

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 6 January 2016

PRESENT

Cllr K C Matthews (Chairman)

Cllrs M C Blair
Mrs S Clark
K M Collins
F Firth
E Ghent

Cllrs C C Gomm
K Janes
T Nicols
I Shingler
J N Young

Apologies for Absence: Cllrs R D Berry
S Dixon

Substitutes: Cllrs D Bowater (In place of R D Berry)
I Dalgarno (In place of S Dixon)

Members in Attendance: Cllrs Mrs J G Lawrence
D J Lawrence
R Morris
M A G Versallion,

Officers in Attendance: Mr D Ager Principal Highway Officer
Mr A Bunu Senior Planning Officer
Mr A Davie Development Infrastructure Group
Manager
Mr J Ellis Planning Manager West
Mr D Hale Planning Manager South
Mr A Harrison Principal Planning Officer
Mr D Lamb Planning Manager East
Mrs L Newlands Principal Planning Officer
Miss D Willcox Planning Officer

DM/15/127. **Chairman's Announcements**

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

The Chairman advised the Councillors and members of the public that the order of business had been varied and would be considered as follows: After 10.00am: 15, 14, 13, 11, 9, 10,
After 1.30pm: 7, 8 & 16.

The Chairman advised that Item No 12, relating to 4 Greenfield Road, Pulloxhill had been withdrawn from the agenda due to an invalid certificate submitted to the authority.

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

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

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

DM/15/128. **Minutes**

RESOLVED

that the Minutes of the meeting of the Development Management Committee held on 9 December 2015 be confirmed and signed by the Chairman as a correct record.

RESOLVED

that the minutes of the meeting of the Development Management Committee held on 11 November be amended to record the omission of the recording of Councillor Young as having declared a Personal interest in Item No 13, relating to 55 Jeans Way, Dunstable. The nature of the interest relates to Councillor Young being a friend of the applicants neighbour.

DM/15/129. **Members' Interests**

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

Member	Item	Nature of Interest	Present or Absent during discussion
All Members of the Committee	8	Know Public speaker as former Central Bedfordshire Councillor	Present
Councillor Matthews	8, 9, 10 & 15	Know Public Speakers on each item	Present

Councillor Collins	9	Know Public Speaker	Present
Councillor Clark	15	In capacity as Deputy Executive Member have involvement with East/west Rail Consortium	Present (No vote taken)
Councillor Firth	9	Know Public Speaker	Present
Councillor Young	7&8	In capacity as Executive Member am aware of applications	Present
Councillor Clark	7	Have worked with Denison Investments in capacity as Deputy Executive Member	Present

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

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr Firth	10	Applicant is a friend	Absent

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

Member	Item	Parish/Town Council	Vote Cast
Cllr Clark	15	Lidlington Parish Council	Did not vote
Cllr Matthews	15	Lidlington Parish Council	Did not vote

DM/15/130. Planning Enforcement Cases Where Formal Action Has Been Taken

AGREED

that the monthly update of planning enforcement cases as identified in the report where formal action had been taken were received.

DM/15/131. Planning Application No. CB/15/02258/FULL

RESOLVED

that Planning Application No. CB/1502258/FULL relating to Land off Marston Road, Lidlington be approved subject to the completion of a Section 106 agreement to include compliance with a timetable and inclusion of this development within the 5 year land supply.

DM/15/132. **Planning Application No. CB/15/02419/FULL**

RESOLVED

that Planning Application No. CB/15/02419/FULL relating to Land North of Flexmore Way, Station Road, Langford be approved subject to a Section 106 agreement to include compliance with a timetable and inclusion of this development within the 5 year land supply.

DM/15/133. **Planning Application No. CB/15/04547/FULL**

RESOLVED

that Planning application No. CB/15/04547/FULL relating to Fourwinds Farm, Leighton Road, Stanbridge be refused as set out in the schedule appended to these minutes.

DM/15/134. **Planning Application No. CB/14/04463/VOC**

RESOLVED

that Planning Application No. CB/14/04463/VOC relating to Double Arches Quarry, Eastern Way, Heath & Reach, Leighton Buzzard be approved as set out in the schedule to these minutes.

DM/15/135. **Planning Application No. CB/15/04370/FULL**

RESOLVED

that Planning Application No. CB/15/04370/FULL, relating to 150 Biggleswade Road, Upper Caldecote be approved as set out in the scheduled appended to these minutes.

DM/15/136. **Planning Application No. CB/15/03078/REG3**

RESOLVED

that Planning Application No. CB/15/03078/REG relating to Stratton Business Park, Pegasus Drive, Biggleswade be approved as set out in the schedule appended to these minutes.

DM/15/137. **Planning Application No. CB/15/03250/FULL**

RESOLVED

that Planning Application No. CB/15/03250/FULL relating to Land adjacent to 28 Ivel Road, Sandy be approved as set out in the schedule appended to these minutes.

DM/15/138. **Planning Application No. CB/15/03665/FULL**

RESOLVED

that Planning Application No. CB/15/03665/FULL relating to 6 Periwinkle Lane, Dunstable be approved as set out in the schedule to these minutes.

DM/15/139. **Planning Application No. CB/15/04252/FULL**

RESOLVED

that the application be withdrawn due to submission of an invalid certificate.

DM/15/140. **Update on Maulden Footpath No. 28**

RESOLVED

that Maulden Footpath No. 28 be deferred to a future meeting. The Council had become aware that Judicial Review proceedings had commenced and it would not be appropriate to consider this matter until those proceedings are concluded. Deferment would also allow a site visit to be undertaken as composition of the Committee has changed considerably since the original decision was taken in February 2013 by the Development Management Committee.

DM/15/141. **Site Inspection Appointment(s)**

RESOLVED

That all members of the Committee be invited to conduct site inspections on Monday 1 February 2016.

DM/15/142. **Late Sheet**

In advance of consideration of the above 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 4.05 p.m.)

Chairman

Dated

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Item No. 15

APPLICATION NUMBER	CB/15/02258/FULL
LOCATION	Land off Marston Road, Lidlington, Bedford, MK43 0UQ
PROPOSAL	Residential development of 31 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
PARISH	Lidlington
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Lisa Newlands
DATE REGISTERED	18 June 2015
EXPIRY DATE	17 September 2015
APPLICANT	BDW Trading Ltd and Henry H. Bletsoe & Son LLP
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Deferred from December Committee to discuss East - West rail representation.
	Previously Called in by Cllr Clark on the grounds it is outside the settlement envelope and potential impact on East-West rail improvements to the Marston Road crossing.
	Major development which is a departure from policy.
RECOMMENDED DECISION	Full Application - Approval subject to completion of S106 agreement

Recommendation:

That Planning Permission be approved subject to the completion of a Section 106 agreement to include compliance with a timetable and inclusion of this development within the 5 year land supply.

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 The development shall be carried out in accordance with the materials shown on drawing number S242_200 Rev I unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Section 7, NPPF)

- 3 The boundary treatment shall be completed in accordance with the approved scheme shown on drawing number S242_210 Rev I before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Section 7, NPPF)

- 4 **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.
(Sections 7 & 11, NPPF)**

- 5 Details of the layout and design of the play area shown on the approved drawing, including the equipment, furniture, surfacing and boundary treatment to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented prior to any houses being first occupied and retained thereafter.

Reason: To ensure the provision of adequate play and children's recreation facilities.
(Section 8, NPPF)

- 6 Development above ground level shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 7 Before first occupation of any dwelling hereby approved all other existing vehicle access points not incorporated in the development hereby permitted shall be stopped up by removing any hardsurfacing, reinstating the verge and highway boundary to the same line, level and detail as the adjoining

footway verge and highway boundary.

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user.

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, 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.

- 9 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

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

- 10 Development above ground level shall not begin until a scheme for the provision of integrated bat/ bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To increase biodiversity and ensure the provision of appropriate habitats within the development.

- 11 **Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external rail and road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from external rail and road traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason

To protect the amenity of future residential occupiers of the development hereby approved.

- 12 **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: To prevent 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.

- 13 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority that the approved scheme has been checked by them 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.

- 14 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: To ensure appropriate waste provision on the site.

- 15 **No development shall take place until details of measures to prevent access onto Network Rail land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason and Justification:

In order to protect users of the adjacent public open space and safety of the railway line.

- 16 **No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority.**

Reason: To protect the adjacent railway from de-stabilisation and subsidence.

- 17 **No development shall commence until details of the disposal of both surface water and foul water drainage directed away from the railway have been submitted to, and approved in writing by the Local Planning Authority.**

Reason: To protect the adjacent railway from the risk of flooding and pollution.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Statement (September 2015); LVIA (November 2015); Design and Access Statement (November 2015); Sustainability Statement; Report on Marketing; Ecological Appraisal; Arboricultural Assessment; Flood Risk Assessment; Utilities Report; Phase II Ground Investigation; Noise Assessment; Transport Assessment; 20282_02_010_01 Rev C; 20282_01_230_001 Rev H; S242_110 Rev C; S242_100 Rev I; S242_101 Rev I; S424_130 Rev D; S242_210 Rev I; S242_200 Rev I; 20282_06_170_01.1; S242_211; GL0408 01D; GL0408 02A; SH11 (elevations) Rev B; SH11 (plans); SH27 - X5 Rev B; SH35-X5 (2013) Rev B; SH35-X5 Rev B; P332-5 Rev G; P341-WD5 (1 of 2) Rev A; P341-WD5 (1 of 2) Rev F; P341-WD5 (2 of 2) Rev K; H421-5 (1 of 2) Rev G; H421-5 (2 of 2) Rev L; H452-5 (1 of 2) Rev F; H452-5 (2013) (2 of 2); H456-5 (2013) (2 of 2); H456-5 (2013) (1 of 2); H469-X5 (1 of 2) Rev I; H469-X5 (2013) (2 of 2) Rev A; H486-5 (1 of 2) Rev A; H486-5 (2013) (2 of 2); H533-5 (1 of 2) Rev F; H533-5 (1 of 2) Rev F; H533-5 (2 of 2) Rev F; H536-Y5 (2013) (1 of 2) H536-Y5 (2 of 2) Rev M; H585-5 (1 of 2); H585-5 (2 of 2); LDG1H; XTG2S; XSG1F; XDG2S.

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

INFORMATIVE NOTES TO APPLICANT

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks

Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

2. 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 developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, 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. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto. Otherwise the applicant is advised that Central Bedfordshire Council as highway authority may not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
5. 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 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.
6. 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.
7.
 - Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail

land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

- All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway. Drainage works could also impact upon culverts on developers land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.
- Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.
- No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "*103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere,*" We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues '*elsewhere*', i.e. on to Network Rail land.

- We would draw the council's and developer's attention to the Department of Transport's 'Transport Resilience Review: A Review of the Resilience of the Transport Network to Extreme Weather Events' July 2014, which states, "*On the railways, trees blown over in the storms caused severe disruption and damage on a number of routes and a number of days,*

particularly after the St Jude's storm on 28th October, and embankment slips triggered by the intense rainfall resulted in several lines being closed or disrupted for many days..... 6.29 Finally the problem of trees being blown over onto the railway is not confined to those on Network Rail land. Network Rail estimate that over 60% of the trees blown over last winter were from outside Network Rail's boundary. This is a much bigger problem for railways than it is for the strategic highway network, because most railway lines have a narrow footprint as a result of the original constructors wishing to minimise land take and keep the costs of land acquisition at a minimum."

In light of the above, Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- Trees can be blown over in high winds resulting in damage to Network Rail's boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in serious safety issues for any lineside workers or trains.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant's land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger.

The Network Rail Asset Protection Engineer must approve all landscaping plans.

Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier.

All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of consultation received from East west / Network Rail, objections from the occupiers of 10 Kerrison Close, Lidlington. In addition the Committee noted amendments to Conditions 16 and 17, all as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration the Committee received representations made under the Public Participation Scheme.

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Item No. 14

APPLICATION NUMBER	CB/15/02419/FULL
LOCATION	Land North of Flexmore Way, Station Road, Langford
PROPOSAL	Residential development of 42 dwellings, vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
PARISH	Langford
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Alex Harrison
DATE REGISTERED	07 July 2015
EXPIRY DATE	06 October 2015
APPLICANT	David Wilson Homes (South Midlands)
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Major development - contrary to Policy and Parish Council objection
RECOMMENDED DECISION	Full Application - Approval recommended subject to completion of S106 Agreement

Recommendation:

That Planning Permission be granted subject to the following conditions, and agreement with the applicant over a timetable of delivery for the development which will then be included within a completed S106 agreement along with financial contributions and Affordable Housing.

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 construction of the development shall commence, notwithstanding the details submitted with the application, until details of all external materials to be used in the construction of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 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, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 4 **No development shall commence until a scheme detailing the final design, construction and associated management and maintenance for the proposed surface water drainage system for the site, based on the agreed Flood Risk Assessment (FRA), technical note (ref E3420/TN1/tjw/25082015), correspondence with Anglian Water, and the principles and techniques contained within the CBC Sustainable Drainage Guidance; has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: Required prior to the commencement of the development to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 5 **Prior to the commencement of any construction works of the development hereby approved a landscaping scheme, to include all hard and soft landscaping and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following completion and/or first use of any building (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.**

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 6 **Prior to the commencement of any construction works on the site a scheme detailing on-site equipped play provision and details of the arrangements for the future maintenance of the play equipment shall be submitted to and**

approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 7 **Prior to the commencement of construction work hereby approved details of any external lighting to be installed, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.**

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 8 No part of the development shall be occupied until a site wide travel plan has been submitted to and approved in writing by the council, such a travel plan to include details of:

- Baseline survey of site occupants in relation to these current/proposed travel patterns;
- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review, annually for a period of 5 years.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
 - a) site specific travel and transport information,
 - b) details of sustainable incentives (e.g. travel vouchers)
 - c) maps showing the location of shops, recreational facilities, employment and educational facilities
 - d) details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
 - e) copies of relevant bus and rail timetables together with discount

vouchers for public transport and cycle purchase.

f) details of the appointment of a travel plan co-ordinator.

No part of the development shall be occupied prior to implementation of those parts identified in the travel plan [or implementation of those parts identified in the travel plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network in accordance with Policy DM3.

- 9 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

Reason: Details are required prior to work commencing on site in order to minimise danger, obstruction and inconvenience to users of the highway and the site.

- 10 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, 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.

- 11 **No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The written scheme shall include details of the following components:**

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A outline strategy for post-excavation assessment, analysis and publication;**

- A programme of community engagement

The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- The completion of the archaeological investigation, which shall be monitored by the Local Planning Authority;
- The submission within six months of the completion of the archaeological investigation (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.
- The completion within two years of the approval of the Updated Project Design (unless otherwise agreed in advance in writing by the Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report;
- The completion of the approved programme of community engagement.

Reason: (1)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.

(2) 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)

- 12 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority details that the approved scheme has been checked by them and that the entire surface water drainage system has been correctly and fully installed as per the approved scheme.

Reason: To ensure that the entire system will be operationally ready at all times and functions within the performance requirements; that the operation of the system is safe, environmentally acceptable, and economically efficient; that as far as possible the failure of one section of a drainage system will not adversely affect the performance of the other parts.

- 13 No development shall begin until details of the junction between the

proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

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

- 14 No dwelling shall be occupied until visibility splays have been provided on each side of the junction of the access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

- 15 No development shall begin until the detailed plans and sections of the proposed access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 16 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

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

- 17 No works to the construction of the dwellings hereby approved shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposals to integrate a minimum total of 10 integral bat and bird boxes into the elevations of the buildings hereby approved and construction of the dwellings shall be carried out in accordance with the approved details.

Reason: To ensure the development provides an enhancement and net gain to biodiversity in the interests of the policies within the National Planning Policy Framework.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered S247_110, S100_131, S247_211, S3694/01, S247_100 C, S100_130 B, S247_200 C, S247_210 C, S247_101 C, GL0409 01B, BWB2 2--5, P382-EB5, P341-WD5 sheet 1, P341- WD5 sheet 2, H336--5 sheet 1, H336--5 sheet 2, DWB4 6--5 sheet 1, DWB4 6--5 sheet 2, H421--5 sheet 1, H421--5 sheet 2, H485--5 sheet 1, H485--5 sheet 2, H469--X5 sheet 1, H469--X5 (2013) sheet2, H536--Y5 sheet 1, H536--Y5 sheet 2, H597--5 sheet 1, H597--5 sheet 2, SH11, SH11 PLANNING GF PLAN, SH11 PLANNING FF PLAN, SH27--X5, SH39--X5, XSG1F, LDG1A, XDG2S, XTG2S, Landscape and Visual Impact Assessment ref BIR.4840 REv A dated Nov 2015, Tree constraints plan D14-3125, Hydrock Desk Study and Ground Investigation ref R/14689/001 Sept 2014, Transport Statement June 2015 E3315-langford-ajr-tsreport-0615 rev3, Utilities Report E3315-SRL-njb-utilities rev1 May 2015, Travel Plan E3315-langford-ajr-travelplan-0615 rev3, Flood Risk Assessment E3315-SRL-mjl-frareport-rev2, Geophysical Survey Report ref J7239 Aug 2014, Heritage Statement May 2015, Archaeological Evaluation ref 2015/74 Version 1.0, Sustainability Statement Issue 04 Sept 2015, Technical Note 1_Langford Suds 25082015.

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

INFORMATIVE 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)
3. The Committee encourages the applicant to discuss a masterplan for the 'green triangle' area if they are intending to propose further development.

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

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

NOTES

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

Item No. 13

APPLICATION NUMBER	CB/15/04547/FULL
LOCATION	Fourwinds Farm, Leighton Road, Stanbridge, Leighton Buzzard, LU7 9HW
PROPOSAL	Erection of agricultural building to replace buildings destroyed by fire and provision of hardstanding and fencing (Retrospective) (Resubmission of CB/15/02271)
PARISH	Stanbridge
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Debbie Willcox
DATE REGISTERED	23 November 2015
EXPIRY DATE	18 January 2016
APPLICANT	Mr G McDaid
AGENT	Wilbraham Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Called-in by Councillor Versallion on the following grounds: <ul style="list-style-type: none">• Loss of amenity• Impact on landscape
RECOMMENDED DECISION	Full Application - Recommended for Approval

Recommendation:

That Planning Permission be REFUSED subject to the following:

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 agriculture and forestry, mineral working, small scale facilities for outdoor sport and outdoor recreation or other uses appropriate to a rural area which preserve the openness of the Green Belt. In this case, although the proposal is for agricultural development, insufficient information has been provided to clarify the proposed agricultural business and to thereby demonstrate the development is reasonably necessary for the purposes of agriculture on a holding of this size. The hardstanding also constitutes intentional unauthorised development within the Green Belt. As such, the proposed building and the retention of the hardstanding would be harmful to the Green Belt by reason of inappropriateness and harm to openness. Very special circumstances have not been established in this case and thus the proposal is contrary to Section 9 of the National Planning Policy Framework and the Written Ministerial Statement of 31 August 2015.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional consultation responses and comments as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public participation Scheme.
- (3) The Committee noted that they were unable to gain access to the site and were unable to satisfactorily undertake a site inspection.

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Item No. 11

APPLICATION NUMBER CB/14/04463/VOC
LOCATION Double Arches Quarry, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF
PROPOSAL Table 1 and Table 2 of existing Condition 10 of application reference 13/02037/FULL to be amended to add derived noise limits for Mileway House, Checkley Wood Bungalow and Sandhouse Cottages.
PARISH Heath & Reach
WARD Heath & Reach
WARD COUNCILLORS Cllr Versallion
CASE OFFICER Abel Bunu
DATE REGISTERED 14 November 2014
EXPIRY DATE 13 February 2015
APPLICANT AWE Renewables Ltd
AGENT Engena Limited
REASON FOR COMMITTEE TO DETERMINE Major application which is a departure from the Development Plan

RECOMMENDED DECISION Variation of Condition - Recommended for approval

Recommendation

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

RECOMMENDED CONDITIONS

- 1 The maximum height of the turbine hereby permitted, when measured from the turbine base to the blade tip in the vertical position, shall be no greater than 149 metres.

Reason: For the avoidance of doubt and in the interest of visual amenity.
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 2 The details of the installed wind turbine relating to the make, model, design, power rating, sound power levels and tonal assessment shall not be changed without the prior express permission of the Local Planning Authority.

Reason: To protect the amenities of the neighbouring residential properties.
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 3 The approved details of the external appearance and colour finishes of the wind turbine shall be permanently retained as such and no alterations shall be carried out without the prior written approval of the Local Planning

Authority.

Reason: To protect the visual amenities of the area.
(Policy BE8 S.B.L.P.R & NPPF section 7)

- 4 The development shall be operated in accordance with the approved scheme of foul drainage and no variation shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure appropriate drainage.
(Policy BE8 S.B.L.P.R)

- 5 The development shall only be carried out in accordance with the approved scheme of ecological mitigation which includes :
- i) Details of the management programme controlling the habitats and vegetation in the immediate vicinity of the turbine;
 - ii) The position of 20 Schwegler 1FF bat boxes to be agreed in consultation with the Bedfordshire Bat Group;
 - iii) A scheme of post-implementation monitoring to be agreed with Natural England;
 - iv) Techniques such as Anabat recording at turbine height, bat transects on site and corpse searches, as well as monitoring bird strike mortality.

Reason: To ensure that biodiversity interests are protected.
(Policy BE8 S.B.L.P.R and section 11, NPPF)

- 6 Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling which relates to amplitude modulation, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess whether there is greater than expected amplitude modulation from the wind farm at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this condition, the wind farm operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in Guidance Note 1(e).
- i) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified. Measurements to assess compliance with the noise limit of condition 2 shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.
 - ii) Prior to the submission of the independent consultant's assessment of the level of amplitude modulation in accordance with the requirements of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and

- times of day) to determine the assessment of the amplitude modulation.
- iii) The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, or are identified as causing greater than expected amplitude modulation, having regard to the written request of the Local Planning Authority, and such other conditions as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
 - iv) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of greater than expected amplitude modulation within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the amplitude modulation noise immissions.
 - v) The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
 - vi) Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of condition 2, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 7 Mitigation measures to alleviate the interference to telecommunication links caused by the wind turbine shall be implemented during the operational period of the turbine following investigation through consultation with the appropriate telecommunication providers and the affected properties.

Reason: To ensure that the impact of the turbine on telecommunications links is adequately mitigated.

(Policy BE8 S.B.L.P.R and section 5, NPPF)

- 8 During the operational life of the wind turbine on site, any reported shadow flicker effects shall be investigated and resolved within a reasonable period of time agreed in writing with the Local Planning Authority.

Reason: To ensure shadow flicker is adequately mitigated.

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 9 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

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

(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 10 The rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling except those identified in the table below for any relevant 10m height 10 minute mean above ground level measured integer wind speed between 1-10m/s. In the case of the six dwellings identified in the tables attached to this condition, the rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the decibel value identified for the relevant integer 10m measured wind speed set out in the tables and:

A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to.

Within 14 days of receipt of the written request of the Local Planning

- Authority made under this paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
- D. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions in accordance with paragraph (E), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:
- i. the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and
 - ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.
- E. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
- F. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
- G. The wind farm operator shall continuously log power production, nacelle

Sandhouse Cottages	46.4	46.4	46.4	47.5	48.8	49.8	49.8	49.8	49.8	49.8	49.8	49.8	49.8
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Table 2 - Between 23:00 and 07:00 - Noise level dB LA90, 10-minute

Location	Measured wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods												
	1	2	3	4	5	6	7	8	9	10	11	12	
The dwellings identified as H14-H19, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3 National Grid Ref H14-H17 = 493263 228805 H18 = 493357 228735 H19 = 493365 228682	43	43	43	43	43	43	43	44	45	47	49	50	52
Mileway House	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Checkley Wood Bungalow	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Sandhouse Cottages	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.
(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 11 Not later than 3 months from the date that the planning permission hereby granted expires, or if the turbine ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing with the Local Planning Authority, it shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure that the turbine is removed at the end of its operational life and to safeguard the character of the locality.
(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 12 All electrical cabling on site shall be buried underground unless otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of visual amenity.
(Policy BE8 S.B.L.P.R and section 7, NPPF)

- 13 Piling or any other foundations designs using penetrative methods shall not

be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 15 The turbine shall be fitted with 25 candela omni-directional red lighting at the highest practicable point and this shall be retained for the lifetime of the turbine.

Reason: In the interests of air safety.
(Policy BE8 S.B.L.P.R and section 5, NPPF)

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details contained in the Background Noise Measurements and Derivation of Noise Limits Report HM:2865/R01 dated 08 October 2014 and on the submitted plans, numbers 3100.013; Technical Information contained within Environmental Statement dated July 2010 Volumes 1-4 (inclusive) and Transport Assessment dated July 2010 submitted with application reference CB/10/03034/FULL.

Reason: For the avoidance of doubt.

INFORMATIVE 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 National Planning Policy Framework (NPPF).

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

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

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 the consideration of the application the Committee were advised of additional consultation responses submitted by the applicant.
- (2) In advance of the consideration the Committee received representations made under the Public Participation scheme.

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Item No. 10

APPLICATION NUMBER CB/15/04370/FULL
LOCATION 150 Biggleswade Road, Upper Caldecote,
Biggleswade, SG18 9BJ
PROPOSAL Demolition of two barns and replacement with two
dwelling-houses
PARISH Northill
WARD Northill
WARD COUNCILLORS Cllr Mr Firth
CASE OFFICER Mark Spragg
DATE REGISTERED 13 November 2015
EXPIRY DATE 08 January 2016
APPLICANT c/o Agent
AGENT GC Planning Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE Call in by Cllr Firth for the following reasons:

- Government policy allows for conversion of barns, yet there appears to be no policy for the demolition and replacement.
- The site has permission to convert the buildings into 2 units. This proposal is to re-build like for like, hence no overall harm to the character and appearance of the area or neighbours.

RECOMMENDED DECISION Full Application - Recommend Refusal

Recommendation:

That Planning Permission be Approved subject to the applicant submitting a written justification for the proposal, and in consultation with the Chairman and Vice Chairman for the following reasons:

The proposal would improve the appearance of the site, and contribute to the rural economy.

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 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 buildings in the interests of the visual amenities of the locality. (Section 7, NPPF)

- 3 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. The boundary treatment shall be completed in accordance with the approved scheme before the first building is occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality. (Section 7, NPPF)

- 4 Details of the reconstruction of the access junction with the highway and the reconstruction of the access for a distance of 5.0m into the site, measured from the highway boundary shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the reconstruction of the access and crossover have been constructed in accordance with approved details. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud, gravel or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.(Section 7, NPPF)

- 5 Before the development is occupied, the parking shown on drawing JJ14-0150 002 Rev B shall be provided in accordance with the detail shown, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off and park clear of the highway, thus minimising danger, obstruction, and inconvenience to users of the highway and of the premises.(Section 7, NPPF)

- 6 Details of a refuse collection point located at the site frontage and outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.(Section 7, NPPF)

- 7 **No development shall commence until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling and adhering to BS 10175. Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 shall be carried out.**

Reason: To protect human health and the environment. (Section 7, NPPF)

- 8 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority. Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme with 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: To protect human health and the environment. (Section 7, NPPF)

- 9 A scheme for protecting the proposed dwellings from noise from road traffic and the commercial land use adjacent to the proposed development shall be submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the approved scheme has been implemented in accordance with the approved details, and shown to be effective.

Reason: To protect the future occupiers from noise associated with the neighbouring and uses. Reason: (Section 7, NPPF)

- 10 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, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Section 7, NPPF)

- 11 No dwelling shall be occupied 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 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion 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. (Sections 7 & 11, NPPF)

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers JJ14-0150 002 Rev B, 134BR001

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

Notes to Applicant

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

The application form for approval of details reserved by a condition, guidance notes and fees (i.e. £28.00 for householder applications and £97.00 for all other applications, per submission) can be found on our website www.centralbedfordshire.gov.uk or alternatively call Customer Services on 0300 300 8307 for hard copy forms.

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. Demolition should be undertaken with care with all roof slates to be removed by hand. If any bats or evidence of them is discovered, work should cease and Natural England be contacted for advice, and if necessary, a licence will be obtained before work proceeds. All people working on the site will be made aware of the potential presence of bats, the protection afforded them and the methods of working required to avoid harm to bats.
3. The applicant is advised that no works associated with the reconstruction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the reconstruction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that 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, SG17 5TQ

5. 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
6. The contractor and / or client are to ensure that any building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway
7. 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.
8. 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.
9. Applicants are reminded 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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional consultation received from the Ecologist as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration of this application the Committee received representations made under the Public Participation Scheme.

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Item No. 7

APPLICATION NUMBER	CB/15/03078/REG3
LOCATION	Stratton Business Park, Pegasus Drive, Biggleswade
PROPOSAL	Outline: B1, B2 & B8 use employment development with associated infrastructure and ancillary works; all matters reserved except means of access
PARISH	Biggleswade
WARD	Biggleswade South
WARD COUNCILLORS	Cllrs Lawrence & Woodward
CASE OFFICER	Alex Harrison
DATE REGISTERED	17 August 2015
EXPIRY DATE	16 November 2015
APPLICANT	CBC Assets & Denison Investments Ltd
AGENT	Woods Hardwick Planning
REASON FOR COMMITTEE TO DETERMINE	Part of the application site is unallocated and in the open countryside and is therefore a departure from the development plan.
RECOMMENDED DECISION	Outline Application - Granted

Recommendation:

That Outline Planning Permission be granted subject to referral to the Secretary of State and subject to the following:

RECOMMENDED CONDITIONS / REASONS

1. No development pursuant to this outlined permission shall commence on any part of the site until the approval of the details of the appearance, landscaping, layout and scale of the buildings (hereinafter called the "Reserved Matters") on that part of the site been has obtained in writing from the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To comply with Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development pursuant to this outline permission shall commence on any

part of the site until a Construction Environmental Management Plan (CEMP) for that part of the site has been submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with the details approved.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with the development.

4. No development shall take place within each phase of the development until a written scheme of archaeological resource management has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme of archaeological resource management.

This written scheme of investigation will include the following components, completion of each of which will trigger the phased discharging of the condition:

1. A method statement for the investigation in stages as development extends across each phase and recording of archaeological remains present in that phase;
2. A method statement for preservation in situ and management of archaeological sites and features that have been identified for protection;
3. A post-excavation assessment and updated project design (to be submitted within six months of the completion of fieldwork at (1), unless otherwise agreed in writing by the Local Planning Authority);
4. Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive, and submission of a publication report (to be completed within two years of completion of fieldwork at (1), unless otherwise agreed in advance in writing by the Local Planning Authority);
5. A Programme of interpretation, public outreach and community engagement.

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development in accordance with Chapter 12 of the *National Planning Policy Framework*.

5. Any reserved matters application submitted pursuant to this outline permission shall include a detailed surface water drainage strategy for the reserved matters development for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved Flood Risk Assessment (FRA) and Drainage Strategy for this planning permission and shall maximise the use of sustainable drainage measures to control water at source as far as practicable to limit the rate and quantity of run-off,

incorporating the principles and techniques contained within the CBC Sustainable Drainage Guidance, to improve the quality of any run-off before it leaves the site or joins any water body.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies DPD (2009) and the NPPF.

6. Prior to the commencement of development upon Phase 5 a method statement, including timetable for the culverting including the outfall pipe to the existing attenuation basin of the existing open water course crossing Phase 5 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies DPD (2009) and the NPPF.

7. The development pursuant to this outline planning permission shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement dated July 2015 and drawing nos. 602.1, 602.2, 602.3 and 602.4 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the successful protection the existing trees indicated for retention on these plans.

8. No development on a phase of the scheme pursuant to this outline planning permission shall commence until a Landscape & Biodiversity Mitigation Strategy & Management Plan in respect of that phase has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted for a phase shall be carried out only in accordance with the approved Mitigation Strategy & Management Strategy for that phase unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include details of ecological surveys and suitable habitat mitigation and monitoring including details, extent and type of new planting and new habitat created on site.

Reason: To protect wildlife and supporting habitat and in accordance with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impact which could occur in connection with development.

9. No development on Phase 5 of the scheme pursuant to this outline permission shall commence until details of the timetable for planting and maintenance thereafter of the landscaping indicated on 'Planting Plan' B15003.401 and of that to be planted along the north eastern boundary of the Phase 5 land, for which a planting plan including a schedule of species, their sizes and positions shall also be provided, have been submitted to and approved in writing by the local authority. The planting shall be carried out as approved and in accordance with the timetable.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009'

10. No development pursuant to this outline permission shall commence on that part of the site until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing measures to control noise from all plant machinery and equipment (including fans, ducting and external openings) to be used by virtue of the development permitted for that part of the site and shall be so enclosed, installed maintained and operated as to prevent transmission of noise and vibration into any premises either attached to or in the vicinity of the premises that the application relates.

Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect the future neighbouring occupiers from noise associated with the use of the development.

11. No external lighting shall be erected or installed on any part of the site until details of a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land use for that part of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards. Only the details thereby approved for that part of the site shall be implemented.

If within a period of 12 months following the first use of the lighting columns the planning authority required the alignment of the light to be adjusted and or hoods or shields to be fitted, this shall be carried out in accordance with the agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

Reason: To protect the future neighbouring occupiers from light pollution associated with the use of the business park

12. In relation to any part of the site where food processing or manufacturing is proposed to be carried out no development pursuant to this outline planning permission shall commence on any part of the site until a scheme for that part of the site has been submitted to and approved in writing by the Local Planning Authority detailing how odours produced by cooking and food preparation are to be controlled. The approved equipment by reason of the granting of this permission shall be so enclosed installed, maintained and operated as to prevent transmission of odours into any premises either attached to or in the vicinity of the premises that the application relates.

Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter

Reason: To protect the future neighbouring occupiers from odour associated with the uses of the business park

13. No development pursuant to this outline planning permission on any part of the site shall be brought into use until a detailed waste audit scheme for the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with the NPPF.

14. No development pursuant to this outline planning permission on any part of the site shall be brought into use until a Travel Plan relating to the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with the NPPF.

15. Any reserved matters application submitted pursuant to this outline permission shall include details of the finished ground levels and finished floor levels for the reserved matters development sought. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009'

16. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17377-SK1000C, 17377-SK1001B, B15003.401 and 17073-SBP5-5-501D (as taken from Transport Assessment Revision B, Appendix B)

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

INFORMATIVE 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 this permission it may 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 if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . If applicable, no development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
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.
- 5 Applicant is advised to note that future reserved matters proposals submitted pursuant to Condition 1 shall include the strategic landscaping proposals required within each phase.

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

Outline permission approval is recommended for this proposal. Discussion with the applicant to seek an acceptable solution regarding heritage impacts and access concerns took place resulting in the submission of amended details. 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 the consideration of the application the Committee the were advised of additional consultation responses from Biggleswade Town Council, Landscape Officer, Sustainable Urban Drainage Board, Internal Drainage Board, Green Infrastructure, Ecologist and Sustainable Growth officer, Rights of Way Officer and neighbours, all as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

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Item No. 8

APPLICATION NUMBER	CB/15/03250/FULL
LOCATION	Land adjacent to 28 Ivel Road, Sandy, SG19 1AX
PROPOSAL	Erection of detached dwelling with garage
PARISH	Sandy
WARD	Sandy
WARD COUNCILLORS	Cllrs Maudlin, Smith & Stock
CASE OFFICER	Alex Harrison
DATE REGISTERED	28 August 2015
EXPIRY DATE	23 October 2015
APPLICANT	Central Bedfordshire Council
AGENT	Barford + Co.
REASON FOR COMMITTEE TO DETERMINE	Council's own application with outstanding objections

RECOMMENDED DECISION **Full Application - Approval**

Recommendation:

That Planning Permission be 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 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.
(Section 7, NPPF)
- 3 **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.
(Sections 7 & 11, NPPF)**

- 4 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. The boundary treatment shall be completed in accordance with the approved scheme [before the use hereby permitted is commenced / before the building(s) is/are occupied] and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Section 7, NPPF)

- 5 No development shall take place on site until a detailed scheme for the provision and future management and maintenance of surface water drainage, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details and timetable and shall be retained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the surface water drainage system in accordance with policy CS13 of Central Bedfordshire Council's Core Strategy and Development Management Policies.

- 6 No equipment, machinery or materials shall be brought on to the site for the purposes of development until protective fencing for the protection of retained tree(s) has been erected in the positions shown on Drawing No. TIP15 178. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended. (Sections 7 & 11, NPPF)

- 7 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposed works to the bridleway to create vehicular access to the site. The details shall include a specification of works, wayfinding and safety measures for users and the relocation of bollards. The works shall then be carried out in accordance with the approved details prior to the**

commencement of development and thereafter be retained.

Reason: To ensure vehicular access is provided cohesively and access to and through the existing right of way is not detrimentally affected in the interests of highway safety and accessibility in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 8 **No development shall take place until a scheme outlining measures for ecological enhancements on the site through the development, has been submitted to and approved by the Local Planning Authority. The scheme shall include the provision of bird and bat boxes and works to the river bank to improve the vegetation and riparian habitat for the benefit of otters and water vole known to be in the area.**

Reason: To ensure that the development does not have an adverse impact and supports the ecology and biodiversity on the site, in accordance with Policies CS18 and DM15 of the Adopted Core Strategy.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers C-694P/1, 1543/02A, 1543/03A, 1543/04A, ASC.14.101 and TIP15 178.

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

INFORMATIVE 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 no works associated with the reconstruction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
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.

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

Planning permission is recommended for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional consultation response from a neighbour.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

Item No. 16

APPLICATION NUMBER CB/15/03665/FULL
LOCATION 6 Periwinkle Lane, Dunstable, LU6 3NP
PROPOSAL Demolition of existing bungalow and erection of two x three bedroomed semi-detached houses
PARISH Dunstable
WARD Dunstable Watling
WARD COUNCILLORS Cllrs Hollick & Young
CASE OFFICER Debbie Willcox
DATE REGISTERED 02 October 2015
EXPIRY DATE 27 November 2015
APPLICANT Mr Alexander
AGENT John B Lewis
REASON FOR COMMITTEE TO DETERMINE Called in by Councillor Hollick for the following reasons:

- The proposed build would be too close to the boundary abutting the neighbours' lean-to entrance hallway at No. 10;
- From one bungalow to two 3 bed dwellings, albeit on a wider plot, would be overbearing;
- Additional access required to accommodate 4 vehicles onto an already overcrowded highway;
- The proposal would require four spaces which would impinge on available parking on the road, which is already crowded on both sides;
- Reservations as to how the proposed dwelling will sit between a compact row of smaller homes and a bungalow at No. 10;
- Loss of light given the proximity to the boundary and glass framed entrance hallway at No. 10.

RECOMMENDED DECISION Full Application - Recommended for Approval

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 Work shall not take place on the construction of the walls and roof of the dwellings hereby approved until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted,

including the contrasting brick panel to the front elevation, 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 buildings in the interests of the visual amenities of the locality. (Policies BE8 & H2, SBLPR and Section 7, NPPF)

- 3 The dwellings shall not be occupied 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 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.
(Policies BE8 & H2, SBLPR and Sections 7 & 11, NPPF)

- 4 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwellings hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the depth, bulk and mass of the dwellings in the interests of the amenities of neighbouring occupiers.
(Policies BE8 & H2, SBLPR and Section 7, NPPF)

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the flank elevations of the proposed dwellings, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.
(Policies BE8 & H2, SBLPR and Section 7, NPPF)

- 6 No work shall take place on the construction of the walls of the dwellings hereby permitted until details of the type and location of bird bricks for each property have been submitted to and approved in writing by the Local Planning Authority. The bird bricks shall be carried out in accordance with the approved scheme.

Reason: To ensure an enhancement in opportunities for biodiversity on the site.
(Section 11, NPPF)

- 7 Each dwelling shall not be occupied until details of the junction of the proposed vehicular access with the highway have been submitted to and approved in writing by the Local Planning Authority and the junction has been constructed in accordance with the approved details.

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

(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 8 Before each access is first brought into use, a triangular vision splay shall be provided on each side of the new access and shall measure 2.8m along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splays so described shall be maintained thereafter free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 9 The maximum gradient of each 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.

(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 10 Each dwelling shall not be occupied until details of the construction and surfacing of the on site vehicular areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include arrangements 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. The vehicular areas shall be constructed and surfaced in accordance with the approved details before the premises are first occupied.

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 acceptable parking of vehicles outside highway limits .

(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 11 No development shall commence until details of a method statement to prevent and deal with site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction works and until the completion of the development.

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

(Policies BE8 & H2, SBLPR and Section 4, NPPF)

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number

398-02-02 Rev A.

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

INFORMATIVE 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 National Planning Policy Framework (NPPF).
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. The Council does not accept materials at their offices. Where there is a requirement for materials to be submitted to and approved in writing by the Local Planning Authority, please contact the Case Officer to arrange for them to be viewed, usually this will be on site.
4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 7. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration. To fully discharge condition 7 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
5. 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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
6. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting

from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

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

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 the consideration of the application the Committee were advised of objections from the the occupiers of No 13 Periwinkle Lane and a letter from the applicant. In addition, the Committee noted an amendment to Condition 2, all as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

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Item No. 12

APPLICATION NUMBER	CB/15/04252/FULL
LOCATION	Mentmore, 4 Greenfield Road, Pulloxhill, Bedford, MK45 5EZ
PROPOSAL	Erection of detached bungalow, proposed turning and parking area. Three dormer windows in rear of existing dwelling.
PARISH	Pulloxhill
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Judy Self
DATE REGISTERED	09 November 2015
EXPIRY DATE	04 January 2016
APPLICANT	Mr P Freeman
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Submitted to the Development Management Committee by the Development Infrastructure Group Manager having regard to the previous reasons for refusal and in the public interest
RECOMMENDED DECISION	Application recommended for approval

Recommendation:

That the application be withdrawn due to the submission of an invalid certificate.

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LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 6 JANUARY 2016

Item 7 (Pages 17-56) – CB/15/03078/REG3 – Stratton Business Park

Additional Consultation/Publicity Responses

Biggleswade Town Council

Please be advised this Planning Application went to Council on the 15th December 2015 and no objection was raised. Therefore there will be no requirement for us to address the Committee on 6th January 2016.

Landscape Officer

Thank you for the opportunity to comment regarding landscape; I have no objection to revised Dunton access - the proposed native woodland belt along the site boundary with Dunton Lane is a real positive landscape feature and will assist in mitigating future development and enhance biodiversity connectivity, the inclusion of similar treed and landscape structures across the wider development site would also be welcomed.

Sustainable Urban Drainage Officer

Raised no objections

Internal Drainage Board

Initial

A drainage Strategy for this development has already been agreed as referenced in the Flood Risk assessment submitted with this application. Provided the developer adheres to the requirements of the strategy, the Board have no further comments.

As an observation, it is stated in the FRA that the site is Flood Zone 21 according to the Environment agency flood maps. This is incorrect as the site lies beyond the upstream extent of the modelled flood outline for this watercourse.

Please also note that the watercourse on the boundary of, or passing through this site is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 9 metres of bank top, without the Board's prior consent, this includes any planting fencing or other landscaping.

Additional comments

The revised FRA explains how the drainage strategy will work and states that improvements will be made to the existing attenuation pond so that it will be able to store water surface water from the whole development. However there is still no reference to modelling of the watercourse upstream from where the EA modelling ends or on the impacts of the proposed ground raising to the rear of Phases 5 and 6. Until these matters have been resolved I will have to object to the application.

Green Infrastructure

In relation to the revised access, the proposed woodland belt is welcome, providing

landscape benefits and ecological connectivity.

However, in respect of previously raised concerns over the culverting of a ditch, the covering email with these amendments notes that 'the ditch is not of significant ecological value, and there would be no harm to biodiversity from its loss as a result.', and that flood modelling has indicated that retaining the ditch would increase flood risk.

My ecologist colleague has noted that the ditch represents a wildlife habitat and a multifunctional drainage resource. Central Bedfordshire Council seeks a net green infrastructure gain through policy CS17 of the Central Bedfordshire (north) Core Strategy, and the NPPF requires a demonstrated net gain for biodiversity.

Therefore the removal of existing ecological and green infrastructure corridors makes this net gain more difficult to achieve. Design modifications, enabling the retention of the existing ditch as part of the drainage scheme should be considered and demonstrated.

If it is demonstrated that it is not possible to use the existing ditch without increasing flood risk, this does not mean that it has to be culverted; the existing ditch should be retained and utilised to the maximum possible extent for managing surface water alongside an alternative drainage network, with the existing ditch enhanced for biodiversity.

The ditch should therefore be retained and enhanced in any case. Its use as part of the drainage network (with design modifications) should be considered, and even if it is not appropriate to use it as the sole conveyance feature, it should be retained and integrated into the drainage infrastructure, and enhanced alongside any other necessary features for conveying surface water, and in line with CBC's adopted Sustainable Drainage SPD.

Ecologist

Commenting on the revised Dunton Lane access only I have no objection and welcome the inclusion of the native woodland landscape belt which provides an enhanced ecological corridor on this side of the development.

Sustainable Growth Officer

It is disappointing that the current submission does not acknowledge comments made at the outline planning application stage and does not provide any information how the requirement of the policy DM1 to deliver 10% energy demand from renewable sources will be met.

To ensure that the requirement of policy DM1 is met, I request the following planning condition to be attached:

- 10% energy demand of the development to be delivered from renewable or low carbon sources.

Rights Of Way Officer

No further comments. An Illustrated plan will be included in the slide presentation to show proposed/required changes to the Right of Way network.

Neighbour letter (comments made are done so in a position that is neither for nor against the application)

My interest in the proposed development is purely personal. I am an Ecologist by profession; now retired and I was instrumental in getting Stratton Park Balancing Pond designated as a county Wildlife Site. The site supports important habitats and species – biodiversity.

I neither support nor object to the proposed development. My principle points and concerns are as follows:

1. Stratton Park Balancing Pond is designated as a county Wildlife Site because it supports important habitats and species – biodiversity. It is situated adjacent to the proposed extension to the Business Park.
2. The Local Authority has a statutory Biodiversity Duty; this must be met.
3. The proposed development threatens the habitats and species in the WS because it will result in increased levels of run-off water entering the WS.
4. Therefore, the threats to the WS must be addressed and mitigated for.
5. The WS must be managed in the future and funding needs to be found to do this vital work.
6. The WS must be monitored (surveyed) in the future and a strategy must be set up for surveys to be conducted.

Additional Comments

None

Additional/Amended Conditions/Reasons

Additional schedule

1. No development pursuant to this outlined permission shall commence on any part of the site until the approval of the details of the appearance, landscaping, layout and scale of the buildings (hereinafter called the “Reserved Matters”) on that part of the site has been obtained in writing from the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To comply with Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No development pursuant to this outline permission shall commence on any part of the site until a Construction Environmental Management Plan (CEMP) for that part of the site has been submitted to and approved in writing by the

Local Planning Authority. The works shall then be implemented in accordance with the details approved.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with the NPPF. Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with the development.

4. No development shall take place within each phase of the development until a written scheme of archaeological resource management has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme of archaeological resource management.

This written scheme of investigation will include the following components, completion of each of which will trigger the phased discharging of the condition:

1. A method statement for the investigation in stages as development extends across each phase and recording of archaeological remains present in that phase;
2. A method statement for preservation in situ and management of archaeological sites and features that have been identified for protection;
3. A post-excavation assessment and updated project design (to be submitted within six months of the completion of fieldwork at (1), unless otherwise agreed in writing by the Local Planning Authority);
4. Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive, and submission of a publication report (to be completed within two years of completion of fieldwork at (1), unless otherwise agreed in advance in writing by the Local Planning Authority);
5. A Programme of interpretation, public outreach and community engagement.

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development in accordance with Chapter 12 of the *National Planning Policy Framework*.

5. Any reserved matters application submitted pursuant to this outline permission shall include a detailed surface water drainage strategy for the reserved matters development for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved Flood Risk Assessment (FRA) and Drainage Strategy for this planning permission

and shall maximise the use of sustainable drainage measures to control water at source as far as practicable to limit the rate and quantity of run-off, incorporating the principles and techniques contained within the CBC Sustainable Drainage Guidance, to improve the quality of any run-off before it leaves the site or joins any water body.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies DPD (2009) and the NPPF.

6. Prior to the commencement of development upon Phase 5 a method statement, including timetable for the culverting including the outfall pipe to the existing attenuation basin of the existing open water course crossing Phase 5 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies DPD (2009) and the NPPF.

7. The development pursuant to this outline planning permission shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement dated July 2015 and drawing nos. 602.1, 602.2, 602.3 and 602.4 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the successful protection the existing trees indicated for retention on these plans.

8. No development on a phase of the scheme pursuant to this outline planning permission shall commence until a Landscape & Biodiversity Mitigation Strategy & Management Plan in respect of that phase has been submitted to and approved in writing by the Local Planning Authority. Any development hereby permitted for a phase shall be carried out only in accordance with the approved Mitigation Strategy & Management Strategy for that phase unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include details of ecological surveys and suitable habitat mitigation and monitoring including details, extent and type of new planting and new habitat created on site.

Reason: To protect wildlife and supporting habitat and in accordance with the NPPF. Details must be approved prior to the commencement of development to protect wildlife and supporting habitat from potential impact which could occur in connection with development.

9. No development on Phase 5 of the scheme pursuant to this outline permission shall commence until details of the timetable for planting and maintenance thereafter of the landscaping indicated on 'Planting Plan' B15003.401 and of that to be planted along the north eastern boundary of the Phase 5 land, for

which a planting plan including a schedule of species, their sizes and positions shall also be provided, have been submitted to and approved in writing by the local authority. The planting shall be carried out as approved and in accordance with the timetable.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009'

10. No development pursuant to this outline permission shall commence on that part of the site until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing measures to control noise from all plant machinery and equipment (including fans, ducting and external openings) to be used by virtue of the development permitted for that part of the site and shall be so enclosed, installed maintained and operated as to prevent transmission of noise and vibration into any premises either attached to or in the vicinity of the premises that the application relates.

Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect the future neighbouring occupiers from noise associated with the use of the development.

11. No external lighting shall be erected or installed on any part of the site until details of a suitable lighting design scheme and impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land use for that part of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards. Only the details thereby approved for that part of the site shall be implemented.

If within a period of 12 months following the first use of the lighting columns the planning authority required the alignment of the light to be adjusted and or hoods or shields to be fitted, this shall be carried out in accordance with the agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

Reason: To protect the future neighbouring occupiers from light pollution associated with the use of the business park

12. In relation to any part of the site where food processing or manufacturing is proposed to be carried out no development pursuant to this outline planning permission shall commence on any part of the site until a scheme for that part of the site has been submitted to and approved in writing by the Local Planning Authority detailing how odours produced by cooking and food preparation are to be controlled. The approved equipment by reason of the granting of this permission shall be so enclosed installed, maintained and

operated as to prevent transmission of odours into any premises either attached to or in the vicinity of the premises that the application relates.

Before the use commences, the above scheme shall be implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with those details thereafter

Reason: To protect the future neighbouring occupiers from odour associated with the uses of the business park

13. No development pursuant to this outline planning permission on any part of the site shall be brought into use until a detailed waste audit scheme for the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with the NPPF.

14. No development pursuant to this outline planning permission on any part of the site shall be brought into use until a Travel Plan relating to the development of that part of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: In the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with the NPPF.

15. Any reserved matters application submitted pursuant to this outline permission shall include details of the finished ground levels and finished floor levels for the reserved matters development sought. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009'

Additional informative also proposed advising of the need to ensure reserved matters applications include provision for structural landscaping within the site.

Item 8 (Pages 57-72) – CB/15/04250/FULL – Land adjacent to 28 Ivel Road, Sandy, SG19 1AX

Additional Consultation/Publicity Responses

Additional neighbour letter.

Ivel Road is in Sandy's Conservation area, but has been rather spoilt in recent years, ie there has been the demolition of two listed properties at the eastern end of the road and these have been replaced with non-descript housing.

Recently the western end of the road has been completely changed by the destruction of the unique wooded area (described in a publication by Mid Bedfordshire District Council –‘Sandy Conservation Area December 2003.’) as ‘the street gives way to a greener environment, in particular down by the river which is a quiet area, offering contrast to the High Street’. By the destruction of this woodland and the building of a large residence on the woodland site this ‘greener environment’ has been lost.

Also in this area the distinctive rural area has been lost by the removal of the quaint Victorian bridge over the river which has been replaced with a heavy metal ‘motorway’ type bridge.

But – what has been maintained in this area is the site of this particular planning application, being an area of the former landscaped grounds of Sandye Place, with its fine views over the park with belts of woodland, a lime tree avenue and views of the Georgian mansion and listed ironstone dovecote.

The proposed erection of a large dwelling on this particular site will lose this important scene and openness. In the above publication this particular view is described as ‘ Looking from Ivel Road northwest towards the landscaped grounds of Sandye Place’ in the section of ‘Important views into the Conservation Area’.. This of course is the area in question

Sometime ago I contacted Sandy Town Council with a suggestion that this land should be taken over by them as a recreational piece of land for the benefit of Sandy residents and its many visitors with new tree planting and seating close to the banks of the Ivel.

I believe that the erection of such a large dwelling on this site would not be a great asset to the Conservation Area and certainly not aid the ‘greener environment’ as described. It would destroy this important scene as the proposed building would greatly reduce the important view to just a few feet rather than the present expanse.

In recent years the Sandcast has been changed from a public footpath to a public bridleway, thus creating a much wider area for the many pedestrians and cyclists going to and from Ivel Road across the river bridge. Any development on this site would mean that cars would travel to the new house across the public bridleway, thus creating great danger to both pedestrians and cyclists. This crossing would also be blind.

I realise that this site belongs to the Council, but I hope that if this site is developed priority is given to :-

A The unique scene over Sandye Place

B The safety of pedestrians and cyclists using the bridge and path

C A more suitable dwelling erected on this site in this Conservation Road, with its unique mixture of former farmhouses, cottages and cottage style houses.

Additional Comments

None

Additional/Amended Conditions/Reasons

None

Item 9 (Pages 73-86) – CB/15/04612/VOC – Plot 2, Woodside Caravan Park, Thorncote Road, Northill

Additional Consultation/Publicity Responses

Northill Parish Council has resolved tonight to OBJECT to CB15/04612/VOC at Plot 2, Woodside, Hatch for the following reasons:

1. There is a lack of compliance with the conditions set out by the Inspector at the 2011 appeal, with regard to the number of caravans presently on this plot (4 caravans were seen on Plot 2 on 29.12.15, contravening the permission for 3), and also with regard to landscaping required. NPC felt very strongly that current conditions should be being adhered to, before any variations are requested.
2. The number of additional caravans requested is a very significant increase, out of proportion to the rest of the site, and could potentially dominate the local settlement area, disregarding advice in the Planning Policy for Traveller Sites (PPTS) referred to in the supporting statement .
3. Current visual amenity - lack of landscaping on the site, with fences and brick walls separating plots, addition of large brick built gates to Plot 3, all detrimental to maintaining the rural character of the area, "urbanisation" in a rural setting
4. Layout and density of buildings- plans have no accurate placements of caravans, or scale to enable assessment of distances between caravans. NPC concerned whether necessary environmental regulations for public health and fire safety have been addressed.

NPC would like to point out that it did not object to a recent planning application for Plot 1, as it felt that the additional small number of caravans then proposed on Plot 1 did not affect the sustainability of a currently stable traveller site. The 2011 Appeal Inspector's report gave permission only for a small Gypsy site for 3 families.

NPC also notes that the Planning Officer has recommended approval of this application. If DMC is in agreement with the Planning Officer's recommendation, NPC suggests conditions that it would like to see attached to consent, namely that there is no further development on the whole of the Woodside site (not just on this plot) and that there is again named occupancy.

Archaeologist – Has no observations regarding the application.

IDB – Providing there is to be no change to the existing storm water drainage arrangements and no increase in the impervious area of the site the Board will offer

no objections to this development. The additional hardstanding area should be constructed with gravel or other permeable paving materials. Please include a suitably worded condition in any planning permission that may be granted.

Eight letters of objection received making the following points:

- The application runs against condition 3 of the previous 2011 planning appeal
- Represents a significant intensification, being more visible and an intrusion into the open countryside which is contrary to policy
- Recent unauthorised development at the site regarding the site access
- No justification for the expansion of the site
- Site too large for Hatch
- Increase in 80% in the number of caravans at the site
- Addition of street lighting resulting in an urbanising effect in the countryside
- Extra traffic will impact on the highway with poor visibility
- Hatch is a modest rural area, by pushing the boundaries of what is legal and illegal the travellers have established a community, willing to accept the present development but no more
- Site more visible to passers-by, trees felled and not replaced
- Lighting dominates the local area
- All breaches of conditions ignored by the Council
- 40% increase in the numbers of families since 2011 permission
- Can caravans safely fit on the plot

Additional Comments

The 2011 appeal decision which granted permanent planning approval for the site is appended to the late sheet.

Additional Condition

All new areas of hard surfacing shall be constructed with gravel or other permeable paving materials unless otherwise agreed in writing with the local planning authority

Reason: In order to prevent flooding and to accord with policy DM3 of the Core Strategy and Development Management Policies 2009.

Item 10 (Pages 87-96) – CB/15/04370/FULL – 150 Biggleswade Road, Upper Caldecote

Additional Consultation/Publicity Responses

Ecologist - I have read the report and I am satisfied that sufficient information has been submitted. An advisory note should be provided to the applicant requiring the demolition to be undertaken with care with all roof slates to be removed by hand. If any bats or evidence of them is discovered, work should cease and Natural England be contacted for advice, and if necessary, a licence will be obtained before work proceeds. All people working on the site will be made aware of the potential presence

of bats, the protection afforded them and the methods of working required to avoid harm to bats.

Additional Comments

There is a correction to the planning history as set out in the report. Application ref: CB/15/03409/Full was refused and not approved as stated.

A Protected Species Survey has recently been submitted by the applicant, and this has allowed the Council's Ecologist to respond as above.

Additional/Amended Conditions/Reasons

Item 11 (Pages 97-114) – CB/14/04463/VOC – Double Arches Quarry, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF

Additional Consultation/Publicity Responses

Additional Information submitted by the applicant

Background information on Double Arches Turbine

Turbine choice

Our original candidate turbine was an Enercon E80 2.3MW but we built a Vensys 87 1.5MW which has the same hub height of 100m but slightly shorter blades making the height to tip 143.5m rather than 149m. The Vensys Turbine at 1.5MW is a highly efficient machine and more than 10,000 of them had been built worldwide. Vensys guarantee a higher level of 'availability' and guarantee 98% of the power curve for 15 years. Furthermore the Vensys machine was significantly less expensive than the Enercon and qualified for a higher Feed in Tariff than a 2.3MW turbine so there were many very good reasons for choosing the Vensys turbine.

Background noise

The Vensys turbine is slightly noisier than the Enercon but we had measured the background noise at the properties nearby and given their close proximity to the A5 and the quarry plant, the actual measured background noise is significantly higher than the original consent had limited us to. Looking at the measured noise data that was collected prior to the turbine being installed, it is apparent that this area is not a low noise environment. During the quiet daytime period, the prevailing noise levels are between 39 and 45 dB at lower wind speeds, increasing with wind speed greater than 4 m/s.

For completeness, the background noise was assessed by three independent specialist companies being SKM Enviro for the original application, Hayes McKenzie and Ion Acoustics. All three reached the same conclusion.

Additional Comments

None

Additional/Amended Conditions/Reasons

None

Item 12 (Pages 115-134) – CB/15/04252/FULL – Mentmore, 4 Greenfield Road, Pulloxhill

This item has been withdrawn from the agenda due to an invalid certificate

Item 13 (Pages 135-150) – CB/15/04547/FULL – Fourwinds Farm, Leighton Road, Stanbridge, Leighton Buzzard, LU7 9HW

Additional Consultation/Publicity Responses

None

Additional Comments

Paragraph 6.7 of the Committee Report states that the Council's Agricultural Consultant flagged that the supplied agricultural holding number is not a valid agricultural Holding number. Based on the length of the supplied number, it was considered possible that one number had been mistakenly omitted. The report states that this has been queried with the agent and the results would be reported on the Late Sheet.

Officers have been in touch with the agent a number of times since the report was written, however, the applicant has not supplied the agent with a valid agricultural holding number.

The acceptability of the proposed new building in terms of Green Belt policy is dependent on the building being used for agricultural purposes for an agricultural business connected with the site. It is therefore considered to be incumbent on the applicant to demonstrate that there either is an agricultural enterprise being run from the site or an intention to run an agricultural enterprise from the site. However, the lack of a valid agricultural holding number and the fact that the site is being marketed for sale does cast doubts on whether or not there is an agricultural enterprise being run from the site or if there is any intention by the landowner to run an agricultural enterprise from the site.

However, it is understood that the applicant has been abroad and may not have received the emails from the agent or had an opportunity to look up the correct Holding number or provide further information regarding the sale of the property or to clarify the intentions with regard to the carrying out of an agricultural business. It is therefore **recommended that the application be deferred by one committee**

cycle to give the applicant time to provide officers with further clarification on these matters, including the correct agricultural Holding number.

Additional/Amended Conditions/Reasons

None

Item 14 (Pages 151-178) – CB/15/02419/FULL – Land North of Flexmore Way, Station Road, Langford

Additional Consultation/Publicity Responses

Additional Comments

None

Additional/Amended Conditions/Reasons

None

Item 15 (Pages 179-216) – CB/15/02258/FULL – Land off Marston Road, Lidlington

Additional Consultation/Publicity Responses

East-West Rail/ Network Rail

Network Rail have sent in a further two plans which will be shown during the presentation. One shows a new road set 30m off the boundary with the application site and cuts across the planted area, the other shows the road adjacent to the site avoiding the planted area. The latter option has been developed due to comments from Lidlington Parish Council.

Network Rail have not objected to the application and have stated the following:

“The plan sent under cover of Jill Stephenson’s email of 7th December is the one that we had planned to proceed with although following receipt of comments from Lidlington Parish Council as a result of the consultation events we agreed that the plan could be changed – we just hadn’t got around to doing it. We have now updated the plan so that it accords with these comments.

We at Network Rail would be content with either scheme in that they both cross the railway and take account of the three points I noted in my email this morning. The one area that the 7th December plan does not address is the protection of the wooded/green area which was stated as being particularly important to the residents of Lidlington. It was because of this that we issued the revised plan today.”

Policy Comments

At the time of writing the Council believes there is a 5 year supply of housing sites with marginal headroom. However there is a very small margin and the number can be volatile. Indeed it is important to stress that the housing land supply is not static, since permissions can lapse, or sites can fall out of the 5 year supply period due to slippages in delivery rates etc. Therefore whilst the Council maintains that it has a 5 year supply, and defended this position at a recent s.78 appeal, the inspector has yet to publish her findings and may come to a different conclusion. Therefore permission should be granted for sustainable and deliverable sites unless significant and demonstrable harm can be demonstrated when assessed against the relevant policies of the Core Strategy for North Central Bedfordshire (2009), the Site Allocations DPD for North Central Bedfordshire (2011) and the NPPF.

Objection from the occupiers of No. 10 Kerrison Close, Lidlington

- The new access road would result in a loss of parking spaces for the existing estate which will exacerbate the current evening and weekend parking situation.
- The current estate was built under the old parking regulations; while the current scheme have addressed the parking issue on the new estates, the repositioning of the new access road will further reduce parking on the existing estate.
- The proposed repositioning of the LEAP will cause noise pollution to occupiers of No. 10 Kerrison Close. It should be retained in its current location;
- The proposed LEAP looks squashed compared to the existing LEAP. With more houses being built there will be less play area per child and so it should be retained in its current location;
- 10 Kerrison Close is located next to the proposed Public Open Space separated by a garden wall. A border of bushes and soft planting should be planted next to the wall to stop balls hitting the wall and dogs enjoying the wall.

Additional Comments

Paragraph 49 of the NPPF states the following '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant planning policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*'

The NPPF makes it clear that the presumption should be in favour of development unless material considerations indicate otherwise. The proposed development is considered to be a sustainable form of development and given the planning balance within the report it is considered to be an acceptable form of development.

Amended Conditions

Condition 16

No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the adjacent railway from de-stabilisation and subsidence.

Condition 17

No development shall commence until details of the disposal of both surface water and foul water drainage directed away from the railway have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To protect the adjacent railway from the risk of flooding and pollution.

Item 16 (Pages 217-232) – CB/15/03665/FULL – 6 Periwinkle Lane, Dunstable

Additional Consultation/Publicity Responses

An additional objection letter has been received from the occupiers of No. 13 Garden Road in response to the revised plans. The occupiers object for the following reasons:

- The proposed properties would not be in keeping with other properties in the road; they would be too big and there are no other link-detached properties in the streetscene;
- The proposal would result in the loss of a bungalow;
- The noise from construction activities would disturb occupiers of No. 13 Garden Road, including one who works night shifts;
- The view from No. 13 Garden Road would be restricted and there would be a loss of privacy to No. 13 Garden Road;
- There would be an increase in traffic and pollution.

A letter from the applicant has been received, which has been summarised below:

- From the start of the process the applicant has engaged with the Council including taking formal pre-application advice. The scheme has been reduced and modified several times in accordance with advice from Council Officers and to limit the impact on the neighbouring properties.
- The proposal would increase off-street parking thus easing pressure on parking in Periwinkle Lane.
- The bungalow is in a poor state of repair; it has no central heating, mains gas supply or insulation in the walls, roof or floor voids and it has serious woodworm and damp problems. The EPC rating is F, which is very poor. The best option is to demolish it to provide more efficient homes;
- The application site is made up of three separate plots of land, which suggests that it was intended for three terraced dwellings;

Additional Comments

None

Amended Conditions

2. Work shall not take place on the construction of the walls and roof of the dwellings hereby approved until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted, including the contrasting brick panel to the front elevation, 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 buildings in the interests of the visual amenities of the locality.

(Policies BE8 & H2, SBLPR and Section 7, NPPF)

Development Management

Central Bedfordshire Council

Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ
www.centralbedfordshire.gov.uk



MEMORANDUM

From : Martin Oake Archaeologist		To : Alex Harrison Principal Planning Officer	
Please Contact : Martin Oake	Our Reference : CB/15/03078/REG3	Your Reference :	Date : 17 December 2015

Application No: CB/15/03078/REG3
Location: Stratton Business Park, Pegasus Drive, Biggleswade
Proposal: Outline: B1, B2 & B8 use employment development with associated infrastructure and ancillary works; all matters reserved except means of access

Archaeology Reference: HER/16159/MKO

Thank you for the opportunity to comment on this application. My comments are based on the original application and the later amendments, in particular plans 17377-SK1010K (revised site layout) and B1400.401 (revised advanced planting).

Prior to the application the proposed development site was known to contain a ring ditch, the remains of a Bronze Age funerary monument (HER 16159) at the northern end of the site and evidence of Iron Age settlement at its southern end (HER 16157); these are heritage assets with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*. Immediately to the north of Dunton Lane is Stratton Park moated enclosure and associated manorial earthworks (HER 520). This site is a Scheduled Monument (National Heritage List for England Number 1012161) and a designated heritage asset of the highest significance (*NPPF paragraph 132*). The setting of a designated heritage asset forms part of its significance and any development within that setting will have an impact on the significance of the designated asset.

The site is also located in an extensive archaeological landscape containing sites and features dating from the prehistoric to post-medieval periods. This landscape includes evidence of later prehistoric and Roman settlement and field systems (HERs 13956, 15327,

16158,16823, 16824 and 18284), remains of Saxon and medieval settlement (HERs 518 and 17738) and field systems (HER 17786) and post-medieval activity (HER 16162). The proposed development site has the potential to contain previously unidentified archaeological remains relating to the identified in the surrounding area.

The application contains a *Heritage Statement* (Albion Archaeology, August 2015) which includes the results of an archaeological field evaluation of the proposed development site, comprising a geophysical survey and a programme of trial trenching, and a consideration of the impact of the proposal on the setting of the Stratton Park Moat Scheduled Monument. The impact of the proposed development is also dealt with in the *Design and Access Statement* (Woods Hardwick, August 2015 as revised in November 2015) and the *Planning Support Statement* (Woods Hardwick, July 2015).

The proposed development will have an impact on:

The setting of the Stratton Park Moat and associated earthworks Scheduled Monument

The buried archaeological remains within the proposed development.

This is an application for outline planning permission with all matters reserved except for access and so details of the proposed development are necessarily limited. As a consequence it is difficult to assess the impact of the proposal on both the setting of the Scheduled Monument and buried archaeological remains. The intent of the application is to "...provide a framework within which future occupiers can submit reserved matters applications for individual parcels". The detailed development will be left to the dictates of market requirements and will be dependent on the specific requirements of the businesses that occupies each individual plot. It is, therefore, only possible to assess the impact of the proposal on the designated heritage asset and heritage assets with archaeological interest in general terms. There is a particular difficulty in assessing the impact on the setting of the Stratton Park Moat Scheduled Monument without details of the scale and nature of the buildings and structures that will occupy the site.

Setting of the Stratton Park Moat Scheduled Monument

The Scheduled Monument comprises a square moated enclosure of medieval date at the western end of the monument, probably a manorial residence (McOmish et al 2009), with a "...complex network of hollow-ways, fields and platforms..." (<https://www.historicengland.org.uk/listing/the-list/list-entry/1012161>) surviving as earthworks to the east of the moated enclosure; these earthworks have been interpreted as the remains of contemporary manorial outworks. The Scheduled Monument originally formed part of a "...complex and dynamic landscape that included elements contemporary and earlier settlement", it would have been "...embedded within in a network of settlement, trackways and fields..." of which the earthworks to the east of the moat are a surviving fragment (McOmish et al 2009, 29). It has been suggested that the moated enclosure was located to take advantage of a slight natural ridge, with the moat towards the highest point of the ridge. This means that the "...moat is highly visible and overlooks the ground to the east" (McOmish et al 2009, 29).

As described above, the setting of the Scheduled Monument when it was in use would have been complex. To the north and north west it would have been dominated by the contemporary settlement of Stratton (HER 518), the site of which is now largely occupied by the Stratton housing development, there is also evidence that there was some further contemporary settlement to the east (HER 17738). The rest of the Monument's setting

would have consisted of an extensive and open agricultural landscape comprising a palimpsest of fields, trackways and woodlands.

The modern landscape reflects the extensive changes to the settlement pattern and cultivation practices since the moat was occupied but the open, agricultural elements of the setting of the Monument still exists to the south, south east and north east, even if the details of that landscape have changed in the intervening centuries. The main changes to the setting have occurred to the south west with the development of Stratton Business Park and Stratton housing development to the north west. These changes certainly have an impact on the setting of the Scheduled Monument introducing suburban and industrial elements to it. However, in spite of the intrusions in to the setting it is still possible to appreciate and understand the context of the Scheduled Monument and its relationship to the landscape as well as its original historical context.

The proposed development will introduce a major new element to the setting of the Stratton Park moat designated heritage asset by extending Stratton Business park eastwards on to land immediately to the south of the Monument. The northern boundary of the proposed development site is immediately south of Dunton Lane which forms a common boundary with the Scheduled Monument which brings development substantially closer to it than it is at present; effectively only the width of Dunton Lane will lie between the development and the Scheduled Monument.

The *Heritage Statement* (6.2.1) describes the Scheduled Monument. It suggests that the earthworks to the east of the moat "...derive significance from their association with the moat." The National Heritage List for England description of the Monument does not make this distinction. While these earthworks are associated with the moated site they are designated in their own right as part of the overall complex of surviving medieval earthworks and are equal in significance to the moated site. The original setting of the Scheduled Monument is described (6.2) as being on the southern edge of the Stratton settlement with farmland beyond. It is noted that few features of the contemporary medieval landscape are now visible in the area, however, the Heritage Statement goes on to say "...the generally open appearance (of the landscape) is redolent of the farmed landscape around Stratton village as it might have appeared in the medieval period." This is, indeed, an accurate summary of the situation and indicates that the present setting of the Scheduled Monument, the open agricultural landscape, makes a substantial contribution to our understanding and appreciation of the Stratton Park Moat and associated earthworks and contributes to the significance of the monument; even if that setting has been substantially altered and is compromised to the west of the Monument. It is also suggested that topography is the most important element of the setting for our understanding of the form and function of the monument. I do not agree with this, the visibility of the monument is only part of the setting, it is the character and quality of the setting which allows us to understand the Monument and how it relates to the monument. If the setting of the Monument is altered from an open rural landscape which represents the original character of its environment to an urban or industrial, alien to its original function and context, no matter how visible the Monument remains from the wider landscape it is no longer possible to understand and appreciate the Monument's function and relation to its context with the result there is a substantial loss to the significance of the designated heritage asset.

The impact of the proposed development on the setting of the Scheduled Monument is discussed on the 8.1 of the Heritage Statement. It is noted that proposed development site includes few surviving visible remains of earlier landscape, largely field boundaries of post-medieval origin, none of which are contemporary with the designated heritage asset, and relatively few buried archaeological remains. Although the development will result in the loss of these features it is concluded that this will have a negligible impact on the setting of

the Scheduled Monument. These remains do not contribute very much to the significance of the setting of the Stratton Park Moat Scheduled Monument and their loss will not result in a major loss of significance to the designated heritage asset.

In 8.1.2 – 8.1.4 of the Heritage Statement various aspects of the landscape setting of the Scheduled Monument are discussed. It is concluded that the impact of the proposed development on the historic landscape context and topographical context of the designated heritage asset will be negligible to low. The impact on what is described as the aesthetic landscape context of the Scheduled Monument is assessed as being moderate on the grounds that it would increase and extend intrusive elements in the landscape in to the area immediately to the south of the Scheduled Monument; in particular the manorial earthworks which are more exposed than the moated site which is screened by vegetation. Sensitive landscaping and design of the development with careful placement and sympathetic design of large buildings are identified as having the potential to provide appropriate and adequate mitigation for the impact of the proposed development on the setting of the designated heritage asset.

There are a number of issues relating to the impact of the proposed development on the setting of the Stratton Park moated enclosure and associated manorial earthworks designated heritage asset. The application is for outline consent which mean that details of the development including the scale and layout of the build development and landscaping proposals are either lacking or presented in only indicative form. This makes it very difficult to assess the impact on the setting of the Scheduled Monument. I am concerned about the following:

The overall impact of the scale, massing and design of the proposed development - The Design and Access Statement says (2.4.1) that the building line could be set back from Dunton Lane to provide a landscaped street scene to acknowledge the Scheduled Monument. It goes on to state (2.4.2) that it is the intention to create landscaped street views along Dunton Lane, stepping back the building line to sensitively acknowledge the Scheduled Monument. The original site plan (17377-SK1010F) showed the built development extending very close to the north west corner of the site. Although the revised site layout plan (17377-SK1010K) shows the northern limit of the built development in the same position the layout of the development has been changed so that the northern part of the development is car parking with the first line of buildings to the south, moving them further away from the Schedule Monument. In Woods Hardwick's email of 30th November it is suggested that smaller scale buildings could be located at the northern end of the site which, in conjunction with the location of the car parking in this area would also help to reduce the impact of the development on the setting of the Monument. Setting back the main building line from the northern boundary of the site and placing car parking on the northern edge of the built development will serve to lessen the impact on the setting of the designated heritage asset. However, there is no information on the height and massing of the buildings, particularly those in the northern part of the site. There is also no suggestion that a design guide or approved set of parameters for the design of the development and landscaping will be required to control the designs of structures which will otherwise be left to the requirements of market conditions. Without adequate controls at the outline stage it will be impossible control the design of the development and ensure that its impact on the setting of the Scheduled Monument is minimised.

The location of an access point on the northern edge of the development off Dunton Lane – The original application included access to the site from Dunton Lane, although it was suggested that this would be a secondary access point with the main access being from the west through the existing Business Park via Pegasus Drive. No details of this access were provided within the application and once constructed it had the potential to attract additional

street lighting, signage and advertising. Overall an access off Dunton Lane would have had a major impact on the setting of the designated heritage asset. However, the revised site layout plan (17377-SK1010K) shows that the access off Dunton Lane has been deleted from the development proposal. This removes the impact that this part of the proposal on the setting of the designated heritage asset of Stratton Park Moat.

Landscaping along the northern edge of the site fronting on to Dunton Lane – This is the most sensitive part of the site in relation to the Scheduled Monument because it is very close to it. Screening along the Dunton Lane frontage is key to reducing the impact of the proposed development on the setting of the Scheduled Monument. On the information initially provided in the application it was suggested that the northern edge of the development will be designed to integrate the development into the local setting and help to meet the requirements of the objectives of the Biggleswade Green Wheel. In particular this included provision of a formal path or track along the northern edge of the proposed development site, immediately to the south of Dunton Lane. The landscaping associated with creation of the new public right of way appeared to be minimal and would not have provided appropriate screening between the development and the Stratton Park Moat Scheduled Monument. Creation of a public right of way along the northern edge of the development would have also brought a further element of suburbanisation to what is, at present, an open rural landscape and would have been contrary to the Basic Principles of the Green Wheel which says the route should “Cause no harm to archaeological sites and their settings.” It would have been likely to compromise the provision of adequate screening for the Scheduled Monument along the northern edge of the site. Revised plan B1400.401 (revised advanced planting) shows new landscaping proposals for the northern part of the site. This comprises a woodland hedge of up to 2.5m in height on the immediate Dunton Lane boundary with an area of lower woodland shrub planting studded with specimen trees to the south of the hedge. This is a more substantial planting proposal. While it might increase a sense of enclosure around the Monument whose setting has been shown to be an open agricultural landscape, the more substantial planting will certainly increase the screening of the development from the Monument and its immediate area. The revised site layout plan (17377-SK1010K) also shows the line of the Biggleswade Green Wheel Link has been moved south along the northern edge of the car parking. This is a more appropriate location for the path and will help to reduce its impact on the setting of the Scheduled Monument.

It is claimed in the *Planning Supporting Statement* (6.15) that objections to the allocation of this site for development were mainly technical rather than to the principle of the developing the site as an extension to Stratton Business Park. This is not the case, both English Heritage and the Archaeology Team objected to the principle of allocating this site on the grounds of its impact on the setting of the Stratton Park Moat Scheduled Monument. English Heritage’s objection was heard at the Enquiry in to the Site Allocations DPD (2011), though this objection was rejected by the Inspector and the site was allocated. However, Policy EA1 of the Site Allocations DPD requires that development of the site will be subject to “Appropriate mitigation against the impact on the Stratton Park Scheduled Ancient Monument”.

Paragraph 132 of the *NPPF* says that:

“Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.

And paragraph 133 goes on to say that:

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

The application states (*Planning Supporting Statement* 6.39 ff) that the overall impact of the setting of the Scheduled Monument would be low and significance of the impact on the Scheduled Monument would be moderate. It also goes on to say (6.42) that the impact in the Monument needs to be balanced against the economic and social benefits the proposed development would bring.

I do not agree that the impact of the setting of the Stratton Park Moat Scheduled Monument and therefore on the significance of the designated heritage asset will be low and of only moderate significance. The open agricultural setting of the Monument is, as acknowledge in the *Heritage Statement* “...is redolent of the farmed landscape around Stratton village as it might have appeared in the medieval period...” even taking into account changes to the landscape that have occurred since the medieval period. Although the setting has been compromised by development on the west side of the Monument, including the existing Stratton Business Park to the south west, this does not justify extending the development eastwards into closer proximity to the Monument and seriously damaging its setting. Efforts have been made with the revisions to the application to mitigate the impact of the proposed development on the setting of the Stratton Park moat designated heritage asset by increasing the screening on the northern boundary of the site and moving the building line as far south as possible, placing a car park in front the first line of buildings and indicating that the height of those buildings will be restricted. These changes to the original application will reduce the impact of the proposal in the Scheduled Monument. However, the extent and scale of the development will result in a loss of a substantial part of the setting of the Stratton Park moat Scheduled Monument greatly reducing the open agricultural landscape setting of the Monument and making it difficult to appreciate and understand the Monument and its context. In my opinion, in spite of the best available mitigation proposals available in the context of the development proposal, this will result in substantial harm to the significance of the designated heritage asset. On that basis the test in paragraph 133 of the *NPPF* of whether the development provides a substantial public benefit which outweighs the harm to the significance of the designated heritage asset.

If it is decided that the public benefit of the development outweighs the harm to the heritage asset and planning consent is granted it will be necessary to ensure that the revised advanced planting scheme identified in plan B15003.401 is secured. It should be included in a condition requiring approval of a landscaping plan before development commences. Control will also be required over development parameters including the northern limit of the building line, heights of the buildings and materials and finishes with the objective of keeping the northern extend of built development as far south as possible and ensuring that at least the first set of buildings are single storey. This could be secured by a condition requiring the approval of a development parameters plan before development commences.

Other Archaeological Remains

Prior to the submission of the planning application and following discussions with the Archaeology Team an archaeological field evaluation comprising a geophysical survey and programme of trial trenching were undertaken. The results of the evaluation are described in the *Heritage Statement* (Albion Archaeology 2015). The evaluation confirmed the existence and defined the extent and character of archaeological sites and features known to exist

within the proposed development site (HERs 16157 and 161259); it also located a number of sites and features that had not previously been identified. Using the results of the evaluation the *Heritage Statement* identifies seven archaeological zones within the site:

Zone 1 – An area containing features on the periphery of the medieval settlement known to exist to the north of Dunton Lane and evidence of ,probably modern, horticultural activity.

Zone 2 – Remains of a Bronze Age ring ditch, a funerary monument.

Zone 3 – An early - middle Iron Age enclosed settlement with possible later Bronze Age origins.

Zone 4 – An early - middle Iron Age enclosed settlement.

Zone 5 – A late Iron Age – early Roman settlement.

Zone 6 – Peripheral activity associated with the settlements identified in Zones 3, 4 and 5 consisting of linear features probably representing field systems and agricultural features.

Zone 7 – Areas of the proposed development site outside the defined areas of Zones 1 – 6, where the evaluation did not identify extensive or substantial archaeological remains.

The *Heritage Statement* assesses the heritage assets with archaeological interest in Zones 1 and 3 – 5 as being of local to regional significance with the Bronze Age ring ditch in Zone 2 being of regional significance. The Zone 2 ring ditch is certainly of regional significance. The medieval remains in Zone 1 are likely to be associated with the Scheduled Monument to the north of Dunton Lane and could, therefore, be argued to be of equivalent significance, however, in isolation any medieval remains in this zone are probably better considered to be of regional significance as the importance understanding the origins, development and dynamics of medieval rural settlement has been identified in the published regional and local research frameworks. Horticultural activity, particularly in the Ivel Valley, has been recognised as having considerable importance in Bedfordshire (Oake et al 2007). I believe that the later prehistoric and Roman settlements in Zones 3, 4 and 5 are, individually, of regional significance as they have the potential to enhance our understanding of the origins and development of settlements in these periods as well as the internal organisation and function of settlements in these periods and the transition between Iron Age and Roman periods. Their value is enhanced by their close proximity which will allow us to understand the relationship between sites over time and the dynamics of the developing settlement pattern and landscape through time. They also form part of an extensive contemporary landscape that is known to exist in the surrounding area. On this basis I think that Zones 3 – 5 are of regional significance. The features in Zone 6 form part of the landscape contemporary with the settlements in Zones 3 – 5. As such they too are of regional rather than local significance as their value is enhanced by association with the settlements they served, allowing us to understand the interrelationships between settlements and the landscapes that supported them. The identified archaeological remains in Zone 7 are limited in extent, though it likely that there are some features within this zone which relate to the sites identified in the other zones.

It is suggested in the *Heritage Statement* that there will be an adverse impact on buried archaeological remains from the groundworks required in the construction of the proposed development. The magnitude of this impact is assessed as ranging from low to moderate

and low to high, with the overall assessment being of a moderate impact of slight to moderate significance. This is on the basis that the archaeological remains are generally robust and while there will be locally high impact the remains will largely remain intact and the coherence of the remains will be largely retained. At one level it is difficult to predict the archaeological impact of a development proposal that is only in outline. However, the indicative site layout reflects a density and extent of build development similar to that for the existing Stratton Business Park immediately to the west. It must be assumed that the indicative layout is an accurate reflection of the final development. On that basis there is very little of the proposed development that will not be occupied by buildings or structures in the form of industrial/commercial buildings, car parks or elements infrastructure. Construction of all these elements of proposed development will require groundworks which will impact on buried archaeological remains resulting in their destruction and a total loss of significance to the heritage assets with archaeological interest. Even if small pockets of archaeological deposits were not directly affected by groundworks their relationship with remains would be lost and the integrity and coherence of the archaeological remains would also be lost, destroying their significance. Given the extent and density of the proposed development suggested by the indicative site plan, I do not agree that the magnitude and significance of the impact on buried archaeological remains can be classed as no greater than moderate. It is unlikely that there will be any substantial or coherent survival of archaeological remains once the development is completed. Thus, in my opinion the both the magnitude and significance of the impact on buried archaeological remains and on the significance of the heritage assets with archaeological interest that they represent should be considered to be high throughout the proposed development site.

Mitigation of the direct impact of the proposal on archaeological remains is also discussed in the *Heritage Statement*. It is suggested that a programme of archaeological investigation in advance of development or preservation *in situ* of archaeological remains through the design of the development would provide appropriate strategies for mitigating the impact of development on buried archaeological remains. On the basis of the information contained in the outline application the proposed development is likely to result in the total loss of significance of the heritage assets with archaeological interest that lie within the proposed development site. The archaeological remains within the site are of regional significance which is enhanced by the relationship between the sites and features which illustrate the origins, development and organisation of the contemporary landscape and settlement pattern. However, their significance is such that they do not merit refusing planning permission or amending the planning application in order to protect the archaeological remains provided that appropriate strategies are put in place to mitigate the impact of the proposal on the significance of the development on the heritage assets with archaeological interest. Any strategy would have to include either the investigation, recording, analysis and publication of all archaeological remains directly affected by the proposed development or the preservation *in situ* of archaeological remains within the development in such a way that any preserved remains are a coherent whole which maintain the significance of the remains; the partial preservation *in situ* of parts or fragments of larger sites will not be acceptable. It should also include a programme of public outreach and engagement including amongst other activities public open days during excavations, lectures explaining the results and significance of the results of the excavations and interpretative material incorporated within the development. This can be secured by attaching the following condition to any planning permission granted in respect of this application:

"No development shall take place within each phase of the development until a written scheme of archaeological resource management has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme of archaeological resource management."

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) A method statement for the investigation and recording of any archaeological remains present;

(ii) A method statement for the preservation in situ and management of archaeological sites and features that have been identified for protection;

(iii) A post-excavation assessment and updated project design (to be submitted within six months of the completion of fieldwork at (i), unless otherwise agreed in advance in writing by the Local Planning Authority);

(iv) Completion of post-excavation analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report (to be completed within two years of the completion of fieldwork at (i), unless otherwise agreed in advance in writing by the Planning Authority);

(v) A Programme of interpretation, public outreach and community engagement.

Reason: (1) To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development in accordance with Chapter 12 of the *National Planning Policy Framework*.

(2) : 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).

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Appeal Decision

Hearing held on 6 October 2011

Sites visit made on 5 & 6 October 2011

by Colin A Thompson DiplArch DipTP RegArch RIBA MRTPI IHBC

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

Decision date: 16 November 2011

Appeal Ref: APP/P0240/A/11/2156395

Plots 2, 2A and 3, Woodside Caravan Park, Hatch, Bedfordshire SG19 1PT

- The appeal is under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is by Mr J A Smith (aka Lenny Smith) against the decision of Central Bedfordshire Council.
 - The application Ref CB/11/01301/FULL, dated 29/3/2011, was refused by notice dated 24 June 2011.
 - The development proposed is the change of use of land as a small private gypsy site for 3 families comprising 10 caravans and associated ancillary development.
-

Summary of Decision

1. The appeal is allowed and permanent planning permission is granted subject to conditions.

Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Background Matters

Pre-Event Accompanied Site Visit (ASV)

3. I carried out an ASV the afternoon before the Hearing. There was no discussion of the merits of the case. It was simply so that I could familiarise myself with what was on the site to save Hearing time.

Gypsy and Traveller Considerations

4. In 2006 the Secretary of State (SoS) granted a temporary (5 year), and personal, planning permission for a gypsy caravan site for 3 families on the appeal site (the 2006 permission). The reason given for temporary, rather than permanent, planning permission was to allow the Council time to assess the need for gypsy traveller sites across its area and to determine how best that need should be satisfied. The site's temporary consent does not run out until 6 November 2011 so, irrespective of my decision, until then it is occupied lawfully.
5. It was agreed by the main parties that the site occupiers are ethnic Romani Gypsies. Despite some permanent residential occupation, including that by the appellant and his wife (due to poor health), it was accepted that the present

- residents satisfy the definition of gypsies and travellers set out in Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites¹ (the 2006 Circular).
6. It was further agreed that this northern part of Central Bedfordshire requires 20 more gypsy and traveller pitches for the period between 2006 and 2011 with the need for a further 10 pitches to be provided between 2011 and 2016; making a total of 30. Three pitches have recently been granted planning permission.
 7. The draft Gypsy and Traveller Development Plan Document (Gypsy and Traveller DPD) identifies only 23 pitches. This leaves 4 pitches still to be provided in order to give a 5 year supply ($23+3=26$ (identified pitches), $30-26=4$ (the unsatisfied need)). Using this non-adopted document, which is the best information before me even though it could well understate actual need, there is clearly not a 5 year supply of identified gypsy and traveller sites in this part of the Council area.

Development Plan Policy

8. The most relevant development plan policy is Saved Policy HO12, Gypsies, of the December 2005 Mid Beds Local Plan First Review.

Progress on the Production of an Adopted Gypsy and Traveller DPD

9. At the start of the Hearing Cllr Mrs Turner, the District Ward Councillor representing Hatch, updated progress on this matter. She explained that the administrative amalgamations to form the new Central Bedfordshire Council and the recent judicial reviews (following the CALA Homes interventions²) which have indicated that Regional Policy still needs to be taken into account, despite the Government's intention to abolish this tier of planning, has left the local planning authority (LPA) caught between two conflicting national planning philosophies.
10. So instead of the draft Gypsy and Traveller DPD, which was based upon just part of the amalgamated new Council area, with need being based on data inconsistent with Regional policy going forward for adoption, it has been decided, by the Council's meeting of its Executive on 14 October 2011, that the draft Gypsy and Traveller DPD would not be submitted for an Examination in Public (EIP) but would still be endorsed for the purposes of development management. A new Gypsy and Traveller DPD for the whole of Central Bedfordshire Council would be prepared.
11. The timetable for the new District wide Gypsy and Traveller DPD is as follows:
 - Scoping, January 2012;
 - Evidence gathering, February 2012-September 2012;
 - Assessment, December 2012-April 2013;
 - Publication May /June 2013;
 - Submission to Secretary of State September 2013;
 - EIP, January 2014
 - Receipt of Inspector's report April 2014, and;
 - Adoption June 2014.

¹ Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 15.

² The Queen on the Application of Cala Homes (South) Ltd v SSCLG and ANR [2011] EWCA Civ 639.

Cllr Mrs Turner made it clear that it was accepted that the new policy was needed quickly and that all reasonable efforts would be made to shorten the above adoption timetable. Further, she indicated that Members of the Council accepted that there was an unsatisfied need and had agreed to look seriously at the possible use of its own land to provide additional gypsy and traveller sites. But there is obviously a long way to go before any up-to-date Gypsy and Traveller DPD can be adopted.

National Policy

12. Although the SoS has indicated that he considers present National Policy to be flawed, and that he intends to replace the 2006 Circular with something which has a *lighter touch*, the present 5 year old document remains the only extant and relevant Government policy. It still carries substantial weight. One of the 2006 Circular's key requirements was to increase significantly the number of gypsy and traveller sites in appropriate locations, with planning permission over a 3-5 years time scale (that is from 2006 to 2009 /2011) in order to address under provision³. There has been no such increase within Central Bedfordshire.
13. A 2011 draft policy statement entitled Planning for Traveller Sites has completed its consultation process. Its policies can be given only limited, or no, weight because it is not known what will be in the final version.

Main Issue

14. There is one main issue in this case. This is the impact of the gypsy caravan site on the character and appearance of the countryside bearing in mind the existing relevant, national and local, planning policies as well as any other pertinent material considerations.

Reasons

Countryside Issues

15. Gypsy and Traveller development in Hatch has a 14 year or so history. Following unlawful occupation of a larger area of land in 1997 there were a number of unsuccessful appeals prior to the SoS granting the 2006 temporary permission for the present reduced site area. The urbanising impact on the countryside was the only reason identified by the LPA in deciding to refuse permanent planning permission for the appeal scheme before me.
16. The 2006 Circular indicates that the outskirts of built-up areas may be appropriate for gypsy and traveller development. Such development, it states, is often found in rural, or semi-rural, settings. Indeed, the 2006 Circular goes on to state *...rural settings, where not subject to special planning constraints, are acceptable in principle⁴....*
17. Hatch is a very small settlement, just some 15 houses. But the appeal site is not the subject of any special controls. It is not for example in: a designated Green Belt; an Area of Outstanding Natural Beauty; nor is it within; a Special Landscape Area.

³ ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 12(c).

⁴ ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 54.

18. Notwithstanding the generally permissive approach of the 2006 Circular, long standing national policy seeks to protect the countryside. In particular Planning Policy Statement 7: Sustainable Development in Rural Areas controls strictly new house building in the countryside⁵ (which by analogy and logic should include gypsy caravan sites because they provide gypsy residential accommodation). LP Policy HO12(i) goes further by requiring that new gypsy sites should *...not be detrimental to the character and appearance of the surrounding countryside...* (my emphasis).
19. Previous Inspectors have differed in their opinion on the impact of this gypsy and traveller development on the character and appearance of Hatch and its surrounding rural area. Some have said that such a facility would be acceptable. But the 2006 Inspector, endorsed by the SoS's decision, concluded that a substantially identical scheme to that now proposed would have an *...inevitably significant, urbanising, effect on the character and appearance of the countryside...*
20. Although the visual impact of the appeal development has altered in the intervening 5 years, since the 2006 decision, (the landscaping has grown-up helping to hide the site although this may have been countered, to some extent, by any raising of the levels of the caravan pitches to counter flood risks) there is an obvious conflict between the professional judgements of the previous Inspectors.
21. To my mind it is difficult to see how gypsy /traveller caravan sites with their: caravans; ancillary buildings and sheds; fencing, large gravelled areas and vehicle parking; could not have some kind of urbanising impact on the rural surroundings of countryside sites. Such probabilities are recognised in draft Gypsy and Traveller DPD Policy GT3 for such sites, which just requires that *...any detrimental impact upon the character and appearance of the locality is minimised...* But only limited weight can be given to what is a draft, non statutory, policy. The Council Executive's decision to endorse it, for the purposes of development management, does not assist much in regard to weight that I can give to this policy.
22. As already noted the 2006 Circular accepts the principle of a rural, or semi-rural, sites for gypsy or traveller caravan sites so some urbanising effect is by inference permissible. The 2006 Circular post-dates PPS7 (the latter was published in 2004). But LP Policy HO12, which I read as not allowing any harm to rural character, was adopted in December 2005 which only just pre-dates the 2006 Circular (published on 2 February in that year) and is still part of the development plan. There remains a presumption in favour of the policies of the development plan. Unhelpfully, the ODPM's The Planning System: General Principles⁶ states that, when conflicts between policies arise, decisions should be taken in the light of all material considerations, including local priorities, and needs to be guided by relevant national policy.
23. I find that there is only a small amount of harm to the rural character of the area, bearing in mind the moderating effect of the maturing landscaping. But no matter how good the screening becomes there will inevitably be some damaging impact on the character and appearance of the countryside so that strict compliance with LP Policy HO12(i) cannot be achieved.

⁵ Planning policy Statement 7: Sustainable Development in Rural Areas, paragraph 9 (ii).

⁶ The Planning System: General Principles, paragraph 7.

24. This unresolved conflict both in past Inspectors' and my findings, together with policy inconsistencies, indicates to me that for any conclusion on the scheme's acceptability or not, in regard to countryside issues cannot be determinative. My decision must therefore rely on other material circumstances to determine the outcome of this appeal.

Other Material Considerations Supporting the Appeal

Non-Countryside Aspects of LP Policy HO12

25. The appeal proposals could: provide additional landscaping measures to further ease visual harm; incorporate a safe access (subject to the need for better surfacing (see conditions below)); and; not damage nature conservation, or the historic environment, interests. It could also ensure (see below) that there would not be any unacceptable pollution to surface water and ground water and no material harm would be caused to the amenities of residential neighbours. Thus the non-countryside conservation aspects of the development plan (Policy HO12(ii)-(vi)) would, or could, be satisfied. To this extent the presumption in favour of the policies of the development plan supports the appeal.

Need and Prematurity

26. There is an accepted shortfall of gypsy traveller sites (see my paragraphs 6+7 above (and Hearing Document 2)). PPS 3: Housing⁷ draws attention to the requirement for LPAs to plan for a mixed community including *...the need to accommodate Gypsies and Travellers...* The same PPS⁸ states that *...where LPAs cannot demonstrate a 5 year supply of deliverable sites ...they should (having regard to the other policies in the PPS) consider favourably planning applications for housing...* Because there is a shortfall in the identified 5 year Gypsy and Traveller land supply this aspect of PPS3 gives further qualified support to the appeal proposals.

27. The caravan site is not large (just 3 pitches) so that its cumulative effect would not be so significant that granting a permanent planning permission now could prejudice any future adopted Gypsy and Traveller DPD by predetermining decisions about the scale, location or phasing, of new development⁹. Instead the appeal proposals would be helpful in providing 3 extra pitches now, without having to wait any longer, reducing the present shortfall. It follows that prematurity would not be an issue in this case.

Ethnicity

28. The appellant and his extended family are ethnic Romani Gypsies. This is a significant matter because, as such, they have a right not just to their homes and family life but also the courts recognise that an integral part of their lifestyle involves living in caravans (see *Chapman*¹⁰). In this judgement the European Court of Human Rights stated that *...the vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases...there is thus a positive obligation*

⁷ PPS3: Housing, paragraphs 20 and 21.

⁸ PPS3: Housing, paragraph 71.

⁹ The Planning System: General Principles, paragraph 17 (ODPM).

¹⁰ *Chapman v UK* [2001] 33 EHRR 18

imposed on the Contracting States (including the UK) by Article 8 to facilitate the gypsy way of life...

29. An important part of the Romani Gypsy heritage is the way extended family groups live together to give each other support (as happens here). In this case all 3 families are related by marriage and /or birth. These ethnicity factors, which require the extended family to remain together, play in favour of the applicant's case.

Personal Circumstances

30. Gypsies and travellers experience the worst health and education problems of any disadvantaged group in England¹¹. Research has consistently confirmed the link between the lack of good quality sites for this group and poor health and education.
31. Mrs Lydia Smith has very serious health problems. She suffers from heart disease and angina, as well as impaired left ventricular function, bronchiectasis (overstretched bronchial tubes causing coughing and excessive mucus production) and chronic obstructive pulmonary disease. She is on a large number of medications (a list of 19 were supplied by her doctor) and long term oxygen therapy. She attends Bedford Hospital for Respiratory Physiotherapy classes and has had to be seen by the Doctor 15 times in the year from 16 April 2010.
32. Due to the combination of her cardiac and pulmonary problems Mrs Smith finds it very difficult to walk and frequently has to use a wheelchair. She is unable to carry out day to day tasks such as washing, cleaning, shopping and cooking, and is helped by her daughter and daughters-in-law. Dr B E Bourke of the Kings Road Surgery, in Sandy, concludes in a letter to the appellant's solicitor, dated 27 April 2011, that *...uncertainty regarding her accommodation causes Mrs Smith a great deal of distress and I feel refusal of planning permission would have an adverse affect on her already poor health...*
33. A number of the other adult residents suffer from ailments such as anxiety attacks, asthma and depression. Billy Price Junior has cerebral palsy.
34. Regarding the educational needs of children, there are 9 of, or around, school age. Most appear presently to be home educated. When the families are travelling these children study using pre-prepared education packs. The tutors that provided letters of support reported that the children in their care were doing well. But it was stressed that an important part of this success is down to the existence of a permanent base, to which the families return on a regular basis, which enables the tutorial support to be consistent.
35. The site occupiers are registered with local medical practices and the children educated with Central Bedfordshire Education Departmental input and support. Continuity of health care and the children's education can only be afforded by a permanent base which supports the families' travelling lifestyles. In this latter regard it is pertinent that the appellant has tried to find an alternative site with little success and the LPA don't suggest any suitable ones. The need for family pitches is a compelling argument in favour of the grant of planning permission and should be give significant weight.

¹¹ Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraph 5.

Sustainability

36. Such issues are important but should not only include transport mode and distances from services¹². Despite having to rely on private transport, as do the other occupants of Hatch (because bus services are very limited), Mr J A Smith and his extended family have been based in this part of Bedfordshire for many years. Some sizeable settlements are not far away: Sandy 1.4 miles; Northill 1.3 miles and Caldecote 2 miles. Health and education needs are satisfied and making any permission a personal one, to members of this extended gypsy family, will give the best chance to facilitate their peaceful integration into the local community. This is a sufficiently sustainable site for a gypsy caravan site.

Other Material Considerations which have a Negative; or Neutral, Impact on the Appeal

Effect on the Living Conditions of Nearby Residents

37. Parts of the local community have consistently resisted the setting-up of a gypsy caravan site in Hatch. The Parish Council, Ward Councillor and Residents Action Group fought the earlier, larger, unlawful site and continue to object to the present smaller one becoming permanent. However, as a counter balance to such objections, I was given 10 letters of support from others living nearby and in the surrounding settlements.
38. In this case no business use is proposed. Their nearest neighbours are the Westwoods who live in, and operate their business from, 1 Willowside, Hatch Road; which adjoins the appeal site on its western boundary.
39. The Westwoods breed, train and race, greyhounds. There have been some recent issues with the appeal site's current occupiers and this neighbour, with each side making claims and counter claims at the Hearing. But the greatest problems seem to have occurred when the larger gypsy site was in existence. Mr Westwood senior agreed, at the Hearing, that the appeal lands are now clean and tidy and well run by the appellant Mr Lenny Smith.
40. There is some fear in the community that if this appeal succeeds then other gypsy families will move back onto the larger, original, site. But nothing like this appears to have happened in the 5 year life of the temporary planning permission and I see no compelling reason why that situation should change if I were to allow this appeal. Even if it did the Council have procedures to ensure swift clearance. Such fears are not justified.
41. Apart from the urbanizing effects on the countryside, any damaging impact on the living conditions of residential neighbours would appear to be minimal, certainly not sufficient to require a refusal of permanent planning permission.

Overall Conclusions

42. The circumstances surrounding the scheme, before me, are materially different from those before the SoS in 2006. Significantly the intervening 5 years, which were supposed to allow time for the Council to assess the need for gypsy traveller sites across its district and to determine how best that need should be satisfied, has not resulted in the identification of a 5 year supply of gypsy and traveller sites; indeed the final resolution of this problem is still likely to be

¹² Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, paragraphs 64+65.

some years away. Nor has the Council increased significantly the number of such sites, in appropriate locations with planning permission, in order to address under-provision, as intended by the 2006 Circular. At this time the needs of the family group can only realistically be met on the appeal site.

43. The development, as it appeared to me at this Hearing and during the site visits, seems visually to represent a not unattractive extension to Hatch; indeed it is reasonably well related to the existing settlement. Despite the tension between current planning policies which prevents complete compliance with LP Policy HO12(i), the scheme satisfies, or would be able to satisfy, the remaining 5 sub-paragraphs of that policy. And any damage to the living conditions of neighbours would be significantly lessened if any permission was made personal to the present site occupiers (to help prevent the kinds of disturbance suffered in the late 1990s when the larger site was unlawfully occupied).
44. Add to all this the more pressing personal circumstances of the appeal site's occupants and the other material considerations of this case represent very compelling reasons why planning permission should be forthcoming. The appeal will therefore be allowed and a permanent planning permission will be granted subject to conditions.
45. Such a decision would not be perverse as some suggested in the light of the impending replacement of the 2006 Circular. It is not known what the new guidance will say and I have a duty to determine appeals expeditiously bearing in mind the considerations, and policies, relevant at the time. I have taken into account the perception of many objectors that the planning system is too permissive towards gypsy and traveller caravan accommodation. It is a matter of fact that extant policies for such accommodation are more permissive, as are policies for needed agricultural dwellings, than for those controlling some other classes of development in the countryside. This is because there is perceived special need for such accommodation in rural areas.

Conditions

46. This permission is for a private gypsy caravan site. Because part of the reasons for allowing the appeal apply specifically to those presently occupying the lands any permission should be made personal to Mr J A Smith and named individuals of his extended family together with their dependants. Numbers of caravans should be controlled, along with a ban on commercial activities, to protect the countryside and the living conditions of residential neighbours. Additional landscaping, and some restriction on external lighting (there is no significant street lighting in Hatch and areas of darkness at night is part of the rural character of the area), is required to protect the rural appearance of the area.
47. Although I saw that the access has good visibility its surface needs to be covered with a durable material. Vehicle sizes, and on site turning areas, should be controlled to protect road safety. Despite the Council signing off a previous flood protection condition, and the Internal Drainage Board's lack of objection (the responsible body for flood protection in this location), it was not possible to check (and the Council says no detailed checks have been made) whether the proposed caravan site slabs have been raised to the correct levels to bring them outside the parameters of a Flood Risk Zone 3 site; indeed I saw that one of the required concrete slabs had not even been constructed. Also there may be a need to prevent surface and ground water from pollution and I

saw that there were some drainage problems, in the site's north-western corner (a blocked ditch), which needs resolution to prevent flooding of the Westwoods' land. A condition is required to ensure these water quality, drainage and flood protection, works are properly executed.

48. I note the third parties' concerns regarding enforcement of planning conditions but this does not mean that they cannot be enforced. Indeed, the frequency of visits made by enforcement officers (reported to the Hearing by Mrs Davies, approximately every 2 weeks or so), would appear to me to be very frequent and should be more than sufficient to exercise the necessary levels of control. But such matters are for the LPA to determine as it sees fit.

Formal Decision

49. The appeal is allowed and planning permission is granted for the change of use of land as a small private gypsy site for 3 families comprising 10 caravans and associated ancillary development on Plots 2, 2A and 3, Woodside Caravan Park, Hatch, Bedfordshire SG19 1PT, in accordance with the terms of the application, Ref CB/11/01301/FULL, dated 29/3/2011, subject to the following conditions:

- 1) This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined by paragraph 15 of ODPM Circular 01/2006;
- 2) The occupation of the caravan site hereby permitted shall be only by the following residents and their dependants, namely; Abraham Howard, Pamela Howard, Donna Marie Draper, Pamela Cooper, Jo Cooper, Lenny Smith (aka John Alfred Smith), Lydia Smith, Lucy Smith, Joseph Smith, Ellen Louise Smith, James Smith, Lisa Smith, Leonard Smith, Marie Smith, Billy Price and Laura Price. When the land ceases to be occupied by those named above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 3) The scheme hereby permitted shall allow no more than 10 caravans (of which no more than 3 shall be static caravans) to be stationed on the site at any one time. Of these no more than 4 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plot 2A (the north-westerly one), and no more than 3 caravans (of which no more than 1 shall be a static caravan) shall be parked or stored on plots 2 and 3 (respectively the south-western plot and the north-eastern plot). For the avoidance of doubt it should be noted that Plot 1 is not part of the appeal site and is not part of this permission;
- 4) In regard to the development hereby permitted, no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site;
- 5) In regard to the development hereby permitted, no commercial activities shall take place on the land, including the storage of materials;
- 6) In regard to the development hereby permitted, all on-site parking and turning areas shown on drawing E1425/1/E shall be retained for such purposes;
- 7) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

drawing N^{os} E1425/1/E and WCP/002/05, unless otherwise approved in writing by the LPA;

For conditions 8-10 inclusive the schemes set out below shall be submitted to, and approved in writing by, the local planning authority (or Secretary of State as appropriate) with the approved schemes being implemented in accordance with the following strict rules:

The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of the failure to meet any one of the requirements set out in (i) to (iv) below;

- (i) Within 3 months of the date of this decision schemes for additional landscaping, drainage, water pollution and flood protection works, as well as vehicular access surfacing, shall have been submitted for the written approval of the local planning authority and the schemes shall include a timetable for their implementation;*
 - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the schemes or fail to give a decision within the prescribed period, an appeal or appeals, shall have been made to, and accepted as validly made by, the Secretary of State;*
 - (iii) If an appeal or appeals is/are made in pursuance of (ii) above, that appeal or those appeals shall have been fully determined and the submitted schemes shall have been approved by the Secretary of State, and;*
 - (iv) The approved schemes shall have been carried out and completed in accordance with the approved timetable;*
- 8) Details of drainage works, to the north-western corner of the site, and those needed to ensure: firstly, adequate protection of ground and surface water from pollution, and; secondly, the execution of sufficient flood protection measures, either as shown on drawing E1425/1/E or other works sufficient to take the floor levels of any caravans high enough so that they would be above the level of a Flood Risk Zone 3 category for the area;
- 9) Details of a scheme of landscaping which will include strengthening of the existing tree planting to the southern and western site boundaries which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Any trees that are diseased or die within the first 5 years will be replaced with others of similar size, and species;
- 10) Details of a scheme to re-surface the site's vehicular access with a durable material for a distance of 8m into the site, measured from the near side edge of the public highway's carriageway boundary. These details shall include arrangements for surface water discharge from the site to be intercepted and disposed of separately so that it does not discharge onto the highway.

Colin A Thompson

03 DEC 2015