

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 11 November 2015

### PRESENT

Cllr K C Matthews (Chairman)  
Cllr R D Berry (Vice-Chairman)

Cllrs M C Blair  
Mrs S Clark  
K M Collins  
S Dixon  
F Firth

Cllrs K Janes  
T Nicols  
I Shingler  
J N Young

Apologies for Absence: Cllrs E Ghent  
C C Gomm

Substitutes: Cllrs D Bowater (In place of E Ghent)  
I Dalgarno (In place of C C Gomm)

Members in Attendance: Cllrs Mrs C F Chapman MBE  
J Chatterley  
Ms A M W Graham  
J Kane  
D McVicar  
B Wells,

Officers in Attendance:	Miss H Bell	Committee Services Officer
	Miss S Boyd	Senior Planning Officer
	Mrs M Clampitt	Committee Services Officer
	Mr M Cornell	Principal Highway Engineer
	Mr J Ellis	Planning Manager West
	Mr A Emerton	Managing Solicitor Planning, Property, Highways & Transportation
	Miss S Fortune	Planning Officer
	Mrs S Gillett	Technical Administrator, Planning Enforcement
	Ms A Hale	Senior Estates Surveyor
	Mr A Harrison	Principal Planning Officer
	Mr D Lamb	Planning Manager East
	Mr A Maciejewski	Definitive Map Officer
	Ms J Self	Senior Planning Officer
	Miss D Willcox	Planning Officer

DM/15/95. **Chairman's Announcements**

The Chairman advised the Councillors and members of the public that the order of business would be varied and considered as follows:

After 10.00am: 10, 7, 8, 9, 6 and 11  
After 1.00pm: 13, 12 and 14

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

The Chairman announced that there would be a two-minute silence at 11.00am to mark Remembrance Day. The Fire Alarm bell would sound to mark the start and finish of the time.

The scheduled meeting of this Committee, 27 April 2016, will be moved to Wednesday 11 May 2016 to allow for work associated with the Police and Crime Commissioner Elections.

The Chairman reminded Councillors and members of the public that the meeting would be filmed and available for viewing on the Council's website.

The Chairman advised that a site inspection had been undertaken by most of the Committee in respect of all of the applications 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.

The Chairman read the following statement:

At the Council's Executive meeting on 6 October 2015, Members resolved to recommend to Full Council that the Development Strategy be withdrawn. The recommendation is expected to be considered by Full Council on 19 November 2015. Until the Executive decision is ratified by Full Council, and the Development Strategy is formally withdrawn, the weight afforded to the Development Strategy as a policy document should be adjusted accordingly in the determination of planning applications. In this respect, where relevant, Officers will highlight any implications of the Executive resolution which this Committee should be aware of in making their decision.

DM/15/96. **Minutes**

**RESOLVED**

**that the Minutes of the meeting of the Development Management Committee held on the 14 October 2015 be confirmed and signed by the Chairman as a correct record.**

DM/15/97. **Members' Interests**

(a) **Personal Interests:-  
Member**

	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr Blair	10	Know Architect	Present
Cllr Young	6,7,8 & 13	Met developers in capacity of Executive Member	Present
Cllr Firth	9	Met with applicant	Preent

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

	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr Dixon	12	Involved with application in capacity as Executive Member for Assets	Absent
Cllr Clark	11	Know the developer	Absent

(c) **Prior Local Council Consideration of Applications**  
None declared

DM/15/98. **Planning Enforcement formal action report**

**AGREED**

**that the monthly update of planning enforcement cases where action has been taken, as identified in the report of the Director of Regeneration and Business, be received.**

DM/15/99. **Planning Application No. CB/15/02248/FULL**

**RESOLVED**

**that Planning Application No. CB/15/02248/FULL relating to Land adj. to Flitwick Filling Station, High Street, Flitwick be approved as set out in the Schedule appended to these Minutes.**

**THE COMMITTEE ADJOURNED AT 10.55 TO OBSERVE A TWO-MINUTE SILENCE TO MARK REMEMBERANCE DAY. THE COMMITTEE RECONVENED AT 11.05**

DM/15/100. **Planning Application No. CB/15/02102/FULL**

**RESOLVED**

**that Planning Application No. CB/15/02102/FULL relating to Land to the East of High Road, Shillington be approved as set out in the Schedule appended to these Minutes.**

DM/15/101. **Planning Application No. CB/15/02104/FULL**

**RESOLVED**

**that Planning Application No. CB/15/02104/FULL relating to Land at Memorial Playing Field, Greenfields, Shillington be approved as set out in the Schedule appended to these Minutes.**

DM/15/102. **Planning Application No. CB/15/03228/OUT**

**RESOLVED**

**that Planning Application No. CB/15/03228/OUT relating to Chalkcroft Nursery, The Ridgeway, Moggerhanger be refused for the reasons as set out in the Schedule appended to these Minutes.**

DM/15/103. **Planning Application No. CB/15/03000/VoC**

**RESOLVED**

**that Planning Application No. CB/15/03000/VoC relating to Land rear of 197 Hitchin Road, Arlesey be approved as set out in the Schedule appended to these Minutes.**

DM/15/104. **Planning Application No. CB/15/03408/FULL**

**RESOLVED**

**that Planning Application No. CB/15/03408/FULL relating to Woodcote, Woodside, Aspley Guise be refused for the reasons as set out in the Schedule appended to these Minutes.**

**THE COMMITTEE ADJOURNED AT 12.30 AND RECONVENED AT 1.00PM**

DM/15/105. **Planning Application No. CB/15/03281/FULL**

**RESOLVED**

**that Planning Application No. CB/15/03281/FULL relating to 55 Jeans Way, Dunstable be delegated to the Development Infrastructure Group Manager to refuse for the reasons set out in the Schedule appended to these Minutes.**

DM/15/106. **Planning Application No. CB/15/03064/REG3**

**RESOLVED**

**that Planning Application No. CB/15/03064/REG3 relating to Leighton Middle School, 2 Church Square, Leighton Buzzard be approved as set out in the Schedule appended to these Minutes.**

**Councillor Bowater recorded his gratitude to all Council Officers involved throughout the planning process of this application.**

DM/15/107. **Determination of two applications to extinguish parts of Houghton Regis Footpaths Nos. 33 and 36**

The Committee received and considered a report of The Head of Highways seeking determination of two applications to extinguish parts of Houghton Regis Footpaths Nos 33 and 36.

The report set out the background to the application, a detailed description of footpaths to be extinguished and consultation responses.

**RESOLVED**

- 1. that a public path order be made under Section 118 of the Highways Act 1980 to extinguish:**
  - a. Those parts of Houghton Regis Footpath No. 33 which abut and adjoin the northern side of Sewell Lane between points A-E-C-B and C-D as delineated by the shading on the plan at Appendix A whilst retaining a 2 metre wide strip for public pedestrian use between points E-D.**

- b. Those parts of Houghton Regis Footpath No. 36 between points V-W-X to the south of Sewell Lane and between points Y-Z to the north of Sewell Lane as shown on the plan at Appendix A.**

DM/15/108. **Site Inspection Appointment(s)**

**RESOLVED**

**that all members of the Committee be invited to conduct site inspections on Monday 7 December 2015.**

DM/15/109. **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 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.

(Note: The meeting commenced at 10.00 a.m. and concluded at 2.30 p.m.)

Chairman .....

Dated .....

**Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/15/02248/FULL</b>
<b>LOCATION</b>	<b>Land adj. to Flitwick filling station, High Street, Flitwick, Beds. MK45 1DU</b>
<b>PROPOSAL</b>	<b>Residential development - 4 no. 1 bedroom apartments.</b>
<b>PARISH</b>	<b>Flitwick</b>
<b>WARD</b>	<b>Flitwick</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Chapman, Gomm &amp; Turner</b>
<b>CASE OFFICER</b>	<b>Sarah Fortune</b>
<b>DATE REGISTERED</b>	<b>17 June 2015</b>
<b>EXPIRY DATE</b>	<b>12 August 2015</b>
<b>APPLICANT</b>	<b>Urban Fox Developments Ltd.</b>
<b>AGENT</b>	<b>Sherwood Architects Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Andrew Turner for the following reasons: very small site overcrowded with four flats, does not fit in with local street scene, access to/from the site is difficult on a very busy road, inadequate parking and only one visitor parking allocated and no other available parking locally due to restrictions . Possible further issues from any potential residents objecting to business next door and industrial noise.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommend Approval</b>

**Recommendation**

That Planning Permission be granted subject to the following conditions.

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted 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 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Policy 43, DSCB)**

- 3 No occupation of the units hereby approved shall take place until the applicant has demonstrated that the noise resulting from the railway and industrial uses does not exceed those specified in the Acoustics report PJB7501/13423 dated June 2015. Thereafter the scheme shall be maintained thereafter.

Reason: To safeguard the amenities of occupiers of the dwelling units hereby permitted.

- 4 No building shall be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

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

- 5 No dwelling shall be occupied until the widened footway has been constructed in accordance with details on the approved drawing no. 40. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway. (See Note to applicant).

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

- 6 The proposed vehicular access shall be surfaced in bituminous or other similar durable materials as may be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary, before the premises are occupied. 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 much or other extraneous materials or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 7 Any gates provided shall open away for the highway and be set back a distance of at least 5.0m for the nearside edge of the carriageway of the adjoining highway.

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

- 8 The maximum gradient of the vehicular access shall be 10% (1 in 10).

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

- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision inclusive of visitor parking on the site shall not be used for any purposes, other than as parking provision, 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.

- 10 The proposed development shall be carried out and completed in all respects in accordance with the access, siting and layout, pedestrian visibility splays, visibility splays and visitor parking layout both vehicular and bicycle, and refuse collection point illustrated on the approved drawing no. 40 and defined by this permission and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, (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. The vision splays shall for the perpetuity of the use of the access remain free of any obstruction to visibility. The cycle parking and refuse collection point shall thereafter be retained for these purposes.

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

- 11 **No development shall take place until details of any lighting to be erected on the site has been submitted to and approved in writing by the Local Planning Authority. The location and colour of the lights must not give rise to the potential for confusion with the signalling arrangements on the railway.**

**Reason: To safeguard the safety, operational needs and integrity of the railway.**

- 12 The applicant is advised that bin storage must be able to accommodate 2 x 660 litre communal bins and be within 10 metres pull distance from the middle of the road to the bin store. Communal properties do not receive individual bins.

Reason: To ensure satisfactory provision for storage of bins at the site.

- 13 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping in the interest of the visual amenities of the area.**

- 14 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. Security of the railway boundary will need to be maintained at all times. A suitable trespass proof fence shall be provided adjacent to Network Rail's boundary (minimum 1m high ) and provision made for its future maintenance and renewal. The boundary treatment shall be completed in accordance with the approved scheme before the use hereby permitted is commenced and be retained thereafter.

Reason: To safeguard the appearance of the completed development and the railway and protect the visual amenities of the locality.  
(Policy 43, DSCB)

- 15 **No development shall take place until details of the method of disposal of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented. All surface and foul water arising from the proposed works must be collected and diverted away from the adjacent railway. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.  
(Policies 43 and 44, DSCB)**

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 40/a, 41/a, 42, 43, 44, 45, 05.

Reason: To identify the approved plan/s and to avoid 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.
2. The applicant is advised that in order to comply with condition 5 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under

Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

3. 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, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
5. 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 the construction of the development of cleaning the wheels of vehicles leaving the site.
6. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, with 3.0m of overhead electrical equipment or supports.
7. All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to the commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail infrastructure or railway land.

8. Security of the railway's boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
9. Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted: Asset Protection Project Manager, Network Rail (London North Eastern) Floor 2A, George Stephenson House, Toft Green, York YO1 6JT. (assetprotectionline@networkrail.co.uk). The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.
10. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to commencement of works and the works shall only be carried out in accordance with the approved method statement.
11. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.
12. From the information supplied, it is not clear if any abnormal loads associated the construction of the site will be using routes that include any network Rail asset (e.g. bridges - in this instance particularly the bridge over Flitwick Railway Station). We would have serious reservations if during the construction operations of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would like also to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.
13. Consideration should be given to ensure that construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres of, from Networks Rail's boundary. This will allow construction and future maintenance to be carried out from the applicants land, this reducing the probability of provision and costs or railway look-out protection, supervision and other facilities necessary when working for or on railway land. We note that provision for this requirement is made in the Design and Access Statement for this development.

14. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposals onto network Rail land, no over-sailing into Network Rail air space and no encroachment of foundations onto network Rail land and soil. There must be no physical encroachment of any foundations onto network Rail Land. Any future maintenance must be conducted solely within the applicants' land ownership. Should the applicant require access to Network Rail land then he must seek approval from the Network Rail Asset Protection team. Any unauthorized access to network Rail land or air space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to network Rail land then they will be liable for all costs incurred in facilitating the proposal.
15. The applicant is advised that parking for contractors vehicles and the storage of materials associated with this development should take place within the site and not extend into and within the public highway without authorisation from the highways authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highways help desk on 0300 300 8049. Under the provisions of the highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
16. In view of the nature of the proposed developments there will be an increased risk of trespass to the railway. The Developer must provide a suitable trespass proof fence adjacent to network Rail's boundary (minimum approx 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing/wall must not be removed or damaged.

Reason: To ensure the safety, operational needs and integrity of the railway.

17. Method statements may require to be subjected to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate as asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rails's Asset Protection Project Manager and are subject to minimum proper notice period for booking of 20 weeks. Generally if excavations/piling/buildings are not be located within 10m of the railway boundary a method statement should be submitted for NR approval.

18.

**Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail must be involved in the approval of an landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved by Network Rail to ensure that it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are listed below:**

**Acceptable:**

**Birch (Betula), Crab Apple Malus Sylvestrix), Field Maple (Acer Campestre), Bird Cherry (Prinus Padus), Wild pear (Poyrs Communis), Fir Trees - Pines (pinus), Hawthorn (cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacdia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina".**

**Not Acceptable:**

**Acer (Acer pseudopltanus), Aspen - Popular (Populus), Small-leaved Lime (Tiolia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Savita), Ash (Fraxinus Excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platphyllos), Common line (Tilia x europea).**

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the consideration of the application 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) Order 2015.

Notes:

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

2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses as detailed in the Late Sheet from:
  - a. Highways England
  - b. Central Bedfordshire Council Highways Officer
  - c. Network Rail

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**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/15/02102/FULL</b>
<b>LOCATION</b>	<b>Land to the East of High Road, Shillington, Hitchin, SG5 3LL</b>
<b>PROPOSAL</b>	<b>Erection of 19 dwellings following demolition of existing village hall, off road parking, private amenity garden space, landscaping, public open space and erection of double garage for No. 37 High Road.</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ms Graham</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>18 June 2015</b>
<b>EXPIRY DATE</b>	<b>17 September 2015</b>
<b>APPLICANT</b>	<b>Rowan Homes and Shillington Village Hall (Charity No. 300066)</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is a major application that is contrary to development plan policy.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval Recommended</b>

**Recommendation:**

That Planning Permission be granted subject to the completion of a S106 agreement and subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted 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 No works on the construction of the dwellings hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.**

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

- 4 **Notwithstanding the details in the approved plans, no development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the retention of the existing hedgerow planting on the boundaries of the site and shall propose additional plantain to strengthen these boundaries. 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.**

- 5 **None of the dwellings hereby approved shall be occupied until a scheme has been submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected which shall include acoustic fencing on the western boundary of the site. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.**

**Reason: To safeguard the amenities of the neighbouring occupants and the future occupiers of the buildings.**

- 6 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a Construction Traffic Management Plan which details access arrangements for construction vehicles, on-site parking and loading and unloading areas, materials storage areas and wheel cleaning facilities. The construction of the development hereby approved shall then be carried out in accordance with the approved details.**

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

- 7 The development shall not be occupied or brought into use until the parking scheme shown on Drawing No. 12494 200 F has been completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.  
(Policy 27, DSCB)

- 8 **No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:**

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

**b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**

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

**Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

**Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 9 None of the dwellings hereby approved shall be occupied until all access and junction arrangements serving the development have been completed in accordance with the approved plans and all other existing access points within the highway frontage of the site have been stopped-up by raising the existing dropped kerb and reinstating the footway to the same line, level and detail as the adjoining footway.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

- 10 **No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason:** In accordance with paragraph 141 of the *NPPF*; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available.

- 11 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**
- for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;
  - for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;
  - for other natural features along a line to be approved in writing by the Local Planning Authority.

**Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

**Reason:** To safeguard the existing trees on the site in the interests of visual amenity.

- 12 **No development on the dwellings hereby approved shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.**

**Reason:** In the interests of sustainability.

- 13 **Notwithstanding the details in the approved plans, no development shall take place until the detailed design and associated management and maintenance plan for the proposed surface water drainage for the site, based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: To ensure the approved system will function to a satisfactory minimum standard of operation for the lifetime of the development.**

- 14 Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the highway works approved under any reserved matters application shall be closed in a manner to the Local Planning Authority's written approval.

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

- 15 Notwithstanding the details submitted in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a revised site layout showing an amended highway layout that includes the provision to of a formal turning head within the site and development shall be carried out in accordance with the approved details.

Reason: To ensure adequate arrangements to accommodate for refuse collection in the interests of highway safety.

- 16 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 on-street parking which could adversely affect the convenience of road users.

- 17 Prior to the occupation of the first dwelling, a scheme for the provision, management and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body which will be responsible for delivering the management and maintenance of the Public Open Space in accordance with the approved scheme. The Public Open Space shall be laid out prior to the occupation of the 19<sup>th</sup> dwelling and thereafter managed and maintained in accordance with the approved scheme.

Reason: To ensure the provision of public open space to an acceptable standard and to ensure it future management in the interests of high quality development and policy DM3 of the Core Strategy and Development Management Policies 2009.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12494 200 G, 12494 201, 12494 202 A, 12494 203 B, 12494 204 B, 12494 205, 12494 206 A, 12494 208, 12494 209 A, 12494 100, 12494 101, 12494 102 p1, 12494 103, 12494 104, 12494 105 and 12494 106 A.

Reason: To identify the approved plan/s and to avoid 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.
2. Applicant is advised to note that the requirements of surface water drainage proposals in condition 13 should include proposals that take account of the enlarged curtilage area of No 37 High Road and the approved garage to be constructed.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution took place regarding the design of 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) Order 2015.

#### [Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses from the following and additional / amended conditions as detailed in the Late Sheet appended to these minutes:
  - a. Neighbour letter objecting
  - b. NHS did not consider this development on its own generate a health issue and stated one surgery in the catchment area with capacity.
  - c. Housing Development Officer
  - d. Education
  - e. 2 new highways conditions above at 15 and 16
  - f. 1 new condition for open space above at 17
  - g. Conditions 8 and 18 (formerly 15) have been amended as above.]

**Item No. 08**

<b>APPLICATION NUMBER</b>	<b>CB/15/02104/FULL</b>
<b>LOCATION</b>	<b>Land at Memorial Playing Field, Greenfields, Shillington, Hitchin, SG5 3NX</b>
<b>PROPOSAL</b>	<b>Demolition of existing club house and construction of a purpose-built community facility together with associated car parking. Relocation of existing storage container.</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ms Graham</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>18 June 2015</b>
<b>EXPIRY DATE</b>	<b>13 August 2015</b>
<b>APPLICANT</b>	<b>Rowan Homes &amp; Shillington Village Hall (Charity No. 3000656)</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is linked to CB/15/02102/FULL also on this agenda, which is a scheme recommended for approval as an exception to policy due to the funding link between that scheme and this proposal.</b>
<b>RECOMMENDED DECISION</b>	<b>Full application – Approval recommended</b>

**Recommendation:**

That Planning Permission is granted subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted 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 No development relating to the construction of the community facility shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Policy 43, DSCB)

- 3 Notwithstanding the details in the approved plans, the community facility hereby approved shall be brought into use until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have 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 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

- 4 **No development shall take place until a until details have been submitted to and approved in writing by the Local Planning authority of a scheme for the detailed design of surface water disposal along with associated management and maintenance, incorporating sustainable principles wherever appropriate. The works shall then be carried out in accordance with approved details.**

**Reason: To ensure that the surface water drainage system is sufficient to accommodate the impacts of the development hereby approved.**

- 5 The community facility hereby approved shall not be occupied until all on-site vehicular areas have been surfaced in tarmacadam or other bound material. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

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.

- 6 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

**Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy DM3 of the Core Strategy and Development Management Policies 2009.**



- 7 The development hereby approved shall not be brought into use until details have been submitted to and approved in writing by the Local Planning Authority of a proposed lighting scheme and impact assessment for the building and car park area hereby approved which is devised to eliminate any detrimental effect caused by obtrusive light from the development on the neighbouring residential occupiers and considers biodiversity implications in accordance with informative 2. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with the relevant publications and standards. The works shall be carried out in accordance with the approved details and thereafter be retained.

Reason: To protect the neighbouring residential occupiers from any adverse impact from the lights arising from the use of the premises.

- 8 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: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

- 9 The kitchen ventilation system approved in accordance with condition 8 above, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system and other external plant on the premises.

- 10 **No development shall take place until a detailed scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the approved measures. The proposal shall be carried out in accordance with the approved timetable and mitigation scheme and the required measures maintained thereafter.**

**Reason: To ensure development hereby approved is mitigated against**

noise impacts on neighbouring residential properties.

- 11 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

**Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

**Reason: To safeguard the existing trees on the site in the interests of visual amenity.**

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12495 01, 12495 02, 12495 03 Rev E, 12495 04, 12495 05, 12495 07 and UNV-LIG-5000-STD-1.00 (C).

Reason: To identify the approved plan/s and to avoid doubt.

- 13 The development hereby approved shall not be brought into use until the sports pitches have been laid out in accordance with the layouts shown on drawing Number 12495 03 Revision E.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

### **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.
2. Applicant is advised to note that, in producing the proposed lighting scheme as required by condition 7, the following biodiversity considerations should be taken into account and reflected in the scheme:

a) identification of areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

3. The applicant is advised that parking for contractor's vehicles and 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 the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
4. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution took place regarding sports pitch layout. 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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of the additional consultation / publicity response, as detailed in the Late Sheet, from:

- a. The Leisure Officer and;
- b. An additional condition 13.]

**Item No. 09**

<b>APPLICATION NUMBER</b>	<b>CB/15/03228/OUT</b>
<b>LOCATION</b>	<b>Chalkcroft Nursery, The Ridgeway, Moggerhanger, Bedford, MK44 3PH</b>
<b>PROPOSAL</b>	<b>Outline Application: change of use from nursery to residential and the demolition of the existing nursery buildings and the construction of 9 dwellings, car parking and associated works.</b>
<b>PARISH</b>	<b>Moggerhanger</b>
<b>WARD</b>	<b>Northill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mr Firth</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>27 August 2015</b>
<b>EXPIRY DATE</b>	<b>22 October 2015</b>
<b>APPLICANT</b>	<b>Mrs E Aldridge</b>
<b>AGENT</b>	<b>Clarke &amp; Whalen Architects Ltd.</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call-in - Cllr Firth. Will provide all weather footpaths that connect to the west of Blunham Road and the footpath running past The Ridgeway Business Park to the River Ivel. The footpath will also provide a direct safe route to any villagers working at The Ridgeway Business Park and DS Smith.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Refusal recommended</b>

**Recommendation:**

That Planning Permission be refused for the following reasons:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The proposal for residential development located in the open countryside and in a remote location is considered to be unsustainable development and therefore contrary to the aims and objectives of the National Planning Policy Framework which seeks to achieve sustainable development and avoid isolated homes in the countryside. Given the remote location of the site the proposal would also result in harm to the character and appearance of the rural area by introducing a cluster of new dwellings in an area which is rural in nature. The proposal is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

## Notes to Applicant

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Refusal of planning permission is recommended. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively 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) Order 2015.

#### [Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses, as detailed in the Late Sheet appended to these minutes, from the following:
  - a. Secretary of Moggerhanger Village Hall supporting the application
  - b. 98 Station Road
  - c. Rights of Way Officer had no objections
  - d. Letter from Agent Clarke and Whalen was circulated to members also
  - e. Officers responses to the comments above.]

**Item No. 06**

<b>APPLICATION NUMBER</b>	<b>CB/15/03000/VOC</b>
<b>LOCATION</b>	<b>Land rear of 197 Hitchin Road, Arlesey, SG15 6SE</b>
<b>PROPOSAL</b>	<b>Variation of Condition No. 2 on CB/12/03535/FULL dated 17/12/2012 to allow no more than 19 static caravans to be stationed / occupied on the site at any one time and no more than 5 touring caravans shall be stationed on the site at any one time. Of the 5 touring caravans stationed on the site, none shall be occupied.</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>10 August 2015</b>
<b>EXPIRY DATE</b>	<b>05 October 2015</b>
<b>APPLICANT</b>	<b>Mr Rooney</b>
<b>AGENT</b>	<b>Thurdleigh Planning Consultancy</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Shelvey Call in - Reasons. 1) Highway safety - no footpath to village. 2) Impact on landscape - consolidating permanent residential development in the countryside. 3) Concerns of the Town Council.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Approval Recommended</b>

**Recommendation:**

That Planning Permission be granted subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites, August 2015, or any subsequent guidance.

Reason: To limit the use of the site to gypsies and travellers.

- 2 No more than 19 static caravans (as defined in the Caravan Sites and control of Development Act 1960 and the Caravan Sites Act 1968, as amended) shall be stationed on the site and no more than 5 touring caravans shall be stationed on the site. None of the 5 touring caravans shall be occupied as living accommodation on the application site at any time.

Reason: To control the level of development in the interests of visual and residential amenity.

- 3 Within three months of the date of this permission, a detailed landscaping scheme for the site, particularly on the northern and western boundaries of the site shall be submitted to and approved in writing by the local planning authority and the scheme shall include a timetable for implementation and maintenance. The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with saved policy HO12 of the Mid Beds Local Plan and DM3 of the Central Bedfordshire (North) Core Strategy.

- 4 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In order to protect the amenities of local residents.

- 5 No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to protect the amenities of local residents.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers TP01 location plan, TP02 Layout plan (rev 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.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the Core Strategy and Development Management Policies Document (2009) (North) unless otherwise specified.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The application is recommended for approval. 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) Order 2015.



**Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/15/03408/FULL</b>
<b>LOCATION</b>	<b>Woodcote, Woodside, Aspley Guise, Milton Keynes, MK17 8EB</b>
<b>PROPOSAL</b>	<b>Erection of two detached dwellings each with a two bedroom annex used as ancillary accommodation over the detached triple garage, associated driveways, landscaping and tree work.</b>
<b>PARISH</b>	<b>Aspley Guise</b>
<b>WARD</b>	<b>Aspley &amp; Woburn</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Wells</b>
<b>CASE OFFICER</b>	<b>Judy Self</b>
<b>DATE REGISTERED</b>	<b>14 September 2015</b>
<b>EXPIRY DATE</b>	<b>09 November 2015</b>
<b>APPLICANT</b>	<b>McCann Homes</b>
<b>AGENT</b>	<b>DLP Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Wells as the precedent for infill on the opposite side of the road, where two very large houses built as infill in the last 5 years</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommend Refusal</b>

**Recommendation:**

That Planning Permission be refused for the following reason:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The site lies within the South Bedfordshire Green Belt, where permission will not be granted except in very special circumstances for development for purposes other than those listed in paragraphs 89 and 90 of the National Planning Policy framework. The proposed development would be, because of its excessive bulk, height and scale, materially more harmful to the openness of the Green Belt than the existing use as garden land and as such would constitute inappropriate development in the Green Belt which by definition is harmful. The scale of the development would give rise to harm to the openness and character of the area. No Very Special Circumstances' have been put forward which would outweigh the harm by reason of inappropriateness or any other harm caused to the visual amenity and openness of the Green Belt. In addition approval of development in this location could set a precedent for further development in this area or in similar areas. The development is therefore contrary to Policy DM4 of the Core Strategy and Development Management Policies 2009 and national advice within the National Planning Policy Framework 2012.

## Notes to Applicant

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through early engagement with the applicant at the pre-application stage. This advice has however not been adequately followed and therefore the Council remains of the view that the proposal is unacceptable. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The requirements of the Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional letter from the applicant, which was appended to the Late Sheet.]

**Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/15/03281/FULL</b>
<b>LOCATION</b>	<b>55 Jeans Way, Dunstable, LU5 4PW</b>
<b>PROPOSAL</b>	<b>Construction of 1 No. 1 bedroom detached house following demolition of attached garage</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Chatterley</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>01 September 2015</b>
<b>EXPIRY DATE</b>	<b>27 October 2015</b>
<b>APPLICANT</b>	<b>Mr Edwards</b>
<b>AGENT</b>	<b>Mr Girling</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr McVicar on the following grounds:</b> <ul style="list-style-type: none"><li>• <b>Loss of light to garden</b></li><li>• <b>Over development of what is currently a semi-detached house</b></li><li>• <b>Overbearing to No. 42 Kingsbury Gardens</b></li><li>• <b>Out of keeping with surrounding properties</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

Delegated Decision – See minute no. DMC/15/105

That the Development Infrastructure Group Manager be delegated authority to refuse the application for the following reasons:

1. The application site is too restricted in size for the proposed development which would appear cramped in relation to adjoining buildings and out of character with the surrounding area. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, Policies BE8 and H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.
2. The proposed new dwelling would, because of its size, bulk and siting, appear unacceptably obtrusive and overbearing from the rear windows and rear garden of No. 42 Kingsbury Avenue. The proposal is therefore contrary to the principles of good design as set out in the National Planning Policy Framework, Policies BE8 and H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.
3. The garden space proposed for the existing and additional dwelling would not be in compliance with the Internal & External Space Standards, Central Bedfordshire Design Guide Revision, March 2014 and would lead to unacceptable amenity space to the detriment of the quality of living accommodation for current and future residents and out of character to the locality where there are generous garden spaces in excess of 60 square metres. It is therefore considered that the development would be contrary to the principles of good design as set out within the National Planning Policy

Framework, Policies BE8 and H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme and an officer recommendation to approve. 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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of an additional letter from 42 Kingsbury Gardens explaining about the sun light and how it travels through the garden.]

**Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/15/03064/REG3</b>
<b>LOCATION</b>	<b>Leighton Middle School, 2 Church Square, Leighton Buzzard, LU7 1EX</b>
<b>PROPOSAL</b>	<b>The proposed school extension incorporates a new block which will provide 5 new classrooms for the Year 5 group, together with a new block providing a general classroom and technology room. In order to meet the expansion plans, the proposed development will also include for the remodelling and refurbishment of the existing dining block. Additional car parking spaces will also be provided to assist with the increase in occupants on the site. Existing external elements will be amended to provide improved access arrangements.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Berry, Bowater &amp; Dodwell</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>18 August 2015</b>
<b>EXPIRY DATE</b>	<b>13 October 2015</b>
<b>APPLICANT</b>	<b>Head Teacher at Leighton Middle School</b>
<b>AGENT</b>	<b>Kier Services</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is a Regulation 3 application and a material objection has been received that cannot be overcome by condition.</b>
<b>RECOMMENDED DECISION</b>	<b>Regulation 3 - Recommended for Approval</b>

**Recommendation:**

That Planning Permission be APPROVED subject to the following:

**RECOMMENDED CONDITIONS**

- 1 The development hereby permitted 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 Notwithstanding the submitted details, the proposed handrails on the site shall be black painted and shall expressly exclude any integrated mesh guarding.

Reason: In the interests of the character and appearance of the application site.

(Policy BE8, SBLPR and Policies 43 and 45, DSCB)

- 3 Notwithstanding the submitted details, no work shall take place on the construction of the ramp until details of the type of concrete finish of the proposed ramp have been submitted to and approved in writing by the Local Planning Authority. The ramp shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the application site.

(Policy BE8, SBLPR and Policies 43 and 45, DSCB)

- 4 Notwithstanding the submitted details, the proposed infill panels shall not be applied to the new buildings hereby approved until a sample of the proposed panel, complete with proposed final finish applied has been made available on site for comparison against the complete palette of proposed external materials and finishes for the new buildings and has been inspected 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 the character and appearance of the application site.

(Policy BE8, SBLPR and Policies 43 and 45, DSCB)

- 5 **No occupation or use of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority: The effectiveness of remediation implemented by the capping of clean cover as advised in the Ground Engineering report C13600 shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs and depth measurements).**

**Reason: To protect human health and the environment**

**(Policy BE8, SBLPR and Policy 44, DSCB)**

- 6 **No development shall take place until a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.**

**Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* (NPPF) that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).**

**(Section 12, NPPF and Policy 45, DSCB)**

- 7 No development shall take place, including demolition works, until all protective fencing and ground protection have been erected in strict accordance with the Tree Protection Plan-Proposal (Dwg No. APP3B.01) that forms Appendix 3b of the "Tree Survey Report (Pre-Development)" dated July 2015 and been constructed in accordance with Section 5 "Recommendations" of the "Tree Survey Report (Pre-Development)", and the Arboricultural Method Statement, which forms Appendix 5 of the "Tree Survey Report (Pre-Development).

Reason: The condition must be pre-commencement to ensure that a satisfactory standard of Tree Protection is fully implemented in the interests of maintaining tree health and visual amenity.  
(Policy BE8, SBLPR and Policies 43 and 59, DSCB)

- 8 No development shall take place until all recommended tree work has been carried out in accordance with the "Survey Schedule" that forms Appendix 2 of the "Tree Survey Report (Pre-Development)" dated July 2015. The work shall be carried out in accordance with best practice outlined in BS 3998 : 2010 "Tree Work - Recommendations".

Reason: The condition must be pre-commencement to ensure that only tree work required to facilitate the implementation of planning permission is carried out, and that the work is undertaken to a satisfactory standard.  
(Policy BE8, SBLPR and Policies 43 and 59, DSCB)

- 9 No foundations shall be dug until details of pile and beam foundation for the teaching block have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed by a suitably qualified structural engineer and be fit for purpose. The foundation design shall be such that it avoids excavation damage to tree roots and avoids root asphyxiation damage due to raising of ground levels . The foundations shall be constructed in accordance with the approved details.

Reason: To ensure that tree root damage within Root Protection Areas is avoided by the use of special foundations, in the interests of maintaining tree health and stability.  
(Policy BE8, SBLPR and Policies 43 and 59, DSCB)

- 10 Both prior to and during development, all arboricultural related operations and site supervision, as outlined in the Arboricultural Method Statement, which forms Appendix 5 of the Tree Survey Report (Pre-Development) dated July 2015 shall be fully implemented in accordance with the appropriate stage of development and build sequence.

Reason: To ensure that the appropriate methodology and site supervision is fully implemented in order to achieve best working practices in respect of tree protection measures.  
(Policy BE8, SBLPR and Policies 43 & 59, DSCB)

- 11 No-Dig construction methods and permeable surfacing shall be carried out in the designated areas as shown on the Tree Protection Plan-Proposal (Dwg No. APP3B.01) that forms Appendix 3b of the "Tree Survey Report (Pre-Development)", and in accordance with the Arboricultural Method Statement, which forms Appendix 5 of the Tree Survey Report (Pre-Development) dated July 2015.

Reason: To ensure the appropriate construction methods are carried out within Root Protection areas, where this has been deemed to be unavoidable, in order that damage to tree roots is kept to a minimum.  
(Policy BE8, SBLPR and Policies 43 and 59, DSCB)

- 12 The development hereby approved shall not be occupied or brought into use until a landscaping planting scheme , which shall clearly indicate the species, planting density, planting sizes and planting specification of all trees, shrubs and climbers has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting season immediately following completion of development, and shall be maintained for a period of 5 years thereafter until satisfactorily established. Any losses incurred during this period shall be replaced in accordance with the approved planting scheme.

Reason: To ensure a satisfactory standard of landscape planting, aftercare and establishment in the interests of visual amenity and to replace landscaping removed to accommodate this development.  
(Policy BE8, SBLPR and Policies 43 and 59, DSCB)

- 13 The development hereby permitted shall not be occupied or brought into use until a scheme of ecological enhancement to include the provision of three integral bird/bat boxes within the built fabric of the new technology block facing the river has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to the development being brought into use.

Reason: To ensure the delivery of a net gain for biodiversity as required by Section 11 of the National Planning Policy Framework.  
(Section 11, NPPF & Policy 57, DSCB)

- 14 **No development shall take place until a Surface Water Drainage Strategy with the detailed design and associated management and maintenance plan of surface water drainage for the site, using sustainable drainage methods and site-specific percolation tests, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and maintenance plan, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.**



**Reason: The condition must be pre-commencement to ensure the prevention flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site.**

**(Policy BE8, SBLPR and Policies 43 and 49, DSCB)**

- 15 The development hereby permitted shall not be occupied or brought into use until the developer has formally submitted in writing to the Local Planning Authority that the approved scheme has been checked by the developer and has been correctly and fully installed as per the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the construction of the surface water drainage system is in line with what has been approved and will continue to operate as designed for the lifetime of the proposed development.

(Policy BE8, SBLPR and Policies 43 and 49, DSCB)

- 16 All measures agreed within the submitted Travel Plan dated 26/10/2015 shall be undertaken in accordance with the approved plan. There shall be an annual review of the Travel Plan to monitor progress in meeting the targets for reducing car journeys generated by the proposal and this shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport

(Policy BE8, SBLPR and Policies 26 and 43, DSCB).

- 17 The existing tennis courts shall not be taken out of use until the tennis courts approved under application reference no. CB/15/03060/REG3 have been fully implemented.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

(Policy 22, DSCB)

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers AL0102\_P01, AP0102\_P01, AP0103\_P01, AP0201\_P01, AP0251\_P01, AP0601\_P01, 2205AP0302\_P01, 2205AP0303\_P01, 2205AP0701\_P01, 2205AP0702\_P01, AP2205AP0801\_P02, 2205AP0802\_P02, 2205AP0803\_P02, MS-4735 Sheet 1 of 4, MS-4735 Sheet 2 of 4, MS-4735 Sheet 3 of 4, MS-4735 Sheet 4 of 4.

Reason: To identify the approved plans and to avoid doubt.

### Notes to Applicant

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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. During the works any trenches / pits should be covered over night to prevent any badgers from being trapped. A follow-up check for new badger setts that may be impacted by the development should be undertaken shortly before the commencement of works.

4. The applicant is advised of the following:

Any unexpected contamination discovered during works should be brought to the attention of the Planning Authority.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

5. Applicants are advised that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.
6. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable

- alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

7. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Transport Strategy Team, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses as detailed in the Late Sheet as follows:
  - a. A letter had been received from the Chair of Governors confirming the adjusted school day times.
  - b. An additional plan has been received relating to the Dining Block.]

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## **LATE SHEET**

### **DEVELOPMENT MANAGEMENT COMMITTEE – 11<sup>th</sup> November 2015**

#### ***Item 6 (Pages 15-40) – CB/15/03000/VOC – Land rear of 197 Hitchin Road, Arlesey***

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

##### **Additional Comments**

None

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

#### ***Item 7 (Pages 41-62) – CB/15/02102/FULL – Land to the East of High Road, Shillington***

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

##### **Neighbour letter.**

1 additional Objection received on grounds of:

- Additional traffic congestion, noise and pollution.
- Existing Memorial Hall is a landmark building in the village.
- Increased impact on neighbouring residents.
- Further parking problems on High Road.

##### **NHS**

We would not have considered 19 dwellings in this area as an issue for health. However, it should be noted that there is a development of 97 dwellings in Lower Stondon and recently completed developments in Shefford, which as you will appreciate add up to additional needs for health care in this area.

Dr Collins and Carragher in Lower Stondon is the nearest surgery to the above development, with both Shefford and Arlesey a close second.

As these three practices are the nearest to the development it should be noted, their capacity to continue to take on additional patients, within the remit of the current premises:

- Dr Collins and Carragher is deemed as having capacity (but is nearing its constraints at 18.70 patients per square metre
- Dr Cakebread and Partners at Shefford Health Centre has capacity with 17.50 patents per square metre

- Arlesley Medical Centre is constrained at 22.55 patients per square metre.

'Constrained' means a practice working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. Practice in this situation would usually need to be reconfigured, extended or in exceptional circumstances even relocated to absorb a significant number of new registrations.

Therefore the proposed additional patients ( $45.6 = 2.4 \times 19$  dwellings), NHS England would expect that these patients would have an impact on the capacity for these surgeries and would be grateful for a GMS health contribution of £621 per dwelling for the use of Primary Care.

Housing Development Officer (regarding the proposed change to provide 21% affordable housing)

In these situations we would normally request to see a financial appraisal to demonstrate as to why the policy requirement can not be met. However, having reviewed the affordable housing provision for the site the scheme is proposing 4 affordable rent units as 1 bed bungalows which is a type of unit welcomed by the Council. Further to this internal waiting list information received from Housing Services demonstrates a demand for 1 bed units in Shillington. However, in order to be able to agree to the 31% affordable housing from this scheme I would like confirmation that the bungalows will all be designed to Mobility Standard to 'future proof them' for the future requirements.

Education

Additional discussions between education and the Case Officer result in a recommendation to Members to not require education contributions in this instance given the amounts claimed in light of the likely impact it would have on the viability of the provision of the community facility.

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

Highways additional conditions.

1. Notwithstanding the details submitted in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a revised site layout showing an amended highway layout that includes the provision to of a formal turning head within the site and development shall be carried out in accordance with the approved details.

Reason: To ensure adequate arrangements to accommodate for refuse collection in the interests of highway safety

2. 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.

Additional condition regarding open space.

1. Prior to the occupation of the first dwelling, a scheme for the provision, management and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body which will be responsible for delivering the management and maintenance of the Public Open Space in accordance with the approved scheme. The Public Open Space shall be laid out prior to the occupation of the 19th dwelling and thereafter managed and maintained in accordance with the approved scheme.

Reason: To ensure the provision of public open space to an acceptable standard and to ensure its future management in the interests of high quality development and policy DM3 of the Core Strategy and Development Management Policies 2009.

Amended conditions

8. No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:

- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
- b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.
- c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

18. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12494 200 G, 12494 201, 12494 202 A, 12494 203 B, 12494 204 B, 12494 205, 12494 206 A,

12494 208, 12494 209 A, 12494 100, 12494 101, 12494 102 p1, 12494 103, 12494 104, 12494 105 and 12494 106 A.

Reason: To identify the approved plan/s and to avoid doubt.

***Item 8 (Pages 63-80) – CB/15/02104/FULL – Land at Memorial Playing Fields, Greenfields, Shillington***

**Additional Consultation/Publicity Responses**

Leisure Officer raises no objections following Sport England's no objection

**Additional Comments**

**Additional/Amended Conditions/Reasons**

The development hereby approved shall not be brought into use until the sports pitches have been laid out in accordance with the layouts shown on drawing Number 12495 03 Revision E.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

***Item 9 (Pages 81-96) – CB/15/03228/OUT – Chalkcroft Nursery, The Ridgeway, Moggerhanger***

**Additional Consultation/Publicity Responses**

Additional response

I write regarding the planning application for 9 properties at Asterby & Chalkcroft Nursery, Moggerhanger (CB/15/03228/OUT), submitted by Mr. & Mrs. Aldridge.

You will be aware from previous interactions between yourselves and the MATHS group that Moggerhanger has strong views on development within our small village. Earlier this year we elected a new Parish Council with many new members in favour of taking a more active interest in our housing and development. Because of this the decision was taken to disband the MATHS group and for members to raise issues with, and give support to, our new Parish Council.

I write on behalf of the Trustees of Moggerhanger Village Hall and the Trustees of The Friends of Moggerhanger Village Hall. These two charities work in unison to support and maintain our well used and vital community hall. We recently purchased a one acre strip of land from Central Bedfordshire Council to provide a much needed car park and improved facilities at the hall, all of which will require significant expenditure. We are in the process of drawing up a planning application for submission. Currently car owners park along Blunham Road, often on the pavement,



making the road dangerous for road users and pedestrians alike. As well as the much needed car park we wish to develop an outside secure family friendly grassed area.

As part of their application Mr. & Mrs. Aldridge have committed to building a lit footpath from the proposed development to connect with Blunham Road and also to contribute £50,000 towards the car park and improvements at the village hall, both of considerable benefit to the village.

Many key points have been highlighted to your planning department by residents but despite this we understand that the case officer is recommending refusal and that this application will now come to the DMC on November 11. We would be grateful if you would give careful consideration to this application taking note of the following points we have raised.

CBC still has a requirement for additional housing and 30% of this proposed development will be affordable.

Moggerhanger is a small village and as such the right type of development is important to maintain the close community and stay in keeping with the surrounding area and properties. This is a small development on land that is already developed with good screening and good spacing so not over developed.

There will be a foot path enabling easy access to Blunham Road, school and bus facilities, the local village hall and church, making facilities far more accessible than for residents currently living within the Chalton area.

Access to the main A603 will be from the Ridgeway where visibility is good so there will be no impact on the already busy crossroads where Blunham Road joins the A603.

As you know a big issue for Moggerhanger is the service provided by Anglian Water with too low water pressure and inadequate foul and surface water disposal. Water for this development will come from Blunham not through Upper Caldecote and the proposed Biodisc treatment plant for sewage will ensure this development does not impact on the already inadequate services provided by Anglian Water.

Mr. & Mrs. Aldridge held a meeting in our Village Hall outlining their proposal and seeking support from the residents. They have a petition signed by more than 90 parishioners, a copy of which we attach to this communication.

It is true that this development would be outside the settlement envelope, however, can we take the liberty and remind you that for the recently approved development behind the Guinea public house 16 of the 18 properties are also outside of the settlement envelope.

It will be of no surprise to you to see we have compared this application to the recently approved development for 18 houses behind the Guinea public house which will be built on virgin farm land, is in our opinion over developed and not in keeping with surrounding properties, will impact significantly on the road traffic at the cross roads and is likely to break the already over stressed Anglian Water services.

It is clear from the proposal that the nursery is no longer viable so some form of alternative development will be required. If this application is not approved for residential development then the alternative would be for a different kind of commercial development. We are certain you are already aware that Moggerhanger has more than its fair share.

The case officer states that the benefit offered to the Village Hall cannot be taken into consideration. May we draw your attention to item 7 on your agenda for November 11 meeting regarding the erection of 19 properties at Shillington after demolition of the village hall. Here the recommendation is for approval and here the community hall is paramount to the recommendation.

“The development of the site for residential purposes is contrary to policies within the Core Strategy and Development Management Policies 2009. However in this instance the development is considered acceptable as an exception on the basis that the material considerations with the scheme, that being that monies generated from the development will be directed towards the provision of a new Community Hall within the village at the Memorial Playing Fields, outweighing the noncompliance with policy.”

In conclusion we believe this is a community focused development, providing benefits and many facilities for new and existing residents alike, unlike the Guinea development where we feel the beneficiary is the developer alone.

Taking all this into consideration we would urge you to recommend this application be granted.

Yours sincerely,  
Mr Roger H Allen - Secretary, Moggerhanger Village Hall

Home : Old Vicarage, Blunham Road, Moggerhanger, Bedford MK44 3RD

98 Station Road –comments received -

This development is proposed in open countryside and well out of any village building line. The original bungalow was granted on agricultural grounds. Historically I understood from my mother that during 1939-45 a line of bombs were dropped by enemy aircraft to target railway lines but fortunately missed. Ground may need to be tested for UXBs.

Rights of Way Officer -

I have no objections to the application.

I do have comments I wish to be taken into consideration with regard to the pedestrian access as described in the application and Design Guide. The applicant is disposed to the creation of a Permissive Footpath across the site to allow public access between The Ridgeway and Blunham Road, Moggerhanger.

I would like the applicant to dedicate the intended footpath as a Right of Way rather than a permissive route. This will root the access permanently into the landscape, be able to be improved over time and give an important everlasting public access gain in this area. It would allow wider users to access the Ivel Riverside rights of way and

Sandy beyond without using the Bedford-Sandy road rat run. I would be most content with the way becoming a legal footpath. In that case Countryside Access would sign the route and maintain the surface of the way over time.

The proposed route would have to have a minimum legal width of 2metres and be level and surfaced with blinded recycled planings (680m x 1.5m approx cost £22500.00) as this would become a very popular route. I would resist the installation of structures (kissing gates) as Countryside Access policy is for as open access as is possible. In this case stock is not present.

Petition received in support of proposal.

### **Additional Comments**

Letter dated 6 November 2015 from the applicants Agent Clarke and Whalen.

Appended to the Late Sheet (also circulated to Members by email)

### Officers comments on above.

The Guinea development is not considered to be comparable to this application as the Guinea site was allocated for development under Policy HA26 of the Site Allocations Development Plan Document (2011). Under the site allocation process it was considered to be an appropriate location for new development.

Regarding the comments made referring to the new village hall proposed by the Shillington application (also on this agenda), in this case the Village Hall forms part of the proposal as it is to be demolished to make way for the proposed new dwellings. As set out in the committee report for the Shillington item, the proposal here will enable the delivery of a new village hall elsewhere in the village. The loss of the community facility would not be acceptable and therefore the development seeks to provide new facilities as part of the proposal. As such the new facility is relevant to the development and required to make the development acceptable in planning terms. It therefore complies with the CIL regulations whereas in the Chalkcroft Nursery case, the proposed £50,000 towards a new car park is not considered to meet the tests set out in the CIL regulations as set out in the committee report.

Reference has been made to a recent planning application in the CBC Parish of Studham where three dwellings were granted permission at Studham Nursery under delegated powers on 22/09/15. In this case the nursery had ceased trading and a viability assessment submitted, it would be an overall enhancement of the site which is in an AONB and Green Belt, there was a reduction in the built footprint of the site, the enhancement of the site was considered to outweigh other considerations. In the Moggerhanger case, the site is not within Greenbelt, there would be a significant increase in built footprint on the site, the business continues to trade, the viability assessment submitted did not explicitly set out the business accounts to demonstrate the business is not viable.

Members should be aware that Annex 2 of the NPPF defines Previously Developed Land (brownfield) as excluding: land that is or has been occupied by agricultural or forestry buildings. Horticultural use falls within the definition of agriculture as set out by the Town and Country Planning Act 1990.

***Item 10 (Pages 97-116) – CB/15/02248/FULL – Land adj to Flitwick Filling Station, High Street, Flitwick***

**Additional Consultation/Publicity Responses**

Highways England: No objections.

Central Bedfordshire Council Highways officer: No objections to revised plans.

Network Rail: No further comments to make on revised plans other than those previously raised.

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 11 (Pages 117-128) – CB/15/03408/FULL – Woodcote, Woodside, Aspley Guise***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

Letter dated 3 November 2015 from the applicants. Appended to the Late Sheet

**Additional/Amended Conditions/Reasons**

None

***Item 12 (Pages 129-146) – CB/15/03064/REG3 – Leighton Middle School, 2 Church Square, Leighton Buzzard***

**Additional Consultation/Publicity Responses**

A letter has been received from the Chair of Governors of Leighton Middle School confirming that the results of the consultation with parents and staff has resulted in an agreement to alter the times of the school day by 10 minutes in accordance with the recommendations within the submitted Travel Plan.

**Additional Comments**

The additional plan showing the proposed alterations to the Dining Block has been received.

**Additional/Amended Conditions/Reasons**

None

***Item 13 (Pages 147-164) – CB/15/03281/FULL – 55 Jeans Way,  
Dunstable***

**Additional Consultation/Publicity Responses**

A further letter has been received from the occupier of No. 42. Kingsbury Gardens. She states that the sun shines at the bottom of the garden of No. 42 at around 9.30 am at this time of year and works its way towards the house over the next three hours. It then shines into the sun lounge of No. 42 until mid afternoon.

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

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Ms S Boyd  
Senior Planning Officer, East Team  
Regeneration and Business Directorate  
Central Bedfordshire Council  
Priory House,  
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Chicksands,  
Shefford,  
Bedfordshire, SG17 5TQ

**BY EMAIL AND BY HAND**

Our Ref: 5259

06 November 2015

Dear Ms Boyd,

**Re: CB/15/03228/OUT Chalkcroft Nursery, Blunham**

Further to my email dated 26oct15 and, following the issue of your report for the Planning Committee this coming Wednesday, we wish to raise a number of points, which were included in our application, and comments related to your report which committee members should be made aware for their further information.

The reasons for refusal are primarily that the proposal is located in the open countryside and in a remote location and is thus considered unsustainable development which would also result in harm to the character and appearance of the rural area by introducing a cluster of new dwellings in an area which is rural in nature.

Location:

In terms of the location of the site, the Committee report does not refer to the full evidence of good connectivity which is well documented in the Design and Access Statement and the Planning Statement. We outlined in detail a diagram of the local transport and other links, a further copy of is enclosed which should be included with the information circulated to members. I would also highlight para 5.36 of the DAS:

*The revised Design Guide for Central Bedfordshire states that the average walk is 0.7 miles, 70% walk journeys are under 1 mile and 95% of journeys under 2 miles. The distance to the Village Hall, School, Church is under 0.7miles and the Pub and No. 73 bus stop is under 1 mile. There is a closer bus stop (188) but the service is once every 2 hours starting at 8.30 am in the morning. That said, on the basis of the BREAM code of sustainable development the quality of the bus service should be a greater consideration than the closeness of the bus stop. The 73 bus is a twice hourly service to Bedford in one direction and to Sandy & Biggleswade in the other. The 73 is frequently standing room only at peak times. The school bus to Alban Academy passes along the Ridgeway past the site.*

The proximity and walking distances to the village and other local centres is also evidenced by the attached Fact Sheet #1 together with Fact Sheet #2 which cites both National and CBC guidelines and this site falls within those guidelines. Indeed the proposed new path will provide a direct link to the village and between footpaths FP1 and FP6 thus creating a circular walk around Moggerhanger. The path will also allow easy, sustainable access to DS Smith (formerly Abbey Corrugated) and the Ridgeway Business Park.

In the pre-application advice from Highways they said "The submission indicates a proposal to link the site with the village of Chalton (Moggerhanger) by the provision of a footpath link across agricultural land *but unless the route is properly surfaced and possibly illuminated the usefulness of the link and level of usage, particularly during the winter months and occasions of inclement weather is unlikely to be well used*, leaving no alternative but to rely on the private car as the mode of transport." The corollary of this is that a properly surfaced and possibly illuminated path as proposed will be well used. This advice would agree with the acceptable walking distances suggested by the IHT. That said, given that this is an outline application, the development of the detail can be addressed through suitable planning conditions and direct consultation.

Therefore, far from being remote this site is within accepted guidelines. Indeed in a recent approval in Studham, the location it is as far from the facilities as this site is, there is no safe walk into the village and it is in an area of outstanding natural beauty, an area of great landscape value and is in green belt.

#### Quality

The refusal cites only one policy (DM3), which is concerned with development 'quality', on the basis of 'harm to the character and appearance of the rural area'. In the pre-app response it was stated that *Notwithstanding the comments made above regarding the principle of the development, the proposed layout plan appears to be broadly acceptable*. As this is only an outline application, members need to make their own judgements about whether the scheme complies with the requirement for all new development to be 'appropriate in scale and design to their setting' and decide what weight should be accorded to any 'adverse impact' identified. We believe it is appropriate.

#### Housing Need and Land Supply:

CBC have a lack of market housing and affordable housing. Indeed CBC wrote to the Planning Inspector for a scheme Shefford to acknowledge that they have a significant shortfall in both. If approved this scheme will improve this shortfall.



The shortfall in the 5 year supply of housing land was brought to members attention at the CBC Executive meeting on 6<sup>th</sup> October 2015. The current shortfall is clearly a material consideration and in para. 9 of the accompanying report it explicitly recognises CBC's vulnerability at appeal. I quote:

*Housing Supply Position*

*9. The Development Strategy is now afforded little, if any, weight and this has been borne out by recent appeal decisions where both the Development Strategy and the Central Bedfordshire North Core Strategy policies for the supply of housing held no weight and sites outside the settlement envelope were granted permission. This is because the National Planning Policy Framework (NPPF) requires that local planning authorities identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements. Where a five year supply cannot be demonstrated, relevant policies for the supply of housing are considered 'out of date' and there is a presumption in favour of sustainable development. In practice, this means that councils who have less than 5 years supply are susceptible to planning applications being granted on appeal rather than being able to direct growth to the optimum locations for the benefit of the area as a whole.*

As stated in your report paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Although you consider that the adverse impacts in this case would demonstrably and significantly outweigh the benefits we believe that we have demonstrated that this is incorrect.

In the appeal for Campton Road, Shefford CBC demonstrated that 5% of its five year housing supply was to come from windfall sites of less than 15 dwellings. The NPPF defines windfall sites as sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

Clearly you prefer see this and similar sites lie vacant whilst accepting that there is an unmet need for housing across the district (and this shortfall will grow now that CBC accepts it must contribute to meeting Luton's unmet need). Members should be respectfully reminded that other 'material considerations' i.e. the absence of a 5 year supply, the acute shortage of affordable housing and the scope to negotiate other community benefits (subject to compliance with CIL Regs) should be accorded significant weight. The direction of travel in terms of both national and local policy would favour a more flexible approach to residential development on brownfield sites, and developers should not be penalised on account of unforeseen delays to the Local Plan review. If the scheme is refused and no beneficial use is found for the site then it's likely to become derelict in the near future, which would not accord with the NPPF objective of making efficient use of land.

Community benefits:

As well as footpath the applicant has offered to contribute a sum of money to the Village Hall as part of their planning obligations. However you state this this is not CIL compliant despite clearly of being of benefit to the village whereas at Shillington (on the same agenda) you are accepting the rebuilding of the village hall in exchange for the developer getting permission to build many more houses.

The report also states that no details of the footpath have been put forward. The applicant is more than happy to discuss the detail with officers but as advised above, given that his is an outline application, the development of the detail can be addressed through suitable planning conditions and a S106.

To summarise, we believe that the site is sustainable and therefore not contrary to policy and the dwellings will contribute to the housing shortfall.

*Providing a supply of housing to meet the needs of present and future generations* is one of the primary roles the planning system and that there is no simple definition of sustainable development in the NPPF; quoting from para 6:

*'The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system.'*

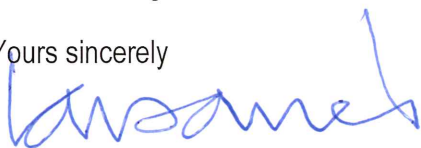
The site is a brownfield/previously developed site. A major point of the NPPF is to preserve the green belt and best quality farm land. Once farm land is built on it will never be farmland again and its supply is precious and finite. Paragraph 17 of the National Planning Policy Framework encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. By effectively allowing the land to become derelict, this is not an effective use of land and is contrary to the core principles of the National Planning Policy Framework.

In every case the judgement made will need to take of account of all the circumstances, and where there is a housing supply shortfall, all windfall contributions are significant. As we are sure that members are aware, a number of recent appeal decisions have reinforced that message.

However, it would be worth reminding members that this is an outline application and if they are minded to approve the scheme there is no necessity to defer a decision as they will have opportunity to deal with detailed design under reserved matters, and to secure delivery through a S106 agreement.

We would be grateful if this could be circulated to members, preferably before the site visit.

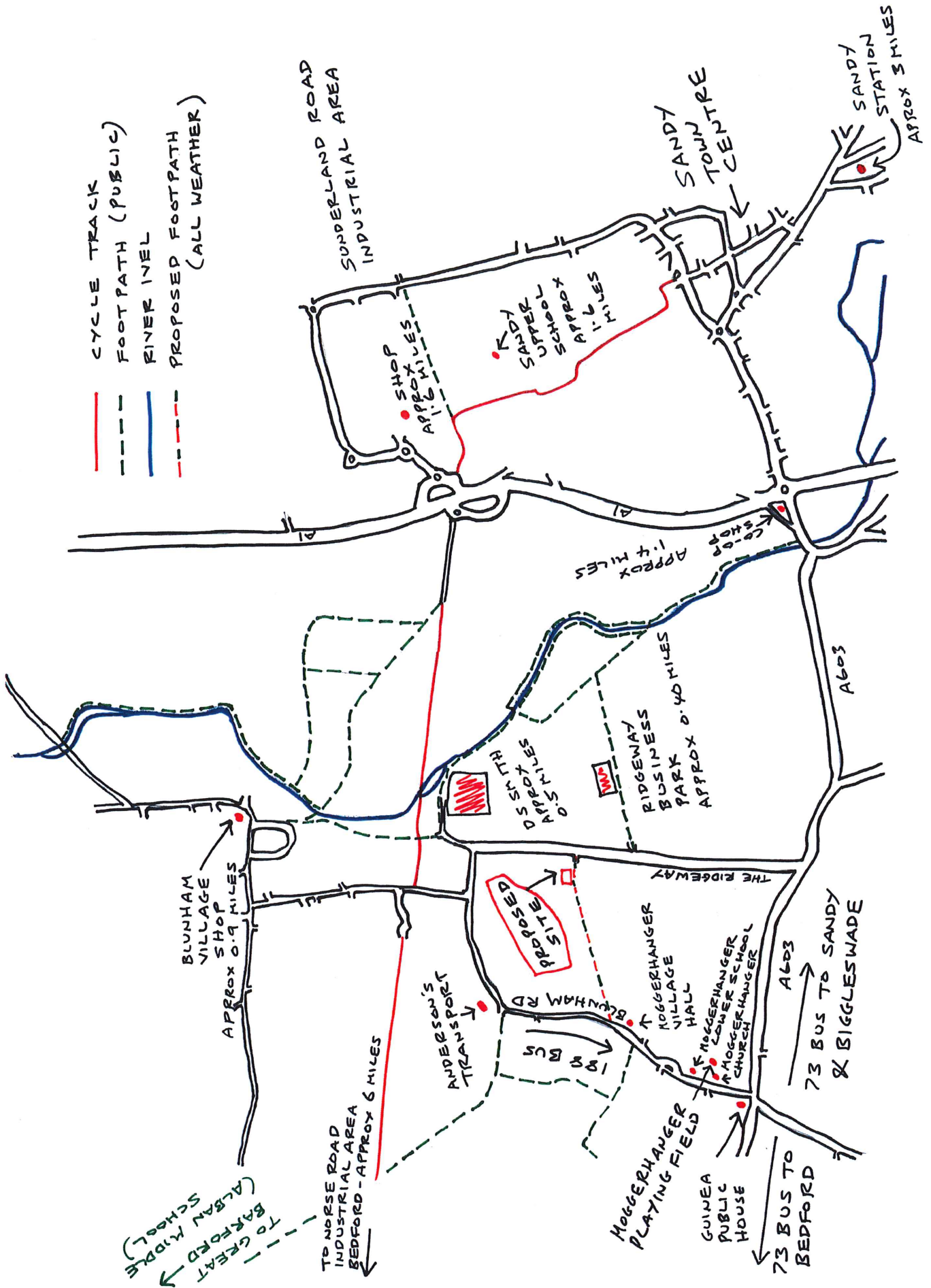
Yours sincerely



**IAN DAVIES** MA(Arch.Man) DipArch RIBA MFPWS

**For CLARKE + WHALEN ARCHITECTS LTD**

Encl. Fact Sheet #1, Fact Sheet #2, Local links



FACT SHEET #1  
CB/15/03228/OUT

Facility	Distance miles	Distance m	Travelling Time	
			Walking mins	Cycling mins
<b>MOGGERHANGER</b>				
Village Hall	0.37	600	7	2
Lower School	0.58	935	12	3
Church	0.65	1,050	13	3
Playing Field	0.67	1,080	13	3
Pub	0.74	1,185	15	4
188 Bus stop	0.56	900	11	3
73 Bus stop - east bound	0.77	1,245	15	4
73 Bus stop - west bound	0.80	1,285	16	4
Ridgeway Business Park	0.30	490	6	2
DS Smith (formerly Abbey Corrugated)	0.40	650	8	2
Cycle track	0.39	625	8	2
<b>SANDY</b>				
Sandy town centre	2.38	3,825	48	12
Sandy station	2.77	4,450	55	14
Tesco, Sandy	2.92	4,700	58	15
Sandy Upper School	1.59	2,550	32	8
Co-op at Fallowfield	1.55	2,500	31	8
Maple Leaf Lower School	1.55	2,500	31	8
Sunderland Road Industrial Estate, Sandy	1.78	2,865	36	9
<b>WILLINGTON</b>				
Danish Camp	3.02	4,850	60	15
<b>BEDFORD</b>				
Bedford town centre	7.31	11,750	146	37
Bedford cinema	6.28	10,090	126	31
Norse Road Industrial Estate, Bedford	5.42	8,715	108	27
Priory Business Park, Bedford	6.64	10,670	133	33
Tesco, Cardington Road, Bedford	6.75	10,860	135	34
Tesco, Goldington Road, Bedford	5.88	9,450	118	29
Waitrose, Goldington Road, Bedford	5.63	9,050	113	28

**No. 73 Bus between Bedford and Biggleswade**

This is operated by Stagecoach and runs from early in the morning until late in the evening. It runs at half hourly intervals for the majority of the day and for 7 days a week.

**NOTE**

The proposed development is closer to the school and village hall than the development at Shillington (items 7 & 8 on the DMC agenda). The distance to the playing field is the same.

FACT SHEET #2  
CB/15/03228/OUT

**Central Bedfordshire Home to School Transport Policy 2014/15**

A child of statutory school age who meets one of the following criteria will be provided with free travel arrangements to school as follows.

i. A child aged under 8 years who attends either the catchment area school designated by Central Bedfordshire Council or the nearest qualifying school but lives more than 2 miles from the school, by the shortest available walking route, unless parents voluntarily make suitable alternative arrangements.

**Department for Transport  
National Travel Survey: England 2014**

76% of all trips under one mile are walks. (page 12)

**Chartered Institution of Highways & Transportation  
(formerly the Institution of Highways and Transportation)  
Guidelines for Providing Journeys on Foot**

**Table 3.2: Suggested Acceptable Walking Distance.**

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

**Central Bedfordshire design Guide**

Walking  
1.10.03

Nationally, pedestrian journeys make up around 27% of all journeys. In Bedfordshire, 50% of children walk to school. Pedestrian convenience should therefore have the highest priority.

- To encourage walking, facilities need to be nearby. The average walk journey is 0.7 miles long, whilst around 70% of walk journeys are under a mile and 95% under 2 miles.
- Routes should be as direct as possible, safe and attractive.

**Central Bedfordshire My Journey  
Journey to Work Evidence Base****3.2 Length of Trips**

- ☐ The average length of journey to work in 2001 in Central Bedfordshire was 10 miles (16km). This compares to a national figure of 8.5 miles in 2002, highlighting longer than average commutes for local residents
- ☐ There is a wide divergence in the distances people travel to work with no one distance banding dominating. This reflects the rural nature of the authority and the lack of any one dominant urban area.
- ☐ A large proportion of respondents work within 2 miles of where they live, a distance easily walkable by most able bodied adults.
- ☐ A large proportion of the population also work within a relatively manageable cycling distance of their home, generally perceived to be anything under 5 miles.

MR & MRS J McJANNET  
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ASPLEY GUISE  
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01908 588065

Cllr K C Matthews  
142b High Street  
Cranfield  
Bedford  
MK43 0EL

3 November 2015

Dear Cllr Matthews

**Re: Application Ref CB/15/03048: Woodcote, Woodside Aspley Guise**

I write with reference to the above application which is to be considered by Members at their meeting of the 11<sup>th</sup> November.

Officers have recommended that the application should be refused; however, I am concerned that insufficient weight has been given to the information and material considerations relevant to the consideration of this application. In advance of the meeting I would therefore like to draw to your attention to the merits of the proposal and the planning considerations which I believe are relevant.

The application seeks permission to erect two detached dwellings with detached garages on land within the curtilage of my property, Woodcote.

This land is entirely enclosed on all sides by a mix of existing residential properties and the road frontages of Woodside and Aspley Hill. In addition, running along the boundaries of the site with Woodside and Aspley Hill is a mix of trees and vegetation that further obscures views of the site.

In terms of relevant planning policy; the site falls on land washed over by the Green Belt, as does much of Aspley Guise. Central Bedfordshire's Core Strategy and Development Management Plan policy (DM6), allows limited infilling to occur in the Green Belt within set infill boundaries as defined upon the Plan's accompanying Proposals Map. Policy DM6 however was framed to respond to Planning Policy Guidance Note 2 – Green Belts (PPG2), which provided specific advice on how limited infilling should be considered in a local plan. PP2 has now been replaced by the National Planning Policy Framework (the Framework) and the advice on Green Belt infilling was not carried forward into the counterpart paragraph (#.89) of the Framework. There has, as a result, been a change in planning circumstances as the Framework no longer requires infilling the Green Belt to be tied to local plan policy. Rather, it is a standalone exception that requires decision makers to consider whether, as a matter of fact on the ground, a site falls within the built form of the village and can constitute an infill site.

This interpretation is corroborated by, and leads from the Appeal Court decision *Wood v Secretary of State for Communities and Local Government* [2014] EWHC 683 (Admin). Paragraph 11 of that decision assessed Paragraph 89 of the Framework and in summary found that limited infilling in villages in green belt was acceptable.


I consider this to be a significant legal decision, particularly given that the application site sits within the built confines of Aspley Guise and not on open Green Belt land.

As a demonstration of the site's characteristics, I have enclosed an aerial image that shows the application site and the development context that surrounds it. The properties that have been highlighted in blue are large properties that were both constructed in the last 18 months. Practically, I would consider this plan alone shows how logical the site is as an infill site in Aspley Guise.

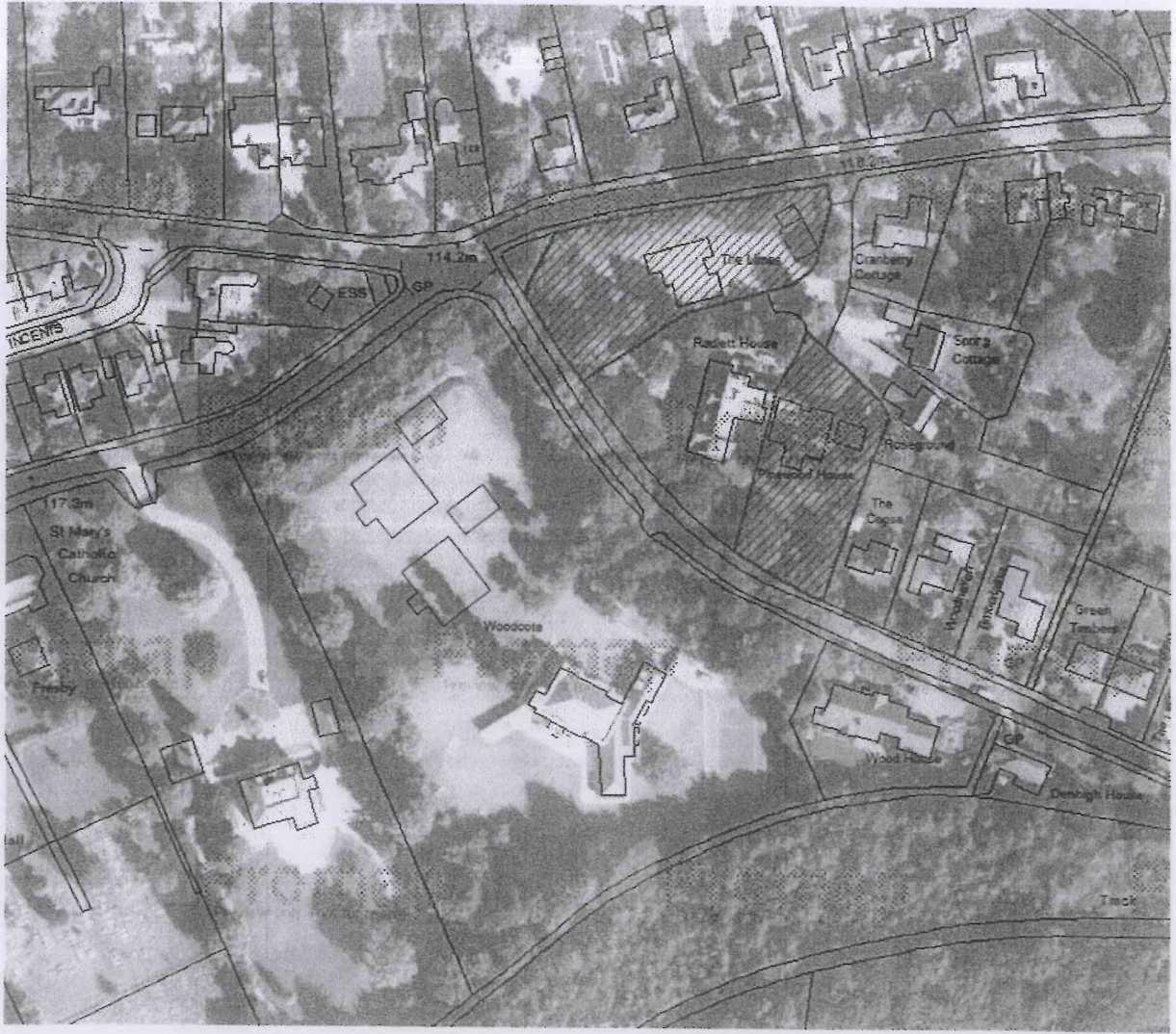
Taking into account the changed policy context, and the ruling of the Court of Appeal on the interpretation of Green Belt infilling, it is clearly apparent that the site can be viewed as nothing other than an infill site that falls within the village settlement of Aspley Guise. This was the conclusion reached by the Parish Council at its meeting on the 5<sup>th</sup> October. Moreover it is also notable that there have been no objections from local residents and in fact two letters of support.

The Framework reiterates that the purposes of land being in the Green Belt are to prevent urban sprawl, to stop towns merging and to safeguard the countryside from encroachment. Taking into account the location and context of the site and the scale and nature of the proposed development it is clear that these 'purposes' are not harmed, and, given the lack of local objection and the support expressed by local residents, I would urge Members to support this application.

Yours sincerely

  
James McCann





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