

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 7 May 2014

PRESENT

Cllr K C Matthews (Chairman)
Cllr A Shadbolt (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	Mrs S Clark
	R D Berry		K M Collins
	M C Blair		I Shingler
	Mrs C F Chapman MBE		J N Young

Apologies for Absence: Cllrs A D Brown
Ms C Maudlin
T Nicols

Substitutes: Cllrs L Birt (In place of A D Brown)
D Bowater (In place of T Nicols)
B J Spurr (In place of Ms C Maudlin)

Members in Attendance: Cllrs R C Stay,
D Jones

Officers in Attendance:	Miss H Bell	Committee Services Officer
	Mr A Bunu	Senior Planning Officer
	Mr A Davie	Head of Development Management
	Mr A Davies	Senior Planning Officer
	Mr A Emerton	Managing Solicitor Planning, Property, Highways & Transportation
	Mr D Hale	Planning Manager South
	Mr N Smith	Senior Planning Officer

DM/14/1. **Chairman's Announcements**

The Chairman reminded Councillors and members of the public to silence their mobile phones for the duration of the meeting.

The Chairman advised the Councillors and members of the public that order of business would be taken as listed on the agenda.

Subject to declarable interests all Members of the Committee have the right to vote on all matters of business considered by the Committee.

Rule No. 13.5.5 of the Constitution states that Members do not vote or take part in the meeting's discussions on a proposal unless they have been present to hear the entire debate, including the officer's introduction to the matter.

The Chairman, under Part E3 paragraph 9.2 has a second or casting vote should there be equal numbers of votes for and against an item. This provision makes it quite clear that the Chairman is entitled to vote on any item of business. There is no restriction or limitation on how the second or casting vote should be exercised nor is there a requirement that the right be exercised at all.

DM/14/2. **Minutes**

RESOLVED

that the Minutes of the meeting of the Development Management Committee held on the 2 April 2014 be confirmed and signed by the Chairman as a correct record.

DM/14/3. **Members' Interests**

Personal Interests

Councillors Bowater, Berry, Collins, Chapman & Shadbolt declared a Personal interest in Agenda item 5 as they knew the Public Speaker.

DM/14/4. **Late Sheet**

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

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

DM/14/5. **Planning Application No CB/14/01297/FULL**

RESOLVED

That Planning Application No CB/14/01297/FULL relating to Land rear of 100- 114 Common Road, Kensworth be deferred to enable Planning Officers to determine issues relating to ownership of the access road to the application site.

DM/14/6. **Houghton Regis North Site 1 Update**

The Committee received a written update and noted a verbal update on the Houghton Regis North Site 1. The Judicial Review lodged by Luton Borough Council of the Secretary of States decision not to call in the planning decision would be held on 4 and 5 June 2014. The Committee noted that in accordance with the resolution of the Development Management Committee held on 4 September 2013 (minute DM/13/6 refers) the Head of Development Management in consultation with the Chairman, Vice-Chairman and Executive Member for Sustainable Communities - Strategic Planning and Economic Development had agreed the planning conditions and S106 Agreement.

DM/14/7. **Local Development Order, Woodside Industrial Estate and Surrounding area, Dunstable**

The Committee noted an oral update concerning the Local Development Order, Woodside Industrial Estate and surrounding area, Dunstable which would help benefit and support existing businesses in the area.

DM/14/8. **Site Inspections**

NOTED

That under the provisions of the Members Planning Code of Good Practice all Members of the Committee and Substitutes are invited to undertake Site Inspections on Monday 2 June 2014.

(Note: The meeting commenced at 10.00 a.m. and concluded at 10.55 a.m.)

Chairman

Dated

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LATE SHEET**DEVELOPMENT MANAGEMENT COMMITTEE – 7 MAY 2014*****Item 5 (Page 5 - 16) – CB/14/01297/FULL – Land rear of 100-114 Common Road, Kensworth*****Additional Consultation/Publicity Responses**

Parish Council	Objection
	<p>The development on this whole site continues to cause grave concerns to Members and residents alike (over the last eleven years, excluding this application, a total of twenty-three different applications have been made SB/02/00954, SB/05/00479, SB/05/01283, SB/06/00673, SB/06/00720, SB/06/01275, SB/07/0695, SB/07/1034, SB/08/00520, SB/09/0153, CB/09/05130, CB/10/00452, CB/10/02550, CB/10/02361, CB/10/04292, CB/10/04307, CB/11/00100, CB/11/03414, CB/12/01922, CB/12/02147, CB/12/02608, CB/13/01559 and CB/14/00634).</p> <ul style="list-style-type: none"> • The Parish Council objects to this application on the same grounds as it did in 2010 for application CB/10/02361:- <ol style="list-style-type: none"> 1. The site lies within the Green Belt and the proposal would, by reason of its inappropriate layout and scale , not constitute an acceptable form of infilling as permitted by policies GB3 and H12 of the South Bedfordshire Local Plan Review whereby, within category 2 villages, infilling and limited redevelopment would be permitted within defined boundaries. The proposed development would thereby be inappropriate development in the Green Belt, hence conflicting with national guidance within Planning Policy Guidance Note 2, 'Green Belts' and no very special circumstances have been established in this case and should therefore be refused on the basis of inappropriate development in the Green Belt. 2. This falls outside the Kensworth Development envelope under the South Bedfordshire Local Plan Review. 3. The proposed new buildings are adjacent to a public footpath (FP3 Link B0. When the original application for this site came before the Parish Council in 2007 (SB/TP/07/1034) a number of trees had already been cut down and the Parish Council would wish the boundary and the right of way to be maintained. 4. This is an overdevelopment of an existing site and not in keeping with surrounding properties. 5. The proposed development makes no provision for adequate driver/driver intervisibility and will lead to conditions of danger to

	<p>pedestrians using the adjoining footway. The proposal is therefore contrary to Policy 42 of the Bedfordshire Structure Plan 2011 and T1 of the South Bedfordshire Local Review Plan (The Parish Council anticipate that these two documents have been incorporated into the Central Bedfordshire planning regulations).</p> <ol style="list-style-type: none"> 6. Outside this development is the 'pick up' point for pupils for Manshead Upper School and the conditions mentioned in 5 above are particularly relevant. 7. The access to the site is by way of a public footpath (number FP3) and follows the twisting driveway that skirts Auckland Meadows Cottage, an 18th Century dwelling. Members were of the opinion that this rural footpath should remain rural and remain a track for horses and walkers only. 8. Over the last year there has been considerable dumping of soil and other debris on the proposed site, which has raised soil level by 5 feet. The Environmental Department of Central Bedfordshire Council were advised of this for investigation as it is illegal dumping of spurious items, including possibly asbestos sheets. As another case of illegal dumping of waste in the village has been rigorously pursued by CBC then this instance of a similar nature should be treated in the same way. <p>Members of the Development Management Committee should be made aware that this site, prior to the granting of planning permission SB/TP/07695 had just one bungalow and a small workshop.</p>
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Neighbours

33,112,114 Common Road,	Objection
	<ul style="list-style-type: none"> • Development would result in the commercialisation/industrialisation of an existing residential area. • Inappropriate development given the previous residential developments that have been approved in close proximity to the site. • Increase in traffic across a public footpath leading onto Common Road • The applicant operates a plant and hire company and hence vehicles and machinery associated with the business would frequent the site and this would have highway safety implications. • Development is not necessary and would set a dangerous precedent. • Alternative vacant office premises exist in the village. • Noise from vehicles and operation of the business. • Building has never been used by donkeys/ponies. • Alternative sites exist in the nearby industrial estates to accommodate this type of business. • Business at the rear of houses would attract thieves.

	<ul style="list-style-type: none"> • The site is not secure. • Loss of privacy at the back of residential properties. • Wildlife depends on small parcels of agricultural fields like this. • As local residents, we recognise the need for change and development and hope this can be achieved through a Neighbourhood Plan. • The Planning Committee should support the Neighbourhood Planning Route.
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Consultees

<p>Highways Officer</p>	<p>The application proposes the change of use of a 5 bay stable block to create 3 offices with an ancillary storage area. No changes are proposed to the existing means of access to the highway and four on-site parking spaces are shown to be retained. A separate cycle store is also shown to be provided close to the building.</p> <p>The Council's parking standards require 1 space per 25m² for a standalone office in a rural area. The size of the existing stable block is 106m². Therefore the provision of four spaces can be deemed compliant with the Council's parking standards.</p> <p>The change of use to an office/storage area is likely to give rise to some 18 additional traffic movements to/from the site per day. This equates to 9 arrivals and 9 departures per day with 2 arrivals occurring in the traditional AM peak and 2 departures in the PM peak.</p> <p>It is considered that these can be satisfactorily accommodated on the local road network and given that vehicles can enter, turn and leave the site in forward gear, the proposal is unlikely to have any adverse impact, once completed.</p> <p>In a highway context I recommend that the following condition be included if planning approval is to be issued:</p> <ul style="list-style-type: none"> • Before the development hereby permitted is first occupied or brought into use, the scheme for parking and manoeuvring shown on Drawing No 10214 shall be laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose. <p>Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.</p>
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	<p>Furthermore, I should be grateful if you would arrange for the following Note to the applicant to be appended to any Consent issued:-</p> <ul style="list-style-type: none"> The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance – July 2010".
Tree and Landscape Officer	No objection to this application subject to a landscaping condition being imposed to safeguard views from across the open Chiltern Valley.
Rights of Way Officer	<p>Further to our discussions, I am happy with the comments of the Highways Officer, that the vehicle numbers and type are acceptable from a highway point of view and that the vehicle speeds are likely to be very low along the access track/public footpath. I believe the gate into the premises is set back and the visibility to the right is acceptable. It would be good for both walkers and drivers to be aware of each other, however - especially to the left when exiting the premises and I would suggest a sign or signs may be necessary at the access gate and along the footpath to warn drivers that the access track is a shared use route with a public right of way running over it which requires some degree of caution, particularly as people's dogs may not always be on a lead.</p> <p>I believe signage could be conditioned such as "no development will take place until any such signage to protect users of the public footpath as may be appropriate is discussed and agreed with the Council's Rights of Way Officer".</p>

Additional/Amended Conditions/Reasons

Additional Condition

No development shall commence until details of a scheme of appropriate signage to protect users of the public footpath has been submitted to and approved in writing by the Local Planning Authority.

Reason : To control the development in the interests of pedestrian safety. (Policies 24 & 43, DSCB)

Additional Informative

The applicant/developer is advised that no materials or vehicles associated with the development should be left on or near the Public Footpath so as to cause an obstruction or hazard to its users at any time - including during preparation for the development and during any work carried out.

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Item No. 5

APPLICATION NUMBER	CB/14/01297/FULL
LOCATION	Land rear of 100 to 114, Common Road, Kensworth
PROPOSAL	Retention of building as constructed and change of use to offices (Resubmission of CB/14/00634)
PARISH	Kensworth
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Abel Bunu
DATE REGISTERED	07 April 2014
EXPIRY DATE	02 June 2014
APPLICANT	Mr R Gill
AGENT	Mr L Butler
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Richard Stay for the following reasons: <ul style="list-style-type: none"> • Development is wholly inappropriate in the Green Belt and detrimental to the AONB
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of recommendation:

The proposed development would not be inappropriate in the Green Belt within the meaning of the NPPF as it involves an existing building which is of substantial construction and the site is previously developed. The development would also potentially help to support the rural economy. Furthermore, the development would not be, harmful to the character and appearance of the area, prejudicial to highway safety and would not be harmful to residential amenity thereby conforming to the development plan comprising Policies BE8, SD1, NE3, and T10 of the South Bedfordshire Local Plan Review, Policies 1, 2, 10, 27, 28, 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 supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Chiltern Design Guide.

Recommendation

That the application be deferred for one cycle to enable Officers to determine clarification on the ownership of the access road.

NOTES

- (1) In advance of the application the Committee were advised of objections received from Kensworth Parish Council, neighbour objections,**

comments from the Highways Officer, Tree and Landscape Officer and the Rights of Way Officer.

An additional Condition and Informatives were suggested should the application be approved as set out in the Late Sheet appended to these minutes.

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