

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



please ask for Helen Bell
direct line 0300 300 4040
date 20 March 2014

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 2 April 2014 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Clrs K C Matthews (Chairman), A Shadbolt (Vice-Chairman), P N Aldis,
A R Bastable, R D Berry, M C Blair, D Bowater, A D Brown, Mrs C F Chapman MBE,
Mrs S Clark, Mrs B Coleman, I Dalgarno, K Janes, Ms C Maudlin, T Nicols,
I Shingler, B J Spurr and J N Young

[Named Substitutes:

L Birt, K M Collins, Mrs R J Drinkwater, C C Gomm, Mrs D B Gurney,
R W Johnstone, D Jones, J Murray, B Saunders and N Warren]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Special meeting of the Development Management Committee held on 28 February 2014 and the meeting of the Development Management Committee held on 5 March 2014.

(previously circulated)

4. **Members' Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

REPORT

| Item | Subject | Page Nos. |
|-------------|--|------------------|
| 5 | Planning Enforcement Cases Where Formal Action Has Been Taken | 7 - 12 |

To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider
the planning applications contained in the
following schedules:**

| Item | Subject | Page Nos. |
|-------------|--|------------------|
| 6 | <p>Planning Application No. CB/13/02916/FULL</p> <p>Address : The RSPB Reserve, Potton Road, Sandy, SG19 2DL</p> <p>Erection of one wind turbine, with a maximum overall height of up to 100m together with access tracks, crane pad area, electricity sub-station, temporary construction compound and amended vehicular access on land at the RSPB Reserve, near Sandy.</p> <p>Applicant : The Royal Society for the Protection of Birds and Sandy Wind Turbine Ltd</p> | 13 - 66 |
| 7 | <p>Planning Application No. CB/14/00389/REG3</p> <p>Address : Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ</p> <p>Extension of office car park for 146 car parking spaces.</p> <p>Applicant : Central Bedfordshire Council</p> | 67 - 80 |
| 8 | <p>Planning Application No. CB/14/00018/REG3</p> <p>Address : Chiltern Gateway Centre, Dunstable Road, Whipsnade, Dunstable LU6 2GY</p> <p>The erection of two 4.85m 'Sun Sail' canopies – single column kite style tensile structures. These are to be located in the outdoor seating area to the South East of the Visitor Centre.</p> <p>Applicant : Central Bedfordshire Council</p> | 81 - 90 |

13 **Planning Application No. CB/14/00038/FULL** 151 - 158

Address : Land adj. to 2 Windmill Way, Cranfield, Bedford
MK43 0HL

Change of use of land from council owned amenity
grassland to residential garden.

Applicant : Mr Nigel Perrin

14 **Planning Application No. CB/14/00019/FULL** 159 - 166

Address : 115 Bedford Road, Cranfield

Log Cabin in rear garden

Applicant : Mr Brightman

15 **HRN1 update**

To receive an update on Houghton Regis North 1 site.

16 **Site Inspection Appointment(s)**

In accordance with the guidelines contained in the Code of
Conduct for Planning Procedures, the Committee is invited to
attend site visits to the sites which will be considered at the next
meeting of this Committee to be held on 7 May 2014.

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Meeting: Development Management Committee
Date: 2nd April 2014
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Sustainable Communities
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

Advising Officer: Director of Sustainable Communities
Contact Officer: Sue Cawthra Planning Enforcement and Appeals Team Leader
(Tel: 0300 300 4369)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

1. **To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**
- 2.

Background

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 2nd April 2014)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-----------|----------------------|--|---|-------------|----------------|-----------------------|--------------------------|---------------------|--------------|---|
| 1 | CB/ENC/10/0037 | Land at 6 Sutton Road, Potton, SG19 2DS | Enforcement Notice - siting of mobile home for independent residential accommodation | 31-Aug-12 | 01-Oct-12 | 01-Dec-12 | | | Not complied | Prosecuted and fined 19/2/14 |
| 2 | CB/ENC/10/0140 | Land at 6 The Belfry, Luton. LU2 7GA | Enforcement Notices - change of use of land from amenity land to use as garden. | 13-Sep-12 | 11-Oct-12 | 08-Nov-12 | Appeal withdrawn | | | Land sold, discussions to seek compliance. Planning application submitted, await outcome. |
| 3 | CB/ENC/10/0172 | Land at 10-12 High Street, Shefford. SG17 5DG | Enforcement Notice - construction of an unauthorised wooden extension | 19-Jun-13 | 19-Jul-13 | 19-Aug-13 | | | | Works have commenced but not completed, awaiting completion for full compliance |
| 4 | CB/ENC/10/0659 | Land at 106 Bury Road, Shillington, Hitchin SG5 3NZ | Enforcement Notice - change of use of garage and rear conservatory to a self contained dwelling unit. | 25-Jun-13 | 25-Jul-13 | 25-Aug-13 | Appeal submitted 11/7/13 | | | Appeal held in abeyance pending outcome of estate |
| 5 | CB/ENC/11/0234 | Land at 31 Market Square, Leighton Buzzard. LU1 1EU | Enforcement Notice - installation of roller shutters and box housing | 01-Mar-14 | 01-Apr-14 | 01-Jun-14 | | | | Check compliance 1/6/14 |
| 6 | CB/ENC/11/0267 | Land and grain store building at White Gables Farm, Blunham Road, Moggerhanger. MK44 3RA | Enforcement Notice 4 - change of use of land and grain store building to storage of materials and vehicles for haulage business | 20-Nov-13 | 20-Dec-13 | 20-Jan-14 | Appeal received | | | Await outcome of appeal |
| 7 | CB/ENC/11/0402 | Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP | 2 Enforcement Notices 1 - unauthorised encroachment onto field 2 - unauthorised hard standing, fence and buildings | 15-Oct-12 | 12-Nov-12 | 10-Dec-12 | | | Not complied | Costs of direct action to be obtained, await joint site visit. |
| 8 | CB/ENC/11/0499 | Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN | Enforcement Notice - unauthorised erection of a double garage. | 03-Sep-13 | 01-Oct-13 | 01-Dec-13 | Appeal received 1/10/13 | | | Await outcome of appeal |
| 9 | CB/ENC/11/0613 | Land at Taylors Nursery, Taylors Road, Stotfold, Hitchin. SG5 4AQ | Enforcement Notice - change of use of the land for siting of a mobile home for residential purposes. | 14-Nov-13 | 14-Dec-13 | 14-Jan-14 & 13-Apr-14 | | | | No compliance as yet. Planning application CB/13/04323/FUL to retain mobile home refused 21/2/14. |
| 10 | CB/ENC/11/0627 | Land at Road Farm, How End, Houghton Conquest. MK45 3JS | Enforcement Notice - change of use of the land for the storage of building materials. | 06-Sep-13 | 06-Oct-13 | 06-Dec-13 | Appeal received 27/9/13 | | | Await outcome of appeal - Inquiry |

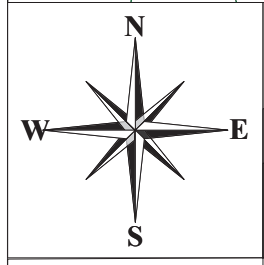
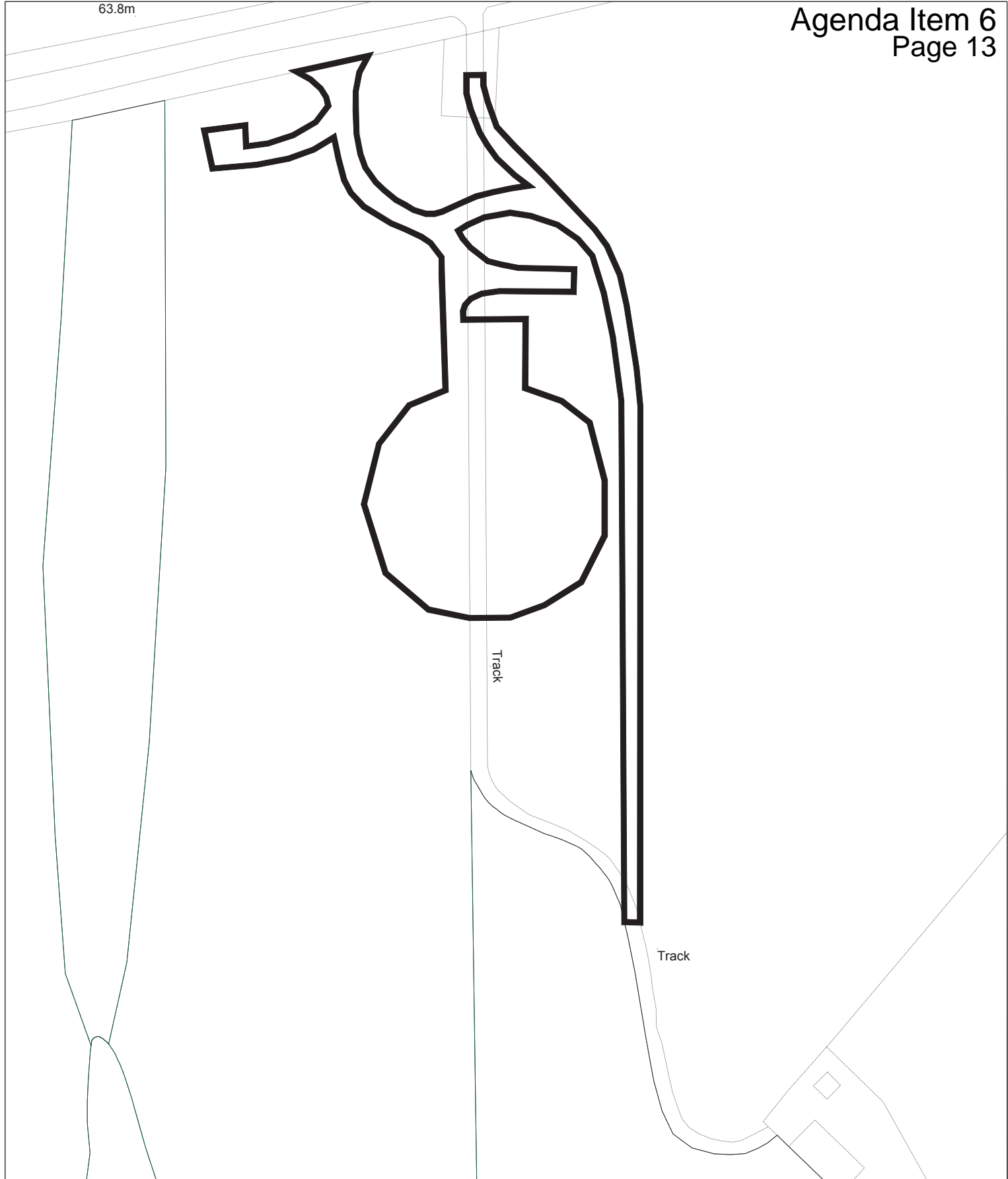
Planning Enforcement formal action (DM Committee 2nd April 2014)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|----|----------------------|--|---|-------------|----------------|---------------------------|--------------------------|---------------------|--|---|
| 11 | CB/ENC/12/0079 | Woodstock Cottage, 44 High Street, Flitton, MK44 5DY | Listed Building Urgent Works Notice - works to Listed Building | 04-Feb-14 | 11-Feb-14 | | | | | Awaiting schedule of works to be undertaken by owner. |
| 12 | CB/ENC/12/0098 | Land at 22-28 Station Road, Arlesey | S215 Notice - Untidy land storage of motor vehicles | 15-May-13 | 15-May-13 | 12-Jun-13 | | | Not complied | To Court January 2014 - prosecuted and fined. Legal letter sent |
| 13 | CB/ENC/12/0199 | Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP | Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants | 15-Oct-12 | 15-Oct-12 | 12-Nov-12 | | | | Occupied temporarily, await outcome of appeal for Kingswood Nursery - Hearing adjourned to May 2014 |
| 14 | CB/ENC/12/0268 | Land to the rear of 83 Leighton Road, Stanbridge, Leighton Buzzard LU7 9HW | Enforcement Notice - material change of use of the land to haulage yard. | 21-Feb-14 | 21-Mar-14 | various - up to 21-Aug-14 | | | | Check compliance up to 21/8/14 |
| 15 | CB/ENC/12/0330 | Land to rear of The Farmers Boy PH, 216 Common Road, Kensworth, Dunstable LU6 2PJ | Enforcement Notice - raising and levelling of the land by the importation of waste material | 08-Aug-12 | 10-Sep-12 | 10-Nov-12 | Appeal dismissed 19/7/13 | 19-Sep-13 | Part level reduced, not fully complied | Appeal dismissed, further action to be taken |
| 16 | CB/ENC/12/0436 | Flitwick Mill, Greenfield Road, Flitwick, MK45 5BE | Enforcement Notice - fence | 10-Sep-13 | 10-Oct-13 | 10-Dec-13 | | | In abeyance | In abeyance to end June 2014 pending discussions re submission of application for acceptable development. |
| 17 | CB/ENC/12/0504 | Land adj to Mileway House, Eastern Way, Heath and Reach | Enforcement Notice - use of land for siting of storage containers | 03-May-13 | 03-Jun-13 | 03-Sep-13 | | 01-Apr-14 | Partial compliance | Compliance extended for re-seeding |
| 18 | CB/ENC/12/0521 | Land at Random, Private Road, Barton Le Clay, Bedford MK45 4LE | Enforcement Notice - erection of a dwelling. | 16-Aug-13 | 16-Sep-13 | 16-Nov-13 | Appeal received 17/9/13 | | | Await outcome of appeal |
| 19 | CB/ENC/12/0539 | 56 Blunham Rd, Moggerhanger, MK44 3PD | Enforcement Notice - construction of porch | 06-Aug-13 | 06-Sep-13 | 06-Oct-13 | Appeal submitted | | | Await outcome of appeal |
| 20 | CB/ENC/12/0633 | Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP | Enforcement Notice - construction of timber building and the laying of hard standing. | 17-Jan-13 | 14-Feb-13 | 14-Mar-13 | | | | Joint site visit to take place |
| 21 | CB/ENC/13/0011 | 8 High Street, Biggleswade, SG18 0JL | Unauthorised advertisement in Conservation Area | | | | | | Not complied | Planning application submitted invalid. Revised Court date April 2014 |

Planning Enforcement formal action (DM Committee 2nd April 2014)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-----------|----------------------|--|--|-------------|----------------|-----------------|--------------------------|---------------------|-----------------------------|--|
| 22 | CB/ENC/13/0083 | Land Adjacent to Magpie Farm, Hill Lane, Upper Cladecote | Enforcement Notice - failure to comply with Condition 5 planning permission MB/08/02009/FULL for gypsy/traveller site | 27-Jun-13 | 27-Jul-13 | 27-Aug-13 | Appeal submitted 26/7/13 | | | Await outcome of appeal - Hearing 29-Jan-14 |
| 23 | CB/ENC/13/0120 | Land at Bridge Street, Leighton Buzzard LU7 1AH | Enforcement Notice - Roller shutters and box housing | 09-Jan-14 | 14-Feb-14 | 14-May-14 | | | | Awaiting planning application. |
| 24 | CB/ENC/13/0273 | Land to rear and adjacent to Harling House, Harling Road, Eaton Bray, Dunstable. LU6 1QY | Enforcement Notice - change of use of land to use for a car sales business and for siting of caravans in connection with car sales business. | 12-Sep-13 | 10-Oct-13 | 10-Nov-13 | | | Complied - removed vehicles | Check land reinstated by 31/3/14 |
| 25 | CB/ENC/13/0403 | Land at 1 & 1a Vicarage Hill, Flitwick, MK45 1HZ | Breach of condition Notice - Condition 4 of CB/11/02118/FULL, hours of opening | 12-Nov-13 | 12-Nov-13 | 12-Dec-13 | | | Not complied | Further action to be taken subject to Legal. |
| 26 | CB/ENC/13/0412 | Land at 19a High Street South, Dunstable. LU6 3RZ | Enforcement Notice Change of use offices to bedsits | 20-Jan-14 | 20-Feb-14 | 20-Aug-14 | | | | Check compliance 20/8/14. Declined to determine LDC application. |
| 27 | CB/ENC/13/0413 | Land at the rear of 37 Church Street, Clifton, Shefford SG17 5ET | Enforcement Notice - summer house, terrace, pond and swimming pool. | 09-Dec-13 | 10-Jan-14 | 10-Mar-14 | Appeal submitted | | | Await outcome of appeal |
| 28 | CB/ENC/13/0492 | Land at Long Lake Meadow, High Road, Seddington, Sandy, SG19 1NU | Enforcement Notice - change of use of the land to a gypsy and traveller site | 06-Mar-14 | 06-Apr-13 | 06-Jun-14 | | | | Check compliance 6/6/14 |
| 29 | CB/ENC/13/0559 | Land at 17 Dunstable Road, H | Enforcement Notice - Erection | 21-Feb-14 | 21-Mar-14 | 21-Apr-14 | | | | Check compliance 21/4/14 |
| 30 | CB/ENC/14/0006 | Land at Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade. SG18 9DP | Enforcement Notice - Breach of condition 6 planning permission MB/05/01478/FULL, and condition 6 planning permission CB/13/01378/VOC | 27-Jan-14 | 24-Feb-14 | 24-Mar-14 | Appeal submitted | | | Await outcome of appeal |

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 Central Bedfordshire Council
 Licence No. 100049029 (2009)
 Date: 18:March:2014
 Map Sheet No

Application No
 CB/13/02916/FULL

Scale: 1:1250

The RSPB Reserve, Potton Road, Sandy, SG19 2DL

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| |
|-------------------|
| Item No. 6 |
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| | |
|--|--|
| APPLICATION NUMBER | CB/13/02916/FULL |
| LOCATION | The RSPB Reserve, Potton Road, Sandy, SG19 2DL |
| PROPOSAL | Erection of one wind turbine, with a maximum overall height of up to 100m together with access tracks, crane pad area, electricity sub-station, temporary construction compound and amended vehicular access on land at the RSPB Reserve, near Sandy. |
| PARISH | Sandy |
| WARD | Sandy |
| WARD COUNCILLORS | Cllrs Aldis, Maudlin & Sheppard |
| CASE OFFICER | Samantha Boyd |
| DATE REGISTERED | 28 August 2013 |
| EXPIRY DATE | 23 October 2013 |
| APPLICANT | The Royal Society for the Protection of Birds and Sandy Wind Turbine Ltd |
| AGENT | Ecotricity (Next Generation) Ltd |
| REASON FOR COMMITTEE TO DETERMINE | Cllr Call In - Cllr Aldis |
| | Planning Reason: In view of the large public interest in the application. The wind turbine would have a positive impact on the applicant's desire to become a sustainable community for energy consumption |
| RECOMMENDED DECISION | Full Application - Approval Recommended |

Reason for Recommendation

National and Adopted Local Planning Policies support the installation of renewable energy projects provided there is no unacceptable adverse impact. The proposed 100m wind turbine is considered to have an impact on the landscape and the nearby heritage assets. However in accordance with Policy CS13, DM1 and the National Planning Policy Framework, the impact is not considered to be unacceptable that it would outweigh the benefits of harnessing wind power.

The proposal would not have an adverse negative impact on biodiversity or ecology or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety.

Therefore by reason of its size, design and location, the proposal is in conformity with Policies CS13, DM1, CS15, DM13, DM3, DM14 and DM15 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework

Introduction

This application was brought to the Development Management Committee meeting on 5th December 2014. At the meeting Members voted to defer the application as a

late objection to the proposal had been received from Cambridge City Airport and the MOD due to potential interference with the Air Traffic Control radar. Both objections have since been withdrawn.

Also since the December 5th Meeting, following concerns from residents, a Television Reception Impact Assessment has been carried out by GTech Surveys Limited. The results of the survey will be discussed in Section 7 below.

Further, the Council was made aware that there were missing pages in the Ecology section of the Environmental Report that is available on the Council's website. A revised report has been received and reconsultation with the Ecology Officer and Natural England has taken place.

Site Location:

The Royal Society for the Protection of Birds (RSPB) nature reserve has been located at The Lodge in Sandy for some 50 years. It is located approximately 2km to the South East of Sandy and occupies around 180 hectares of woodland, heath and grassland. At the entrance to the reserve, off the B1042 the Entrance Lodge provides office space and a shop that is open to the public along with the reserve footpaths and woodlands.

In the area closest to the access point there is a public car park, a number of storage buildings and garages, and a separate customer toilet block. Further towards the south of the reserve, The Lodge and its associated office buildings provides the location for the RSPB headquarters.

The field where the proposed development would be located is to the north east of the main headquarters building. It currently comprises grazing land and is bound by the B1042 Potton to Sandy road to the north and the remainder of the reserve on all other boundaries. Potton lies approximately 2km to the east of the site however there are isolated residential properties in closer proximity to the site and the small cluster of properties at Deepdale, to the east of the site. The closest properties are Warren Farm (636m) and Warren Farm Cottages (948m) to the south east.

The application site is within the vicinity of Galley Hill and Sandy Lodge Scheduled Monuments, the listed buildings and the Site Special Scientific Interest that are located within the reserve boundaries. There are also listed buildings in the surrounding landscape which have views of the application site.

The Application:

Planning permission is sought for a single wind turbine with a maximum overall height of up to 100m together with access tracks, crane pad area, electricity sub station, temporary construction compound and amended vehicular access.

The exact location of the turbine is approximately 120m from the B1040 on land to the eastern most part of the nature reserve and adjacent to a pipeline installation depot.

The indicative turbine model is an Enercon E53 800kW three bladed turbine with a hub height of 73.3m and a blade length of 26.5m. These turbines are variable speed turbines which are mounted on a steel tower with a clockwise rotation.

On site access will be provided via a new access point off the B1040. The existing access will remain during the construction period to enable emergency access to the nearby MoD facility but not be required once construction works are complete.

RELEVANT POLICIES:

Core Strategy and Development Management Policies - North 2009

CS3 Healthy and Sustainable Communities
CS4 Linking Communities
CS11 Rural Economy and Tourism
CS13 Climate Change
CS15 Heritage
CS16 Landscape and Woodland
CS18 Biodiversity and Geological Conservation
DM1 Renewable Energy
DM4 Development within and Beyond Settlement Envelopes
DM14 Landscape and Woodland
DM15 Biodiversity

National Planning Policy

National Planning Policy Framework (March 2012)
Planning Policy Statement 22: Renewable Energy Companion Guide

National Policy Statements for Energy EN-1 and EN-3 (2009)
The UK Renewable Energy Strategy (2009)
The UK Low Carbon Transition Plan (2009)

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development (2010)
Mid Beds Landscape Character Assessment (August 2007)
Wind Energy Development in Central Bedfordshire : Guidance Note 1 (2012)

Planning History

| | |
|------------------|--|
| CB/12/01860/Full | Temporary Meteorological mast 70m in height. Granted 05/07/12 |
| CB/12/02158/SCN | Screening Opinion for 100m Wind turbine EIA not required. |

Representations: (Parish & Neighbours)

| | |
|--------------------|---------------|
| Sandy Town Council | No objections |
|--------------------|---------------|

| | |
|--|--|
| Adjacent Parishes: Biggleswade Town Council | No comments to make. Noted that the RSPB invited members to attend a drop in |
|--|--|

Potton Town Council
Everton Parish Council

information session.
Support application
No comments received

Neighbours

59 letters of support - comments summarised:
Commendable of RSPB
Positive moves towards addressing climate change
They have done a thorough assessment of impact on birds and bats.
Cannot see any detrimental impacts
Shows Central Beds supports Renewable Energy
A single turbine will not result in harm
Loss of visual amenity trivial against pylons
Abroad turbine are an acceptable part of landscape
Renewal energy is good for future of wildlife/habitat protection
Wholeheartedly in favour
Millions more birds killed by traffic
RSPB would not undertake endangering birds - they have done their homework
Any harm to birds/bats far less dangerous than threat of climate change to the species
Very few individual bird strikes
Would not look out of place against the mast
Council policy supports renewable energy
RSPB are addressing their carbon emissions
No valid concerns for refusal
Support
Can see the site from window - no objections to the view
Credit to RSPB
Climate change is greatest threat to birds, not turbines

65 letters objecting to the application
Concerns summarised -
Adverse visual impact on Greensand Ridge
Blighting views from listed buildings
No justification for providing to turbine
It will never produce enough energy
Studies show turbines kill birds and bats
Blot on the skyline
Interruption to TV/Radio signals
Noise from turbine blades and flicker impact detrimental to neighbouring properties
Spoil views of countryside
Object to RSPB killing birds
Detrimental to Bats and birds

Monstrosity in a bird reserve
Only benefit to RSPB pockets
Capacity of Greensand Ridge met
Natural England raised concern about impact on bats,
Nearby BAP priority habitat has not been mentioned; it is 50m from the site,
Irresponsible of RSPB
Turbine should be sited elsewhere, nearer to mast or closer to Deepdale.
No benefit to community

Additional comments have been received since the preparation of the previous December committee report -

Concern for wildlife. The area is a good area for bats. A mitigation scheme is proposed with a cut off wind speed in summer months and plans to monitor the damage to bad population by searching for bat carcasses.

The met mast found that risk to bats would be acceptable, however no lights were fitted to the mast and the MOD have now requested aviation lighting should be fitted to the mast. The lighting will attract insects, which will in turn attract bats. This will result in danger to bats while blades are turning. The data collected by RSPB is therefore not meaningful.

Cut in speed mitigation should be precisely specified in conditions and adhered to.

The application is out of date and underestimates environmental impact.

The RSPB are performing their own analysis on bird death from wind turbines which shows they have concerns over accuracy of existing views.

Concerns for Ravens and Ospreys: these are not mentioned in the report.

There is no data on wind reports, one can only surmise that the results are less than convincing.

Consultations/Publicity responses

Application advertised in press 13/09/13

Site Notices displayed 06/09/13

External consultation responses

| | |
|-----------------------------|---|
| Arquiva | Arquiva is responsible for providing BBC and ITV's transmission network. There is no objection to this application. Arquiva has a link between Sandy Heath and Whipsnade that is very close to the proposed turbine. This proposal is on the edge of acceptability and if the turbine is moved further south./east of its current position then Arquiva will need to raise and objection. If the location of the turbine is changed Arquiva will need to be notified. |
| London Luton Airport | The proposed single wind turbine development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, London Luton Airport Operations Ltd has no objections to the proposal. |
| MOD Wind Energy CAA | No objections. No specific comments made. References to consultation with NATS and MOD and any nearby aerodromes |
| Cranfield Airfield | No comments received |
| Shuttleworth Airfield | No comments received |
| NATS | No comments received |
| Health and Safety Executive | No comments received |
| Ofcom | No specific comments, refer to Joint Radio Company and BBC website. |
| Natural England | Natural England satisfied that there would be no adverse affect on the SSSI. No further objections raised. Reference made to various documents offering standing advice. |
| English Heritage | In summary - Concerns raised about the impact of the turbine on a range of heritage assets within the vicinity of the proposed turbine. In particular the impact upon the setting of the Scheduled Monument of Galley Hill, as well as the Grade I listed Moggerhanger House and the Grade II* house known as Hazells. A number of other assets including the scheduled monument known as Sandy Lodge promontory fort and the Grade I listed churches of Everton and Potton are also affected. We have concluded that the erection of the turbine will harm the setting of the highly designed assets. |

| | |
|-----------------------------------|---|
| CPRE Beds | Letter received requesting clarity of Draft Renewable Energy Guidance which states Capacity of Greensand Met and Landscape Character Assessment which states in Appendix 2 there is scope to site a single turbine. |
| Butterfly Conservation Group | No comments received |
| Bat Conservation Trust | No comments received |
| British Horse Society | No comments received |
| Garden History Society | No comments received |
| The Wildlife Trust | No comments received |
| Ivel and Ouse Project | No comments received |
| EDF Energy | No comments received |
| British Telecommunications | No comments received |
| Joint Radio Company- WindFarms | JRC do not foresee any potential problems based on know interference scenarios. |
| Bt Cellnet | No comments received |
| Orange | No comments received |
| Virgin Mobile | No comments received |
| Cable & Wireless | No comments received |
| Vodafone | No comments received |
| O2 Group | No comments received |
| T Mobile | No comments received |
| Cambridge City Airport | No objections |

Internal Consultation responses

Archaeology

The proposed development is within an area containing archaeological features identified from aerial photographs, comprising an enclosure and a number of linear features (HER 1660). These features are presently undated but are likely to represent later prehistoric or Roman settlement and other activity. Finds of prehistoric flint artefacts from Sandy Warren suggest that occupation of Mesolithic, Neolithic or Bronze Age date exists within the area. These represent locally identified heritage assets with an archaeological interest as defined by the National Planning Policy Framework (NPPF). The proposed development is also within the setting of two designated heritage assets: the Scheduled Monuments of Galley Hill (HER 445 SM 27164) an Iron Age hillfort overlying an earlier, Bronze Age enclosure and Sandy Lodge (HER 1164 SM 27163) Iron Age promontory fort. Both Monuments are located on the crest of the Greensand Ridge scarp to the south west of the proposed turbine.

The Planning Statement and Environmental

Report submitted with the application both deal with archaeology and the cultural heritage. They identify two main areas of impact on archaeology and cultural heritage likely to arise from the proposed development: direct physical effects on heritage assets and effects on the setting heritage assets.

The main impact on the setting of heritage assets is identified as occurring in the operational phase of the development. From an archaeological perspective it is the two Scheduled Monuments: Galley Hill and Sandy Lodge, that will be most affected as the turbine will be within and will affect the setting of the Monuments and thus have an impact on their significance. The locations of the two hillforts on the crest of the Greensand Ridge scarp emphasises their defensive function with extensive views out over the Ivel Valley. Seen from the valley the Monuments would have an obvious dominant position in the landscape. It should not be forgotten, however, that the hinterland of the hillforts, which provided access and resources for them, was the plateau behind the scarp so this area would have been just as important when the hillforts were occupied and is certainly part of their setting. The turbine will be visible as a back drop to the monuments when their location is seen from the valley to the west and will also be visible from within the Monuments, particularly Galley Hill. Although the turbine may appear shorter than the nearby Sandy transmitter, the turbine blades will give it a much wider appearance and it will be more noticeable because the blades will be turning, emphasising the turbines existence and location. The insertion of the turbine in to the landscape will affect the setting of the two Scheduled Monuments, introducing a substantial, modern and industrial element to their setting. This impact will affect the appreciation and understanding of the Monuments and so result in some loss to their significance. In my opinion, though, as it will still be possible to appreciate and understand Galley Hill and Sandy Lodge in their setting in spite of the affect of the proposed turbine in the setting, will lead to substantial harm to the significance of the designated heritage assets (Paragraphs 132-134 of the NPPF). Therefore, I do not object to this application on grounds of its impact on the setting of the Galley Hill and Sandy Lodge designated heritage assets.

In discussing the direct physical effects the Environmental Report identified construction works within the application site as having the potential to affect known heritage assets within site and other "currently unrecorded archaeological features" (4.90). In particular The Report notes the cropmarks that lie to the west of the proposed turbine location (HER 1660), which probably represent later prehistoric or Roman settlement. A possible Roman road (HER 738) running along the north side of the application site is also noted, however, further research has shown that the proposed line of this road is of no great antiquity or coherence; the features identified as the Roman road are in fact post-medieval boundaries and road/track alignments. Therefore, there will be no features associated with the "Roman road" within the turbine site. However, although the Report (4.42) acknowledges that there is evidence of Mesolithic and Neolithic activity from Sandy Heath, this facet of the archaeological potential of the site is not identified in the section on impacts.

In paragraph 4.91 the Report says that as it is not known precisely what archaeological remains will be affected by the proposed development, the impact is likely to be on isolated prehistoric or Roman features which are of low sensitivity. I think this down plays the significance of the predicted archaeological deposits that may be affected by the development. Developing a basic understanding of the location, character and extent of Mesolithic settlement within the landscape has been identified as a regional research topic (Austin 2000, 7; Oake 2007, 9 and Medlycott 2011, 7-8) as has the study of Neolithic to Iron Age and Roman settlement patterns (Brown and Murphy 2000, 9-10; Going and Plouviez 2000, 21; Oake 2007, 9-11 and Medlycott 2011, 20). In my opinion, therefore, any archaeological deposits likely to be affected by the development are likely to be of medium sensitivity and the impact of construction of moderate significance.

Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly

accessible (CLG 2012). Policy 45 of the Development Strategy for Central Bedfordshire (pre-submission version, January 2013) echoes this and also requires all developments that affect heritage assets with archaeological interest to give due consideration to the significance of those assets and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

The application area lies within an area containing evidence of prehistoric and Roman activity, with further potential for as yet unidentified archaeological remains. The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development. The scheme of works will also include the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach the following condition to any permission granted in respect of this application.

“No development shall take place until a written scheme of archaeological investigation for an open area excavation followed by post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.”

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development.

This request is in line with the requirements of Chapter 12 of the NPPF and policy 45 of the Development Strategy for Central Bedfordshire (pre-submission version, January 2013).

2013 and the list of bullet pointed issues from the consultation with Paul Salmon, I still have concerns regarding the movement of the wind turbine to the site. Apart from the possibility that it may cross third party land at Moon Corner, that may require the removal of boundary walls and excavation of gardens, the routes to the site uses roads that have major on street parking and there is the possibility that these roads will have to be closed due to the transporter and turbine width, and the on street residential parking displaced elsewhere, which will cause a great deal of disruption.

The applicant has stated that the route has been a desk top survey and that they have not undertaken an on ground survey to visualise the issues of on street parking, lack of manoeuvrability and height of any overhead cables. This aside, the majority of these issues within the highway can be dealt with by the construction/traffic management plan, although this will not cover third party land mitigation.

Earlier comments :

I wanted to make the following points and will list them as you requested.

- St Neots Rd Sandy is now traffic calmed with tables and cushions
- Sandy High Street is narrow and also has raised features including a raised zebra crossing
- Sandy has several areas of on street parking which narrows the carriageway width further
- Sandy railway bridge is subject to a weight limit, however this could be an allowed route but has any dialogue been had with our structures team and the rail structures team to see if the bridge is even capable of taking the weight of the vehicles and loads
- What is the weight of the vehicles and loads?
- The route from Sandy is all uphill and narrow and has several tight bends where traffic often straddles both carriageways, how will this potential conflict with on-coming vehicles be managed, this also

goes for the entire proposed route

- Is there any Police assistance planned or requested
- What is the proposed time and dates for this
- The A6001 is a traffic sensitive street which has restrictions on closures, etc
- Are any closures required, proposed or perhaps needed?
- Has the entire route been assessed and actually visited by the company, not just part of it?
- Figure 9.11 states that the company has been to site and measured that enough space is available to make the turn, the diagram just shows two stages, it does not show the full swept path or provide any information on how it would be controlled or how traffic would be controlled or if an obstacle was there on the day how would that be dealt with. There is not enough detail.
- Has any consideration been made for telegraph poles, cables, etc
- Figure 9.10, even with the removal of street furniture, this turning is very very tight for two cars to pass, let alone a vehicle of this size, I am not convinced it can make the turn, there is also another small junction at this location that needs to be considered, again how will traffic be controlled when they have no powers to stop traffic?
- Has the Highways Agency been contacted regarding the A1?

Public Protection

Conservation Officer

No objection subject to recommended conditions relating to overall noise and amplitude modulation. The Lodge, together with the complex of listed buildings nearby, their immediate settings- & the wider context of the site, including Galley Hill & the hill forts (Scheduled Monuments)- make this a sensitive site, in terms of impact & potential harm to designated heritage assets. As is inevitable with almost any 100m tall wind turbine, the visual impact will be significant & considerably beyond

what can be considered as the setting of The Lodge & the other nearby heritage assets. The advice provided in *Wind Energy and the Historic Environment* (English Heritage, October 2005) states that turbine towers in excess of 60m may have a zone of visual influence of more than 10km radius.

Within the 2km radius of the site of the proposed wind turbine, beyond the RSPB reserve- i.e. the areas most likely to be directly affected- there are a number of Grade II listed buildings together with **Hazells Hall- Grade II*** listed & the Registered Park & Garden, The Hazells. **St Swithun's Church- Grade II***- is just beyond the 2km distance. These higher graded & more important heritage assets should be given great weight in the consideration of the impact of the proposed turbine on their settings (NPPF para. 132).

However, taking the broader view- the application site is relatively isolated within the 1km radius. Overhead power lines cross the RSPB reserve (north-west to south-east) between the entrance lodge & the application site. Trees, landform/ topography & buildings conceal the wind turbine site from much of Sandy, Potton, Biggleswade, Sutton Blunham, Tempsford, Caldecote & Everton- the closest towns & villages. But- as shown on the submitted Zones of Theoretical Visibility- distant views will be possible aswell- up to 10km & further.

In terms of the criteria of NPPF para. 134, *less than substantial harm* would, it is considered, result from the proposed wind turbine, to the significance of designated heritage assets. For those relatively close to the wind turbine the harm could seem considerable. From Figure 3.6b (Chapter 3- Landscape & Visual) it would appear that there will be no apparent inter-visibility from Hazells Hall or from St Swithun's Church. It might, therefore, be considered that, in a balanced judgement, harm to the setting of these most important listed buildings would be limited & any impact restricted- in the weighing up of *public benefits* that may result from the proposed wind turbine.

Ecology

I have read through the Environmental Report and the bat and bird reports. Providing all mitigation as proposed in the bat and bird surveys and ecology and ornithology chapters of the environmental

report I am satisfied that there will be no detrimental impact on protected species or habitats.

Equally through the habitat enhancement measures proposed the development should result in a net gain for biodiversity in line with NPPF requirements. Figure 5.6 indicates biodiversity enhancements though a formal habitat management plan is not evident whilst I have every confidence that the RSPB will provide such enhancements it would be useful to have a formal management plan to show proposed tasks and timing.

Future post construction monitoring of bats will be required and this should be undertaken in line with BCT recommendations for 2 yrs to assess mortality rates and amend cut in speeds if necessary.

If development does not commence within 2 yrs then further protected species survey updates may be required.

Further comments on Revised Ecology report.

06/03/13, missing pages checked, no further comments to add.

Strategic Landscape Officer

1. Introduction

The Application is for a single 100m turbine, situated on the Greensand Ridge to the east of Sandy. The Greensand Ridge is a highly sensitive landscape, with a distinctive undeveloped skyline. Whilst the actual location of the turbine is in an area partially disturbed by pylons and close to the grassed fuel storage tanks, the overall landscape quality is high. As the turbine would be sited on the elevated Ridge, it will be clearly seen over a wide area - beyond the CBC boundary to the north, west and east. The turbine is around half the height of the nearby Transmitter - but whilst this is much taller, it is a very narrow, static feature. The greatest visual intrusion will be experienced by users of The Lodge and the many public rights of way in the vicinity and the communities of Potton and Sandy. There will also be a major change in the view for residents of Blunham, Moggerhanger, Chalton, Everton, Sutton and Dunton, particularly in terms of their experience of their local area.

The proposed turbine is within 5km of the Langford Windfarm : the cumulative impact of this major development with the proposed turbine at Sandy and the operational turbine at Gamlingay is a significant issue.

Policy for Landscape Protection

The Greensand Ridge long been valued as a landscape feature, being protected as an “Area of Great Landscape Value” in Mid Bedfordshire Local Plans and County Structure Plans. The emerging CBC Development Strategy emphasises importance of , and the need to respond to the guidance within the LCA , requiring **new development to respect landscape character , including tranquillity.**

Policy 58 extract

Elsewhere (ie outside the AONB) landscapes will be conserved and enhanced in accordance with the Landscape Character assessment . Proposals that have an unacceptable impact on the landscape quality of an area will normally be refused. In particular proposals will be refused that have an adverse impact on important landscape features or highly sensitive landscapes.

The Applicant’s LVA states that the site is not within a “recognised or valued “ landscape as it does not have a formal designation. (LV3.143). This is misleading as outside of an AONB, it is not expected that the wider landscape has another tier of designation. CBC has heeded Government guidance to replace local landscape designations (PPS7) and follow the landscape character approach, which assesses all landscapes according to their components and qualities. The strategic importance of the Greensand landscape – with it’s historic interest, ecological importance and scenic quality is clear. The Greensand Ridge is currently subject to a Heritage Lottery “Landscape Partnership “ funding bid to secure resources to conserve and manage this landscape as it is considered under threat from recreational pressures, habitat decline and inappropriate development.

CBC’s Wind Energy Guidance identifies the Greensand Ridge as an area of High Sensitivity to wind development, the evidence for this is summarised later. This does not mean that a wind development is totally unacceptable, but that the Applicant must be able to demonstrate how the scale and design mitigate the potential impacts.

The RSPB have selected Sandy as a potential site for generating energy as their headquarters has the greatest electricity demand. However, it is important to assess whether one environmental

gain outweighs damage to another interest, namely the requirement to safeguard a regionally significant landscape recognised as having great importance to Central Bedfordshire in terms of local distinctiveness and highly valued countryside. Local communities and visitors enjoy the tranquil, rural qualities of the local heaths and woodland and the unspoiled views of the Ridge at Sandy as seen from the nearby towns and villages, public paths and roads.

The RSPB is a major landowner throughout Britain – it would have been helpful to know greater detail of the site selection process. It is accepted that the energy generated would be utilized at The Lodge, but there may be other locations with a more open and larger scale landscape where the introduction of one or more turbines would be more acceptable in terms of landscape impact and efficiency.

2 Landscape Character Assessment – Guidance relevant to this Application :

2.1 Impact on Landscape Character - although the turbine is located on the Everton Heath section of the Greensand Ridge, the visual impact extends over the Lower Ivel Valley, the Dunton Clay Vale Eastern Marston Vale, Biggin Wood and Cockayne Hatley Character areas. All but the later of these Character Areas are judged to be in decline and in need of renewal or enhancement . A particular concern to all these areas is urban encroachment and the impact of development on traditional landscapes. (Mid Beds LCA) The visual impact of a turbine urbanises the location in short distance views but also changes the character of the wider setting ie of the escarpment at Sandy.

The Greensand Ridge is a unique landform in mainland England - the distinctive narrow escarpment is a focus for recreation and renowned for it's historic landscape. The turbine would have an urbanising influence on the setting and Gardens of the Lodge (a listed building) and be seen from the Repton parkland at Hazells Hall, a Registered Park and Garden. A repeated message within the LCA is the need to " *conserve the undeveloped skylines of the Greensand Ridge* " . The existing pylons are already an intrusive feature which detract from the skyline. The TV mast is an accepted feature in views and is appreciated as a landmark. In daylight, the mast is

quite a recessive feature ,becoming a more dominant feature when lit at night. The introduction of the turbine, with it's moving blades at a point half the height of the mast will create a discordant feature, detracting from the familiar landmark.

Landscape change within the Ivel Valley is particularly significant, with the extensive growth of residential and industrial development at Sandy and Biggleswade (within the 5km radius of most visual impact), and additional urban extensions at growth within 10km at Stofold and Arlesey. (within 10km where visual impact will still be highly noticeable)

The Langford Windfarm is under construction - there will be considerable intervisibility between the Langford turbines and the proposed Sandy turbine. In many locations eg from Biggleswade, Northill, and Potton , there will be views of these turbines and a view to the single turbine at Gamlingay.

In addition, when travelling on the A1, there will be sequential views to the Coton Windfarm near St Neots.

The “rural gap “ between Biggleswade and Sandy is becoming urbanised with a sequence of varied development including retail and leisure use, such as the Golf Driving Range. Visually, these detract from the setting of the towns and the urban fringe countryside which is important for recreation and conveys a poor image for Central Bedfordshire. Increased “visual clutter “ on the Ridge will add to this detrimental urbanisation of the countryside.

2.2 The LCA provides extensive guidance on landscape sensitivity:

Everton Heath Greensand Ridge : Elevated landscape separated from the rest of the Ridge by the Ivel Valley. The land cover has a distinctive pattern of plantation and deciduous woodland, arable land and heath, particularly as a result of management work by the RSPB at The Lodge. Historic estates are characteristic eg Hazells Hall, Woodbury Park and Everton Park as well as the Lodge. Landscape Character sensitivity is HIGH - the following key sensitivities create a strong sense of place:

The prominent landform creating a distinctive skyline and horizon . Any change on the Ridge would impinge on valued views.

*The mosaic of woodland and heathland is an important visual as well as ecological resource.
Historic estates imparting a strong designed character*

Iron Age hillforts

The Greensand Ridge Walk

Conserve the site and setting of historic features

Visually the landscape is considered to have a moderate sensitivity to change- although the elevated wooded ridge as the backdrop to the Vale and the reciprocal views to and from the Vale heightens visual sensitivity.

Development guidelines include :

Conserve the essentially undeveloped wooded and open ridgeline in views from the adjacent vales

conserve the setting and views to landmark churches and other features which act as distinct focal points in the landscape (ie Mast)

conserve the recreational value of the landscape

conserve panoramic views from the ridge and the role of the ridge in providing a strong wooded backdrop and horizon.

Lower Ivel Clay Valley : farmland and river corridor to south of Sandy, including Bigglewade and A1 corridor. A landscape in decline, yet crucial in terms of amenity for communities. Both landscape character and

visual sensitivity are considered moderately sensitive to change , in view of urbanisation and impact of the A1 road corridor. ***The relationship with the wooded Greensand Ridge is important in providing rural views at the north of the area and development of tall structures on this ridge would have significant impacts on the character of the Lower Ivel Clay Valley.***

Landscape character is considered weak .

East Marston Vale :the clear views to the Greensand Ridge is a key visual sensitivity.

Biggin Wood Clay vale - Tempsford area . Specifically mentions the clear views across the landscape to the Everton Heath Greensand Ridge and panoramic views from the ridge back over the vale as a key landscape sensitivity.

In our view - the introduction of a moving structure on the Greensand Ridge is unacceptable

he increase in urbanising features within the Ivel Valley - or in views from the Ivel Valley - is also unacceptable.

Dunton Clay Vale :farmland and settlements to east of Greensand Ridge - open arable landscape with little woodland. Views to west include the new development at Biggleswade and the windfarm at Langford.

Cockayne Hatley Clay Farmland : land east of Potton. Elevated landscape, tranquil but with little landscape structure able to contain longdistance views. Development guidelines: *avoid development of structures which could lead to cluttering on the skyline.*

3. Guidance from Guidance Note 1 - Wind Energy Development in Central Bedfordshire

-

The landscape guidance has been derived from advice given in the LCA and assessment made in the field by CBC's landscape officers.

National guidance (Natural England) identifies landscapes where there is a lesser ability to accommodate wind energy – these would contain:

- *human scale indicators - eg trees ,hedges, farm buildings*

- *presence of strong topographical variety or distinctive landform features*

distinctive, undeveloped skylines

-*skylines that are highly visible over large areas or exert a large influence on landscape character.*

-*physically or perceptually remote*

-*valued recreational use.*

- *absence of modern development*

In contrast, landscapes with a greater ability to accept wind energy tend to have a larger scale of field pattern, ,lack features ,be convex or flat, contain contemporary features ,infrastructure or industry . Skylines which are fragmented and be in an area of low public access.

It also contains a regional landscape perspective - the ARUP Report " Placing Renewables in the Eastern Region . This accords the highest sensitivity rating to the Greensand Ridge (Medium to High) across the landscapes of Cambridgeshire, Bedfordshire , Suffolk and Essex

.

The Report concludes that *The medium to small-scale of the landscape and distinctive narrow escarpment increase the areas sensitivity to wind*

development.

The maximum size of windfarm was considered to be 3 turbines, preferably only 2.

The capacity of the Ridge (without causing unacceptable landscape impact) was considered to be 2 turbines . With a turbine operational at Gamlingay and the consented turbine at Double Arches pit, the conclusion drawn in the CBC guidance is that the capacity for this landform has been met.

At the local level - Guidance Note 1 contains detailed comparisons of the landscape character types across CBC. The eastern section of the Greensand Ridge has been included within the "Eastern Claylands " assessment area , although it is also relevant to refer to the Greensand Ridge and Valley sensitivity assessment.

These assessments emphasise the need to protect the integrity of the wooded horizons of the Greensand Ridge:

careful siting required to avoid conflict with undeveloped skylines and cumulative impact with other vertical features.

The sensitivity of the Greensand escarpment means that location of even a single turbine would be difficult to achieve without significant landscape impact.

The proposed turbine at Battlesden was withdrawn largely because of landscape impact.

Tranquility – reference has been made to the CPRE Tranquility map, as a turbine would impact both visually and with localised noise. Sandy is classed as being highly disturbed in view of the A1 and built environment, but with a sharp transition to a more tranquil environment. It is important to conserve the tranquil and rural qualities of the landscape between Sandy and Potton, as this is an important rural gap.

4 Applicant's Landscape and Visual Impact assessment

The Landscape and Visual Assessment provides detailed text on landscape character but draws a different conclusion in terms of acceptability. Quotes from the Mid Beds LCA have been highly selected but do not describe all the relevant characteristics and sensitivities.– eg

3.63 – the description infers the site is acceptable as it is not on the key north facing slope of the Ridge :

The slope defining the south of the ridge is less dramatic than that to the north, forming a subtle transition to the Clay Vale

The turbine is on the plateau top of the Ridge, not a more subtle dipslope eg as at land at Northill.

Also Table 3.2 : Sensitivity of Landscape Elements – using this table , the Greensand Ridge would be evaluated as having a *low tolerance to change* and to be of *High Sensitivity*.

The detailed computer generated studies of the theoretical zones of visual influence have been helpful in terms of assessing cumulative impact. It is accepted that woodland will limit the full visibility of the turbine in some short and mid distance views and that there are very few properties with a direct view. However, the nature of a turbine is that it draws the eye and although not the tallest type, it will still stand clear of the woodland canopy and be seen over a wide panorama as illustrated. The photomontages illustrating the visual impact are less helpful - the majority of the photographs were taken on a dull day, when there is less contrast between the turbine and the sky. This tends to underestimate the visual impact of both the column and the blades. When light reflects on the blades , or when a turbine is seen silhouetted against the sunset (as would be the case from Potton and Dunton, there will be greater visual impact. As the turbine is on elevated ground, it will have a major impact in the view from the lower ground at Deepdale and the view from the Potton-Sandy road.

Cumulative Impact : extensive areas between Blunham – Sandy – Biggleswade and Stotfold would be able to see open views of the Langford turbines and the Sandy turbine.

A further single turbine may be progressed at Langford.

From more elevated ground there will also be views to the Gamlingay turbine.

There is a serious risk that the landscape character of the Ivel Valley will become dominated by the sequential view of turbines, rather than just having the Langford windfarm as a landmark.

It was disappointing that certain aspects of the LVA had not been updated, in particular the

information on the status of windfarms in the vicinity. Also , since the Application was finalised, the Langford windfarm has been under construction. With hindsight, a VI photomontage should have been requested to illustrate the combined view.

5 Conclusion

Acceptability in terms of landscape : the issue is very simply whether the site on the Greensand Ridge is an acceptable location for an intrusive structure.

In our view, the impact would damage the integrity of the Greensand Ridge . The introduction of another large vertical structure ,particularly with moving blades would detract from the skyline ,further cluttering a landscape valued for it's undeveloped horizons. It would also set a precedent for further change.

In our view, the turbine would have an unacceptable visual impact when seen from viewpoints/receptors in Sandy and Potton. The views from public rights of way would experience a moderate - severe change. This visual impact is significant as paths include The Greensand Ridge long distance path and other locally promoted circular walks. The change in views from Chalton/ Moggerhanger are also significant as properties would have clear views from windows looking east. In our view, the photomontages underestimate the visual impact from this location. Communities such as Biggleswade will experience cumulative impact of this turbine and the Langford Farm, with some additional views of the Gamlingay turbine.

The movement of the blades is of particular consequence, and this cannot be illustrated in a photo.

LDF Team
Rights of Way Officer

No comments received
No comments received

Sustainable Growth/Climate
Change Officer

The proposed development of wind turbine is supported by the UK national planning guidance on sustainable development and renewable energy set in the National Planning Policy Framework.

The proposed development is supported by the national energy Strategy as set in the Energy White Papers: 'Meeting the Challenge' (2007) and

'Planning our electric future: a White Paper for secure, affordable and low-carbon electricity' (2011).

The project would contribute towards achieving UK's renewable energy generation and carbon emission reduction targets set in the UK Renewable Energy Strategy (2009).

The proposed development is supported by the Councils policies: CS13 on Climate Change as it would contribute to reducing carbon emissions and DM1 on Renewable Energy which encourages renewable energy developments.

The applicant, RSPB is planning to use the turbine as an informal educational tool for local schools, residents and businesses to raise awareness of role renewable energy plays in achieving the UK Government's commitment to carbon reductions, helping to provide UK energy security and benefiting people and business.

In summary, the development is in conformity with the UK Government's and Central Bedfordshire's policy on renewable energy; it contributes to decarbonisation of electricity production and I am in favour of this development to be granted planning permission.

Determining Issues

The main considerations of the application are;

1. Policy considerations
2. The impact of the development on the character of the landscape
3. Cultural heritage and archaeology considerations
4. Impact on public rights of way
5. Ecology Considerations (including bats and birds)
6. The Effect on Residential Amenity of Nearby Residents (including Noise, Shadow Flicker, and visual amenity)
7. Telecommunication and Aviation considerations
8. Traffic generation and access
9. Hydrology, Geology, Flood Risk, Contamination
10. Decommissioning
11. Comments on Representations received (summary)
12. Conclusion

Considerations

1. Policy considerations

The National Planning Policy Framework (NPPF) superseded Planning Policy Statement 22: Renewable Energy, however the Companion Guide that accompanied PPS22 which provides technical advice has not yet been revoked. The Guide makes reference to specific impact that may arise from renewable energy proposals, the primary impacts being visual and noise impacts.

The NPPF carries a presumption in favour of developments for renewable energy and states that in order 'to help increase the use and supply of renewable energy and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'.(paragraph 97). Further advice at Paragraph 98 states that 'when determining planning applications, local planning authorities should,' ...approve the application if its impacts are (or can be made) acceptable.'

The Core Strategy and Development Management Policies Development Plan Document 2009 takes a positive approach to renewable energy developments in line with guidance set out in the NPPF and the Companion Guide to PPS22.

Policy DM1 states that the Council will consider favourably proposals for renewable energy installations, provided that they fit the following criteria:

- Have good accessibility to the transport network;
- Not be harmful to residential amenity, including noise and visual amenity;
- Be located and designed so as not to compromise the landscape and scenic beauty of the Chilterns AONB;
- In other areas identified through the Landscape Character Assessment as having high sensitivity, be located and designed so as to respect the character of the landscape.

In terms of the above criteria:

- The site is close to the transport network;
- The impact on residential amenity shall be assessed later in the report;
- The site is not located so as to compromise the landscape and scenic beauty of the Chilterns AONB;
- The Mid Bedfordshire District Landscape Character Assessment (August, 2007) characterises the landscape as the Everton Heath Greensand Ridge (6c). The overall landscape character sensitivity is considered to be high. In terms of visual sensitivity, the Assessment notes that the landscape is considered to have a moderate to high sensitivity to change. The impact on the character of the landscape shall be assessed later in the report.

CBC Renewable Energy Guidance was adopted by Executive in March 2013 as technical guidance for development management purposes. However the document is not formally adopted as a Supplementary Planning Document because it relates to the emerging Development Strategy rather than the current adopted Core Strategy. While the guidance is material in considering the application, the weight attached to the document is less than the current adopted policies and guidance.

In terms of policy considerations, the proposal is considered to be acceptable as

a matter of principle both at a national and local level, subject to there being no significant harm on other relevant material considerations as discussed below.

2. Impact of the development on the character of the landscape

All proposed wind turbines are likely to have visual effects on the landscape. It will need to be judged whether the visual effect is harmful, and if so, if that harm would outweigh the benefits of the project. The Government makes it clear in national planning policy that renewable energy production is to be encouraged and that most landscapes without special protection should be capable of accommodating this type of development.

The application site is not specifically designated as a national character area ie: Green Belt or Area of Outstanding Natural Beauty, is however a local landscape character which has been assessed in the Mid Beds Landscape Character Assessment (LCA). The site area is towards the top of the Bedfordshire Greensand Ridge which is described in the LCA as an elevated landscape running SW to NE across the county. This particular landscape is identified as 6c: Everton Heath and Greensand Ridge forming the most eastern part of the ridge and continues across the boundary into Cambridgeshire. There are prominent views of the ridge from the surrounding low lying landscapes and this a characteristic of the area.

In terms of landscape sensitivity, the immediate area surrounding the site is partially covered by extensive woodland and heathland all of which are considered to be important for biodiversity, recreation and as a visual resource. There are historic parklands such as Hazells Hall, the Lodge and RSPB reserve, Iron Age hillforts (Sandy Lodge and Galley Hill), nature conservation at the SSSI (located within the reserve grounds) and the Greensand Ridge Walk. These elements result in a landscape that is judged in the LCA to have a high sensitivity. In visual terms the landscape is considered to have a moderate to high sensitivity to change given the widespread views from the low lying landscape to the elevated ridge.

The applicant has submitted a comprehensive Landscape and Visual Assessment (LVA) which includes a Zone of theoretical Visibility map (ZTV) showing the theoretical views of the turbine from specified grid squares. A ZTV assumes bare ground with no screening by intervening buildings or vegetation. Also included with the application are photomontages of various viewpoints within a 25km radius of the application site as requested by CBC landscape Officers at pre-application stage.

A turbine of this scale will undoubtedly be visible from the surrounding landscape, in particular from a north easterly direction, given that the turbine would be sited on the northern side of the ridge. The submitted LVA shows the most prominent views of the turbine in the photomontage viewpoints and these appear to be from Potton and Everton and the eastern side of Biggleswade. Where there are views from afar, the impact is significantly reduced due to the distance, land topography and vegetation.

It is of note that views of the turbine will be seen in conjunction with the Sandy Heath Transmitter. The transmitter is located to the north of the turbine and at approximately 250mm in height, forms a local landmark which can be seen from

great distances within the landscape. Electricity pylons of 55m in height also run from southwest to north west crossing the top of the elevated ridge, just west of the proposed turbine. This existing development results in a somewhat urbanising effect within the landscape and the turbine would be viewed within this context.

There have been many letters received from local residents and members of the RSPB. Generally there appears to be mixed feelings on whether the turbine would be visually detrimental to the landscape. Below a section of this report will deal specifically with the comments received.

CBC's Strategic Landscape Officer has objected to the proposal. It is felt that the turbine would damage the integrity of the Greensand Ridge by introducing another vertical structure with moving blades, cluttering the landscape and setting a precedent for further development. There would also be a cumulative impact from the wind turbines at Langford and Gamlingay. These concerns are noted and the issues carefully considered in terms of the harm that would result from the wind turbine against the benefits of renewable energy sources.

Cumulative effects

The Langford Wind farm is now operational. The wind farm comprises 10, 110m turbines approximately 6km to the south of the proposed turbine. Gamlingay Community wind turbine is approximately 5km to the east and smaller in scale. While the turbines would be visible together from certain points in the surrounding landscape, given the separation distances and the scale of these developments, their cumulative impact is not considered to result in significant impacts on the landscape and therefore not visually unacceptable. In addition, the visual impact of the turbines together is lessened by existing wooded areas and the topography of the land.

There is also wind turbine under construction at the Marston Vale Community Forest, however given the distance of this turbine from the proposal at the RSPB and the topography of the land, where the turbines can be viewed together from within the landscape, their cumulative impact is not considered to be harmful.

Policy DM1 advises that where areas identified as having a high sensitivity to change, the development shall be sited and designed to respect the landscape.

National Policy EN-1 highlights that outside nationally designated areas there are local landscapes that may be highly valued. Where a local development plan has policies based on landscape character assessment, these should be paid particular attention. However local landscape designations should not be used to refuse consent as this may unduly restrict acceptable development.

CBC's Renewable Energy Guidance identifies area 6c as having scope to accommodate a single turbine, without significant adverse change to the landscape character and value. The document notes that, at the time of its preparation, a single turbine at the RSPB HQ is Sandy is in the planning process (pre-application stage). However it is also noted further into the document, that 2- 3 turbines may be acceptable on the Greensand Ridge, but no more than 2 is suggested (table 3). The report takes into account the permitted turbine at Double Arches Quarry in Heath and Reach to the west of the ridge, and the

operational Community turbine at Gamlingay to the eastern edge of the ridge in Cambridgeshire. It concludes that the capacity of the Greensand Ridge has been met. While this conclusion is noted, the Heath and Reach turbine is a significant distance from the Sandy turbine, and the Gamlingay turbine is smaller in scale than the proposal. For this reason the proposed turbine in Sandy is not considered to result in unacceptable development over and above the suggested capacity for wind development in the vicinity of the Greensand Ridge.

The proposed turbine would cause a strong visual change to this part of the local landscape. There would be views of it on the horizon from some viewpoints however it would be screened to some extent by the Ridge itself and trees. It would also be seen in the context of other landscape intrusions, such as the overhead power lines and the Sandy Heath Transmitter.

The main impact would be limited to the immediate area, particularly from a north easterly direction where turbine would be visible at full height, as from a distance the visual perspective of the turbine would be smaller and therefore the impact limited.

The provision of the new access and the necessary ground works would not be readily visible from within the landscape. They would be sited close to the existing earth mounds and paraphernalia, such as the barrier fencing etc, that is associated with the adjacent pipeline installation depot. As such their presence is not considered to result in harm to the character of the area.

While it is accepted that there would be some visual harm to the landscape, the siting of the turbine is not considered to result in significant harm, therefore the benefits of harnessing wind power is considered to outweigh the harm to the landscape and as such the proposal is considered to comply with Policy CS13 and DM1 of the Core Strategy and the NPPF.

3. Cultural heritage and archaeology

Section 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. The more important the asset the greater the weight should be. Where development results in substantial harm to a grade II listed building, park or garden, planning permission should only be granted in exceptional circumstances and where there is substantial harm to a Scheduled Monument, grade I and II* buildings and registered parks, planning permission should only be granted in wholly exceptional circumstances. Where a proposal will lead to substantial harm, the harm should be weighted against the public benefits of the proposal.

The proposal will be visible from a number of heritage assets namely Galley Hill, an Iron Age fort within the RSPB reserve, Sandy Lodge, Hazells Hall an Grade II* listed house and Park, the Listed Churches of Potton and Everton and a number of nearby conservation Areas from where the turbine would be visible.

It is inevitable that the turbine would be visible from various heritage assets. The advice provided in Wind Energy and the Historic Environment (English Heritage, 2005) states that turbines in excess of 60m may have a zone of visual influence of more than 10km radius.

Galley Hill and Sandy Lodge are designated Scheduled Ancient Monuments (SAM) within the RSPB reserve. The hillforts are on the crest of the ridge with extensive views over the valley beneath. The turbine will be visible from the SAM's, particularly Galley Hill which will result in some harm, however it will still be possible to appreciate the historic value of the heritage assets in their setting therefore the proposal would not lead to substantial harm.

Located within a 2km radius of the site, Hazells hall and it's Registered Park and Garden would be affected by the proposal and therefore consideration should be given to any resulting harm. However from Hazells Hall, which is not open to the public, views of the turbine would be limited given the topography of the site and the wooded areas between the heritage asset and the actual site of the turbine. It is therefore considered that any harm would be less than substantial.

Broader views of the turbine could be seen from the conservation areas and many listed buildings of Sutton, Potton, Biggleswade, Blunham and Tempsford, however given the land form, trees and buildings, the turbine would be fairly well concealed from those areas closest to the site. Views of the turbine, while prominent from some heritage assets, is not considered to result in significant harm to the heritage assets given the distances involved.

The Conservation Officer has commented on the proposal and raised no direct objections. Harm to the setting of important listed buildings would be limited and any impact restricted in the weighing up of public benefits that may arise from the proposed turbine.

English Heritage have raised an objection to the proposal particularly the impact on Galley Hill. They are concerned that the turbine will be visible from the fort and will be a modern intrusion serving as an unwelcome detraction given the moving blades of the turbine. The proposal would also be visible from the balcony of Moggerhanger House which may result in some harm. English Heritage are also concerned that the turbine will be visible from Hazells Hall and its surrounding parkland interfering with the park's privacy and intimacy, with views from key rooms in the house. There are also concerns that the turbine has the potential to impact on nearby listed churches, buildings and conservation areas.

Moggerhanger House is located some distance from the application site therefore views of the turbine would be limited and as such not considered to result in harm to the integrity and historic setting of the House and parkland.

These comments have been considered carefully, however as advised earlier, while there will be views of the turbine, and some harm to heritage assets will result, it is not considered to be substantial harm that would outweigh the benefits of the proposal.

In terms of Archaeology, the application site is within an area containing evidence of prehistoric and Roman activity. However this does not present an overriding constraint of the development. The Council's Archaeology Officer has commented on the proposal and has no objections provided that the applicant undertakes an investigation of the site which can be secured by a condition.

While the proposal would have an impact on designated heritage assets within the

vicinity, it is considered that any resulting harm would not be so substantial that it would outweigh the public benefits of the wind turbine, therefore in terms of heritage and archaeology the proposal is considered acceptable.

4. The impact on public rights of way

Throughout the RSPB reserve there are many footpaths and bridleways. There are also public rights of way within close proximity to the reserve. The turbine would be visible from some locations within the footpath network however, it would only be those close to the turbine, ie: those within the reserve grounds, that would be most affected by the proposal. From the wider surroundings, the turbine is not considered to have a significant impact upon the rights of way network.

No response to the proposal was received from Rights of Way Officers and the British Horse Society.

5. Ecology considerations

Detailed surveys have been undertaken as part of the environmental report that accompanies the application. One of the reasons for the erection of temporary Met mast that currently occupies site was to collect data on Bat and Bird activity in the area in order to make an informed decision on the final location of the turbine.

The RSPB is a responsible organisation and is a statutory consultee for the Council on many ecological matters. It is therefore felt that the applicant would take seriously any unacceptably high risk that the proposed turbine would have to birds and/or bats and any other protected species.

There is no evidence to suggest that the site would present an unacceptable impact on protected species or a significantly high risk of bird strike. Although it is accepted that there may be some impact, as the risk is low, the benefit of wind energy is considered to outweigh this risk. The environmental report does identify that there would inevitably be some bat and bird strikes, however the mitigation measures proposed are considered to reduce this impact. The NPPF makes it clear that planning authorities should approve renewable energy projects where their impact can be made acceptable.

Approximately 600m to the south west of the site, Sandy Warren is designated as a Site of Scientific Interest (SSSI) for its botanical features. There are no other statutory designated sites within the area of the turbine.

There will be some loss to habitat at the construction site which may have an impact on UKBAP protected species such as the Brown Hare and the Hedgehog. However the surrounding area is heathland and woodland therefore habitat would not be completely lost with the area involved being relatively small. The RSPB are committed to preserving and creating habitat for protected species therefore where mitigation measures have been identified, such measures will be provided. Through habitat enhancement measures the proposal would result in a net gain for biodiversity in line with the NPPF requirements. It is therefore considered appropriate to include a condition requiring the submission of a Habitat Management Plan.

Natural England were involved in pre-application discussions with the RSPB and

have been consulted on the proposal and have not raised any objection on ecological and biodiversity grounds providing the mitigation measures proposed in the Environment Report are adhered to.

The Council's Ecology Officer also raises no objections to the proposed turbine subject to the proposed mitigation measures outlined in the report.

The proposed turbine is not considered to have a significant impact upon biodiversity and ecology in accordance with the NPPF and Policy DM15 of the Core Strategy.

6. The effect of the development on the amenity of nearby neighbours

The main impacts on amenity are likely to arise from noise, flicker effect and the visual impact of the turbine.

Noise

The companion guide to the former PPS22 states in paragraph 42 that '*there are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air*'. The paragraph concludes by saying '*Aerodynamic noise from wind turbines is generally unobtrusive - it is broad-band in nature and in this respect is similar to, for example, the noise of wind in trees*'.

The applicants have submitted a noise assessment within the environmental report and its methodology based on the recommendations of ETSU-R-97. Noise assessments were undertaken from the three nearest noise sensitive receptors, those being Warren Farm. Snowhill in Deepdale and Hazells Lodge.

The Council's Public Protection team have been consulted on the application with respect to noise issues and have no objections to the proposal subject to a condition that aims to control amplitude/aerodynamic modulation (AM) noise and the level of noise emissions.

Excess Amplitude Modulation is commonly referred to as blade swish. It would involve the control of noise that might occur over and above the normal level of blade swish noise. In allowing an appeal in relation to the Langford Wind Farm development, the Inspector stated that '*Amplitude Modulation (AM) or "blade swish" is an aspect of the aerodynamic noise from wind turbines that can be particularly noticeable or insistent but which is still not fully understood*'.

It is also of note that during the Public Inquiry evidence was presented by MAS Environmental on a number of noise issues in relation to the application. One of these included the need for a EAM condition. MAS Environmental raised concerns at the Inquiry and during the application process that there is a particular risk of EAM at Langford and that if the appeal proposal were approved it should be controlled by condition. The Inspector's decision discussed this in detail in paragraph 56 of his decision stating that '*although the Council's acoustic witness contended that there was a general acceptance that EAM occurred at 10-16% of wind farms nationally, no cogent evidence was advanced to support that figure*'. The Inspector goes on to emphasize that there is not any real evident reason why

the appeal site should be particularly prone to EAM. MAS Environmental suggested it was likely to be common in flat eastern parts of the country and could be exacerbated by wind shear and linear layout or particularly spacing of turbines. The Inspector states that the assertions made by the Council's witness were not supported by evidence.

The Inspector in the Langford case concludes that *'as I am not convinced that there is a real possibility of EAM at the site I consider that the Council's suggested condition to control it does not pass the test of necessity in Circular 11/95. If there is no clear need for it, it cannot be justified on a precautionary basis or because to impose it would "cause no harm"...I also have doubts as to whether the condition would meet the Circular tests of enforceability and precision in that, despite what the Council's acoustic witness said about being able to identify EAM and distinguish it from other noise, this would appear to depend so heavily upon individual judgment as to render the approach unsafe'*.

In other recent appeal decisions Planning Inspectors have continually dismissed the use of such a condition. AM is considered to be a perceived nuisance and no evidence has been put forward to suggest its presence in this location, therefore should it arise, it is generally felt (and endorsed by Planning Inspectors) that statutory nuisance powers are best placed to deal with the issue.

The National Planning Policy Framework states in paragraph 206 that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. This guidance reflects the advice set out in Circular 11/95. Given the above considerations, it is not felt necessary or reasonable to include a condition relating to the control of AM.

Given that the turbine is relatively isolated and some distance from the nearest properties, there is unlikely to be any adverse impact on neighbouring amenity, in terms of noise nuisance, as a result of the turbine.

Shadow flicker

Turbines cast long moving shadows on clear days when the sun is low in the sky causing what is known as the flicker effect to properties with east and west facing windows, and within close proximity to the turbine. This effect is normally limited to certain times of the day and year and depends on the orientation of the sun and the position of the turbine.

Guidance on shadow flicker is included in Planning for Renewable Energy, A Companion Guide to PPS22, which states that 'only properties within 130 degrees either side of north, relative to the turbines can be affected by these latitudes in the UK - turbines do not cast long shadows on their southern side' Further afield, the effect is diffused. The Companion Guide also notes that 'Flicker effects have been proven to occur only within ten rotor diameters of a turbine'.

Guidelines published in the Irish DoE document Wind Energy Development Guidelines(2006) advises that shadow flicker in neighbouring dwellings within 500m should not exceed 30 hours a year or 30 minutes per day. Based on current guidance, the environmental report assessment on shadow flicker has been calculated to a distance greater than 10 rotor diameters. The only property within

this distance is Warren Farm, some 636m away. This property may be affected by shadow flicker and has the potential to receive a maximum of 10- 20 hours of shadow flicker a year. However this is dependent on there being 100% sunshine in daylight hours and property windows directly facing the turbine. Should complaints be received, if shadow flicker is established as occurring, the turbine can be automatically shut down during flicker times to mitigate any adverse impact and a planning condition can secure such provisions.

Visual amenity

The turbine is sited some distance from neighbouring properties but would be most visible from those in the direction of Deepdale and Potton. Given that the structure is approximately 1.5 - 2km from these properties, the turbine would not be overbearing. Properties to the south of the turbine, in Stratford Road, would not have views of the turbine given that it is located on the opposite side of the ridge. Equally those properties in Everton Road and Carthage Road would have limited views, if any, due to the land form and the siting of the turbine.

Given that most neighbouring properties are some distance from the turbine, any views from the properties would not be overbearing and therefore not considered to be unacceptable.

Based on the above considerations, the proposal is considered to accord with Policy DM1 and DM3 of the Core Strategy and the NPPF.

7. Telecommunication and Aviation considerations

Large turbines have the potential to affect electromagnetic transmissions by blocking or deflecting line of sight radio or microwave links thereby causing 'clutter' for air traffic control services and telecommunication systems.

Consultations with the relevant bodies have confirmed there are no objections to the turbine on aviation or communication grounds. The applicant has undertaken pre-application consultations with various bodies in order to identify any constraints. Original objections from Cambridge City Airport and the Ministry of Defence have since been removed as their earlier concerns regarding impact on radar systems have been resolved.

The turbine is located to the south of the Sandy Heath Transmitter. Arqiva are responsible for providing the BBC/ITV transmission networks and have no objection to the siting of the turbine in this location. BBC Guidance notes suggest that wind turbines are placed at least 500m from the viewer to reduce the likelihood of any interference and this distance has been adhered to.

A Television Reception Impact Assessment has been submitted with the application which determines the potential effects on digital terrestrial television (freeview) and digital satellite television. No adverse impacts have been identified for satellite tv signals or terrestrial signals due to the lack of population in theoretical signal shadow zones and theoretical impact areas, the location and height of the proposed structure and the excellent existing coverage provided by the Sandy Heath Transmitter. As no impacts are predicted, no mitigation measures are required.

8. Traffic and access

The applicant has provided tracking diagrams of the larger vehicles being used to deliver the turbine. There are two routes to be used both from the A1. The first which the majority of the traffic will be using is through Sandy, the other, to avoid the weight restriction railway bridge at Sandy is through Potton via Moon Corner.

However both these routes have major problems with width restriction due to residential on street parking. There is also a certain amount of over run caused by the larger vehicles and street furniture will also need to be removed. The over run and street furniture will need to be re-instated after installation and again after deconstruction of the turbine.

The route at Moon Corner in Potton may not be possible. The tracking diagrams are precise and best fit, but in reality on the ground this may not be the case. There is also a gap between the vehicle turning at Moon Corner and then further along the road, where the tracking diagram is not indicated.

Apart from the possibility that it may cross third party land at Moon Corner, that may require the removal of boundary walls and excavation of gardens, the routes to the site uses roads that have major on street parking and there is the possibility that these roads will have to closed due to the transporter and turbine width, and the on street residential parking displaced elsewhere, which will cause a great deal of disruption.

The applicant has stated that the route has been a desk top survey and that they have not undertaken an on ground survey to visualise the issues of on street parking, lack of manoeuvrability and height of any overhead cables. This aside, the majority of these issues within the highway can be dealt with by the construction/traffic management plan.

The applicant has been made aware of these potential issues and they have suggested that a Traffic Management Plan will be prepared which would identify the above concerns and offer mitigation measures if required.

9. Hydrology/geology/flood risk/ contamination

The construction of the new access road, base station and foundations will reduce permeability in this location, however additional run off would be directed onto the surrounding land where the soil is sandy and free draining.

The construction of the foundations will involve excavation of materials to a depth of 2.5m. However the works are localised and there are no geological features of particular importance in this location.

The site is not within an area considered to be at risk of flooding.

No concerns have been raised regarding contaminated land issues and the site is not listed as being potentially contaminated under Part 2A of the Environmental Protection Act 1990.

The proposed wind turbine is not considered to have any adverse affects on

hydrology and geology and there are no risks in terms of flood risk and contamination.

10. Decommissioning

Importantly, the visual effects of wind energy developments can be reversed following decommissioning.

The wind turbine will be designed with an operational life of at least 25 years. Following this the turbine will be dismantled, removed and the site reinstated to its pre-development use.

11. Representations received

It is clear there are mixed feelings from the general public in relation to this form of renewable energy. Of over 100 letters received, almost half of those letters offer support for the proposal whilst the remainder cite objections such as visual impact, no community benefits, efficiency of wind turbines, impact on tv reception, noise and flicker, harm to birds, harm to bats and a general dislike of the structures.

Visual impact

The proposal has been assessed against adopted Policy DM1 and the Landscape Character Assessment. A wind turbine of this scale would have a visual impact on the landscape, however it is important to assess whether this harm is significant and whether the benefit of the proposal would outweigh the harm to the landscape in accordance with Policy CS13 and DM1 of the Core Strategy and the NPPF.

There would be no benefit to the local community

Comments received mention that the turbine would not bring any benefits to the local community, and that only the RSPB stand to benefit.

The proposal does not include any contributions towards local infrastructure nor does it intend to ensure that the community will receive a proportion of the benefit derived from the project. Having assessed the impacts of the proposal in accordance with adopted policy, given that only one single turbine is proposed, while there would be some impact on the locality, in planning terms it is not considered to be significant and therefore it would not be necessary for the proposal to contribute towards the local community.

Efficiency of the turbine

Some objectors have questioned the efficiency of turbines stating that one turbine would make no difference to climate change and the amount of electricity generated would not outweigh the harm caused. Government planning policy advises that even limited contributions are valuable and proposals should not be rejected because the level of output is small. Wind power is regarded as an important component of national renewable energy policy.

Impact on TV/Radio communications

Many objection letters draw attention to the possible impact the turbine would have on tv signals, and interruptions with the signal strength at the Sandy Mast.

As discussed about wind turbines can affect electromagnetic systems. However consultations with operators have not identified any objections or potential

problems with transmissions in this area.

Impact on neighbours through noise and shadow flicker

The proposal has been assessed for noise nuisance and shadow flicker in the above section of this report. The wind turbine has been sited to reduce any impact on nearby neighbours to an acceptable level.

Harm to birds and bats

The majority of objection letters received mention the harm a wind turbine would cause to birds and bats, resulting in injury or death. Many find it absurd that a Wildlife charity would wish to endorse the use of wind turbines.

The environmental report has identified that there is a risk to bird and bat species, however the risk is considered to be low provided mitigation measures are imposed where necessary. Whilst some of the pages of the report were originally missing, further consultation has taken place on the missing information and as noted above, neither Natural England or the Ecology Officer have objected to the proposal.

Dislike of wind turbines

The subject of wind turbines raises much debate. However the proposal has to be assessed based on national and local policies both of which offer support for renewable energy installations provided that the impacts of the proposal would not be harmful. All of the likely impacts have been covered in this report and while it is accepted that some individuals have a dislike of turbines, this in itself cannot be a justifiable reason for refusal.

12. Conclusion

National and Adopted Local Planning Policies support the installation of renewable energy projects provided there is no unacceptable adverse impact. The proposed 100m wind turbine is considered to have an impact on the landscape and the nearby heritage assets. However in accordance with Policy CS13, DM1 and the National Planning Policy Framework, the impact is not considered to be unacceptable that it would outweigh the benefits of harnessing wind power.

The proposal would not have an adverse negative impact on biodiversity or ecology or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety.

Therefore by reason of its size, design and location, the proposal is in conformity with Policies CS13, DM1, CS15, DM13, DM3, DM14 and DM15 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 The permission is for a period not exceeding 25 years from the date on which electricity is first exported to the electricity grid (the operational date). Written notification of the operational date shall be given to the Local Planning Authority within one month of that date. No later than 12 months after the expiry of the permission all elements of the development at and above ground level shall be removed and the site restored in accordance with a decommissioning scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and landscape protection.

- 3 If any turbine fails to produce electricity for a continuous period of 6 months the operator of the development shall notify the Local Planning authority in writing no later than one month after the end of that period. the turbine and its associated equipment shall be removed from the site no later than 9 months from the end of that period and the relevant part of the site restored, all in accordance with a decommissioning scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and landscape protection.

- 4 No later than 3 months from the date of this permission the developer shall inform the Ministry of Defence (MoD) and the Civil Aviation Authority (CAA) of the proposed date of commencement of development and the maximum extended height of any construction equipment to be used on the site.

Reason: In the interests of safety

- 5 No later than 14 days after the operation date the developer shall inform the MoD and CAA in writing of:
 - (i) the date of completion of construction
 - (ii) the height above ground level of the highest potential obstacle
 - (iii) the position of the structures in latitude and longitude; and
 - (iv) the lighting details of the site.

Reason: In the interests of safety.

- 6 **No development shall take place until details of all access tracks, including details of their location, construction and surface materials, have been submitted to and approved in writing by the Local Planning Authority. The tracks shall be laid out in accordance with the approved details and so retained thereafter.**

Reason: In the interests of visual amenity and highway safety in accordance with Policy DM1 and DM3 of the Core Strategy and Development Management Policies (2009)

- 7 **No development shall take place until details of the proposed road access to the site, including associated visibility splays have been submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the approved details, brought into use prior to the operational date and so retained thereafter and the visibility splays shall at all times be kept free of obstructions to visibility of drivers.**

Reason: In the interests of visual amenity and highway safety in accordance with Policy DM1 and DM3 of the Core Strategy and Development Management Policies (2009)

- 8 **No development shall take place until details of the turbine, including their foundation construction, make, model, design, external appearance, finish, colour and technical specification have been submitted to and approved in writing by the Local Planning Authority. The turbine shall be erected in accordance with the approved details and so retained thereafter.**

Reason: In the interests of visual and neighbouring amenity in accordance with Policy DM1 and DM3 of the Core Strategy and Development Management Policies (2009)

- 9 **No development shall take place until details of any permanent buildings on the site, including details of materials to be used on external surfaces, have been submitted to and approved in writing by the Local Planning Authority. The buildings shall be erected in accordance with the approved details and so retained thereafter.**

Reason: In the interests of visual and neighbouring amenity in accordance with Policy DM1 and DM3 of the Core Strategy and Development Management Policies (2009)

- 10 **Prior to the operational date a scheme for assessing shadow flicker in the event of any complaint from the owner or occupier of a dwelling and for remedial measures shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition, a dwelling is defined as a building falling within classes C3 and C4 of the Town and Country Planning (Use Classes) Order 1987 as amended, which lawfully exists, or had planning permission, at the time of this planning permission and which is situated within a distance equivalent to 10 rotor diameters from one of the turbines. The development shall be carried out in accordance with the approved scheme.**

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies DPD (2009).

- 11 **No development shall take place until a scheme of archaeological investigation, together with a programme for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for access to the site by a nominated archaeologist during construction to examine excavations**

and record or remove finds. The scheme shall be implemented in accordance with the approved details.

Reason: To protect heritage assets in accordance with the NPPF.

- 12 **No development shall commence until details of the junction of the proposed vehicular (west) access, including kerb radii and tracking diagrams of the largest vehicle entering/leaving the site in both directions has been submitted to and approved in writing by the Local Planning Authority and the junction shall be constructed in accordance with the approved details prior to the development commencing.**

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

- 13 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, the management of junctions to, and crossing of, the public highway and other public rights of way, details of escorts for abnormal loads, temporary removal and replacement of highway infrastructure and street furniture, the reinstatement of any signs, verges or other items displaced by construction traffic, banksman and escort details, tracking diagrams at junctions and bends along the route, details of the construction workers and deliveries parking and access within and to the site, details of how the use of the existing (east) access will be stopped to transporters and vehicles relating to the construction of the wind turbine. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

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

- 14 **Construction work and deliveries to the site shall only take place between the hours of 08.00 and 18.00 on Monday to Friday inclusive and 08.00 and 13.00 on Saturdays, with no work or deliveries on a Sunday or public holiday unless otherwise agreed in writing with the Local Planning Authority. Outside these hours work shall be limited to dust suppression and emergency works, details of the latter to be notified in writing to the Local Planning Authority within 3 days of the occurrence of the emergency.**

Reason: In the interests of residential amenity and Highway safety.

- 15 **No development shall commence until details of a scheme of environmental mitigation has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.**

Reason: To enable proper consideration of the impact of the

development on the contribution of nature conservation interests to the amenity of the area.

- 16 **No development shall take place until a monitoring scheme for surveillance of bird and bat activity and mortality and monitoring of activity of Biodiversity Action Plan species has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.**

Reason: In the interests of biodiversity and wildlife protection.

17

The rating level of noise emissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 (10 minute) at any dwelling for any relevant 10m height 10 minute mean above ground level measured integer wind speed of between 1-12m/s as identified in this condition and:

- A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
- B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise emissions from the wind farm at a complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement locations identified in accordance with the Guidance Notes where measurements of noise and wind shall be obtained for compliance checking purposes. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement locations approved in writing by the Local Planning Authority.
- D. Prior to the submission of the independent consultant's assessment of the rating level of noise emissions in accordance with paragraph (E), the wind farm operator shall submit to the Local

Planning Authority for written approval a proposed assessment protocol setting out the following:

- (i) the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions; and
- (ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

- E. The wind farm operator shall provide to the Local Planning Authority the independent consultant's written assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.
- F. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
- G. The wind farm operator shall continuously log power production, rotational speed, nacelle wind speed, nacelle wind direction and nacelle orientation and where available as part of the SCADA system (Supervisory Control and Data Acquisition) the blade pitch and revolutions per minute of the turbine (the latter as a 10 minute average) at the wind turbine all in accordance with Guidance Note 1(d). 10 metre height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with the measured noise levels, for the duration of the noise level compliance check survey required by the local planning authority or if separately required by the local planning authority (in writing) where the authority choose

to assess compliance themselves. Rainfall shall also be measured during any measurement regime at a location approved by the local planning authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

- H. Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit or through their separate measurements are satisfied of a breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

For the purposes of this condition, a "dwelling" is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

- 18 **No development shall commence until details of the reduction of the width and re-instatement of the reduced width of the junction of the (west) access to serve the wind turbine has been submitted to and approved in writing by the Local Planning Authority. Within one month of the turbine being erected the junction shall be reduced in width and reinstated in accordance with the approved plans.**

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

- 19 Visibility splays shall be provided at the junction of the access with the public highway before the development commences. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 215.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

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.

- 20 **No development shall commence until the on site vehicular areas have been constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority for a distance of 20.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 21 Within two months prior to the decommissioning date details of the traffic management plan and widening of the junction for removal of the turbine from the site, and the reduction of the width of the junction and reinstatement of the reduced width within one month after the removal of the turbine, shall be submitted to and approved in writing by the Local Planning Authority. The traffic management plan, construction of the widened junction, construction and reinstatement of the reduced width of the junction shall be completed in accordance with the approved details.

Reason: For the avoidance of doubt and in order to minimise danger, obstruction and inconvenience to users of the highway and the site.

- 22 Any gates provided shall open away from the highway and be set back a distance of at least 20.0 from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened

- 23 Within one month of the turbine being erected the existing (east) access shall be closed in a manner to the Local Planning Authority's written approval.
(See Notes to the Applicant)

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

- 24 **No development shall commence on site until the details of a turning space within the curtilage of the site for the largest transporter vehicle has been submitted to the Local Planning Authority and approved in writing. The turning space shall be implemented upon the commencement of the development and shall be constructed in accordance with the approved details.**

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 25 Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

- 26 The turbine shall be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable points. The lighting shall remain in place for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of air safety.

- 27 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 4035_T0376_01, 4035_T0378_01, 4035_T0396_01, Environmental Report and Appendices dated August 2013.

Reason: For the avoidance of doubt.

Notes to Applicant

1. **Guidance Notes for Noise Conditions**

These notes are to be read with and form part of the noise conditions. They further explain the condition and specify the methods to be deployed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

- (a) Values of the LA90,10-minute noise statistic required for condition 1 should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

- (b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a large diameter (150mm or larger) windshield or suitable equivalent approved by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

- (c) The LA90, 10-minute measurements must be synchronised with measurements of the 10-minute arithmetic average wind speed obtained at the approved location and with turbine operational

data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log actual arithmetic mean wind speed in metres per second (m/s) at 10 metres height, arithmetic mean wind direction in degrees from north and rainfall data in each successive 10-minute periods by direct measurement at the meteorological monitoring location approved by the Local Planning Authority. The correlation of wind speeds with the measured noise levels should comply with Guidance Note 1(c) and 1(d) and should be determined as valid in accordance with Note 2(b). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle, the revolutions per minute of the blades and arithmetic mean power generated during each successive 10-minute period for the wind turbine on the wind farm. All 10-minute measurement periods for all data including noise shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time.
- (e) Data provided to the Local Planning Authority in accordance with paragraphs (E) (F) and (G) of this noise condition shall be provided in comma separated values in electronic format with each data set adequately described for identification of the data.

Note 2

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Where more than 80 valid data points are obtained, data shall be separated into contiguous sets of not more than 40 data points and not less than 20 data points based on the nearness of their occurrence to the meteorological conditions reflected during complaints of noise. The

data points should be chronologically ordered according to the meteorological conditions.

- (b) Valid data points are those measured in the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured at the approved meteorological measurement location provided in accordance with the planning permission on the wind farm site.
- (c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute ten metre height wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart separately for each data set with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of the lowest practicable order as deemed appropriate by the independent consultant (but which may not be higher than a fourth order) and in cases of measurements by the planning authority, as deemed appropriate by the planning authority, should be fitted to the data points and define the wind farm noise level at each integer speed for each data set.

Note 3

- (a) Where in accordance with the approved assessment protocol under paragraph (D) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not

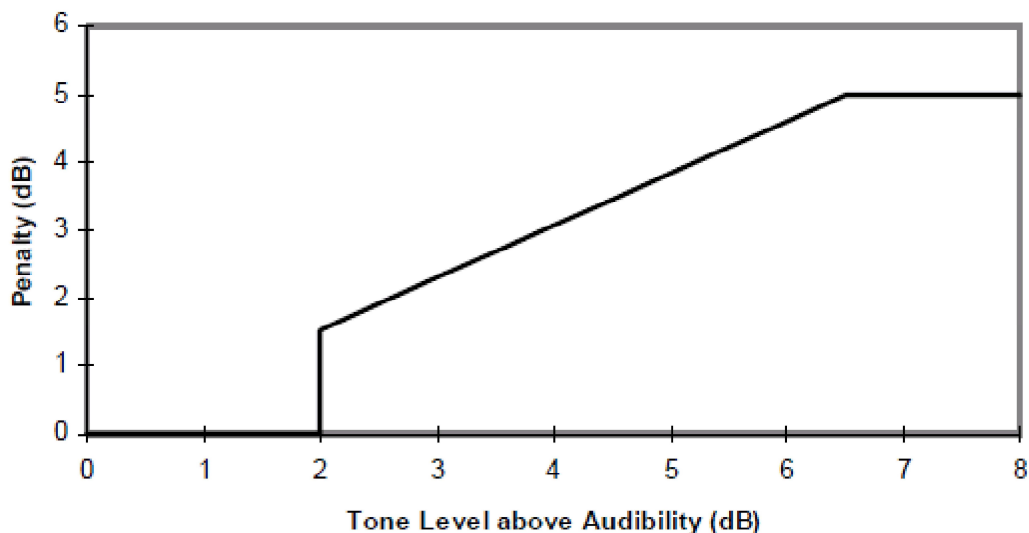
available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility (Lta), shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility (Lta) shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares “best fit” linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line fitted to values within $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating

level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 above at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.

- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) In the event that the rating level is above the limit in the noise condition the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rated level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant or the Local Planning Authority requires to undertake the further assessment or for any independent assessment by the planning authority. The further assessment shall be undertaken in accordance with the following steps:
 - i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise and wind farm noise at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.
 - ii. The wind farm noise at this speed shall then be calculated where the measured level with turbines running but without the addition of any tonal penalty:
 - iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise at that integer wind speed.
 - iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in

accordance with note (iii) above) at any integer wind speed lies at or below 35dB LA90 (10 minute) then no further action is necessary. If the rating level at any integer wind speed exceeds the value in the condition for any data set then the development fails to comply with the condition.

Highway Notes

- 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 18. Upon formal approval of details, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice (with list of conditions) and a copy of the approved plan for the access. 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. To fully discharge condition 1 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
- The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD
- The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
- The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary further details can be obtained from Bedfordshire Highways (Amey), District Manager (for

the relevant area) via the Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308.

- The applicant is advised that in order to achieve the vision splays in condition 19 of the permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308 to request the removal of the overhanging vegetation on the public highway.
- The applicant is advised that the closure of existing (east) access and the reduction of the width of the (west) access shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with the relevant conditions. Upon formal approval of details, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice (with list of conditions) and a copy of the approved plan for the access. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. To fully discharge condition 4 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction works in accordance with the approved plan, before the development is brought into use. The applicant will also be expected to bear all costs involved in closing the accesses.
- The applicant is advised that no works associated with the construction traffic management plan (CTMP) should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the CTMP in accordance with condition 10. Upon formal approval of details, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice (with list of conditions) and the approved CTMP. This will enable the necessary consent and procedures of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the proposal 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.) and re-instatement of the highway then the applicant will be required to bear the cost of such removal or alteration and re-instatement. To fully discharge condition 13 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways are proactive with the CTMP.

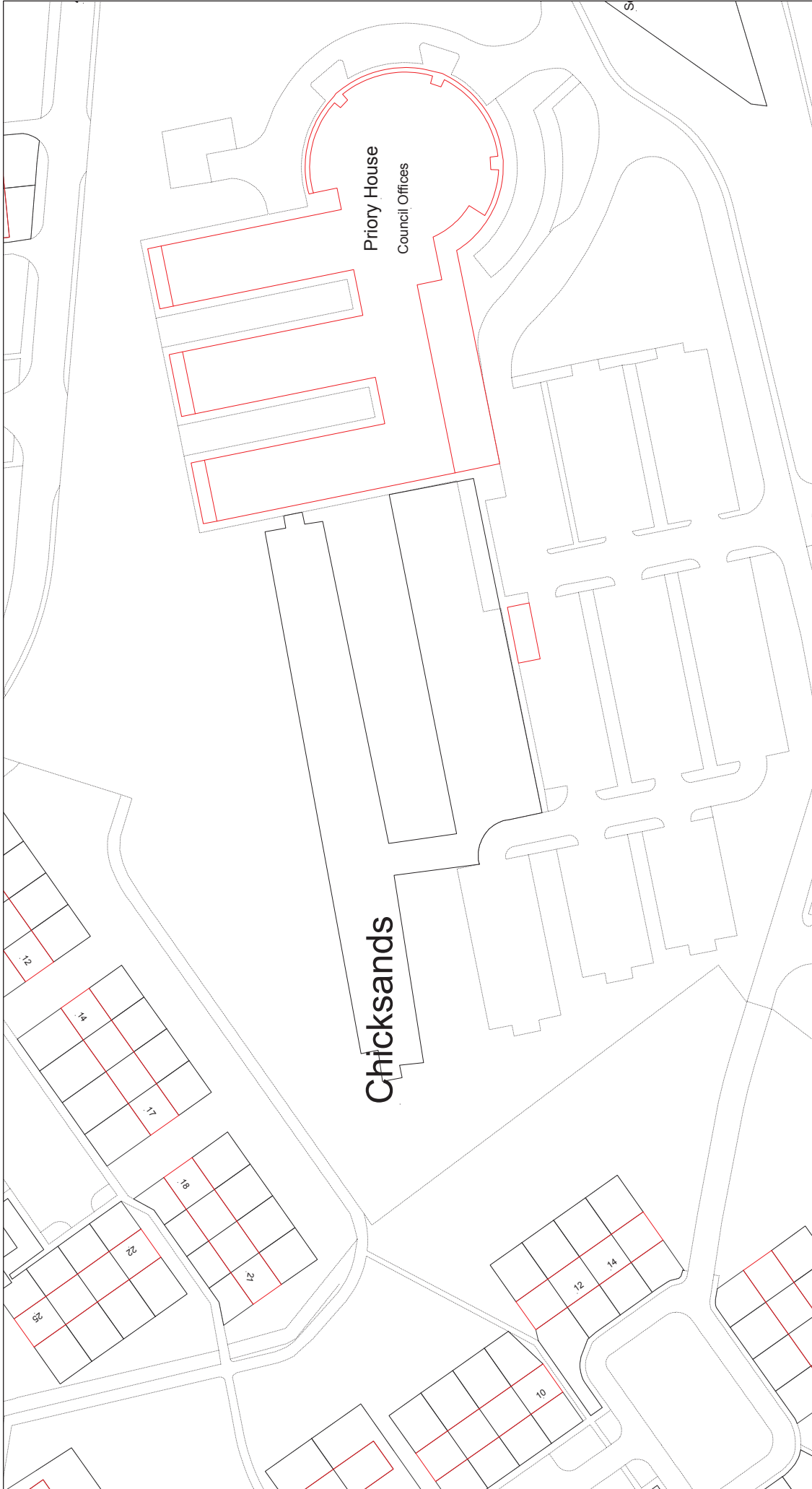
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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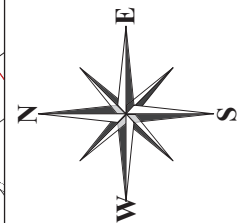


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Date: 18:March:2014

Map Sheet No

Scale: 1:1250



Application No. CB/14/00389/REG3

Priory House, Monks Walk, Chicksands, Shefford

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Item No. 7

| | |
|---|--|
| APPLICATION NUMBER | CB/14/00389/REG3 |
| LOCATION | Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ |
| PROPOSAL | Extension to office car park for 146 car parking spaces. |
| PARISH | Campton/Chicksands |
| WARD | Shefford |
| WARD COUNCILLORS | Cllrs Birt & Brown |
| CASE OFFICER | Nikolas Smith |
| DATE REGISTERED | 31 January 2014 |
| EXPIRY DATE | 28 March 2014 |
| APPLICANT | Central Bedfordshire Council |
| AGENT | EC Harris LLP |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | This application is before the Committee because the Council is the applicant and objections to the development have been received. |
| | Full Application - Granted |

Summary of recommendation:

The principle of the development would be acceptable and no harm would be caused to the appearance of the site or to living conditions at neighbouring properties. Subject to compliance with planning conditions, drainage at the site would be properly handled and the Council's sustainability objectives would not be undermined. The development would be in accordance with the objectives of the National Planning Policy Framework (2012) and the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Background:

A decision on this planning application was deferred by the March 2014 meeting of the Development Management Committee to allow more detail to be provided by the applicant on a number of points. These were cycle and motorcycle parking provision, comments from the Internal Drainage Board and landscape impact and ecology comments. These points are addressed in the remainder of this report.

Site Location:

Priory House is a two-storey tall office building that is occupied by Central Bedfordshire Council. It is to the North of Ampthill Road, from which access to the site is taken off a roundabout. To the Northeast is the Chicksands Ministry of Defence base and to the Northwest and West is residential development. Access to that housing is taken along Monks Walk, which runs along the South of the application site.

Existing car parking to serve the building is located in the southern portion of the site. There are currently 288 car parking spaces and 40 cycle spaces at the site.

Existing surface water drainage is attenuated under the tarmac and is then

discharged in to swales, which are now established with rushes. None of the swales link to surface water sewers.

The Application:

Planning permission is sought to extend the car park at the site northwards by 146 spaces. These would be located immediately to the West of the building and would include 21 short stay/visitor bays and two additional bays for disabled drivers/passengers. The existing cycle/motorcycle parking shelter would be retained and five additional cycle hoops would be provided along the western edge of the building. A planning condition would control this provision.

The applicant has set out that employee numbers based at Priory House have increased and will reach a maximum of 696 by the end of March 2014. Up to 65% (452) are expected to be at Priory House at any one time, because of the Council's flexible working policy. Visitors also use the car park because Priory House is a public building and when large meetings are planned, this can result in as many as 100 additional cars looking to use the car park.

Relevant Policies:

National Planning Policy Framework (2012)

Core Strategy and Development Management Policies (2009)

- DM3 High Quality Development
- DM4 Development Within and Outside of Settlement Envelopes
- DM9 Providing a Range of Transport

Appendix F (Parking Strategy) of the Central Bedfordshire Local Transport Plan (2012)

Planning History:

MB/08/01888/FA District Council Regulation 3: Erection of centralised offices for Mid Bedfordshire District Council and ancillary facilities on part of the MOD site at Chicksands, together with access and egress off the A507, provision of associated car parking, landscaping and servicing.

Approved: 9th February 2004

Representations:

Campton and No response received
Chicksands Parish
Council

Neighbours Two responses have been received from neighbours to the site, which read as follows:

I have no objection overall to the development going

ahead, but would like you to consider the adverse impacts it will have on adjacent residential neighbours if certain controls are not put in place.

Vehicle access should be restricted to this area and the whole site. There are ongoing problems with boy racers congregating right through the night driving dangerously fast around the site with loud music and shouting. My bedroom backs onto the proposed development and I am often kept awake at night especially through the summer months.

The car park should be used as an overflow by the Council to minimise disruption and noise when residents may be trying to sleep - especially those working night shifts.

There is antisocial behaviour, vandalism and arson taking place on site with marauding youngsters congregating. I travel to work early and have personally seen and heard groups at 0500 in the morning during the school holidays. Restricting vehicle access, especially at close proximity, to the residents would help to reduce the problem.

Vandalism etc usually takes place at night. The CCTV should be upgraded to night vision to capture images, deter individuals and to assist with prosecutions of perpetrators.

The current bio diversity of the site should not be disrupted. The low lying wet areas are habitat to some interesting species, flora and fauna beneficial to the environment. An environmental impact assessment should be undertaken by a suitably qualified person with careful consideration and control measures put in place to eliminate risks.

I sincerely hope my views will be upheld and the appropriate actions taken to minimise environmental impact.

I would appreciate if you could keep me informed of progress and any opportunities for further consultation.

And

Being a resident that would back onto these new 146 car parking spaces, I feel I need to comment on the following
~

Restricted Access

We have a BIG issue with "boy racers" at the week end

and I am for ever calling out the police, it is just a matter of time before there is a serious accident

I feel frightened of the fact that, these new spaces would be close to my back garden and would like to propose that they are used for "overflow" in such a way that they may be "blocked" off when not in use (**eg a barrier**). This would make access to the new spaces impossible for the boy racers.

CCTV

This is a great thing if it is WORKING ~ we have a problem with cars at night parking up beside the recycle bins, one evening resulted in the bins & fences being set alight. When police asked for the CCTV footage, they were told the camera was not working ? I personally have had a push bike stolen & was told the same thing. (A neighbour had a car vandalised same story)

Please can you make sure they are working & NOT pointed near the windows of the houses as all the MOD house have their bedrooms at the back

Traffic

Volume of traffic is a serious worry, as a resident we only have one entry in & out and share this entry with the MOD & Priory House staff & visitors, along with school busses. How can we assure this access is not blocked up with many MORE visitors to the council building? This is always a BIG issue when you have meetings on, especially the one regarding the new traveller's sight where the photographs ended up at the local newspaper. Could you do a "park & ride" from Shefford seeing as car share does not work ? (the facilities manager is fed up with the residents and nothing seems to be done to cars that park dangerously & illegally).

Consultee responses:

| | |
|-------------------------|---|
| Internal Drainage Board | No objection subject to condition |
| Environment Agency | No objection |
| Building Control | No response at the time of writing |
| Public Protection | My only concern would be any potential noise impact from the pump used to pump water from the final section of the new drainage to the existing ditch in the southwest corner of the Priory House site. Bernie Fraser has confirmed the pump would be sited in a tank about 2m below the ground and would be submersed in water. It would operate on demand and be operated by a float. She said she had heard pumps in foul sewage tanks and the noise above |

ground is barely perceptible when standing next to the access lid. She said that those pumps have to macerate whereas one for water only would be a simple pump and would be even quieter. She claims that at the distance from houses she cannot see that anyone would hear it from their gardens and would not be disturbed in any way.

That being the case I do not have any further comments to make.

Public Protection (Contaminated Land) Soil investigations have already identified isolated areas of slightly elevated contaminants to the natural soils and this material should be dealt with appropriately, with re-use off site if possible as it is understood there will be significant arisings which cannot stay on-site.

Trees and Landscape No objection

Highways In a highway context there is no technical capacity or safety reason to oppose the development. The additional car parking is remote from the public highway and the roundabout junction onto the A507 leading to the overall site is appropriate for the level of traffic already associated with the current level of development and significant neighbouring developments. The proposed layout and construction details are satisfactory and given the remoteness of the site from the public highway there is no need to impose conditions relating to construction traffic routing, parking or wheel wash .

Ecology Having looked at the documents submitted in support of the application information on the future landscaping and impact on existing landscape does not appear to have been adequately addressed. Priory House lies within 200m of 2 County Wildlife Sites recognised for their wetland habitats. It is noted from drawing 2 that the existing swale is retained and the design and access statement refers to 'the majority of the landscaping and the effects of the new work are being designed to improve the existing landscaping and biodiversity within the site.'. However such details of improvements do not seem apparent. The existing swale has established itself with a variety of wetland plants and it is likely that a number of animal species are present here.

The D & A notes that natural habitat and small trees are present on the site and yet no allowance for mitigating the loss of this habitat has been provided with the application. The trees are not yet fully established and hence could potentially be moved and incorporated within the expansion. The NPPF calls for a net gain to biodiversity

through development and given that the applicant is CBC this is an ideal opportunity to offer an exemplary scheme.

Whilst there is no dispute over the need for the proposal, methods to create the additional parking and associated habitat enhancement require clarification to ensure no detrimental impact on the ecology of the site.

Landscape Officer

The frontage, approach to Priory House / Central Beds Council should be of the highest quality design; an exemplar of civic / urban design, presenting a strong sense of place, down to detail design, use of materials and landscaping, and setting the standard expected of other developments within the CBC authority. Unfortunately such design ambitions are not evident in the current proposals.

I realise the need for additional car parking but having studied the supporting documents and site it is disappointing that there is no over all concept plan particularly describing the proposals in relation to site as a whole and incorporating SUDs, landscape and planting features linked to landscape / ecological enhancement and habitat creation.

At present the views from Chicksands residential areas to Priory House are quite exposed in places, with limited or no planting to screen views, eg. JF Kennedy Drive, Orchard Drive, Eisenhower Place. The opportunity to screen views on to car parking via landscape and planting needs to be considered further along with enhancement of existing planting screens to the general site boundary.

A number of existing trees will be removed to accommodate the additional / new car parking areas - this loss needs to be offset on site; trees which provide shade to assist in urban heat island effects, trees which contribute to the management of rain water/ surface water run off, enhance biodiversity, screening and aesthetics. Meadow / wetland grasses would contribute to water attenuation, site character and biodiversity.

The D&A describes the use of block paving with grit between gaps on a stone base within the new car park areas; further information on materials, construction techniques and drainage performance are required including access crossing the existing swale.

It is of note the plans indicate additional lighting columns in the car park extension at 6ms high; details on lighting levels, control of light direction and timing controls are required especially regarding potential impact on adjoining

residents and biodiversity.

The amenity value of space in and around the site could also be reconsidered especially regarding the provision of outdoor communal areas with seating for staff.

The extension of the car parking area could be an exciting opportunity to include more subtle areas for water attenuation, eg wetland habitat areas, linked to bioswales, gravity fed. Whilst realising that budgets are highly restricted the depths and profiles of some or all of the existing swales could be reviewed and linked more effectively with additional SUDs features and wider wetland areas on site. Robert Bray Associates Ltd. (Sustainable Drainage Consultants and Landscape Architects) carried out a SUDs Audit at Priory House in September 2013 with the Audit Report recommending a number of measures to improve performance of existing on site SUDs along with social, biodiversity and landscape benefits but these recommendations do not appear to have been fed into the proposed car park design.

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. Sustainable transport
3. The appearance of the site
4. The impact on neighbours
5. Drainage
6. Other material planning considerations

Considerations:

1. The principle of the development

The site is used for offices and an extended car park to serve the use of the building in that way would be acceptable in principle.

2. Sustainable transport

Whilst the applicant has justified the need for additional car parking spaces, Central Bedfordshire Council is committed to promoting sustainable travel opportunities and reducing reliance on the private motor car. These objectives apply to all new developments in Central Bedfordshire, including at the Council's own sites.

The applicant has submitted a Travel Plan, which sets out in detail, how the Council is approaching its sustainable travel objectives in general, and at Priory House. It sets out that the following policies and measures are already in place:

- 'Flexi-time' and home working policies: allow staff to travel to and from the office at times when congestion on the highways network might be less or to not commute to the office at all on some days.
- Car sharing: is encouraged and car parking bays are allocated for car sharers.
- Cycle purchase scheme and cycle to work scheme: encourage people to use travel methods alternative to the car.
- Corporate marketing: like Bike Week, Walk to Work Week and Liftshare Week help to promote sustainable travel.

In advance of submitted this planning application, the applicant carried out a survey of staff. 255 staff members who were either based or moving to Priory House completed the survey. The results demonstrated that car travel was the dominant mode of transport to and from work (92.2%). A survey of visitors to Priory House was also carried out.

The applicant proposes the following measures to promote the use of sustainable travel options to and from Priory House:

- Appoint a Travel Plan Co-ordinator
- Set up a Priory House Travel Plan Steering Group
- Internally market sustainable travel options
- Display travel notice boards
- Induct new staff in sustainable transport best practice
- Make use of the Council's website and intranet
- Segregate visitor parking and parking for disabled drivers/passengers
- Issue parking permits to staff
- Introduce a parking code of conduct
- Properly enforce car sharing bays and pool car bays
- Remove short-stay bays
- Increase the number of car sharing parking spaces
- Create a car sharing database
- Regularly communicate car sharing initiatives
- Provide a guaranteed journey home to a car sharer in the event of an emergency
- Provide pool cars
- Look to increase frequency of bus services that come near to the site
- Provide a discount for staff using public transport
- Invest in existing bus stops on Priory Road
- Provide enough safe cycle storage
- Form a bicycle user group
- Publish sustainable travel information to visitors to Priory House

It is the case that the location of Priory House does mean that travel by car is likely to remain the principle travel method to the site but the actions set out above would likely reduce the number of people travelling to the site by car on their own. These measures would ensure that despite the increased car parking provision, which has been justified, the site would continue to respond to the

sustainable travel objectives of Central Bedfordshire Council and would be acceptable. A planning condition would control compliance with the Travel Plan.

A planning condition would ensure that existing cycle and motorcycle parking provision was retained and enhanced by way of five hoops adjacent to the building.

3. The appearance of the site

An extension to the car park would change the appearance of the site and would result in the loss of some green space and its replacement with hard standing. That visual impact would be mitigated both by the existing commercial character of the site, where additional hard standing would not appear out of context, and the need for additional car parking that has been set out by the applicant and is explained above.

4. The impact on neighbours

The extension to the office car park would bring activity nearer to existing houses to the North and West and as a result, noise and disturbance caused by activity associated with the use of the car parking would increase for those neighbours. The increase would likely be modest, though, and it would be limited to hours when the office is in use, which is predominately during conventional working hours. The use of additional lighting columns would not likely result in an impact significantly greater for those neighbours than the current situation. The Council's Public Protection Officer is satisfied that the proposed drainage system would not cause harm to living conditions.

Concerns have been raised over anti-social behaviour in the car park after hours and this is a corporate matter for the applicant to consider.

5. Drainage

The applicant has set out that porous materials will be used for the extended parking areas, which would allow water to penetrate to voids below. This attenuated water would discharge in to the existing swale at the site which would overflow to new drainage that would be installed. Water would then be pumped to the existing ditch in the South West corner of the site.

In addition, it is proposed to install a further cellular attention tank which would provide additional capacity for an existing swale and cellular soak away which takes water from the roof of the building. The new attenuation tank would connect in to the pumped main and then in to the ditch.

The applicant has set out that the use of soak aways is not likely to be compatible with this site.

The Internal Drainage Board is satisfied with the details of storm water design provided and have recommended a planning condition controlling compliance with those details.

6. Other material planning considerations

Landscape

Limited details have been provided in respect of new landscaping at the site, which would be required to help mitigate the visual impact of the development. A planning condition would require the submission of details.

Ecology

Limited details have been provided in respect of provision for biodiversity at the site, which would be required to comply with the objectives of the National Planning Policy Framework, which seeks a net gain in biodiversity as a result of development. A planning condition would require the submission of details.

Recommendation:

That Planning Permission is granted subject to the following planning conditions:

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

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

- 2 The development shall be carried out strictly in accordance with the terms of the submitted and approved Travel Plan (prepared by WYG and dated December 2013), unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that the site continues to respond to the Council's sustainable travel objectives.

- 3 Within one month of commencement of the development, a scheme for landscaping, a timetable for its implementation and a programme for its maintenance shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried in accordance with the approved timetable and maintained in accordance with the approved programme.

Reason: To ensure that the appearance of the development is acceptable.

- 4 Within one month of the commencement of the development a scheme for provision of biodiversity improvements for the site and a timetable for its implementation shall have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved.

Reason: To ensure that the site makes suitable provision for biodiversity.

- 5 The existing covered cycle/motorcycle shelter at the site shall be retained. The five cycle hoops shown on drawing 3110 rev A shall be provided within two months of the commencement of development and shall be permanently retained thereafter.

Reason: To ensure that sufficient cycle parking is provided at the site.

- 6 The storm water design shall be constructed in accordance with the details shown on drawings 9157-02 T4, 9157-06 T6, 9157-07 T4 and 9157-08 T4.

Reason: To ensure that storm water provision at the site is acceptable.

- 7 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [001C, 003A, 3110 rev A Design and Access Statement (January 2014), Priory House Travel Plan (December 2013), 9157-02 T4, 9157-06 T6, 9157-07 T4 and 9157-08 T4].

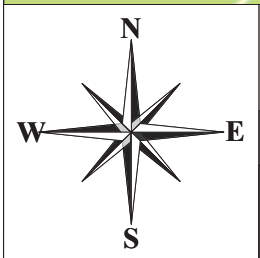
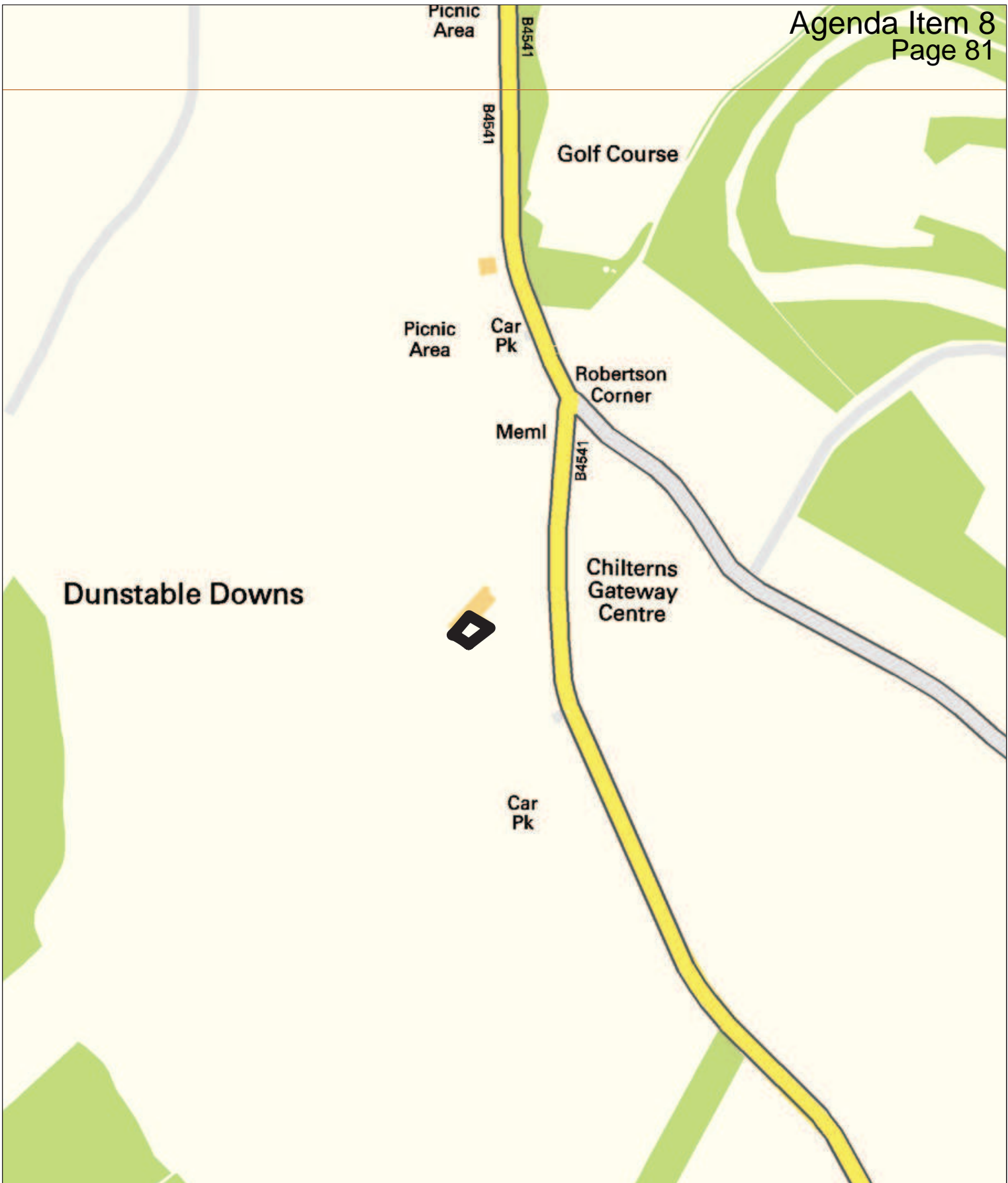
Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 17:March:2014
Grid Reference: 500795; 219509

Application No.
CB/14/00018/REG3

Scale: 1:5000

Chiltern Gateway Centre, Dunstable Road, Whipsnade, LU6 2GY

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Item No. 8

APPLICATION NUMBER CB/14/00018/REG3
LOCATION Chiltern Gateway Centre, Dunstable Road,
Whipsnade, Dunstable, LU6 2GY
PROPOSAL The erection of two 'Sun Sail' canopies - single
column kite style tensile structures. These are to
be located in the outdoor seating area to the South
East of the Visitor Centre.
PARISH Whipsnade
WARD Caddington
WARD COUNCILLORS Cllrs Collins & Stay
CASE OFFICER Abel Bunu
DATE REGISTERED 07 January 2014
EXPIRY DATE 04 March 2014
APPLICANT Central Bedfordshire Council
AGENT
REASON FOR Member Call In by Ward Councillor Stay due to the
COMMITTEE TO following objections :
DETERMINE

- Substantial harm to the AONB.
- Visually intrusive and would be seen from a distance of some miles.
- Adds to the creeping urbanisation of the Downs.
- Was opposed to the original visitor centre and this application adds to the physical bulk of the facility which increases visual intrusion.
- In aggregate, the visitor centre, the physical changes to car parking, the actual car park charge and other structures on the Downs have an overall detrimental impact on one of the last areas of open space in South Beds where 'officialdom' in its broader form did not interfere.

**RECOMMENDED
DECISION**

Full Application - Recommended for Approval

Summary of Recommendation

The proposed development would satisfy the requirement of national advice within Paragraph 89 of the National Planning Policy Framework which states that the provision of appropriate facilities for outdoor sport and outdoor recreation should not be regarded as inappropriate as long as they preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Furthermore, because of its overall design and location adjoining the visitors centre, the development would not materially affect the openness of the Green Belt and would not be visually harmful to the character and appearance of the Chilterns Area of Outstanding Natural Beauty, the Area of Great Landscape Value and the open countryside thereby conforming with the development plan comprising Policies BE8, SD1, NE3 , R14 and R16 of the South Bedfordshire Local Plan Review, Policies 1, 36, 43, 50 and 58 of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the Chiltern Design Guide.

Site Location:

The application site, the Chiltern Gateway Centre, comprises a visitor centre building, and a visitor/staff parking area, accessed from Dunstable Road on the Dunstable Downs. The site is jointly managed on behalf of the Chilterns Gateway Partnership by Central Bedfordshire Council and by the National Trust. The site is washed over by the Green Belt and lies within the Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).

The Application:

seeks planning permission for the erection of two Sun Sail Canopies to provide shelter in the outdoor seating area adjoining the south of the visitors centre. The canopies would be cream coloured, measuring approximately 4.5 metres high and spread over an area measuring 7m x 7m. These canopies would comprise PVC 'sails' secured by high tensile wire and steel arms supported on galvanised steel posts. The posts would be set in steel base plates which would be concreted into the ground.

Planning permission is only required for the canopies by virtue of the height of the structures being over 4 metres. Temporary umbrellas in the same positions would not require planning permission either, but the wind conditions dictate that this temporary solution would not be practical.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

- Section 1 : Building a strong, competitive economy
- Section 7 : Requiring good design
- Section 8 : Promoting Healthy Communities
- Section 9 : Protecting Green Belt Land

South Bedfordshire Local Plan Review

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them.

- SD1 Keynote Policy
- BE8 Design Considerations
- NE3 Control of Development in the AGLV
- R14 Protection and Improvement of Informal Recreational Facilities in the Countryside
- R16 Control of Sports/Recreational Facilities

Endorsed Core Strategy - South

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the 29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy.

Development Strategy for Central Bedfordshire

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014 and the following policies are considered relevant to the determination of any subsequent application:

Policy 1 : Presumption in Favour of Sustainable Development
 Policy 36 : Development In the Green Belt
 Policy 43: High Quality Development
 Policy 50 : Development In the Countryside
 Policy 58 : Landscape

Supplementary Planning Guidance

Chilterns Buildings Design Guide, First Published in 1999.

Planning History

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| CB/11/04438/FULL | Permission. Erection of a single storey security garage within the staff car parking compound at the Chilterns Gateway Centre. |
| SB/07/01378 | Permission. Erection of sculptural feature (BC/CC/07/0044 refers). |
| SB/TP/04/01052 | Permission. Erection of a visitor's centre. |

Representations: (Parish & Neighbours)

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| Whipsnade Parish Council | No objection. Several comments were made regarding the practicality of maintenance, how they would fair in a high wind and the cost (i.e, is this being funded by CBC?). |
|--------------------------|--|

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|--|----------|
| Neighbours 3 The Stables, Church End Farm | Support. |
|--|----------|

As a regular walker on the Downs, this is a welcome development which would be convenient for anyone with a dog as they would be obliged to sit outside. On warm summer days it would be pleasant to be able to sit in the shade or to have shelter from the rain. The sails also look attractive and while this is a personal view, would like to believe that many people feel the same.

Consultations/Publicity responses

Cllr Richard Stay

Objection

- Substantial harm to the AONB.
- Visually intrusive and would be seen from a distance of some miles.
- Adds to the creeping urbanisation of the Downs.
- Was opposed to the original visitor centre and this application adds to the physical bulk of the facility which increases visual intrusion.
- In aggregate, the visitor centre, the physical changes to car parking, the actual car park charge and other structures on the Downs have an overall detrimental impact on one of the last areas of open space in South Beds where 'officialdom' in its broader form did not interfere.

Chiltern Conservation Board

The Chilterns Conservation Board has advised that no comments will be made on the planning application.

The Board however recommends that the decision-maker takes into account the following:

- The Chilterns AONB Management Plan
- The Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials)
- The Environmental Guidelines for the Management of Highways in the Chilterns
- The Board's Position Statement on Development Affecting the Setting of the Chilterns AONB

London Gliding Club

No comments received.

Determining Issues

The main considerations of the application are:

1. Whether or not the proposed development is acceptable in principle
2. Impact on the openness of the Green Belt, character and appearance of the AONB, AGLV and open countryside
3. Other matters

Considerations

1. Principle of the development

The site is located within the Green Belt wherein there is a general presumption against development, except for small scale facilities for a number of specified uses, including outside recreation.

The Chilterns Gateway Centre is a visitors' centre for people who wish to enjoy the recreational benefits of the Dunstable Downs. The proposed structures would enable the visitor's centre to cope with the increasing number of visitors

by encouraging greater use of the space outside the building in a wide range of weather conditions especially in the hotter summer months and hence support the viability of this facility. It is therefore considered that given their location, the structures would increase the outdoor recreational experience of the visitors.

The proposed structures would be subservient to the visitors centre and viewed from the south and south west, would be seen against the backdrop of this existing building and the raised banks adjacent to the site access and overflow car park. From Dunstable Road in the east, only part of the canopies would be visible above the outbuildings to the rear of the host building. It is considered that when seen within the context of the main building, lamp posts and CCTV columns in the car park, the visual impact of the canopies would be insignificant. Furthermore, the cream colour would be appropriate to the modern design of the canopies and would merge into the backdrop to the canopies from most directions as discussed above and would be controlled by a planning condition to ensure that the development would not appear intrusive in the surrounding area. As such it is considered that the proposal falls within the scope of Paragraph 89 of the National Planning Policy Framework which supports, as an exception the provision of facilities for outdoor recreation in the Green Belt and as such, there is no requirement to demonstrate the existence of very special circumstances.

Further specific criteria are contained within Policies R14 and R16 of the South Bedfordshire Local Plan Review (S.B.L.P.R) and in particular, Policy R14 states that:

The Council, in co-operation with Town and Parish Councils, landowners and others, will seek to improve and protect existing facilities so as to ensure access to informal recreation in the countryside by:

- *making provision for additional informal countryside recreational facilities and spaces.*
- *improving access for walkers, horse riders and cyclists to the wider countryside for recreational purposes.*
- *enhancing the landscape, improving habitat management, resolving problems of public access and increasing the informal recreational and amenity value of the countryside – particularly close to urban areas.*

It is considered that the proposed development accords with the objectives of Policies R14 and R16 which generally conform with the National Planning Policy Framework and can therefore be given significant weight.

The proposed development is therefore not inappropriate in the Green Belt and would not be harmful to the character and appearance of the open countryside.

2. Impact on the openness of the Green Belt, character and appearance of the AONB, AGLV and open countryside

Given that the visitors' centre is an existing building and the proposed structures would be situated on an existing concrete hardstanding area and seen against the backdrop of the building, the loss of visual openness would not be significant. These structures would not extend above the roof of the main building, and would complement the modern design of the host building. Because of these factors, it is considered that the proposed structures would

preserve the openness of the Green Belt as they would sit on land that is already developed and because of their design, would not be harmful to the character and appearance of the AONB, AGLV and open countryside.

3. Other Matters

Representations

The objections received from the Ward Member have been noted and addressed in the relevant sections of the report.

Response to the Parish Council's comments

The applicant's agent was given an opportunity to address the Parish Council's observations and responded as follows :

The structures are suitable for their location - i.e. they have been specified/designed to deal with the particular conditions that affect the top of the Downs namely, the wind. They should be robust enough to cope, however, if they do fail as a result of the weather then they would be covered by warranty/guarantee.

The specifics regarding the costs of maintenance/upkeep are not known but it is expected that any ongoing maintenance would be picked up as part of the site wide budget which is managed by the National Trust.

In order to lessen the visual impact of the development, the height of the canopies was reduced from 4.85 to 4.5 metres.

Human Rights issues

The application raises no human rights concerns.

Equality Act 2010

No equality concerns are raised by the proposed development.

Recommendation

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

RECOMMENDED CONDITIONS

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

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

- 2 The canopies shall be finished in a cream RAL colour and any variations shall be agreed with the Local Planning Authority before the development is implemented.

Reason: To ensure that the development is in keeping with the existing building in the interest of preserving visual amenity in this Green Belt location which also lies in the Chilterns Area of Outstanding Natural Beauty. (Policies BE8 & NE3 SBLPR and 36, 43 & 58 DSCB).

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/01-04 and 005879-1.00[B].

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. 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.
3. 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.

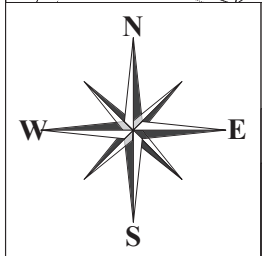
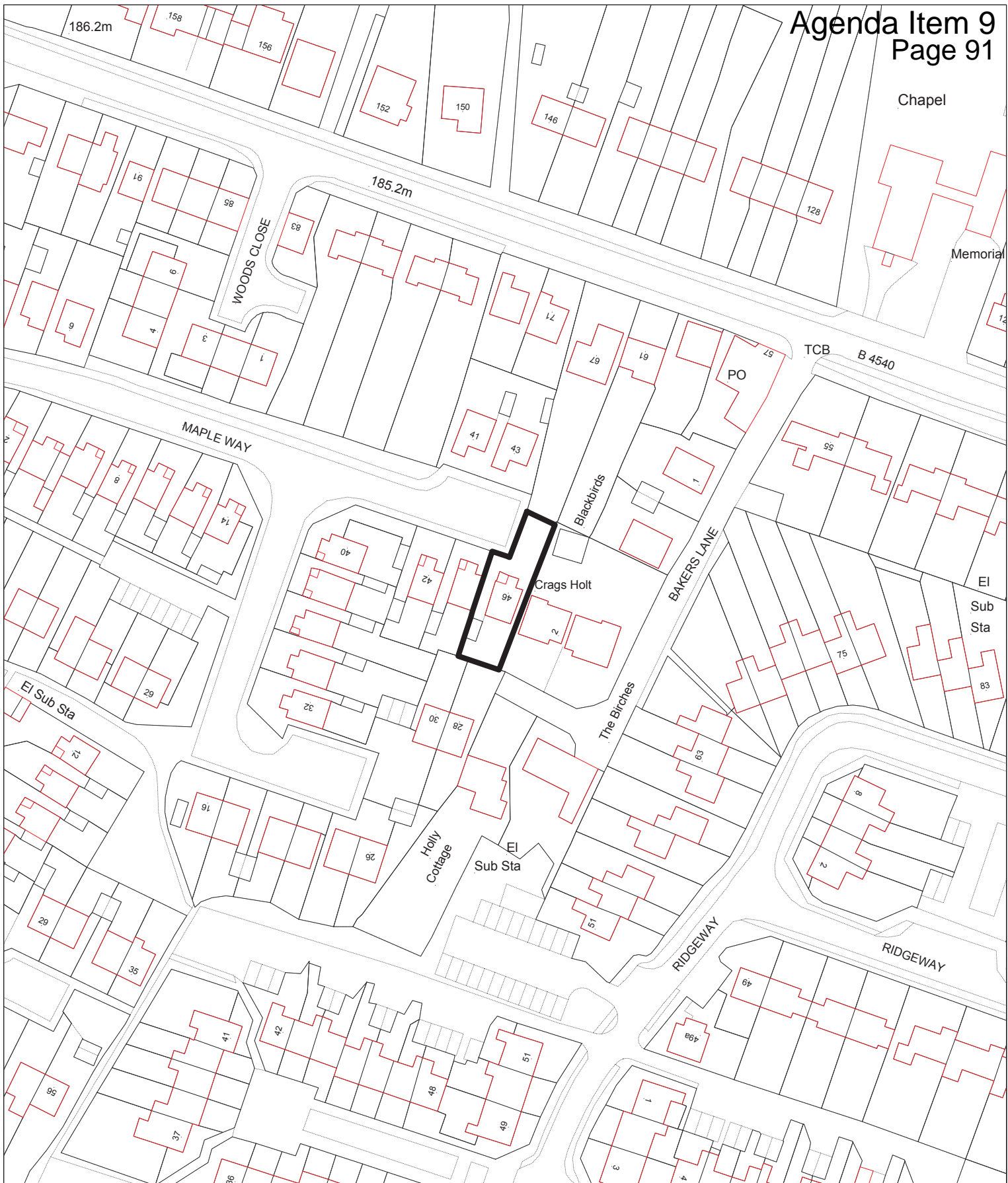
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 17:March:2014
Grid Reference: 503245; 217956

Application No.
CB/14/00213/FULL

Scale: 1:1250

46 Maple Way, Kensworth, LU6 3RT

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Item No. 9

| | |
|--|--|
| APPLICATION NUMBER | CB/14/00213/FULL |
| LOCATION | 46 Maple Way, Kensworth, Dunstable, LU6 3RT |
| PROPOSAL | Construction of a garage on land in front of property. |
| PARISH | Kensworth |
| WARD | Caddington |
| WARD COUNCILLORS | Cllrs Collins & Stay |
| CASE OFFICER | Debbie Willcox |
| DATE REGISTERED | 19 February 2014 |
| EXPIRY DATE | 16 April 2014 |
| APPLICANT | Mr R Hoffman |
| AGENT | |
| REASON FOR COMMITTEE TO DETERMINE | Called in by Ward Councillor Richard Stay for the following reason: The application amounts to overdevelopment and is in a location which would have a wholly negative impact upon neighbouring properties. |
| RECOMMENDED DECISION | Full Application - Recommended for Approval |

Summary of Recommendation

The garage would not constitute inappropriate development within the Green Belt, nor would it have a harmful impact upon the openness of the Green Belt. It would not have a detrimental impact upon the character and appearance of the streetscene or the amenity of surrounding residents and it would not have a material impact upon parking provision or wider highway safety. The proposal is therefore considered to conform with the National Planning Policy Framework, policies BE8 and T10 of the South Bedfordshire Local Plan Review, policies 27, 36 and 43 of the emerging Development Strategy for Central Bedfordshire and the Design Guide for Central Bedfordshire.

Site Location:

The application site comprises the curtilage of a two storey detached dwelling located at and across most of the end of the eastern end of the cul-de-sac of Maple Way in the village of Kensworth. The site is flanked by No. 44 Maple Way and to the east, Craggs Holt, No. 2 The Hollies, accessed off Bakers Lane.

Kensworth is located within the Green Belt, however, it has a designated infill boundary and the site is located within the confines of this boundary. The site is also located within the Chilterns Area of Outstanding Natural Beauty and an Area of Great Landscape Value.

The Application:

The application seeks planning permission for a single storey, detached, double garage to be located in the front garden of the dwelling. The garage is currently proposed to have a parallelogram footprint, however, negotiations are taking place with the application for the garage to be squared off. The outcome of these negotiations will be reported at the meeting. The garage would have a width of

5.45m and a depth of 5.5m. The roof would be dual-pitched with an eaves height of 2.4m and a ridge height of 3.8m. The garage would be positioned so the doors would face the dwelling. Three high level windows would be inserted into the west elevation.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

GB3 Green Belt Villages

H8 Extensions to Dwellings

NE3 Control of Development in the Areas of Great Landscape Value

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, GB3 and H8 are still given significant weight. Policies NE3 and T10 are afforded less weight).

Development Strategy for Central Bedfordshire

Policy 4: Settlement Hierarchy

Policy 27: Car Parking

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014.)

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development:

Design Supplement 4: Residential Extensions and Alterations, 2010

Design Supplement 7: Movements, Streets and Places, 2010

Local Transport Plan: Appendix F - Parking Standards

Planning History

None

Representations:

(Parish & Neighbours)

Kensworth Parish
Council

Any comments received will be reported at Committee.

Neighbours (43 & 44
Maple Way, 2 The
Hollies, Bakers Lane)

Object to the proposals on the following grounds:

- The area where the garage will be located was a green area but has been converted into an area where old cars are broken up.
- Activities associated with the breaking up of cars have a detrimental impact upon the amenity of neighbours.
- The garage would result in the relocation of the

working area for cars, bringing fumes nearer to neighbouring dwellings, which could endanger the health of neighbours.

- The garage would have no windows so the doors would be open, resulting in noise disturbance to neighbouring residents.
- The garage would block light.
- The garage would appear an eyesore.
- The open area that would be retained by the angled shape of the garage would be used for rubbish bins and waste disposal.
- The garage would reduce the area available for parking on the site, which could result in parking problems within the cul-de-sac.
- There may not be sufficient room to allow vehicles to enter and exit the site in a forward gear.
- The garage could damage the trees and hedges that are in close proximity to the application site.
- The irregular shape of the garage would result in an odd-looking building.
- The existing garage on the site is not used, so why is there a need for a new one?
- The garage would be out of character with the area and would not be on an existing building line.
- The garage would not be used for private parking but to further the selling and dismantling of cars, which has caused environmental problems in the cul-de-sac.
- The garage would devalue the area.

Consultations/Publicity responses

Highways Officer

The application proposes the erection of a double garage on land that is quoted to be former garden land and which is currently used for on-site parking.

No changes are proposed to the existing means of access to the highway and the number of on-site parking spaces will remain at four.

The proposed garage is shown to be laid out in rhombic form rather than square and the reason for this is unknown. Also the garage is shown to have a hardstanding of 6.7m in width between the front face of the garage and the front wall of the house.

This dimension is the absolute minimum recommended for a turning space in front of a garage and usually relies on having an area of over-hang (e.g. a verge) on the opposite side from the garage to provide easy manoeuvring.

However in this instance because there is an area of driveway to the side of the house, it is possible to

manoeuvre into/out of the garage. The proposal can therefore be considered acceptable in highway terms.

Notwithstanding this, I would advise that if the applicant ever intends to construct an extension to the side of the dwelling, it would be preferable for the garage to be set further away from the dwelling than currently shown. I note that there is some 1.5m available to the rear of the garage and if it was to be set back, this would provide additional manoeuvring space to the front of the garage.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

- 1 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason

To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

Tree and Landscape
Officer

It was noted that there is a Sycamore tree located just outside the boundary of the site, within the neighbouring property of 67 Common Road, and that the garage would be located within the Root Protection Area of this tree.

There are also mature trees along the eastern boundary in the property of Craggs Holt, which also have an RPA that extends in to the site.

As there would likely to be a requirement for special foundations anyway given the shrinkable nature of the local soil type and history of close proximity to trees, I would be prepared to raise no objection to the proposal on the provision that the following condition is imposed:-

Provision of Special Foundations

Prior to development, full details of special foundations shall be submitted to the Local Planning Authority for approval, which shall have been prepared by a suitably qualified engineer, which clearly demonstrate that the rooting-medium and rooting-system of all off-site trees will be protected from damage or root asphyxiation. The

construction of special foundations shall consist of a pile and beam configuration, using the smallest diameter piles possible, and with the beams suspended over the existing soil surface.

REASON

To safeguard the rooting-system and rooting-medium of off-site trees by avoiding the need to excavate, or impose changes to soil levels around adjacent trees, in order to maintain their health, safety and anchorage.

Determining Issues

The main considerations of the application are:

- 1. Green Belt Considerations**
- 2. Design Considerations and Impact on the Area of Outstanding Natural Beauty (AONB) and the Area of Great Landscape Value (AGLV)**
- 3. Impact on Residential Amenity**
- 4. Parking and Highway Safety**
- 5. Other Issues**

Considerations

1. Green Belt Considerations

Kensworth is located within the South Bedfordshire Green Belt. It is identified within Policy GB3 of the South Bedfordshire Local Plan Review and Policy 4 of the emerging Development Strategy for Central Bedfordshire as having infill boundaries, within which limited infilling and redevelopment will be permitted.

Section 9 of the National Planning Policy Framework (NPPF) states that within the Green Belt only certain types of development would be permitted, with development falling outside the specified categories being considered as inappropriate development, harmful by definition. Among these categories of development which may be permitted, which are set out in paragraph 89 of the NPPF, is limited infilling within villages. As the site is located within the infill boundaries of Kensworth village, and the development would be for a single storey building within a built-up residential area, it is considered that the proposed garage would not constitute inappropriate development within the Green Belt.

It is also necessary to consider the impact of the proposal on the openness of the Green Belt. It is noted that the proposed garage would be clustered with an existing garage located within the grounds of No. 2 The Hollies, with a similar height, depth and roof design. It is thus considered that the proposal would not have a detrimental impact upon the openness of the Green Belt.

The proposal would not constitute inappropriate development and would not have a detrimental impact upon the openness of the Green Belt; the proposal is therefore considered to accord with Section 9 of the NPPF, policy GB3 of the South Bedfordshire Local Plan Review and policies 4 and 36 of the emerging Development Strategy for Central Bedfordshire.

2. Design Considerations and Impact on the Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV)

As noted above, the proposed garage would be clustered with an existing garage located in the garden of No. 2 The Hollies of a very similar scale and design. The proposed garage would be of an appropriate scale and design for its function and location and would not appear dominant or out-of-keeping within the streetscene.

As noted above, discussions are taking place to square off the proposed garage as it is considered that a squared garage would have a lesser impact on the streetscene and would allow the creation of a landscaped area between the garage and the street. A landscaping condition is proposed to ensure that this area would be created and maintained.

As reported by the Tree and Landscape Officer, the garage has the potential to impact upon surrounding trees. However, this impact can be avoided by the imposition of a suitable condition requiring special foundations, and it is recommended that this condition is imposed. The Tree and Landscape Officer is satisfied that, providing the recommended condition is imposed, there would not be a detrimental impact upon the surrounding trees.

It is therefore considered that the proposed garage would not have a detrimental impact on the character and appearance of the site, the streetscene and the wider Area of Outstanding Natural Beauty or Area of Great Landscape Value and thus the proposal is considered to conform with policies BE8, H8 and NE3 of the South Bedfordshire Local Plan Review and policies 43 and 58 of the emerging Development Strategy for Central Bedfordshire.

3. Impact on Residential Amenity

It is noted that there is activity taking place at 46 Maple Way including the renovating of cars, which has been raised by a number of neighbouring occupiers as negatively affecting their amenity through the generation of noise, fumes and traffic and results in the front garden of the subject dwelling appearing untidy. This activity is currently being investigated by the Council's Enforcement team to determine if this is a business, which would require planning permission in its own right, or a hobby, carried out by the occupiers of the subject dwelling in an ancillary capacity to the residential occupation of the site. It is not the purpose of the current application to determine or anticipate the outcome of this investigation. Should the activity be determined to be a business, a separate planning application would be required to consider whether or not the business can continue.

Should the investigation determine that the activity is ancillary to the domestic occupation of the property, and therefore can continue without planning permission, it is considered that the proposed garage would not materially exacerbate the environmental impacts which have been a subject of complaint. Furthermore, the garage may offer a level of mitigation against these impacts, as the activity could take place within the garage instead of on the forecourt, thus reducing noise and providing a place for vehicles to be kept without cluttering up the front garden of the subject dwelling.

It is considered that, as a result of the scale and positioning of the proposed garage, it would not result in the overshadowing of any neighbouring dwellings. It would also not appear overbearing to any neighbouring occupiers. The doors to the garage would face the subject dwelling and the windows would look into the street, and thus there would be no loss of privacy to surrounding occupiers.

It is considered that the proposed garage would not have a detrimental impact upon the amenity of neighbouring occupiers and thus the proposal is considered to be in accordance with policies BE8 and H8 South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

4. Parking and Highway Safety

The comments of the Highways Officer are noted and confirm that the garage would be capable of parking two cars, although it should be noted that the garage would not have sufficient dimensions to meet the standards set out within Design Supplement 7 for garages and therefore would not be considered as providing off-street parking spaces. However, there would be four spaces retained on the site in the form of the existing garage, the space in front of it and the two spaces on the forecourt of the proposed garage and thus the Council's residential parking standards would continue to be met at the site.

The Highways Officer has confirmed that the proposal would allow space for cars to access the proposed garage. It is therefore considered that the proposed garage would not have a detrimental impact upon the safety or free-flowing of the highway network.

5. Other Issues

Human Rights issues

The proposed garage raises no Human Rights issues.

Equality Act 2010

The proposed garage raises no issues under the Equality Act 2010.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS

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

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

- 2 The external finish of the walls and roofing materials to be used for the garage shall match that of the existing dwelling as closely as possible.

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

(Policies BE8 & H8, SBLPR and Policy 43, DSCB).

- 3 **No development shall take place until full details of special foundations have been submitted to and approved in writing by the Local Planning Authority. The details shall have been prepared by a suitably qualified engineer and should clearly demonstrate that the rooting-medium and rooting-system of all off-site trees will be protected from damage or root asphyxiation. The construction of special foundations shall consist of a pile and beam configuration, using the smallest diameter piles possible, and with the beams suspended over the existing soil surface. The development shall be constructed strictly in accordance with the approved details.**

Reason: To safeguard the rooting-system and rooting-medium of off-site trees by avoiding the need to excavate, or impose changes to soil levels around adjacent trees, in order to maintain their health, safety and anchorage.

(Policies BE8 & H8, SBLPR and Policies 43 & 59, DSCB).

- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

(Policy T10, SBLPR and Policy 27, DSCB).

- 5 **No development shall take place until a landscaping scheme, to include soft landscaping between the garage and the highway, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion of the development (a full planting season means the period from October to March). The plants shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping in the interests of the visual amenities of the area.

(Policy BE8, SBLPR and Policy 43, DSCB).

- 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, CBC/004, CBC/005.

Reason: For the avoidance of doubt.

Notes to Applicant

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. 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.
3. 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.

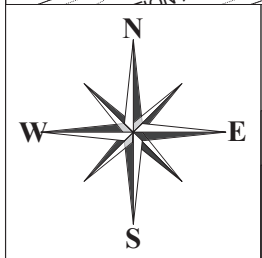
Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 19:March:2014
Map Sheet No

Application No:
CB/13/03499/Full

Scale: 1:1250

Russell House, 14 Dunstable Street, Ampthill

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Item No. 10

| | |
|---|--|
| APPLICATION NUMBER | CB/13/03499/FULL |
| LOCATION | Russell House, 14 Dunstable Street, Ampthill, Bedford, MK45 2JT |
| PROPOSAL | Erection of 16 no. residential dwellings, a 63 bedroom Care Home with ancillary buildings, associated landscaping and car parking to include demolition of existing buildings and removal of trees. |
| PARISH | Ampthill |
| WARD | Ampthill |
| WARD COUNCILLORS | Cllrs Duckett, Blair & Smith |
| CASE OFFICER | James Clements |
| DATE REGISTERED | 15 October 2013 |
| EXPIRY DATE | 14 January 2014 |
| APPLICANT | Lochailort Ampthill Ltd & Lochailort Ampthill Retirement Living |
| AGENT | |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | Officer call-in due to public interest |
| | Full Application - recommended for approval |

Summary of Recommendation

The proposal is in accordance with chapters 4, 6, 7 & 8 of the NPPF and Core Strategy and Development Management Policies CS1, CS2, CS3, CS5, CS9, DM3, DM4 and DM13. The proposed carehome would provide 63 bedroom spaces and would help achieve the Council's 'Central Bedfordshire Together - Sustainable Community Strategy 2010-2031'. The proposed carehome and 16 dwellings would provide a high quality development and there would be no undue harm to residential amenity. The high quality design and public benefits of the carehome would outweigh the loss of the existing building which is identified as an important building within the Ampthill Conservation Area.

Site Location:

The proposal site is located at Russell House, Dunstable Street, Ampthill which is partly within the Ampthill Conservation Area. The site is rectangular shaped and measures 1.076ha in area.

The site includes a 3-storey late Victorian/Edwardian building with single-storey steel clad rear extension set back approximately 25m from the highway. To the rear of the site is a two-storey brick building last used as a children's nursery.

The boundary of the site is characterised by existing deciduous and evergreen mature trees, hedging and planting which is visually permeable in places.

To the south the site shares a common boundary with The Limes which is a former council offices that has been converted into flats. To the west of the limes, also sharing a common boundary with the proposal site, is an area of land which has an extant permission for 14 dwellings planning reference CB/12/03223. Development has not commenced.

To the north Russell House shares a common boundary with Alameda House, no's 16 & 22 Dunstable Street, no's 39-45 Alameda Close and 4 The Pines. This boundary includes a length of brick wall (including workshop building), coppiced hazel and a mature evergreen tree/hedge line, including holly and laurel.

The site was previously owned by Central Bedfordshire Council and Mid Bedfordshire District Council. The site was last used in 2007 and was sold by CBC to the developer in 2012

The Application:

Planning permission is sought for the erection of 16 no. residential dwellings, a 63 bedroom Care Home with ancillary buildings, associated landscaping and car parking to include demolition of existing buildings and removal of a number of trees. The carehome services would include residential care and dementia care.

The application includes the following documents:

- Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan;
- Tree Survey, Arboricultural Impact Assessment;
- Visual Structural Inspection Report;
- Archaeological Project Design & Archaeological Evaluation Report;
- Landscape Statement;
- Section 106 Report;
- Flood Risk Assessment;
- Preliminary Protected Species Risk Assessment;
- Design Statement
- Character Analysis
- Photographic Record
- Heritage Statement
- Transport Statement

- Boundary Landscape Management Plan
- Demolition and Refurbishment Asbestos Survey
- Design, Planning and Access Statement
- Historical Building Appraisal
- Phase One Desk Study Report

The Carehome

The carehome element of the application as originally submitted was for 67-bedrooms. This was reduced to 63 beds with a side wing partly reduced from three to two-storey following concerns raised regarding the impact on neighbours.

The carehome would employ approximately 65 members of staff overall which would be on three 8 hour shifts. There would therefore usually be approximately 22 members of staff on site at any one time.

The proposed carehome has a deep F-shaped plan form with 3-storey main building to the front measuring approximately 12.2m to ridge height, deep 2-3 storey rear block and two 2-3 storey projecting wings to the north. Taken as a whole the carehome would measure between 6.1m and 12.2m in height, between 11.5 and 30.5 in width, and 65m in overall depth, with the main frontage being set back approximately 22m from the highway, approximately 3m closer to the highway than the existing building.

The proposed design of the replacement building in part relates to the design of the existing Victorian house with projecting splayed bays, faux timber framing, red brick in Flemish bond, diamond Tudor diaper patterning and tall chimney stacks, whilst also introducing other eclectic influences. This continues with the rear blocks and wings, though in a plainer, more restrained Neo-classical/ Arts & Crafts form. Architectural detailing and materials would include: hand-made red stock bricks, rubbed and gauged brick arches, natural slate, lead weathering edgings to all flat roofs and rolls to ridges/ hips/ valleys, cast iron railings to frontage block and metal railings elsewhere, granite kerbs and setts to entrance area, Yorkstone paving and gravel surfacing.

The site has two existing in-out accesses from Dunstable Road which would be retained for use by the carehome and proposed residential development, with an improved and lengthened access road located adjacent to the southern boundary leading down the site to the proposed housing area.

26 parking spaces are proposed for the Carehome. Nine of the spaces including 3 disabled spaces would be located to the front of the main building. The remaining 17 spaces would be located adjacent to the southern boundary adjacent to the Limes parking area.

16 Dwellings

The proposed 16 dwellings include 10 detached and 6 semi-detached dwellings:

- 13 3-bed dwellings
- 1 4-bed
- 2 5-bed

There are 6 distinct house types proposed all of which are designed with classical Georgian/Victorian detailing including, gauged brick headers and stone cills, eaves brick detailing, casement doors with fanlight and back bracketed porch hoods. The dwellings would have floor height proportions more usually found in formal Georgian/Victorian houses giving ridge heights of between 8.3 - 9.4m. The 5-bed properties would have attached garages. The majority of properties would have parking to the front of the dwellings.

The proposed dwellings would be located around the private access road adjacent to the north, south and western boundaries of the site. The semi-detached dwellings to the north of the access road with rear elevations facing the boundary would be between 7.3 & 7.8 from the northern boundary. The dwellings to the south of the access road with rear habitable rooms facing the boundary would be between 8 & 10m from the boundary.

The parking provision indicated on the layout plan include 44 spaces, including 2 visitor parking spaces. There is sufficient space on parts of the access road for some informal vehicle parking.

Landscaping and Strategy

There are no tree preservation orders on the site but there is a large number of mature trees, groups of trees, hedging and planting on the boundaries and within the site. It is proposed to retain the vast majority of the existing trees and landscaping. Root protection areas are proposed to ensure that existing trees/landscaping would not be damaged during construction.

A landscape strategy has been submitted with the application to replace and supplement planting particularly on the boundaries of the site where there are gaps in existing screening and where landscaping has to be removed. The strategy advocates the use of pre-fabricated/grown ivy screens, hedge planting and mature tree planting between 5.5-6m.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 9. Conserving and enhancing the historic environment

Core Strategy and Development Management Policies - North 2009

CS1 - Development strategy
CS2 - Developer contributions
CS3 - Healthy and sustainable communities
CS5 - Providing homes
CS9 - Providing jobs
DM3 - High quality design
DM4 - Development within and beyond settlement envelopes
DM13 - Heritage in Development

Development Strategy for Central Bedfordshire (pre-submission version 2014)

Policy 1 Presumption in favour of sustainable development
Policy 7 Employment sites and uses
Policy 26 Travel plans
Policy 27 Car parking
Policy 28 Transport assessments and travel plans
Policy 31 Supporting an ageing population
Policy 43 High quality development
Policy 44 Protection from environmental pollution
Policy 47 Resource efficiency
Policy 48 Adaptation
Policy 49 Mitigating flood risk

(Having regard to the NPPF, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013).

Supplementary Planning Guidance

Design in Central Bedfordshire
Central Bedfordshire Local Transport Plan: App. F, Parking Strategy

Planning History

New Reference: MB/94/00933/CC
Old Reference: TL 03200 37600
Location: Land To The Rear Of Russell House, Dunstable Street, Ampthill
Description: COUNTY COUNCIL: FORMATION OF 24 NO. PARKING SPACES ON DISUSED AREA OF LAND
Decision:
Date: 22/08/1994

New Reference: MB/93/00983/CC
Old Reference: TL 03300 37600
Location: Russell House, 14 Dunstable Street, Ampthill, MK45 2JT
Description: COUNTY COUNCIL: RECLADDING OF EXISTING WORKSHOPS AND INSTALLATION OF FIRST FLOOR
Decision:
Date: 15/10/1993

New Reference: MB/93/00841/FA
Old Reference: TL 03300 27600
Location: Russell House, 14 Dunstable Street, Ampthill, MK45 2JT
Description: FULL: EXISTING WORKSHOPS CLADDING TO BE REMOVED AND REPLACED WITH NEW COLOUR COATED STEEL AND NEW WINDOWS ETC. INCLUDING NEW FIRST FLOOR
Decision:
Date: 02/08/1993

New Reference: MB/92/01013/CC
Old Reference: TL 03200 37400
Location: Russell House, 14 Dunstable Street, Ampthill, MK45 2JT
Description: COUNTY COUNCIL: EXTERNAL RESURFACING AND PARKING IMPROVEMENTS
Decision:
Date: 01/12/1992

**Representations:
(Parish & Neighbours)**

Parish/Town Council

22/11/2013

Resolved: That the Town Council support the above application subject to:

- The applicant revisiting car parking spaces for the Care Home as we believe twenty spaces will not be enough for staff, healthcare visitors and residents' visitors. There is no off site parking available and therefore it is crucial that this development has sufficient parking on site to meet its proposed and future needs.
- Central Bedfordshire Council planners should look at both the Russell House and The Limes sites to safely manage vehicle movements in and out of the sites onto Dunstable Street which is already a heavily used road.

The Care Home should meet the standards of Central Beds Council's Older Persons strategy.

21/02/2014

Resolved: That the revised application be supported subject to:

- a) The supply of a northern elevation comparison drawing for the residents of Alameda House and 22 Dunstable Street if it is required.

b) The Town Council would like to be involved in the approval of the landscaping scheme as part of the reserved matters to ensure that the needs of the adjoining residents are considered.

c) The Town Council welcome the developer's consideration of boundary treatment options (i.e. landscaping and fence heights) for the benefit of Alameda House.

d) If it is possible for the developers to reduce the roof height to lessen the loss of light on 22 Dunstable Street this would be welcomed.

e) The Town Council would like to be involved in the discussions for the proposed Section 106 condition to provide or fund additional car parking spaces in Bedford Street.

Neighbours
Alameda House

Harm to residential amenity with regard to loss of light, loss of privacy, overbearing impact and light pollution. Building out of keeping with the conservation area and overly large.

No.22 Dunstable Street

Object to the overall height and massing of the care home and ask that this be reduced in order to mitigate impact; 2 rather than 3 storey would be more appropriate; Loss of light particularly in the winter months. Current view of the building is a varied roofscape whereas the proposed is a monotonous and significantly higher expanse of roof with taller chimney.

41 Alameda Road

Loss of well established trees; loss of privacy; increase in noise pollution; Plans do not reflect existing boundary with no.41; Removal of trees and ancient hedgerow pre-planning; Ecology should be taken into account; layout should be altered with similar properties backing on to similar properties on Alameda road; Russell House is of great historical value in keeping with the Georgian market town and should be retained.

43 Alameda Road

Disappointing that trees were felled prior to BS5837 tree survey. Consequently there is no record of the trees removed. Amenity has therefore been harmed by loss of established species; Support mix of large family homes and support view that there is no justification for imposing affordable housing; Demolition of Russell House would result in the loss of a heritage asset with Conservation area. Proposed building too large and dominant.

| | |
|------------------------------------|--|
| 45 Alameda Road | To maintain the development in keeping with adjacent dwellings we request that plots 10,11,12,13,14,15 (possibly16) are relocated to the south of the proposed access road; plots 2,3,4 (possibly 5) relocated to the north side of the access road. |
| Westover, Alameda Walk | Loss of light; loss of privacy; request the height of the building is limited in particular the north facing wings; remove 4th floor windows; shorten the length of wings |
| Apartment 13 The Limes (2nd floor) | Privacy will be severely affected due to the removal of existing trees and bushes leaving only 3 or 4 large trees with leaves only at 45-50 foot or 4 large trees. |

Consultations/Publicity responses

| | |
|---------------------------------|---|
| Environment Agency | No objection subject to conditions |
| Anglian Water | No objection subject to conditions |
| Public Protection | No objection subject to conditions |
| English Heritage | There would be harm to the significance of the conservation area, albeit less than substantial, which should be weighed against the public benefits as required by the NPPF paragraph 134. The decision making powers lie with your authority and as part of that process you must carry out this balancing exercise, however we have advised that we are 'not convinced the harm is justified by the public benefits of the proposal.' |
| Tree & Landscaping Officer | Comments to follow |
| Highway Officer | Comments to follow |
| Conservation and Design Officer | No objection subject to conditions |
| Housing Officer | Comments to follow |
| Archaeology | No objection |

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Conservation and design considerations
3. Trees & landscaping
4. Residential amenity
5. Parking and highway matters
6. Planning obligations and viability assessment
7. Other matters

Considerations

Human Rights issues

No significant issues raised

Equality Act 2010

No significant issues raised

1. Principle of development

The proposal site is within the settlement framework of Ampthill, which is a Major Service Centre, where new residential properties and care homes are acceptable in principle subject to compliance with the National Planning Policy Framework (2012) sections 7 & 12, Central Bedfordshire Core Strategy Development Management Policy DM3: High Quality Development, Policy DM4: Development within and beyond Settlement Boundaries and Policy DM13: Heritage and Central Bedfordshire Design Guide. Policy DM3 states:

Policy DM3: High Quality Development

- All proposals for new development, including extensions will:
- be appropriate in scale and design to their setting.
- contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.
- use land efficiently.
- use energy efficiently.
- respect the amenity of surrounding properties.
- enhance community safety.
- comply with the current guidance on noise, waste management, vibration, odour, water, light and airborne pollution.
- incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport.
- provide adequate areas for parking and servicing.
- provide hard and soft landscaping appropriate in scale and design to the development and its setting.
- incorporate public art in line with the thresholds determined by the Planning Obligations Strategy.
- ensure that public buildings are accessible for all, and comply with current guidance on accessibility to other buildings.
- respect and complement the context and setting of all historically sensitive sites particularly those that are designated.

The proposal site is also within the Ampthill Conservation Area. Development Management Policy DM13: Heritage in Development and section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2012) are of particular relevance to this proposal.

Development Management Policy DM13: Heritage states:

The Council will ensure that:

- Proposals for development relating to Listed Buildings and registered Parks and Gardens will pay particular attention to the conservation of local distinctive features and uses;
- Planning applications for development within Conservation Areas will be assessed against the Conservation Area appraisals and inappropriate development will be refused.

Policy DM4: Development Within and Beyond Settlement Envelopes states:

Within Settlement Envelopes, the Council will support schemes for community, education, health, sports and recreation uses or mixed community and other uses

where a need for such facilities is identified through the Infrastructure Audit or up to date evidence. Where no land is available within the settlement, a site adjacent to the settlement may be granted planning permission.

Such development should make the best use of available land and lead to more sustainable communities. Within the Settlement Envelopes of both Major and Minor Service Centres, the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement, taking account of its role as a local service centre.

National Planning Policy Framework 2012 Chapter 12 - Conserving and enhancing the historic environment

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Central Bedfordshire Together - Sustainable Community Strategy 2010-2031

The applicant refers to *Central Bedfordshire Together - Sustainable Community Strategy 2010-2031* in which is set out a priority for supporting and caring for an aging population and those who are most vulnerable. An increasing demand for care provision would be addressed by integrating care and support to people

with dementia and their carers...'. *Delivering your priorities - Our plan for Central Bedfordshire 2012-2016* reflects this in the priority 'Promoting health and wellbeing and protecting the vulnerable'. An expanded social care market that provides choice is envisaged and dementia care is a focus for support. Policy 31 of the emerging Development Strategy directly supports this proposal as it not only provides appropriate accommodation for an ageing population but is in a sustainable location and has a flexible range of services.

2. Conservation and design

Russell House is a late Victorian/early Edwardian two-storey building located within Ampthill Conservation Area and adjacent to the Grade II listed The Limes (former Mid Beds Council Offices) and in close proximity to No.10. The main block is an attractive asymmetrical building which retains many details. This block has heritage value for its architectural qualities and is a fairly prominent building on Dunstable Street. It has been identified as an undesignated heritage asset which makes a positive contribution to the character and appearance of the Conservation Area as highlighted in the 2013 Conservation Area Appraisal.

Proposed Carehome

The scale of the proposed rear and side wing is relatively large and the massing and bulk of the proposed buildings in total is considerable, which is emphasised by the deep plan form and wide spans; although the scale and massing of the former Council Offices - The Limes - to the south of the application site is similar. Although the overall size of the building is substantial, this does not detract from the high quality of the design, materials and detailing and it would not appear excessively large or incongruous in the streetscene/conservation area. Existing and proposed landscaping will aid in softening the appearance of the building.

English Heritage have stated that, 'there would be harm to the significance of the conservation area, albeit less than substantial, which should be weighed against the public benefits as required by the NPPF paragraph 134. The decision making powers lie with your authority and as part of that process you must carry out this balancing exercise, however we have advised that we are 'not convinced the harm is justified by the public benefits of the proposal.'

Russell House has been empty for many years and it appears that there was substantial vandalism and theft including lead and water tanks from the roof. English Heritage have queried whether willful neglect of the building has taken place, which would give weight to the retention and restoration of the existing building.

Evidence has been submitted with the application that indicate the poor state of the building when purchased from the Council in 2012. There is no substantive evidence to suggest that the applicant has willfully neglected the building and it would appear that damage to the structure has taken place over the last 8 years. Indeed, the site was not secure until hoarding was erected by the applicant.

The quality of replacement building and public benefits of the carehome should be weighed against the harm of loss of the existing building which is identified as an 'important building' within the Conservation Area. It is considered that the combination of the high quality design and the clear public benefits from the carehome spaces identified in '*Delivering your priorities - Our plan for Central*

Design of the 16 dwellings to the rear of the site

The design of the proposed 16 dwellings are also considered to be high quality. The design is Georgian in character with classical proportions which is in-keeping with character of Ampthill and its Conservation Area. The dwellings would be accessed via a private driveway to the rear of the carehome and would not be widely viewable to public views.

Trees and landscaping

3. A Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan and landscape strategy have been submitted with the application. A number of consultation responses from adjoining neighbours raised concern that a number of trees had been removed prior to a planning application being submitted which had detrimentally affected the site and its screening.

The Tree & Landscape Officer's comments are to follow this report.

4. Residential amenity

It is considered that the proposed development would not unduly harm the residential amenity of adjoining neighbours with regard to loss of light, loss of privacy or overbearing impact.

Alameda house

Alameda House is the closest property to the existing buildings and is orientated side-on to the application site with its front elevation facing east (with garden area, parking and turning to the front) and garden area to the rear. The main habitable room windows face east and west. A habitable room window on a front projecting element faces the application site.

The existing buildings adjacent to Alameda House include a 3-storey side extension to the main house approximately 8m from the boundary and a steel clad rear extension sited approximately 5 & 8m from the shared boundary measuring approximately 5.2m to eaves and 9.5m to ridge height.

The proposed building elements adjacent to the shared boundary would include two projecting wings. The closest to the main house being a flat roofed 2-storey wing (reduced from 3-storey) approximately 4-6m from the boundary measuring 6.1m in height (a 3-storey element is set back a further 10.75 - 13.5m). The western wing is 2-storey and is located approximately 4-6m from the boundary approximately 13m from the rear elevation of Alameda House, measuring 5.6m to eaves and 8.3m to ridge height (with hipped gable).

The shared boundary between the proposal site and Alameda House is characterised by mature evergreen tree, holly and laurel hedgeline which provides good screening between the side and rear of Alameda House. To the front of Alameda House there is an existing brick wall (with workshop building on the proposal site). Visualisations and elevation comparisons have been

submitted to indicate the differences between the existing buildings and proposed building.

The existing 3-storey side extension has an impact on the property in terms of dominance and its removal would clearly be an improvement. The owners of Alameda House are however concerned about the overbearing impact of the new elements on their property and a loss of light.

Given the range of existing buildings, the orientation of the two proposed buildings i.e. predominantly side-on, the separation between the 3-storey element and Alameda House, the existing landscaping (to be protected during construction) and the proposed landscaping strategy, it is considered that there would be no undue harm to the amenity of Alameda House. The separation distance (26m) between the Alameda House's habitable room and the eastern wing is sufficient to ensure that its amenity in terms of overbearing impact would not be unduly harmed. Although there would be some loss of light during winter months this is not considered to be unduly harmful.

No.16 & 22 Dunstable Street

There is sufficient separation distance between the proposed carehome and 16 & 22 Dunstable Street (18 & 36m respectively) to ensure that there would be no undue loss to amenity with regard to overbearing impact. The separation distance combined with the location of windows would ensure that there would be no undue loss of privacy.

The owner of no.22 has raised concern that they would suffer a loss of light during the winter which is indicated on the submitted solar study. While it is accepted that there would be loss of light during winter months it is considered that this would not be unduly harmful.

No's 39-45 Alameda Close

The separation distances of the plots 8 - 15 are sufficient, combined with existing and the proposed landscaping strategy, to ensure that there would be no undue harm to the amenity of no's 39-45 in terms of overlooking, loss of light or overbearing impact

The Limes and consented site to the west

The separation distance between The Limes, the consented scheme to the west of the Limes and the proposed carehome and plots 1- 6 are sufficient to ensure there would be no undue harm. Additional planting/screening on the southern boundary will reduce potential overlooking.

5. Parking and highway matters

The site has two existing in-out accesses from Dunstable Road which would be retained for use by the carehome and proposed residential development, with an improved and lengthened access road located adjacent to the southern boundary leading down the site to the proposed housing area.

The Town Council has also requested that it be consulted with on the s106 new parking within Ampthill Town Centre. The applicant has proposed a contribution towards new parking provision (see above).

Recommendation

To authorise the Head Director Development Management to issue the grant of PERMISSION subject to planning conditions outlined in this report and the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure contributions towards infrastructure, affordable housing (subject to viability) and a landscaping scheme and management plan.

RECOMMENDED CONDITIONS

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

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

- 2 Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.

Reason: To protect the amenity of adjoining neighbours

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

Reason: To protect the amenity of adjoining neighbours

- 4 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or**

are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

**Reason: To ensure a satisfactory standard of landscaping.
(Policy DM3).**

- 5 **Before development begins, a tree protection plan shall be submitted to an agreed in writing by the Local Planning authority. The agreed shall thereafter be implemented in full and the tree protection shall remain in place until the development has been completed.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.
(Policy DM3)**

- 6 **Before development/work begins and notwithstanding the details submitted with the application, details of the materials to be used for the external windows, doors, walls, roofs, rainwater goods, railings and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development/work shall be carried out only in accordance with the approved details.**

**Reason: To ensure that the development/work is in keeping with the existing building.
(Policy DM3 & 13)**

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

**Reason: To ensure that the development/work is in keeping with the existing building
(Policy DM3 & 13)**

- 8 **Before development begins, a scheme for screen walling and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

**Reason: To safeguard the amenity of the area and to preserve and enhance the character and appearance of the Conservation Area.
(Policy DM3 & DM13)**

- 9 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

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

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 11 Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line

with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

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

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2012/29 - 25 J, 2012/29, 2012/29 26b, 2012/29 - 27b, 2012/29 - 28b, 2012/29 - 29a, 2012/29 - 30b, 2012/29 -31a, 2012/29 - 32b , 2012/29 - 33a, 2012/29 - 34b, 35 Revision D, 101 Revision E, 220 Revision 3, 221 Revision 3, 222 Revision 3, 223 Revision 4, 224 Revision 4, 302 Revision K, 305 Revision C, 3375-D Revision B, 202 Revision G, 203 Revision F, 200 Revision H, 201 Revision G, 302 Revision K, 30 Revision A 5683 Sketch (B), 1206-400A, 1206-402A, 1206-404 & 28-01-14 Revision A. .

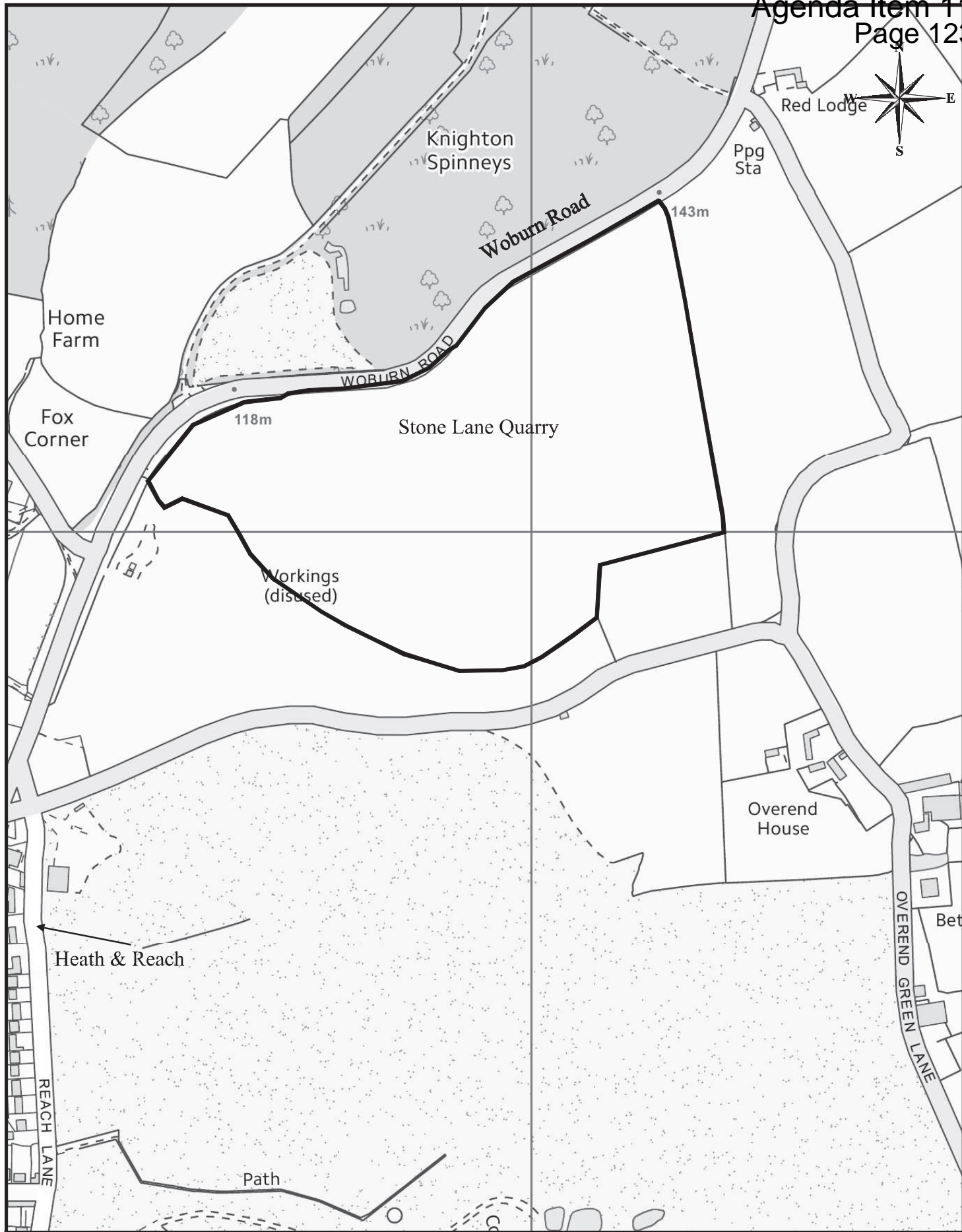
Reason: For the avoidance of doubt.

Notes to Applicant

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

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.



Title:
Variation of condition 9 of planning
permission BC/CM/2008/27 to increase HGV
movements from 110 to 150 per day.

Date: April 2014
Scale: 1:5000
CB/13/04006/MW

Roy Romans
Team Leader
(Minerals & Waste)
Priory House
Monks Walk
Chicksands
Tel: 0300 300 6039



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| Item No. 11 |
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|--|---|
| APPLICATION NUMBER | CB/13/04006/MW |
| LOCATION | Stone Lane Quarry, Woburn Road, Heath And Reach |
| PROPOSAL | Variation of condition 9 of planning permission BC/CM/2008/27 to increase HGV movements from 110 to 150 per day. |
| PARISH | Heath & Reach |
| WARD | Heath & Reach |
| WARD COUNCILLORS | Cllr Versallion |
| CASE OFFICER | Georgina Toye |
| DATE REGISTERED | 06 December 2013 |
| EXPIRY DATE | 07 March 2014 |
| APPLICANT | Arnold White Estates Ltd |
| AGENT | Hives Planning Limited |
| REASON FOR COMMITTEE TO DETERMINE | Parish Council objection |
| RECOMMENDED DECISION | That Planning Permission be granted subject to conditions laid out below |

Site Location:

Stone Lane Quarry is located approximately 100m north of the Village of Heath and Reach, and 900m south of the A5 Trunk Road. Kings Wood SSSI lies approximately 40m to the north west of the site with Stockgrove Country Park 500m to the west. There is one listed building approximately 200m south west and the site is bounded by foot path 2

The access to the site is gained directly from Woburn road that links the A5 to Heath and Reach village. Fox Corner quarry lies opposite the site whose access is from Woburn road.

The Application:

Stone Lane Quarry is currently undergoing restoration by the importation of inert material to raise the land to pre extraction levels as permitted on 6th January 2012. The site will then be landscaped in accordance with the approved landscaping plan. The applicant propose to vary condition 9 to increase the daily number of HGV movements so that they can expedite the infilling of the remaining void. The applicant states that this will also reduce the time of any environmental impacts that the operations may cause and the land will be utilised for beneficial uses sooner.

Condition 9 of planning permission BC/CM/2008/27 states

Unless otherwise approved in writing by the local planning Authority, there shall not be more than 110 HGV movements entering and exiting the site in anyone working day (pro rata for part days)

The applicant proposes to vary this to:

Unless otherwise approved in writing by the local planning Authority, there shall not be more than 150 HGV movements entering and exiting the site in anyone working day (pro rata for part days)

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (NPPF) Green Belt paragraphs 87 and 88

Bedford Borough, Central Bedfordshire and Luton Borough Councils: Minerals and Waste Local Plan (January 2014)

Policy MWSP3 - Determination of Planning Applications,

Saved General and Environmental Policies of the Bedfordshire and Luton Minerals and Waste Local Plan 2005.

GE1 - Matters to be addressed

GE5 - Protection of the Green Belt

GE18 - Disturbance

GE23 - Transport: suitability of the local road network

Planning History

| | |
|------------------|---|
| BC/CM/2008/27 | Application import inert materials to restore Stone Lane Quarry. Approved |
| CB/13/02353/MWNM | Non material Amendment to condition 1 of planning permission BC/CM/2008/27 to allow for the instillation of a tyre squeezer. Approved |
| CB/14/00315/MWNM | Non Material Amendment to amend phasing plans approved under condition 4 of planning Permission BC/CM/2008/17. Approved. |

**Representations:
(Parish & Neighbours)**

| | |
|---------------------------------|--|
| Leighton Linlade Parish Council | No comments have been received. |
| Heath and Reach Parish Council | Object to the proposal unless: <ul style="list-style-type: none"> • The mechanical cleaning of Woburn Road improves. • The speed limit from the A5 to Heath and Reach Village is dropped to 40mph. • Permanent reflective signage is erected along Woburn Road. • Vehicles entering the site are given priority over those leaving the site. • All vehicles from all quarries in the village to be taken into consideration. • Because of the excessive speed of HGV's on Woburn Road tachographs are inspected. |
| Neighbours | The planning application was publicised in accordance with Article 8 of the Town and Country Planning (General Development Procedures) Order 1995, comprising an advertisement in a local newspaper and the display of a site notice. No response was received. |

Consultations/Publicity responses

| | |
|-----------------------|--|
| Cllr Vasillion | No comments have been received |
| Highways DC | Do not object to the proposal. |
| Highways Agency | Do not object to the proposal as it will not adversely affect the A5 at this location. |
| Environment Agency | Has no comments to make. |
| The Greensand Project | No comments have been received |

Determining Issues

The main considerations of the application are;

1. Green Belt
2. If the increased HGV movements will cause a disturbance to near by sensitive receptors.
3. If the increased HGV movements will have a detrimental effect on highway safety

Considerations

The development plan comprises the Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Local Plan: Strategic Sites and Policies (MWLPSSP) (adopted January 2014). The saved General Environmental Policies in the Bedfordshire and Luton Minerals and Waste Local Plan 2005 and the saved policies in the South Bedfordshire Local Plan Review 2004 (SBLP). National guidance can be found within the National Planning Policy Framework (NPPF). Therefore, the applicable policies in this case are the NPPF Paragraph 9 - Green Belts, Policy MWSP3 - determination of Planning Applications, MWLP Policy GE1 - Matters to be addressed, GE5 - Protection of Green Belt Land, Policy GE18 - Disturbance and Policy GE 23 - Transport: suitability of local road network.

1. Green Belt

Stone Lane is located within the South Bedfordshire Green Belt and was previously a quarry which is now undergoing restoration by the importation of inert waste to raise ground levels permitted under planning permission BC/CM/2008/27. Therefore the principle use of the site for landfill has already been established. The increase in HGV movements will help to ensure that the restoration to be completed at an earlier date. The variation sought is not considered to be inappropriate development in the Green Belt.

2. Disturbance

The purpose of MWLP Policy GE18 is to minimise disturbance from waste operations which can at times be intrusive and cause disturbance. This can be by noise, dust, litter odour, illuminations and vibration. Therefore the impact of any anticipated disturbances must be reduced as far as practicable and the proposal outweighed by other planning benefits. The main consideration arising from the proposal is mud and debris being deposited on to the highways from lorries exiting the site.

Health and Reach Parish Council has expressed concerns with the road

conditions along Woburn Road and requested a site visit for two parish councillors to see the wheel wash facilities. Although the parish council were satisfied with the wheel wash facilities on site, concerns were raised regarding the film of material that appeared to be left by HGV's on Woburn Road. In response to this the applicant agreed make the HGV wait on the site for 1 minute to allow water from the lorries to drip before entering on to the highway in addition to mechanically sweeping the road. The officers and parish councillors are satisfied with these arrangements and therefore it is concluded that the proposal accords with MWLP Policy GE 18.

3. Transport

MWLP Policy GE23 states that where access to a proposed development site can only be achieved by road the Local Planning Authority will only grant permission if the material is capable of being transported to and from sites via the strategic highway network. The suitability and capacity of available access routes must be taken into account. Proposals which use significant lengths of unsuitable roads to gain access to the strategic highway network will not be permitted, unless suitable improvements can be agreed with the developer.

It is considered that Woburn Road is the main link between Heath and Reach Village to the A5. The authority's Highways DC Team were made aware of the Parish Council's objection and their concerns. Nevertheless the Highways Team do not object to the application. Stone Lane access can accommodate some queuing inside the site and the Highways Team have not commented that they are concerned with potential queuing outside the entrance with the proposed increase of numbers. The access is also wide enough to accommodate both incoming and outgoing HGV's without the need for prioritising.

The Parish Council have requested in their comments that all vehicles from all of the quarries within the Heath and Reach area should be taken into account. However under planning permission BC/CM/2008/17 a condition prohibits HGVs from turning left at the access to go through the village. Further more there is a lorry weight restriction in force to stop through traffic to and from Leighton Buzzard. Therefore the current and proposed HGV numbers will not have an impact on the built up area of the village and an over all assessment of all vehicles from quarries is not warranted for this proposal.

It is therefore considered that the proposed increase of 40 HGV movements per day is unlikely to have a significant detrimental effect on the local highway and therefore accords with MWLP Policy GE23.

The proposed condition to be varied contains the phrase 'Except as may be approved in advance and in writing by the Local Planning Authority'. This is commonly referred to as the tailpiece to the condition. Case law that has emerged subsequent to the 2002 permission makes clear that allowing for material changes to a planning permission by negotiation with the council, in effect sidestepping the formal planning process and the need for consultation is likely to be unlawful¹. In order to render the condition lawful, it is necessary to delete the 'tailpiece'.

Equality Act

¹ R(Warley) v Wealdon DC [2011] EWHC 2083 (Admin) and R (Mid Counties Co-operative Ltd) v Wyre Forest DC [2009] EWHC 964 (Admin) (see ID 38 and 39), the latter case flowing from Henry Boot Homes Ltd v Bassetlaw DC [2002] EWCA Civ 2003, [2003] 1 P and CR23

The Equality Act 2010 came into force on 1st October 2010 and has effect of making it lawful to discriminate against people who are disabled or associated with a disabled person. The Act sets out the Equality Duty which public bodies must fulfil when carrying out their functions. It is considered that determination of the proposal has no impact on equalities.

Human Rights

It is considered that no human rights implications arise from the proposal and the decision to grant permission.

Conclusion

It is considered that the impact of the waste facility on the Green Belt was substantively assessed when granting Planning Permission BC/CM/2008/17.

It is considered that the increase of HGV movements will not cause any further significant disturbance and the proposal accords with MWLP Policy GE18.

The Highways Authority do not object to the planning application and do not request that Woburn Road has additional signage or the speed limit lowered. It is not considered necessary to evaluate all vehicles from all the quarries under this proposal as HGVs from Stone Lane do not enter the village of Heath and Reach. The access to Stone Lane quarry is of a sufficient width that incoming and out going HGV's can pass one another safely. The access is also long enough to accommodate some queuing of HGVs within the site and no HGVs have currently had cause to queue outside the site. The site also has a CCTV camera with live feed that the Local Planning Authority can use to monitor the entrance of the site on a regular basis. Therefore it is considered that the proposal accords with MWLP Policy GE23.

Recommendation

That Planning Permission be granted subject to the following conditions:

- 1 Planning permission shall extend to the area edged with a thick black line on the attached plan reference BC/CM/2008/27-1. The development shall be carried out in accordance with the planning application dated 29th August 2008 and the accompanying supporting information contained within the Hives Planning Document entitled 'Planning Application submission and Environmental Statement in Support of the Proposal To Restore Stone Lane Quarry to Pre-Extraction Ground Levels Through the Importation of Inert Waste Material' as supported and amended by further information dated 31st October 2008, 4th December 2008, 9th April 2009, and 11th August 2009, the Non material Amendment reference CB/13/02353/MWNM dated 1st July 2013 as amended on the 11th July 2013, and the subsequent Planning application for the variation of condition 9 dated 12th November 2013 amended on the 5th December 2013.

Reason: To define the permission and allow for minor amendments.

- 2 The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

Reason: To comply with section 51 of the Town and Country Planning Act.

- 3 The waste operations hereby permitted shall cease on, or before the 21st January 2023 this date being ten years from the date of commencement of waste development. The restoration of the site, excluding the aftercare requirements, shall be completed within a further year and in accordance with the detailed approved scheme for restoration.

Reason: To ensure the development is completed within an acceptable timescale (Policy GE26 of the MWLP)

- 4 Except for such modification as may be approved in writing by the Local Planning Authority, the site shall be worked in seven phases as show on Plan no. 02250/001 to 02250/007 and subsequent phases shall not proceed without the written consent of the Local Planning Authority, which shall be dependant on the progress in the restoration of the previous phases, in accordance with the approved scheme.

Reason: To ensure a high standard of development and restoration of the site (MWLP Policy GE26)

- 5 The visibility splay as constructed shall be maintained at all times in accordance with the scheme approved by letter on 19th December 2012 under reference CB/12/03127/MWS at all times.

Reason: In the interest of highway safety (MWLP Policy GE23)

- 6 No HGVs exiting the site access onto the public highway shall turn left out of the site.

Reason: To ensure that HGV's do not travel through the village of Heath and Reach and in the interest of highway safety (MWLP Policy GE23)

- 7 No waste shall be delivered to the site unless the wheel wash and the wheel shaker shown on drawing no. 2007.2576.001 Rev B have been installed and operational. The tyre squeezer shall be installed and operational at all times in accordance with Sketch number BC/CM/2008/27/1 and Drawing number 01892/0031 approved by letter under reference CB/13/02353/MWNM. No HGV exiting the site shall do so without first passing over the wheel cleaning facilities. All practicable measure to keep Woburn Road clear of mud and debris shall be taken at all times.

Reason: To maintain safe highway conditions in the interest of highway safety (MWLP Policy GE23).

- 8 The existing sign located at the entrance of the site directing HGVs to turn right out of the site must be kept in accordance with the scheme approved by letter on the 26th October 2012 under reference CB/12/03130/MWS. The sign shall be maintained for the duration of the use of access for the purpose hereby permitted and removed thereafter.

Reason: To ensure that HGVs do not travel through the village of Heath and Reach in the interests of highway Safety (MWLP Policy GE23)

- 9 Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than 150 HGV Movements entering and exiting the site in any one working day (pro rata for part days)

Reason: To restrict throughput capacity at the site and in the interests of highway safety MWLP Policy GE23.

- 10 A record of daily HGV movements shall be maintained on site at all times and submitted to the Planning Authority at the end of every six month period from the beginning to the conclusion of operations. The record of daily HGV movements shall also be made available for inspection by the local Planning Authority within 7 working days of any written request.

Reason: To enable monitoring of other planning conditions

- 11 The access gates to the site shall not be closed during operational hours.

Reason: In the interests of highway safety MWLP Policy GE23.

- 12 The monitoring of the site entrance by CCTV camera shall be carried out in accordance with the scheme dated 6th November 2012 as approved under reference CB/12/03131/MWS.

Reason: To allow the monitoring of traffic movements and the condition of the site entrance and public highway.

- 13 Hours of operations

Unless otherwise approved in writing by the Local planning Authority, No operations authorised or required under this permission shall take place on site except between the hours of 07:00 and 18:00 Monday to Fridays. There shall be no operations on site on Saturdays, Sundays and Bank Holidays.

Reason: to minimise disturbances to nearby residential properties and to protect the amenities of the surrounding environment MWLP Policy GE18

- 14 No deposit of waste shall take place except in accordance with the scheme for marking the limits of waste disposal as approved by letter on the 21st November 2012 under reference CB/12/03132/MWS. The markers shall remain in place for the life time of operations.

(Reason: To define the limits of the permission and allow for monitoring of other planning conditions)

- 15 The provision of protective fencing for the sensitive historic ridge and furrow areas during the landfilling process shall be carried out in accordance with the scheme approved by letter on the 29th October 2012 under reference CB/12/03133/MWS. The fencing shall be erected before landfilling takes place in Phase 6 of operations.

Reason: To protect archaeological features MWLP Policy GE14

- 16 Environmental Protection

No waste other than solid inert waste material shall be deposited on the site.

Reason: to prevent the possible contamination of the groundwater and protect the amenities of neighbouring properties MWLP Policy GE 17

- 17 No subsoils or topsoils shall be spread, unless and until a topographical survey of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: to provide for a satisfactory and orderly method of working and eventual restoration of the site MWLP Policy GE 26

- 18 The control and monitoring of dust shall be carried out in accordance with the scheme approved by letter on the 26th October 2012 under reference CB/12/03134/MWS. The results of the dust monitoring shall be submitted to the Local Planning Authority in accordance with this scheme.

Reason: to protect local amenity MWLP Policy GE 18

- 19 Surface water drainage shall be carried out in full accordance with the scheme approved by letter on the 6th November 2012 under reference CB/12/1315/MWS.

Reason: To prevent the possible contamination of groundwater and of flooding MWLP Policy GE17 and GE19.

- 20 The monitoring and control of noise shall be carried out in full accordance with the scheme approved by letter on the 6th November 2012 under reference CB/12/03368/MWS.

Reason: To minimise disturbance to nearby sensitive receptors by reason of noise MWLP Policy GE 18

21 Erection of buildings, plant, machinery

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Orders, detailed proposals of any new or replacement buildings, fixed plant and machinery to be erected shall be submitted to the Local Planning Authority for approval in writing and the details shall be implemented as approved.

Reason: To enable the Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area MWLP Policy GE 9 and GE18.

22 All external lighting shall be installed in accordance with the scheme approved by letter on the 6th November 2012 under reference CB/12/3137/MWS.

Reason: To protect the amenities of the area)MWLP Policy GE 18

23 Restoration and aftercare

Restoration of this site shall be carried out in strict accordance with the scheme approved by letter on the 23rd November 2012 under reference CB/12/03138/MWS.

Reason: To ensure a satisfactory restoration of the site MWLP Policy GE26

24 The five year aftercare and management of the restored land shall be carried out in strict accordance with the scheme approved by letter on the 23rd November 2012 under reference CB/12/03139/MWS

Reason: To provide for the satisfactory restoration of the site MWLP Policy GE 27 of the MWLP

25 An Annual Environmental Monitoring Report for operations hereby permitted shall be submitted to the Local Planning Authority by 30 June each year covering preceding financial year (1 April to 31 March). The report shall contain the following;

- a. A statement of operations over the past year, to include noise, traffic, rates of processing, progress on restoration;
- b. Identification of any problems caused by these operations and action taken to address these;
- c. A statement of future planned operations over the next year;
- d. Identification of any potential problems which could be caused by future operations and the action to be taken to address these;
- e. quantities of waste imports, and amount of void space remaining;

Reason: The safeguard the amenities of the surrounding area and to assist the Local Planning Authority in the forward planning process

Notes to Applicant

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning Permission has been granted for this proposal. The Council acted pro-actively through the positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (development Management procedure) (England) (amendments No.2) order 2012.

Reasons for Granting

It is considered that the impact on the Green Belt has already been substantively assessed under planning permission BC/CM/2008/17 and that the proposal of an increase of 20 HGV movements per day is unlikely to have any impact on the openness of the Green Belt.

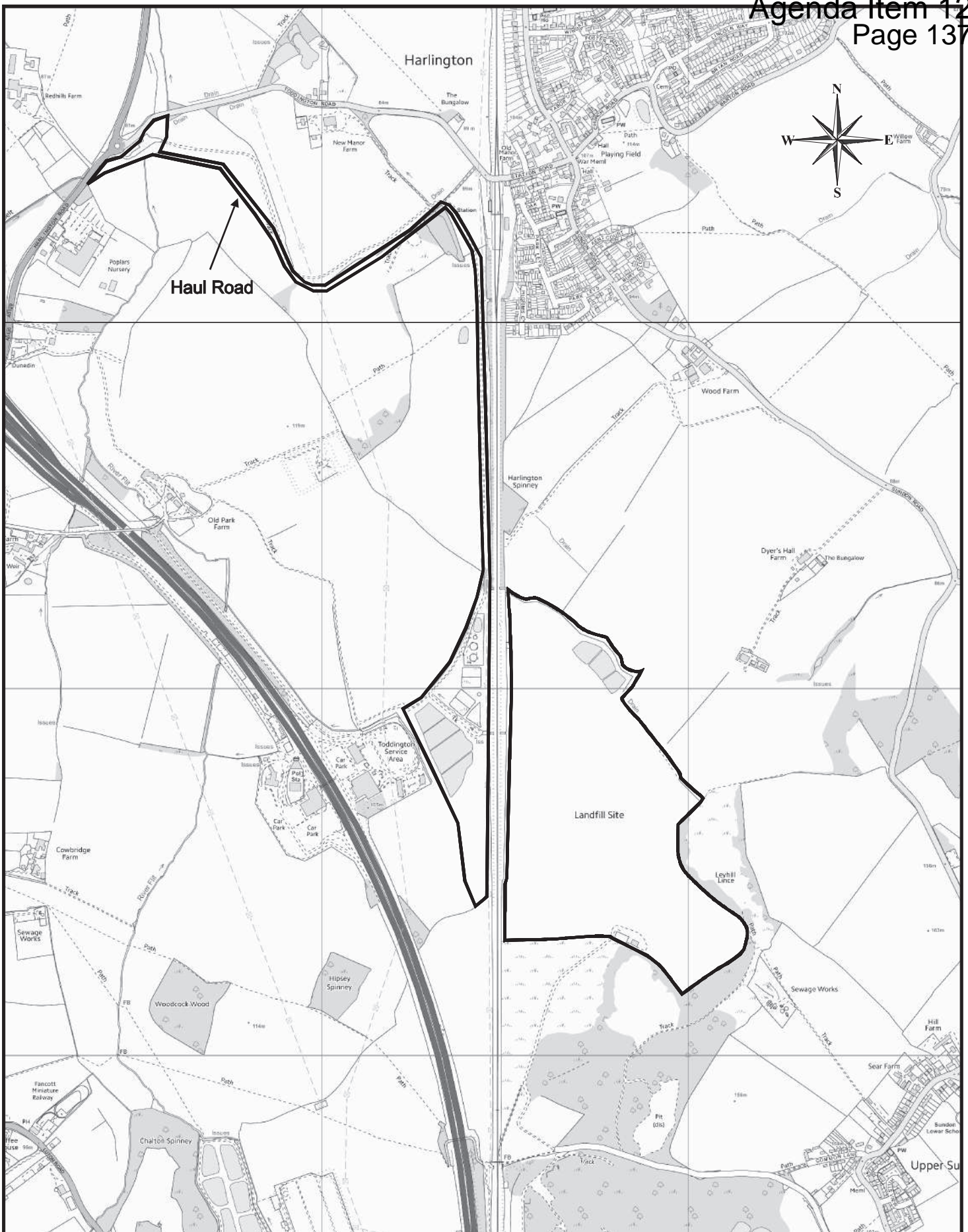
The applicant currently has 1 wheel washes on site, a tyre squeezer at the lower part of the site and a wheel wash at the access of the site. However in response to the parish councillors comments during a meeting the site is now operating a dwell time of 1 minute to avoid any mud film on Woburn Road. It is considered that the increase of HGV movements will not cause any further disturbances and the proposal accords with MWLP Policy GE18.



The Highways Authority do not object to the planning application and do not request that Woburn Road has additional signage or that the speed limit lowered from the A5 to the village. It is not considered necessary to evaluate all vehicles from all the quarries under this proposal as HGVs from Stone Lane do not enter the Village of Heath and Reach. Other concerns included the access to Stone Lane quarry and possible stacking of HGVs on Woburn Road. The access is of a sufficient width that incoming and out going HGV's can pass one another without prioritising incoming HGVs. The access is also long enough to accommodate some stacking of HGVs within the site and no HGVs have currently had cause to stack out side the site. The site also has a CCTV camera with live feed that the Local Planning Authority can look at to monitor the entrance of the site on a regular basis. Therefore it is considered that the proposal accords with MWLP Policy GE23.

DECISION

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| <p>Title: Variation of condition 17 of planning permission CB/12/03266/MW to permit an increase in the numbers of HGVs entering the site from 111 to 175</p> | <p>Date: April 2014</p> | <p>Roy Romans Team Leader (Minerals & Waste) Priory House Monks Walk Chicksands Tel: 0300 300 6039</p> |   <p>Central Bedfordshire Council and Bedford Borough Council working together</p> |
| | <p>Scale 1:15000</p> | | |
| | <p>CB/14/00134/MW-1</p> | | |
| <p><small>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright.. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Central Bedfordshire Council. Licence No. 100049029 (2014)</small></p> | | | |

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| Item No. 12 |
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|--|---|
| APPLICATION NUMBER | CB/14/00134/MW |
| LOCATION | Sundon Landfill Site, Common Lane, Sundon, Luton, LU3 3PF |
| PROPOSAL | Variation of condition 17 of planning permission CB/12/03266/MW to permit an increase in the number of HGVs entering the site from 111 to 175 per day. |
| PARISH | Toddington |
| WARD | Toddington |
| WARD COUNCILLORS | Cllrs Costin & Nicols |
| CASE OFFICER | Georgina Toye |
| DATE REGISTERED | 24 January 2014 |
| EXPIRY DATE | 25 April 2014 |
| APPLICANT | Central Bedfordshire Council |
| AGENT | |
| REASON FOR COMMITTEE TO DETERMINE | Parish Council Objection |
| RECOMMENDED DECISION | That Planning Permission be granted subject to the following: |

Site Location:

The site lies within Green Belt land and is bounded to the south by Sundon Chalk Pit County Wildlife Site. The village of Harlington lies approximately 700 metres to the north with the village of Upper Sundon approximately 500 metres to the south. Sundon Hills Country Park lies approximately 1km to the east and a grade 2 listed building (Hill Farm House) approximately 400 metres to the east. Access is gained from the A5120 via a roundabout.

Sundon Landfill is operated by a contractor under the direction of the Council's as a Waste Disposal Authority. It is the contractor's responsibility to ensure suitable material is brought on to site for restoration.

The Application:

Currently Sundon Landfill is undergoing final restoration with permission until the 30th September 2017. The applicant suggests that as of the 1st October 2013 there was approximately 230,000m³ of material left to be imported.

The operator is reliant on the development market to provide the types of material suitable for restoration and can often receive limited notice when large quantities will be available. Previously the Planning Authority allowed a temporary increase in the number of HGVs from 111 movements to 175 movements per day entering the site in order that one of these large contracts could be accommodated.

The applicant is now anticipating that several large contracts will be available in the forthcoming year which will provide the site with suitable soils and progress the

restoration at a quicker rate.

Therefore the applicant seeks to vary condition 17 of planning permission CB/12/03266/MW which states:

Except as may be approved in advance and in writing by the Local Planning Authority the maximum number of heavy goods vehicles movements to and from the site in any one day shall be as follows:

Monday to Friday (inclusive): 111 Movements each way (222 total Movements)
Saturday : 50 Movements each way (100 total movements)

A log of daily heavy goods vehicle movements shall be maintained and made available to the Local Planning Authority for inspection within seven days of written request.

To:

Except as may be approved in advance and in writing by the Local Planning Authority the maximum number of heavy goods vehicles movements to and from the site in any one day shall be as follows:

Monday to Friday (inclusive): 175 Movements each way (350 total Movements)
Saturday : 50 Movements each way (100 total movements)

A log of daily heavy goods vehicle movements shall be maintained and made available to the Local Planning Authority for inspection within seven days of written request.

RELEVANT POLICIES:

National Planning policy Framework (NPPF)

Green Belt Section 9

Central Bedfordshire and Luton Borough Councils Minerals and Waste Local plan: Strategic Sites and Policies adopted January 2014,

Policy MWSP3 - Determination of Planning Applications

Saved General and Environmental Policies of the Minerals and Waste Local Plan 2005.

GE5 - Protection of Green Belt Land

GE18 - Disturbance

GE23 - Transport: suitability of local road network.

Planning History

SB/TP/76/1017

May 1991

10/1995

19/2002

CB/12/03266/MW

Infilling of 41 HA of a used Chalk Quarry with refuse

Extension to Sundon Landfill

Installation of electricity generation plant, flare and substation

Capping and restoration works

Proposal to vary condition 9 and 18 to allow for an extension of time.

**Representations:
(Parish & Neighbours)**

| | |
|---------------------------|---|
| Sundon Parish Council | No comments were received |
| Harlington Parish Council | Do not object but have seen lorries entering the village from Sundon Road. |
| Toddington Parish Council | Object to the proposal and require to see no disruption to the village. The Parish Council would like to see it in writing that 100%% of these vehicles will be going to and from the site via the M1 Junction 12. |
| Neighbours | The planning application was publicised in accordance with Article 8 of the Town and Country Planning (General Development Procedures) Order 2010, comprising an advertisement in a local newspaper and the display of a site notice. No response was received. |

Consultations/Publicity responses

| | |
|-----------------------|--------------------------------|
| Environment Agency | Have no comments to make |
| CBC Public Protection | Has no objections |
| Highways Agency | Do not object to the proposal. |
| CBC Highways | Do not object to the proposal. |

Determining Issues

The main considerations of the application are;

1. Green Belt
2. If the proposal will cause disturbances to nearby sensitive receptors
3. If the proposal will cause a detrimental impact on the highway.

Considerations

The development plan comprises the Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Local Plan: Strategic Sites and Policies (MWLPSSP) (adopted January 2014), the saved General Environmental Policies in the Bedfordshire and Luton Minerals and waste Local Plan 2005 and the saved policies in the South Bedfordshire Local Plan Review 2004 (SBLP). National guidance can be found within the National Planning Policy Framework (NPPF). Therefore, the applicable policies in this case are the NPPF Paragraph 9 - Green Belts, Policy MWSP3 - determination of Planning Applications, MWLP Policy GE1 - Matters to be addressed, GE5 - Protection of Green Belt Land, Policy GE18 - Disturbance and Policy GE 23 - Transport: suitability of local road network.

1. Green Belt

Sundon Landfill is located within the South Bedfordshire Green Belt and was previously a Landfill site which is now undergoing final restoration by the importation of inert waste. Therefore the principle use of the site has already

been established. The increase in HGV movements will help to ensure that restoration will be completed at an earlier date. The variation sought is not considered to be inappropriate development in the Green Belt.

2. Disturbance

The purpose of MWLP Policy GE18 is to minimise disturbance from waste operations which can at times be intrusive and cause disturbance. This can be by noise, dust, litter odour, illuminations and vibration. Therefore the impact of any anticipated disturbances must be reduced as far as practicable and the proposal outweighed by other planning benefits. The main considerations arising from the proposal is mud and debris depositing on to the highways from lorries and dust.

Almost all of the HGVs that deliver to the site arrive from the M1 Junction 12 and therefore do not pass through any local villages in the area. The site does have a wheel wash which is positioned so that all HGVs have to pass through it before leaving the site. Further to this if the main road is found to have debris on it then a mechanical road sweeper is deployed to remove any material. To control and minimise dust, all vehicles are sheeted unless they are tipping and hauls roads and operational areas that have the potential to cause dust are dampened down. The haul road has a 10mph speed limit which also helps to minimise dust as HGVs move along it. There have been no dust issues reported to the Planning Authority in the past. With the measures above it is unlikely that there will be any significant dust issues or mud and debris on the highway. Therefore the proposal accords with MWLP Policy GE18.

3. Transport

MWLP Policy GE23 states that where access to a proposed development site can only be achieved by road the Local Planning Authority will only grant permission if the material is capable of being transported to and from sites via the strategic highway network. The suitability and capacity of available access routes must be taken into account. Proposals which use significant lengths of unsuitable roads to gain access to the strategic highway network will not be permitted, unless suitable improvements can be agreed with the developer.

It is envisaged that a majority of the HGVs carrying material to Sundon Landfill will leave the M1 at J12 and heading straight to Sundon Landfill. However Toddington Parish council are concerned regarding HGVs travelling through the village of Toddington. There has been a general problem with HGVs not associated with the Sundon operation travelling through the village and using Leighton Road as a rat run to get to the A5. The applicant has however stated that there is no need for any of the hauliers going to Sundon Landfill to enter the village as they come from the M1. The applicant has a contract with the operator which states that:

All highways restrictions will be observed on local roads to access the site entrance. Access routes to and from the site will be focussed on the M1 and its Junction 12. Vehicle movement through any local towns or villages will be avoided to minimise disruption to these local communities. Should complaints arise regarding HGVs travelling to/from the site the contractor or sub contractor will engage with CBC to review particular cases to ensure that the least disruptive access routes are used. In some instances alternatives may need to be used.

Toddington Parish Council maintain their objection and comment that they

appreciate that it is not envisaged that these vehicles will come through the village of Toddington, but the statement has a clause to say will avoid minimum disruption to local villages. The Parish Council wish to see no disruption to the village, and would like to see it in writing that 100% of these vehicles will be coming to and from the site using Motorway Junction 12 only.

The A5120 is a major link from the motorway to the A5 and from the M1 to Flitwick. There are no weight restrictions stopping HGVs from using this road and the village of Toddington does offer services such as a petrol station. However it has been recognised that HGVs entering the village and using Leighton Road have done so to connect to the A5 and have not been connected with the operations at Sundon Landfill.

The site was allowed a short term temporary increase in HGV movements to 175 from July 2013 to November 2013, this has now expired. During this period there was one occasion when queuing had taken place on the A5120 near the site access. This was because vehicles were turning up to the site before the site had opened. This issue was promptly resolved by the operator and has not occurred since. There have been no other issues involving HGVs that the authority is aware of and therefore the proposal accords with MWLP Policy GE23.

The proposed condition to be varied contains the phrase 'Except as may be approved in advance and in writing by the Local Planning Authority'. This is commonly referred to as the tailpiece to the condition. Case law that has emerged subsequent to the 2002 permission makes clear that allowing for material changes to a planning permission by negotiation with the council, in effect sidestepping the formal planning process and the need for consultation is likely to be unlawful¹. In order to render the condition lawful, it is necessary to delete the 'tailpiece'.

Equality Act 2010

The Equality Act 2010 came into force on 1st October 2010 and has effect of making it lawful to discriminate against people who are disabled or associated with a disabled person. The Act sets out the Equality Duty which public bodies must fulfil when carrying out their functions. It is considered that determination of the proposal has no impact on equalities.

Human Rights

It is considered that no human rights implications arise from the proposal and the decision to grant permission.

Conclusion

It is considered that the principle use of the site as a landfill which is now undergoing final restoration has been previously assessed. This includes the impact on the Green Belt. There is no additional impact on the Green Belt as a result of this development.

It is considered that the site has sufficient existing mitigation measures to minimise dust disturbance and material being deposited on the road and therefore accords

¹ R(Warley) v Wealdon DC [2011] EWHC 2083 (Admin) and R (Mid Counties Co-operative Ltd) v Wyre Forest DC [2009] EWHC 964 (Admin) (see ID 38 and 39), the latter case flowing from Henry Boot Homes Ltd v Bassetlaw DC [2002] EWCA Civ 2003, [2003] 1 P and CR23

with MWLP Policy GE18.

It is likely that the majority of vehicles will be leaving the M1 Junction 12 and going straight to Sundon Landfill. There is no reason for these HGVs to enter the village of Toddington. It is also considered that the A5120 is a main highway from the M1 and this does not have a vehicle restriction placed on it. Therefore it is unlikely that significant numbers of HGVs connected with the operations at Sundon Landfill will go through the village of Toddington and the proposal accords with MWLP Policy GE23.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The permission hereby granted shall extend to the area edges with a thick black line on the attached plan no. BC/CM/2001/7/X.

Reason: To define the permission.

- 2 Except as may be approved in advance and in writing by the Local Planning Authority or as required in terms of the conditions of this permission, the development hereby authorised shall not take place otherwise than in complete accordance with the application numbered BC/CM/2001/7 as amended by the agent's letter of modification dated 9 June 2001 (with accompanying revised method statement for surface water management) and agent's letters of modification dated 20 June 2001 and 3 July 2001, the further modifications presented in the agent's report dated October 2002 and as further amended by the planning application dated 17 October 2012 and application number CB/14/00134/MW dated 17th January 2014.

REASON: To define the permission, whilst allowing for a degree of flexibility in exceptional circumstances.

- 3 The development hereby permitted shall be begun within one year of the date of this permission. Written notification of the date of commencement shall be given to the Local Planning Authority within five working days of the event.

REASON: To require commencement of operations within a reasonable timescale, to define the date of commencement, and to prevent the accumulation of unimplemented permissions.

- 4 No waste materials other than uncontaminated inert waste shall be brought into the site.

REASON: To maintain proper regulation of the operation - MWLP Policy GE17

- 5 Except as may be approved in advance and in writing by the Local Planning Authority, no wastes or processed inert materials shall be taken off the site other than for disposal at an appropriate licensed facility.

REASON: To maintain proper regulation of the operation, whilst allowing a degree of flexibility in exceptional circumstances - MWLP Policy GE17

- 6 Capping materials and restoration soils shall not be placed otherwise than in such a manner as to prevent slippage or erosion. Any slippage or erosion that does occur shall be rectified by immediate and appropriate remedial action.

REASON: To ensure stability of containment -- MWLP Policy GE26

- 7 Notwithstanding the provisions of the General Permitted Development Order, details of all buildings, fencing, fixed plant and fixed equipment shall be submitted to and approved by the Local Planning Authority prior to installation.

REASON: To enable the Local Planning Authority to retain appropriate regulatory control of the development and prevent the installation of buildings, fencing, plant or equipment that may be insensitive to the surrounding environment.

- 8 Except as may be approved in advance and in writing by the Local Planning Authority, no operations authorised or required by this permission shall take place other than within the following times:

Monday to Friday (inclusive): 07:00 hrs to 19:30 hrs
Saturday: 07:30 hrs to 12:00 hrs

Except as may be approved in advance and in writing by the Local Planning Authority, no operations shall take place on Sundays or Public Holidays.

REASON: To minimise disturbance to local residents, whilst allowing for a degree of flexibility in exceptional circumstances - MWLP Policy GE18

- 9 The phasing of the development in terms of importation and placement of restoration soils and subsequent landscaping shall take place in accordance with:

- drawing no. A0716021_PHA_01 (dated July 2011) and the 'Phasing Schedule of Works' contained within the application dated 17 October 2012; and
- the scheme reference BC/CS/2006/1, as approved by formal letter on 3 May 2006, with the exception that implementation of the approved landscaping works shall proceed on the basis of the 6 phases shown on drawing number no. A0716021_PHA_01 (dated July 2011) rather than in the phasing manner shown in that scheme.

All restoration works, including landscaping, shall be completed by 30 September 2017.

REASON: To control the duration and phasing of the operations hereby permitted - MWLP Policy GE26.

- 10 No vehicles used for transport of clay, aggregate, minerals or inert waste materials for the capping and restoration works shall enter or leave the site other than by means of the new haul road constructed from the junction of the A5120 and Harlington Road as OSGR 502426 230504 to the rail underpass located at OSGR 503472 228882, as identified on attached drawing number BC/CM/2001/7/X.

REASON: To control access to the site in the interests of highway safety and public amenity - MWLP GE23.

- 11 The haul road referred to in condition 10 shall not be constructed otherwise than in accordance with scheme reference BC/CS/2003/13 approved by formal letter dated 29 January 2004. The scheme shall be carried out in full.

REASON: To ensure appropriate access arrangements in the interests of highway safety and local amenity - MWLP Policy GE23.

- 12 Construction of the haul road referred to in condition 10 shall not be undertaken other than in accordance with the scheme reference BC/CS/2003/19 as approved by formal letter dated 8 July 2003. Any necessary mitigation measures shall be implemented in full before construction of the haul road commences.

REASON: To ensure appropriate protection of a protected species - MWLP Policy GE13.

- 13 Construction of the haul road referred to in condition 10 shall not be undertaken other than in accordance with the scheme reference BC/CS/2003/19 as approved by formal letter dated 8 July 2003. Any necessary mitigation measures will be agreed in writing by the Local Planning Authority and implemented in full before construction commences within 500 metres of the pond.

REASON: To ensure appropriate protection to a protected species - MWLP Policy GE13.

- 14 Construction of the haul road referred to in condition 10 shall not be undertaken other than in accordance with the scheme reference number BC/CS/2003/9 as approved by formal letter dated 21 July 2003 so as to ensure the appropriate preservation of any archaeological finds encountered during construction.

REASON: To ensure appropriate archaeological preservation - MWLP Policy GE14.

- 15 No waste or other capping or restoration materials shall be brought onto the site unless the appropriate signage and other appropriate safety measures have been installed to protect users of Public Rights of Way in accordance with the scheme reference BC/CS2003/13 as approved by formal letter dated 21 July 2003. The signage and any measures so installed shall be maintained for the duration of the operations hereby permitted.

REASON: In the interests of public safety.

- 16 No waste materials or other capping materials shall be brought onto the site unless the wheel cleaning facilities detailed in the scheme reference BC/CS/2003/13 as approved by formal letter dated 23 June 2003 have been installed. Thereafter, no heavy goods vehicles shall leave the site in such condition as to deposit mud or debris on the highway.

REASON: To prevent transmission of mud and debris onto the highway in the interests of highway safety and local amenity - MWLP Policies GE18 and GE23.

- 17 The number of heavy goods vehicle (above 7.5 tonnes) movements to and from the site in any one day shall not be more than as follows:

- Monday to Friday (inclusive): 175 movements each way (350 total movements);
- Saturday: 50 movements each way (100 total movements)

A log of daily heavy goods vehicle movements shall be maintained and made available to the Local Planning Authority for inspection within seven days of a written request.

REASON: In the interests of highway safety and local amenity - MWLP Policy GE23.

- 18 The Local Planning Authority shall be notified in writing of the date of completion of the capping and restoration works within 7 days of the event. Within 12 months of the date of completion of the capping and restoration works, and in any event no later than 30 September 2017, the haul road referred to in condition 10 shall be removed and the ground restored in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the satisfactory restoration of the site - MWLP Policy GE26.

- 19 Except as may be approved in advance and in writing by the Local Planning Authority, no vehicles shall use the haul road referred to in Condition 10 other than such vehicles as may be directly engaged in landfill site capping/restoration operations or the normal agricultural business of the New Manor Farm landholding.

REASON: In the interests of highway safety, to prevent intensification of haul road use beyond that identified in the application.

- 20 All site accesses shall be secured at their junctions with the public highway against unauthorised entry by means of appropriate gating and physical barriers in accordance with the scheme reference BC/CS/2003/32 as approved by formal letter dated 12 August 2003.

REASON: To safeguard against potential fly-tipping or nuisance - MWLP Policy GE18.

- 21 No works relating to the control and management of surface water at the site shall take place other than in accordance with the scheme reference BC/CS/2003/6 as approved by formal letter dated 1 July 2003.

REASON: To ensure satisfactory pollution control - MWLP Policy GE17.

- 22 No works for the management of leachate shall be undertaken other than in accordance with the scheme reference BC/CS/2003/6 as approved by formal letter dated 1 July 2003.

REASON: To ensure satisfactory pollution control - MWLP Policy GE17.

- 23 No works for the control and management of landfill gas shall be undertaken other than in accordance with the scheme reference BC/CS/2003/6 as approved by formal letter dated 1 July 2003.

REASON: To ensure satisfactory pollution control - MWLP Policy GE17.

- 24 There shall be no leachate re-circulation.

REASON: To prevent the risk of pollution

- 25 No operations authorised or required by this permission shall take place within 10 metres of the railway property boundary other than in accordance with the details approved by letter on 23 June 2003.

REASON: To ensure the railway is not adversely affected during or after execution of the development.

- 26 No crushing or screening plant or other equipment for processing of inert materials shall be used on the site otherwise than in such a manner as to prevent the transmission of odour, dust, vibration or noise to neighbouring properties.

REASON: In the interests of public health and local amenity - MWLP Policy GE18.

- 27 No crushing or screening plant or other equipment for processing of inert materials shall be used on the site otherwise than for purposes that are directly related to the development hereby authorised.

REASON: To prevent inappropriate use of the site for processing of materials for use elsewhere.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning Permission has been granted for this proposal. The Council acted pro-actively through the positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (development Management procedure) (England) (amendments No.2) order 2012.

Reasons for Granting

It is considered that the principle use of the site as a landfill which is now undergoing capping and restoration has been previously assessed under the permitted landfill application.

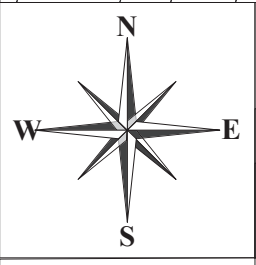
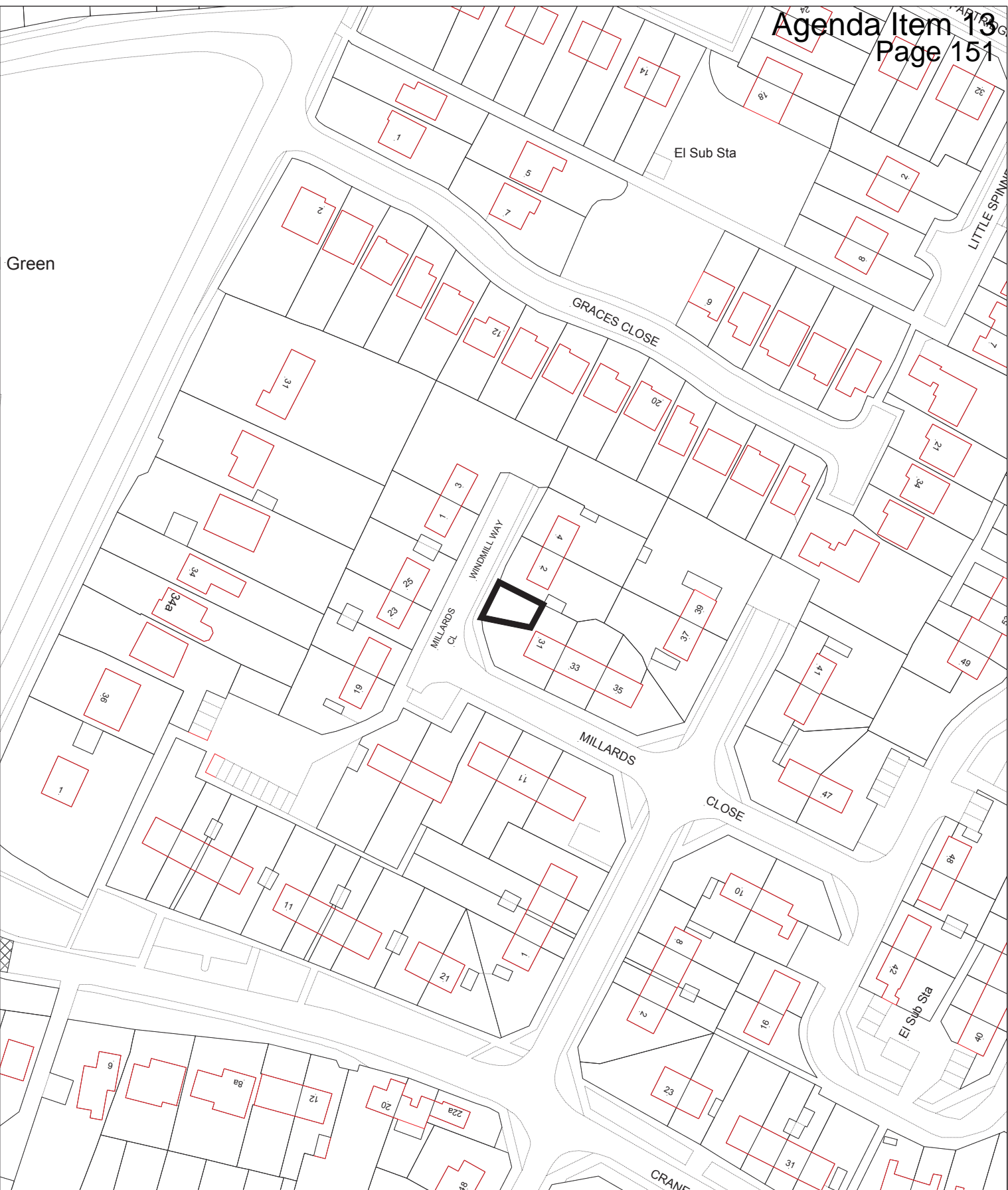
The site currently carries out dust mitigation measures by having HGVs sheeted unless tipping and the dampening down of areas that can produce dust. Further to this mechanical sweeping takes place of the A5120 when any material is seen on the road. It is therefore considered that the site has sufficient mitigation measures to minimise dust disturbance and material being deposited on the road and accords with MWLP Policy GE18.

It is likely that the majority of Vehicles will be leaving the M1 Junction 12 and going straight to Sundon Landfill. There is no reason for these HGVs to enter the village of Toddington. It is also considered that the A5120 is a main highway from the M1 and that the road does not have vehicle restrictions. It is unlikely that HGV's connected with the operations at the Sundon Landfill will go through the village of Toddington and the proposal accords with MWLP Policy GE23.

DECISION

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Central Bedfordshire Council
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Date: 18:March:2014
Map Sheet No

Application No
CB/14/00038/Full

Scale: 1:1250

Land Adj to 2 Windmill Way, Cranfield

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Item No. 13

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| APPLICATION NUMBER | CB/14/00038/FULL |
| LOCATION | Land adj. to 2 Windmill Way, Cranfield, Bedford, MK43 0HL |
| PROPOSAL | Change of use of land from council owned amenity grassland to residential garden. |
| PARISH | Cranfield |
| WARD | Cranfield & Marston Moretaine |
| WARD COUNCILLORS | Cllrs Bastable, Matthews & Mrs Clark |
| CASE OFFICER | Annabel Gammell |
| DATE REGISTERED | 03 January 2014 |
| EXPIRY DATE | 28 February 2014 |
| APPLICANT | Mr Nigel Perrin |
| AGENT | Mr Jess Perrin |
| REASON FOR COMMITTEE TO DETERMINE | Central Bedfordshire Council own the land and an objection has been received |
| RECOMMENDED DECISION | Full Application - Granted |

Summary of Recommendation:

The development is considered acceptable as it accords with national and local planning policy documents. The development is suitably in accordance with policies DM3, DM4 of Central Bedfordshire Core Strategy and Development Management Policy Document, in addition to this it is considered this would result in a sustainable form of development in accordance with the National Planning Policy Framework.

Site Location:

The application site is grass amenity land, adjacent to 2 Windmill Way in Cranfield. The site has evidently been used as informal parking, it has an open frontage, and the grass was turned over by vehicular use.

Windmill Way is to the north of the centre of Cranfield, it is characterised by 1960s dwelling houses largely in terrace blocks of three.

The Application:

A change of use application has been submitted for the change of use of grass amenity land to garden associated with the property 2 Windmill Way.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

Core Strategy and Development Management Policies, November 2009

Policy DM3 High Quality Development
Policy DM4 Development Within and Beyond Settlement Envelopes

Supplementary Planning Guidance

Design in Central Bedfordshire. A Guide for Development (2010)

Planning History

None Relevant

**Representations:
(Parish & Neighbours)**

| | |
|---------------------|--|
| Parish/Town Council | No comment received |
| Neighbours | 1 letter received 21 Millards Close: Opposed to the development of garden land, thinks the space would be better used for parking. Concern raised for general parking problems in Windmill Way and Millards Close. |

Consultations/Publicity responses

| | |
|------------------|---|
| Highways Officer | No objections, recommended condition relating to construction of the cross over for driveway. |
| Site Notice | No comment received |

Determining Issues

The main considerations of the application are;

- 1. The principle of the development and impact upon streetscene**
- 2. Any other implications of the proposal**

Considerations

- 1. The principle of the development and impact upon streetscene**

The site is enclosed within the settlement of Cranfield, directly adjacent to the dwelling house known as 2 Windmill Way. The piece of land is considered "grass amenity land", however due to the location it is not prominent within the streetscene, and due to adjacent hedge appears as part of a domestic garden.

Currently 2 Windmill Way does not have a parking area, as the access is not wide enough to form a drive way, although this application does description does not include the driveway, this change of use, would allow the construction of a driveway wide enough for residential use.

It is desirable to maintain green amenity space as breaks within streetscenes, however it is considered in this location, the change of use to garden associated with 2 Windmill Road would be acceptable.

2. Any other implications

Impact upon parking

It is considered that it is likely that this development would lead to an increase in on plot parking, which is considered desirable in this location. The Highways Officer recommended a condition, to ensure the cross over was constructed in accordance with details submitted to the Local Planning Authority. It is considered that it would not be appropriate to use the area for parking, unless the dropped kerb has been constructed. The details supplied are suitable, and a condition is recommended. The construction of the cross over would be subject to separate agreement with the Highways Authority. As this area is not currently parking, and the dwelling adjacent would maintain the same level of parking, the impact upon the public highway from this development would be neutral.

Impact upon neighbouring properties

Due to the use as residential garden, which would be in line with existing gardens in the area, it is considered that there would not be any significant impact upon the residential amenities of the adjacent properties, this has been considered in terms of light, privacy, the causing of an overbearing impact, and loss of outlook.

One letter was received from a resident of Millards Close, whom raised concern for parking generally in this location. They commented that this would be better tarmaced and used as parking. It is considered that it is only reasonable to consider the application as submitted, and although increased parking may be desirable, this application is not for that development, and therefore no assessment will be made regarding that proposal. The neighbour also suggested alternative areas within Millards Close that could also be used as public car park, however these have no bearing on this application, and can not be controlled by this process.

Human Rights issues

There are no known Human Rights issues.

Equality Act 2010

There are no known issues under the Equality Act.

Recommendation:

That the approval of this planning permission is delegated to the Head of Development Management to be approved subject to no new issues being raised and the consultation process finishing. Subject to the following conditions:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 The parking area shall not be brought into use until such time that the vehicle access and crossover as shown on plan number 2 has been constructed to the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a satisfactory vehicle access to the development, in the interest of public safety and convenience.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1, 2, 3.

Reason: For the avoidance of doubt.

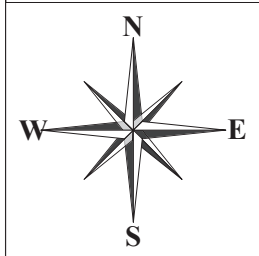
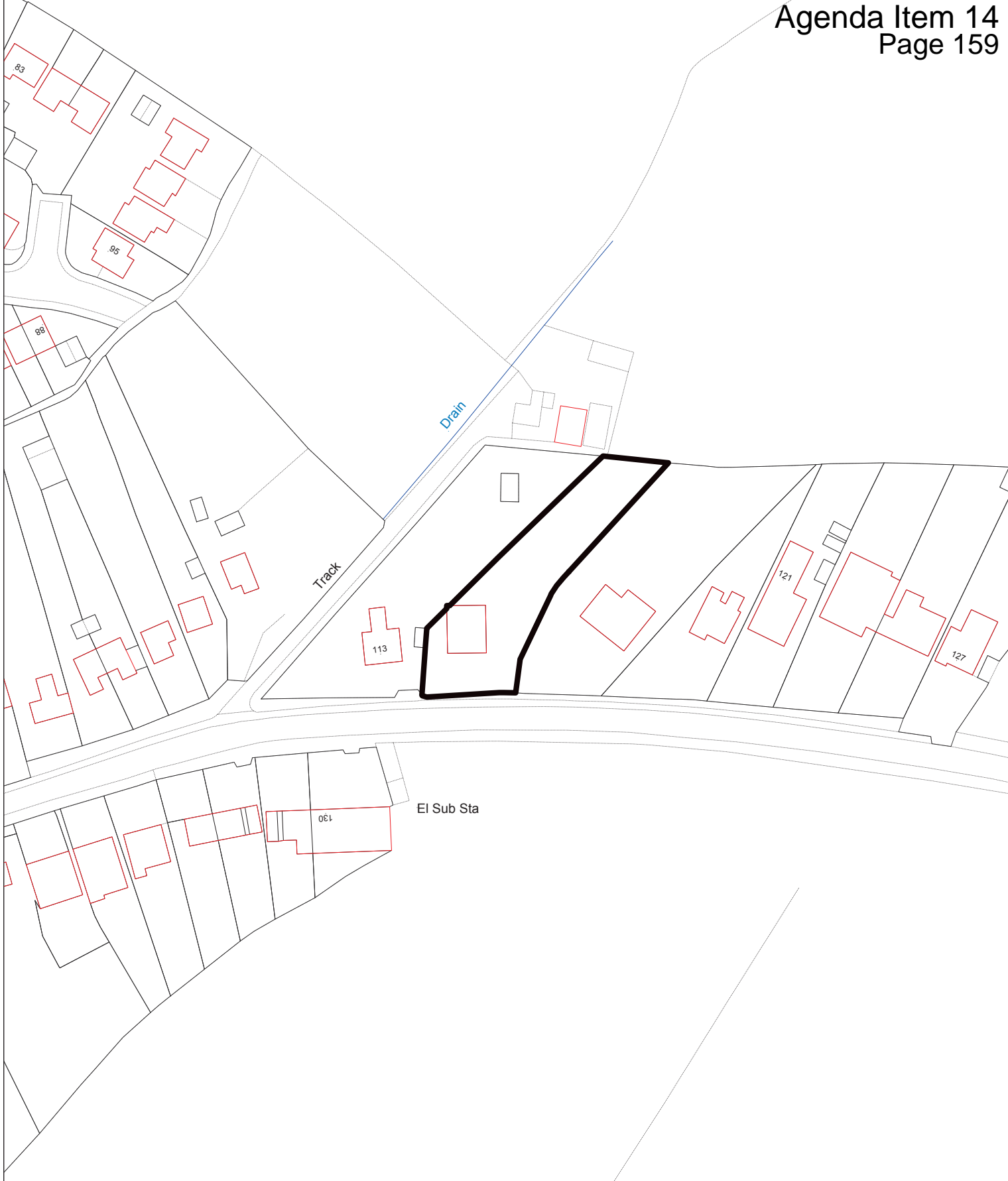
Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access and pavement provision 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, 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. 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

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Central Bedfordshire Council
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Date: 18:March:2014

Grid Ref: 496642, 242974

Application No.
CB/14/00019/FULL

Scale: 1:1250

115 Bedford Road, Cranfield, Bedford, MK43 0HD

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Item No. 14

| | |
|--|---|
| APPLICATION NUMBER | CB/14/00019/FULL |
| LOCATION | 115 Bedford Road, Cranfield, Bedford, MK43 0HD |
| PROPOSAL | Erection of Log Cabin in Rear Garden |
| PARISH | Cranfield |
| WARD | Cranfield & Marston Moretaine |
| WARD COUNCILLORS | Cllrs Bastable, Matthews & Mrs Clark |
| CASE OFFICER | Annabel Gammell |
| DATE REGISTERED | 24 January 2014 |
| EXPIRY DATE | 21 March 2014 |
| APPLICANT | Mr Brightman |
| AGENT | |
| REASON FOR COMMITTEE TO DETERMINE | Applicants wife works for CBC |
| RECOMMENDED DECISION | Full Application - Granted |

Summary of Recommendation:

The development is considered acceptable as it accords with national and local planning policy documents. The development is suitably in accordance with policies DM3, DM4 of Central Bedfordshire Core Strategy and Development Management Policy Document, in addition to this it is considered this would result in a sustainable form of development in accordance with the National Planning Policy Framework.

Site Location:

The proposal site is located at 115 Bedford Road, Cranfield. The property is a large detached bungalow constructed in brick and tile with white render detail.

The site shares a common boundary to the east with 117 Bedford Road and to the west with 113 Bedford Road. To the north is agricultural land. The site is on the edge but within the settlement boundary of Cranfield.

The Application:

Permission is sought to erect a single storey outbuilding within the rear garden.

The building would measure 5.6 m in width, 4m in depth, 1.9 m to eaves height and 3.4 m. It would be constructed from wood.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Requiring good design

Policy DM3 - Criteria for extensions

Supplementary Planning Guidance

Design Supplement 4: Residential Alterations and Extensions

Planning History

| | | | |
|---------------------|---|------------------|-------------------------------|
| Application: | Planning | Number: | CB/13/03977/FULL |
| Validated: | 12/11/2013 | Type: | Full Application |
| Status: | Decided | Date: | 07/01/2014 |
| Summary: | | Decision: | Full Application - Granted |
| Description: | First storey extension to garage for annexe. | | |
| | | | |
| Application: | Planning | Number: | MB/93/00754/FA |
| Validated: | 21/06/1993 | Type: | Listed Building |
| Status: | Decided | Date: | 19/08/1993 |
| Summary: | | Decision: | Full Conditional Approval |
| Description: | FULL: SINGLE STOREY SIDE EXTENSION AND ERECTION OF DETACHED DOUBLE GARAGE | | |
| | | | |
| Application: | Planning | Number: | MB/86/00439/FA |
| Validated: | 20/05/1986 | Type: | DO NOT USE - Full Application |
| Status: | Decided | Date: | 15/07/1986 |
| Summary: | Full Conditional Approval | Decision: | Full Conditional |
| Description: | FULL: SINGLE STOREY EXTENSION , FRONT PORCH AND SIDE EXTENSION TO GARAGE | | |

**Representations:
(Parish & Neighbours)**

| | |
|---------------------|----------------------|
| Parish/Town Council | No objection |
| Neighbours | No comments received |

Consultations/Publicity responses

| | |
|-------------|----------------------|
| Site Notice | No comments received |
|-------------|----------------------|

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Design considerations
3. Residential amenity
4. Other implications

Considerations

1. Principle of Development

The proposal site is within the Cranfield settlement envelope. Residential extensions/outbuildings are acceptable in principle subject to accordance with the criteria set out in Policy DM3 of the Core Strategy and Development Management Policies, 2009.

Policy DM3: High Quality Development

All proposals for new development, including extensions will:

- be appropriate in scale and design to their setting.
- contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.
- use land efficiently.
- use energy efficiently.
- respect the amenity of surrounding properties.
- enhance community safety.
- comply with the current guidance on noise, waste management, vibration, odour, water, light and airborne pollution.
- incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport.
- provide adequate areas for parking and servicing.
- provide hard and soft landscaping appropriate in scale and design to the development and its setting.
- incorporate public art in line with the thresholds determined by the Planning Obligations Strategy.
- ensure that public buildings are accessible for all, and comply with current guidance on accessibility to other buildings.
- respect and complement the context and setting of all historically sensitive sites particularly those that are designated.

2. Design Considerations

Policy DM3 states that all proposals for extensions/outbuildings shall be appropriate in scale and design to their setting and contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.

The proposed garden building would respect the design of the existing building it is considered that it would be well related to the main house in terms of its design, siting, bulk and fenestration. There would be no significant harm to the character of the site or its surroundings. The proposal would not be visible from the streetscene.

3. Residential amenity

The building would be adjacent to the boundary with number 117 Bedford Road. The gardens of these properties are large approximately 45 metres in length, and 14 metres in width. Although it would be on the boundary of number 117 Bedford Road, it would be some 10 metres from the rear elevation of this property.

It is considered that the proposed building would not have a detrimental impact on residential amenity in terms of privacy or overshadowing, loss of light, or outlook, and due to the proportions would not cause an overbearing impact.

Given the siting and scale of the building and the distance from the adjacent neighbours, there would be no undue impact to the residential amenity of no.117 Bedford Road or any other residential dwelling.

No comments were received from neighbouring properties.

4. Other Implications

Human Rights issues

There are no known Human Rights issues.

Equality Act 2010

There are no known issues under the Equality Act.

Recommendation

That Planning Permission be Approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

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

Reason: For the avoidance of doubt.

Notes to Applicant

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

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

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