against the thrust of CBC and Government policy.
- Thirdly, one can safely assume that since there are so many other facilities that are well known to the respondents, that the use of these facilities by people playing tennis cannot be such a great nuisance to residential neighbours. The facilities in Sandy, Biggleswade and elsewhere are in residential areas, where there are neighbours physically close to the courts.
- Fourthly, with so many other facilities in the area, it is most unlikely that people from outside of Northhill parish would use the tennis court, thus the level of use of this single court is likely to be low.

A number of respondents have stated that there are facilities in Sandy, Biggleswade and elsewhere that are potentially available to players. If you search on the following website: [www.tennisforfree.com](http://www.tennisforfree.com) and if you type in the postcode of the school or nearby respondents (SG18 9AH) you will see that, in fact, whilst there appears to be a significant number of free courts available, the nearest is, in fact, 7 miles away at Baldock and there are no 'free to play' facilities in Northhill parish or indeed any of the adjoining parishes, let alone Biggleswade, Sandy or Shuttleworth College.

It would be a mistake, therefore, to confuse commercial facilities that offer club coaching and training facilities, where annual membership is required, with this simple, single free play court. The cost for parents to drive to other commercial facilities and to hire courts is often prohibitive.

### **8. Level of Disturbance**

There has been much comment by the respondents with regard to the level of noise/disturbance that two or four players of tennis might generate on a tennis court. There has also been reference to the fact that there are facilities in the Parish for football and cricket. There appears to be an apparent contradiction whereby it may seem perfectly acceptable for the football club to play five-a-side, seven-a-side and eleven-a-side football on Ickwell Green (owned by Northhill Parish Council) which is surrounded by a large number of residential properties, where games are played on Saturdays and practices happen during the weekday evenings using floodlights. Cricket is also played on Sundays in particular, which is eleven-a-side plus umpires on Ickwell Green in front of people's houses.

There are also practice nets adjacent to the cricket club which are utilised in the evening and at weekends by players improving their game. Seemingly, this level of noise is perfectly acceptable to residential neighbours who, in large part, welcome the sight of cricket being played. This is in contrast to the fears expressed by respondents here that four people could, during a game of tennis, create so much noise that it would be so disruptive to their private lives as to be intolerable. It just does not seem to stand up to scrutiny.

### **9. Secure Fencing**

I think Councillors should be reminded that the MUGA is in fact double fenced from neighbouring properties with a high specification **industry standard** 3 metre chain link fence to minimise the possibility of balls exiting the MUGA. There is a further 2 metre gap between the MUGA and the boundary of the nearest property (technically nothing adjoins the MUGA itself as we have a managements strip in this 2m gap), there is then a close board fenced at a 2 metre height. In addition, the majority of rear gardens that back on to the MUGA are screened by mature landscape features.

In essence, whilst it would be incorrect to say that the MUGA is invisible from the rear gardens of properties, certainly it does not stand out. The evidence provided by some respondents suggesting that large numbers of balls enter gardens is not borne out by the school's evidence on the other side of the MUGA, where we have the other 3 sides of the MUGA which face the rest of the school playing field. There has been nothing like the number of balls exiting the MUGA on these three sides and the school has exactly twice the area of fencing facing the playing field as neighbours do. In addition, the school can confirm that it has not lost over 600 balls, the cost of which would show

up in school accounts.

**10. Planning Policy and Comparables**

I am sure I do not need to rehearse in detail with you that the use class within which schools normally fall is D1, which is considered a perfectly acceptable activity that may occur in residential areas. It is inconceivable that were a new school to be built in or close to a village that it would not have its playing field and other facilities. Indeed, I have been working specifically with your Council on a proposed new development in the village of Cranfield (RA7) which includes a new lower school site. The proposal is immediately behind and adjacent to residential properties. I could also take you to many schools in the district of Central Bedfordshire to demonstrate the proximity of school playing fields (including hard surfaced areas) to residential properties. In order to identify a particular site as comparable to Northill School, I direct you specifically to schools in Henlow, Clifton, Biggleswade (Stratton) and Flitwick where hard surfaced courts are adjacent to residential areas and are sometimes in use at evenings and weekends.

**11. Crime and Fear of Crime**

Whilst I recognise the fears and concerns of respondents regarding criminality, I consider that the majority of these concerns are mostly speculative and largely unfounded. It seems unlikely, for instance, that a thief would make a booking to use this tennis court and personally collect the key from an identified key holder and then during a supposed tennis game, actually conduct a break-in. Only a very dim thief would make such a foolish mistake.

In reality access to the school playing field via the Northill Cemetery or the open fields on the northern boundary are possible and a determined criminal could gain access to the school playing field by climbing this fence.

The school is well aware of the risks inherent in unoccupied premises and we consider that having occasional tennis players utilising the courts will in fact add to the overall security of the surrounding area, including the wider school premises.

**12. Support from Sport England**

I note also that the Sport England respondent has fully supported this application and states in his letter that inter alia:

*It is considered unlikely that the use of the facility by the community on the terms proposed in the planning application would have an adverse impact on the residential amenity.*

*The proposals would, therefore, be expected to have a positive impact on the use of the facility from a sports development prospective. On this basis, I can confirm that Sport England has no objection to the planning application.*

It goes on to state that:

*community uses would not be considered to result in a significant difference in terms of impact on amenity due to the limited number of people that the MUGA could realistically accommodate.*

**13. Possible Conditions that could be imposed on a planning consent**

Given that your authority is recommending refusal for this application, despite the support that the application receives, I have the following suggestions to make for further conditions and restrictions on the use of the MUGA as a tennis court, were your Council minded to approve it.

13.1 We are content to accept a tennis only condition on the use of this court outside of the existing hours, such that residents can be reassured that only tennis be played after school and during holidays etc.

13.2 Whilst I am not sure if it is practicable to impose such a condition, we would be prepared to operate a Northill Parish / Northill School (including parents, pupils, staff etc.) condition on the use of the court outside of term time. In any event we do not consider that people from outside of the parish and the school community would be likely to use the court.

13.3 Hours of Operation. If your Authority considers that by reducing the hours proposed this would make the application more acceptable then we would consider a reduction in the hours. Clearly any reduction in the amount of use that could be made of the court would impact on the ability of players to use it outside of school hours, but if it were possible to create a condition which allowed additional use up until 6pm during term time and then at other times 9am until 5pm Monday to Saturday, this could be acceptable.

13.4 Finally and only as a last resort, the school would consider a temporary extension to the use of the facilities for say two years in order for CBC to gauge the success or otherwise of the changes. In operating a booking system we will be able to keep an accurate record of the level of play in that time period.

I hope this information can be reported to councillors before, or at the committee meeting on the 9<sup>th</sup> November.

Yours sincerely

Sam Franklin  
Landscape Land and Property  
The Clock House, 2 Bedford Street, Ampthill, Bedfordshire MK45 2NB  
Tel: 01525 630113 Fax: 01525 633100  
Email: sfranklin@landscape.co.uk

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**Item No. 7****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/09/06431/OUT</b>
<b>LOCATION</b>	<b>Land at Frenchs Avenue and Hillcroft/Weatherby Dunstable and Land to the west of Hillcroft including Maidenbower (Houghton Regis Ward), Bedfordshire</b>
<b>PROPOSAL</b>	<b>Erection of 650 dwellings, small scale neighbourhood facilities, public open space area, access and utilities infrastructure (outline).</b>
<b>PARISHES</b>	<b>Houghton Regis, Dunstable</b>
<b>WARDS</b>	<b>Houghton Hall and Dunstable - Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild, Jones, Mrs Green, Murray</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>30 October 2009</b>
<b>EXPIRY DATE</b>	<b>29 January 2010</b>
<b>APPLICANT</b>	<b>Trenport Investments Ltd &amp; Cemex</b>
<b>AGENT</b>	<b>David Lock Associates Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Chairman and Assistant Director Planning consider it prudent to refer the application to DMC in the grounds of exceptional public interest.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Refused</b>

**Recommendation**

That Planning Permission be REFUSED for the following reasons:

- 1 The site lies within the South Bedfordshire Green Belt, where, having regard to Planning Policy Guidance 2: Green Belts, 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. The proposal would comprise inappropriate development which is by definition harmful to the Green Belt. Harm by reason of inappropriateness and other harm caused to the openness and purposes of the Green Belt is not outweighed by any benefit so as to amount to very special circumstances justifying an exception to Green Belt policy. The proposal thus conflicts with national policy as set out in PPG2, Policy SS7 of the East of England Plan and planning guidance contained in Policies CS1, CS4 of the Luton and southern Central Bedfordshire Joint Core Strategy.
- 2 The proposed development, by reason of its scale, would be prejudicial to the proper consideration of strategic sites and growth options through the Central Bedfordshire Development Strategy, contrary to the principles contained in national guidance in Planning System:General principles
- 3 The proposed development would clearly encroach upon, and have a

negative, irreversible and detrimental impact on, the setting of 'Maiden Bower', a particularly rare and nationally important Scheduled Ancient Monument, so as to prejudice the relevant characteristic of apparent isolation and relationship with other important historic sites; would physically affect archaeology in the eastern field beyond the SAM, and would likely give rise to physical pressure on the SAM through general access. The mitigation measures proposed partly add to the harm and in any case do not justify the proposal. The public benefits claimed through the development are not considered to offset this harm. The proposal would therefore be contrary to national guidance as set out in PPS5, Policies ENV6 and ENV7 of the East of England Plan, Policy BE8 of the South Bedfordshire Local Plan Review and planning guidance contained in Policy CS9 of the Luton and southern Central Bedfordshire Joint Core Strategy.

- 4 The proposed development would extend the Dunstable urban area into the open countryside on land which is generally elevated above the surrounding area, would be conspicuous from significant parts of this area and would appear as an unacceptable visual intrusion into the landscape. The proposed planting areas would not be an effective screen to the built development for a considerable period of time, if at all, and, together with the proposed development generally, would not accord with the open local landscape character as identified in the South Bedfordshire Landscape Character Assessment (2009) and which is sensitive to change. Furthermore the proposal would encroach upon Maidenbower Scheduled Ancient Monument. The proposal would therefore conflict with national guidance as set out in PPS7, Policies ENV2 and ENV7 of the East of England Plan, BE8 of the South Bedfordshire Local Plan Review and planning guidance contained in policy CS9 of the Luton and southern Central Bedfordshire Joint Core Strategy.
- 5 The proposal would fail to deliver infrastructure, in the form of a reasonable and proportional developer contribution towards the costs of education in relation to the new affordable dwellings to be provided, thus being contrary to Policy 25 of the Bedfordshire Structure Plan 2011.
- 6 The proposal fails to demonstrate that it would make adequate provision for the increase in traffic that it would generate and is likely to lead to an increase in traffic congestion at a number of junctions within the Dunstable urban area and thereby cause an unreasonable degree of congestion and delay within the conurbation. The Proposal would therefore be contrary to National Guidance as set out in PPG3

## NOTES

(1) In advance of the consideration of the application the Committee were advised of additional consultation and publicity responses subsequent to the despatch of the agenda as set out in the Late sheet Appended to these Minutes, including an additional 167 signatures to the petition referred to on page 22 of the agenda, a response from the CPRE.

The Committee were advised of issue of an appeal decision of considerable importance to this application (Appeal by Wainhomes (South West) Holdings Ltd on Land at Treverbyn Road, St Austell, Cornwall)

An additional reason for refusal was also proposed.

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

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**Item No. 8****SCHEDULE A**

<b>APPLICATION NUMBER</b>	<b>CB/11/03025/FULL</b>
<b>LOCATION</b>	<b>Formerly The Priory PH, High Street North, Dunstable, LU6 1EP</b>
<b>PROPOSAL</b>	<b>Erection of retirement living housing for the elderly (Cat II type accommodation), communal facilities, landscaping and car parking.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Green &amp; Murray</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>29 August 2011</b>
<b>EXPIRY DATE</b>	<b>28 November 2011</b>
<b>APPLICANT</b>	<b>McCarthy &amp; Stone Retirement Lifestyles Ltd</b>
<b>AGENT</b>	<b>The Planning Bureau Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of Ward Member on the basis that the proposal would satisfy demand for sheltered housing.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>

**Recommendation**

That Planning Permission be refused for the following reasons:

- 1 The proposal would result in overdevelopment of the site by reason of the bulk, massing and height of the building, and therefore create an undesirable and unacceptable form of development such that it would have an adverse impact on the character of the area and the amenities, outlook and privacy of the occupiers of nearby residential properties in particular those in Beale Street; the future amenity of the proposed residential properties; and as such the proposal is contrary to the principles of good design as set out in national policy in PPS1, Policy BE8 of the South Bedfordshire Local Plan Review and technical planning guidance Design in Central Bedfordshire: A Guide for Development.
- 2 The proposal incorporates inadequate vehicular access to serve the development for emergency vehicles and/or light goods vehicles and provides inadequate provision for the parking and manoeuvring of vehicles (to include light goods vehicles) clear of the highway which would result in vehicles interfering with the free flow of traffic on the adjoining highway to the detriment of the safety and convenience of users of the highway; as such the proposal is contrary to Policies BE8 & T10 of the South Bedfordshire Local Plan Review. In addition it does not reflect the emerging Local Transport Plan Car Parking Strategy.

- 3 The proposed development would result in an additional demand on local infrastructure. The proposal does not provide the required contributions towards infrastructure in the form of a satisfactory legal agreement. The Proposal is therefore contrary to supplementary Planning Document – Planning Obligations Strategy

#### NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional consultation and publicity responses received since the despatch of the agenda including 6 additional letters of support, response from the Environment Agency and further comments from the Housing strategy Officer as set out in the Late Sheet appended to these Minutes.

The Committee were advised of an amended reason for refusal.

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

<b>Item No. 9</b>
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**SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/10/02161/FULL</b>
<b>LOCATION</b>	<b>Old Park Farm, Bridle Way, Toddington, Dunstable, LU5 6HP</b>
<b>PROPOSAL</b>	<b>Change of use of land to a Moto Cross Circuit.</b>
<b>PARISH</b>	<b>Toddington</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>15 July 2010</b>
<b>EXPIRY DATE</b>	<b>09 September 2010</b>
<b>APPLICANT</b>	<b>Luton &amp; District Motorcycle Club Ltd</b>
<b>AGENT</b>	<b>Mr D Lewis</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Member call in by Councillor Mrs C F Chapman MBE (original Ward Member) on grounds of adverse comments from Harlington residents relating to noise, pollution and difficulties of enforcing any conditions</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Recommendation**

That Planning Permission be **GRANTED** subject to the following:

- 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 Access to and egress from the site for the purpose of the moto cross activity hereby permitted shall not be taken by way of the access road between the A579 Fancott Road and Old Park Farm.

Reason: In the interests of highway safety.

- 3 The site shall be used for moto cross activity on no more than seven days in any one calendar year and there shall be a minimum of four weeks between each event or session of moto cross activity.

Reason: To safeguard the amenity of the area.  
(Policy BE8 S.B.L.P.R).

- 4 Notwithstanding the provisions of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the application site without

the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenities of the open countryside.  
(Policy BE8 S.B.L.P.R).

- 5 The duration of any event or session of moto cross activity shall be restricted to between the hours of 10:00 hours to 18:00 hours.

Reason: To safeguard the amenity of the area.  
(Policy BE8 S.B.L.P.R).

- 6 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.

Reason: For the avoidance of doubt.

### Reasons for Granting

The application site has previously been used for a moto cross circuit for seven days in a year and no adverse harm has been caused to residential amenity and highway safety during the two trial periods spanning from 1999. The proposed development would therefore conform with the development plan policies comprising policies ENV7 of the Regional Spatial Strategy for the East of England, policies BE8, T10 and R16 of the South Bedfordshire Local Plan Review and national advice contained in Planning Policy Statement 1 and Planning Policy Guidance 13 and 24 and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

### Notes to Applicant

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

**East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

**South Bedfordshire Local Plan Review**

BE8 - Design Considerations

R16 - Control - Sports/Recreational Facilities

T10 - Parking-New Developments

2. In accordance with Article 31 of the Town and Country Planning



(Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant and operator of this permission is advised that the organisation and operation of any moto cross event held on the site shall be in accordance with the Code of Practice on Noise from Organised Off-Road Motor Cycle Sport. The Council's Public Protection scheme shall be notified 56 days prior to an event taking place or the operators shall notify the Council of the year's events 56 days prior to beginning the season.
5. 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](http://www.centralbedfordshire.gov.uk).

#### NOTES

- (1) The Committee were advised of additional consultation and publicity responses received subsequent to the agenda from the Environmental Health Officer and Harlington Parish Council as set out in the late Sheet as appended to these Minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

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**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/11/03370/FULL</b>
<b>LOCATION</b>	<b>Land To The Rear Of 197, Hitchin Road, Arlesey</b>
<b>PROPOSAL</b>	<b>Retention of use of land as a residential caravan site for 6 Gypsy families, including hardstanding, utility blocks and landscaping</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>21 September 2011</b>
<b>EXPIRY DATE</b>	<b>16 November 2011</b>
<b>APPLICANT</b>	<b>Mr Rooney</b>
<b>AGENT</b>	<b>Philip Brown Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of the Ward Member, Cllr Mrs Drinkwater, due to the level of public interest</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Recommendation**

That the application be deferred until the next meeting of this Committee to be held on 7 December 2011 to enable clarification regarding site measurements to be sought.

**NOTES**

- (1) In advance of the consideration of the application the Committee were advised of consultation and publicity responses subsequent to the despatch of the agenda including comments from Highways Development Control and an additional 5 letters of objection as set out in the Late Sheet appended to these Minutes. An amended Condition was advised.
- (2) In advance of the consideration of the application the committee were advised representations made under the Public Participation scheme.

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**Item No. 11****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/11/03169/OUT</b>
<b>LOCATION</b>	<b>Former Meller Beauty Premises, Sunderland Road, Sandy, SG19 1QY</b>
<b>PROPOSAL</b>	<b>Outline: Residential development with access road and open space (all matters reserved except access)</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Aldis, Maudlin &amp; Sheppard</b>
<b>CASE OFFICER</b>	<b>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>02 September 2011</b>
<b>EXPIRY DATE</b>	<b>02 December 2011</b>
<b>APPLICANT</b>	<b>Castletown (General Partners III)</b>
<b>AGENT</b>	<b>D H Barford</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in to Committee at the request of Councillor Aldis on the grounds of concerns over noise and highway safety</b>
<b>RECOMMENDED DECISION</b>	<b>Resolve to grant planning permission subject to an acceptable S106 agreement.</b>

**Recommendation**

That Planning Permission be granted subject to the completion of a Section 106 agreement as outlined above and the following conditions:

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

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

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

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

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

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

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

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

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

- 5 The indicative layout shown on plan number 10/699L/20 is not approved as part of this application.

Reason: For the avoidance of doubt.

- 6 The height of the buildings on the site shall be restricted to 2 and 2.5 storey buildings.

Reason: To ensure an acceptable development and respect the character and appearance of the surrounding area.

- 7 Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that 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 of the proposed estate road.

- 8 Visibility splays as shown on drawing No 10019/3 shall be provided at the junction of the access with the public highway before the development is brought into use. The shown 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.

- 9 Visibility splays shall be provided at all road junctions and shared accesses within the site. The minimum dimensions to provide the required splay lines

shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25.0m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

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

10 The detailed plans to be submitted for approval of reserved matters shall illustrate the provision of:

- A 3m-wide footway/cycleway on the western side of Sunderland from the intersection with footpath running along the north boundary of Stock Park recreation Ground to the intersection with the bridleway running along the north boundary of the site. The submitted details shall include the tie-in with Sunderland Road and directional signs.
- A dropped kerb on Swansholme Gardens to facilitate cycle access to Sandy Place Middle School.

The approved details shall be implemented in full before any of the units is occupied.

Reason: In the interests of the safety of pedestrian and cyclist movement.

11 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.

12 The details to be submitted for approval of reserved matters shall include a scheme for the parking of cycles on the site.

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

13 This permission shall not extend to the layout and associated engineering details submitted in support of the application.

Reason: For the avoidance of doubt.

14 Development shall not be occupied until a residential travel plan has been submitted to and approved in writing by the Local Planning Authority, such a travel plan to include:

- Local policy context relating to travel planning;
- Assessment public transport infrastructure; propose sufficient measures for the promotion and management of the Travel Plan, including the

- appointment of a Travel Plan Coordinator;
- Financial incentives for the new residents to use sustainable modes of transport;
  - Commitment to ensuring welcome packs are provided to each household, prior to occupation and including sufficient incentives to promote sustainable travel;
  - Targets, a timetable for the implementation of the TP measures or mechanisms for monitoring the TP.

Reason: For the avoidance of doubt and to reduce reliance on the private car.

- 15 **Development shall not begin until a scheme for protecting the proposed dwellings from noise from the industrial units adjacent to the proposed development has been submitted and approved by the Local Planning Authority. None of the dwellings shall be occupied until such time as the scheme has been implemented in accordance of the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason: To protect the amenities of future occupiers of the dwellings.

- 16 **Prior to the occupation of the any development approved by this planning permission the developer shall submit to the Planning Authority and have approved, in electronic form where possible:**
- a) The results of the recommendations of the Environ Phase 1 Environmental Report previously submitted (UK 11 15832/02 - Dated August 2010) pertaining to "localised soil investigations" beyond the footprint of the ethanol tanks along with any recommendations and remedial schemes which these further works may result in.**
  - b) A written confirmation that any and all remedial works identified by the above as necessary have been completed in the form of a validation report to include photographs, material transport tickets and testing of any imported material. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.**

**All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.**

**Any groundwater issues shall be pursued independently through approval via the Environment Agency.**

Reason: To protect human health and the environment.

- 17 **Development shall not begin until a surface water drainage scheme for**



the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be based upon the principles contained within the Flood Risk Assessment dated August 2010 (additional information attached thereto August 2011), reference UK11-15832, compiled by Environ, and shall include the following details:

1. Confirmation of post-development surface water runoff rates for events up to and including the 100-year storm of critical season and duration, commensurate with a fixed and agreed site layout and therefore fixed and known impermeable areas;
2. Calculations demonstrating necessary attenuation volume;
3. Full details of the proposed surface water drainage system including location, position, gradients, dimensions, cover and invert levels, attenuation facilities, flow controls and discharge point;
4. Demonstration of ground investigations and results confirming that infiltration drainage is not achievable at the site;
5. Details of all proposed feasible methods of utilising SuDs;
6. Overland flood flow information in the event of system exceedance or failure, ensuring that flood risk from surface water does not increase from this site to sites adjacent to and downstream of it;
7. Demonstration of a suitable allowance to account for future climate change;
8. Full details of the proposed maintenance regime for all elements of the proposed drainage system.

**Reason: To prevent the increased risk of flooding, and ensure future maintenance of the system for the lifetime of the development.**

- 18 Details of bin storage/collection points shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In the interest of amenity.

- 19 **No development shall commence until a Site Waste Management Plan has been submitted to and approved by the Local Planning Authority. Development shall be completed in accordance with the approved details.**

**Reason: To ensure a satisfactory form of development.**

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

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

### **Reasons for Granting**

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

### **Notes to Applicant**

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Amphill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that in order to comply with Condition 10 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that the closure of existing accesses shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the accesses.

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

#### NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional consultation and publicity responses subsequent to the despatch of the agenda including an objection from Mono Marshalls and Agent comments as set out in the Late Sheet as appended to these Minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

The Committee requested an informative be attached to the decision notice highlighting to the applicant that the design of the development should be of high quality whilst addressing the noise concerns.

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**Item No. 12****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>CB/11/02984/VOC</b>
<b>LOCATION</b>	<b>Northill Lower School, Bedford Road, Northill, Biggleswade, SG18 9AH</b>
<b>PROPOSAL</b>	<b>Variation of Condition: Formation of multi use games area with mesh fencing approved on planning permission MB/05/01313/FULL dated 20 October 2005. Application for removal of condition 4 for development to be used by pupils and staff of the school and variation of condition 5 for hours of use to 9am to 8.30pm Monday to Friday. The multi use games area shall only be used at weekends or public holidays following prior written agreement by the Local Planning Authority.</b>
<b>PARISH</b>	<b>Northill</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Turner</b>
<b>CASE OFFICER</b>	<b>Clare Golden</b>
<b>DATE REGISTERED</b>	<b>06 September 2011</b>
<b>EXPIRY DATE</b>	<b>01 November 2011</b>
<b>APPLICANT</b>	<b>Northill VA Lower School</b>
<b>AGENT</b>	<b>Landscape Land and Property</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Assistant Director - Planning, has referred the application to Committee due to the extent of public interest on an application site owned by the Council</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Refused</b>

**Recommendation**

That Planning Permission be **approved** for the following reason and condition:

The Proposal would not detrimentally impact upon the character and appearance of the street scene nor would there be any significant adverse impact on the amenities on the neighbouring residents. The proposal would not have any adverse impact on highway safety. The scheme therefore, is in conformity with Planning Policy Statement 1 and Planning Policy Statement 3 and the Central Bedfordshire (North Area) Core Strategy policies DM3 and DM4.

1. The MUGA shall only be used between the hours of 0900 and 2030 Monday to Saturday. The multi use games area shall only be used on Sundays or public holidays following prior written agreement by the Local Planning Authority. To obtain the agreement of the local Planning Authority, it shall be given at least 21 days notice of the planned use of the MUGA on a Sunday and public Holiday, with details of the times the facility would be used, details of who will use the MUGA, the number of people involved and the activity undertaken.

Reason: In the interests of the amenities of adjoining properties.

**Note to Applicant**

The applicant is advised that the Development Management Committee wish to see the fencing surrounding the MUGA increased in height. Please note that fencing taller than 2m in height requires planning permission.

**NOTES**

- (1) In advance of the consideration of the application the Committee were advised of an additional letter of objection, three letters of support and further information received from the agent.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.